

01 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

026 BOARD OF PESTICIDE CONTROL

Chapter 40: MAINE RESTRICTED AND LIMITED USE PESTICIDES

SUMMARY: These regulations list the pesticides classified by the Board as restricted use or limited use and describe procedures governing their sale and use:

Section 1. RESTRICTED USE PESTICIDES

The products described under Section A and B below shall be classified as restricted use pesticides for the purposes of this chapter.

A. All products classified for restricted use by the U.S. Environmental Protection Agency shall automatically be restricted use pesticides under this chapter.

B. In addition, all products containing the following active ingredients and meeting the listed criteria shall be classified as restricted use pesticides in Maine:

arsenic compounds (above 2%)	fenthion (Baytex)
azinphos-methyl (Guthion)	fonophos (Dyfonate, above 15%)
chlorfenvinphos (4072)	formetanate hydrochloride (Carzol)
daminozide	mercury compounds
dichlorvos (Vapona, DDVP, above 25%)	methomyl (Lannate-all uses except
**disulfoton (Disyston, above 1%)	bait fomulations less than 2%
DNOC (Sinox, above 2%)	methomyl)
***EBDC fungicides (Maneb, Mancozeb	nicotine alkaloid
Dithane, Polyram, Metiram, etc)	nicotine salts (above 40% expressed
except dry flowable and liquid	as alkaloid)
formulations	oxamyl (Vydate)
endosulfan (Thiodan, above 10%)	paraquat (above 0.2%)
endothall	phosphorus (white and yellow)
ethion (above 40%)	strychnine
	<u>trichlorfon</u>

**Granular formulations of 10% and above are restricted.

***All dusts and wettable powder formulations restricted, regardless of concentration.

C. Restricted use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.

D. Restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32.

Section 2. PROHIBITED AND LIMITED USE PESTICIDES

- A. All products containing the following active ingredients shall be classified as limited use pesticides in Maine:
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|------------|--|
| Aldrin | Methyl Parathion (Microencapsulated |
| Chlordane | forms only) |
| Heptachlor | Sodium monofluoroacetate (Compound 1080) |
| Lindane | Toxaphene |
| | Trichlorfon (Dylox) |
- B. Limited use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- C. Limited use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32 and holding a permit from the Board as provided in subsections E and F below.
- D. An application to use any limited use pesticides shall be made to the Board in writing on such forms as may be provided by the Board. Applications shall include, at a minimum, the chemical to be used, the pest or pests which are the target of such chemical application, the vegetation to which it will be applied, the location and detailed description of the application site, and the amount of land to be covered by such application. When, in the opinion of the Board, any bona fide emergency prevents a written application to the Board, such application may be made orally to any member or employee of the Board. Failure of any applicator to exercise due diligence or to reasonably anticipate any situation which would create the need for the use of any limited use pesticide shall not be considered an emergency within the scope of this section.
- E. The Board may grant such applicant permission to use or apply any limited use pesticide if the Board determines that (1) the pesticide applicator is appropriately licensed, (2) an unusually heavy infestation of insects or other pests creates the prospect of a significant economic loss to the applicant or any other person or creates a public health hazard, (3) no suitable chemical, biological or other method is available to prevent or reduce the impact of such infestation to an acceptable level, (4) the use of such limited use pesticide will not create an undue risk to human life nor cause significant detrimental effects upon the environment, and (5) such use is in compliance with FIFRA and the rules and regulations promulgated thereunder. Permission to use such limited use pesticide may be granted upon such reasonable terms and conditions as the Board deems necessary to protect the health, safety and general welfare of the environment and the people of the State of Maine and to achieve the purpose of the statute. Permission to use any limited use pesticide during any bona fide emergency situation may be granted upon the oral consent of a majority of the Board given to the director or chairman of the Board or such other member of the Board who received the oral application. Such oral consent shall thereafter be confirmed in writing by such members to the director within ten (10) days.
- F. The outdoor use or application of benzene hexachloride (including lindane) for the purpose of controlling mosquitoes and other biting flies is hereby prohibited in the State of Maine on or after September 1, 1970.
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STATUTORY AUTHORITY: Title 22 M.R.S.A., Chapter 258-A and 7 M.R.S.A., Chapter 103

EFFECTIVE DATE:

July 6, 1979

AMENDED:

December 8, 1985

June 22, 1986

May 8, 1988

June 14, 1989

June 20, 1989

December 24, 1991

March 28, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

CONVERTED TO MS WORD:

March 11, 2003

**BASIS STATEMENT FOR ADOPTION OF
AN AMENDMENT TO CHAPTER 40—MAINE RESTRICTED AND
LIMITED USE PESTICIDES**

BASIS STATEMENT: Chapter 40 of the Board's rules lists the pesticides classified as restricted use or limited use and describes procedures governing their sale and use. The Board is proposing an amendment to reclassify trichlorfon and transfer it from the limited use list to the restricted use list. This change would retain the requirement that trichlorfon only be applied by licensed applicators, but eliminate the need for a Board-approved permit before it can be used.

All three comments received were in support of this amendment. One comment indicated that using trichlorfon for grub control would eliminate the need for more frequent, broadcast applications of other, less effective pesticides.

The Board concluded that the new rule includes adequate safeguards to minimize the potential for human exposure to trichlorfon. At the same time, it provides licensed applicators with a valuable grub control option that reduces the need for making unnecessary preventative pesticide applications. Consequently, the Board decided it was appropriate to adopt the proposed amendment.

RESPONSE TO COMMENTS—PROPOSED AMENDMENTS TO CHAPTER 40

Commenter	WRITTEN COMMENTS	Board Response
CHAPTER 40		
June Boston, Boston Co Golf & Athletic Fields	Supports proposed amendment, saying it will be a very important tool in “our IPM toolchest.” Indicated that since trichlorfon is effective for grub control, need for broadcast applications of Merit will be unnecessary.	The Board agreed with the comment.
Rick Perruzzi, City of South Portland Parks and Recreation Department	Supports proposed amendment, but may have misunderstood the change from limited to restricted use.	The Board agreed with the comment.