

# 2009 Regulation Update for Pest Management Professionals

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# Why Integrated Pest Management (IPM)

- More effective
- More efficient
- Lower cost in the long term
- Minimizes reliance on pesticides



# When pesticides are necessary


- Applications should be target-specific
- Applications should be low impact
  - Very low toxicity and/or very low exposure
- Risk = Toxicity x Exposure
- Should not be applied on a predetermined schedule
- Should only be used where there is a documented infestation or a history of infestation



No recommendations or endorsements intended

# What's required by Chapter 26?

- Notification
- IPM
- Risk Minimization
- No application allowed if tenant is opposed

Notice of Pesticide Application	
<b>Pesticides May Be Applied in this Building as Part of an Integrated Pest Management Program on (date) _____</b>	
To request information about the use of pesticides in this building contact:	
Company: _____	
Phone/E-mail: _____	
<i>This sign must remain posted for at least 48 hours after the application is completed.</i>	
Date Posted or Provided: _____	<small>For general information on pesticides and regulations contact: Maine Board of Pesticides Control 287-2731, or visit <a href="http://www.thinkfirstspraylast.org">www.thinkfirstspraylast.org</a></small> 
Person Providing Notice: _____	
Date/Time Completed: _____	
Remove sign on: _____	



# Exemption from entire chapter

- Stinging insect control with Ready-to-Use product
- Routine cleaning with antimicrobials
- Application of paints and stains
- Application to K – 12 Schools (covered by Chapter 27)
- Application by a resident to his or her own residence
- Commercial application to a personal residence when contracted by the resident
- Indoor application of pesticides injected into closed systems (cooling tower, slime control)

# Exemption from notification due to reduced exposure potential

- Application to areas **not readily accessible** to residents, employees or children using:
  - Baits,
  - Gels,
  - Pastes,
  - Dusts, or
  - Granules

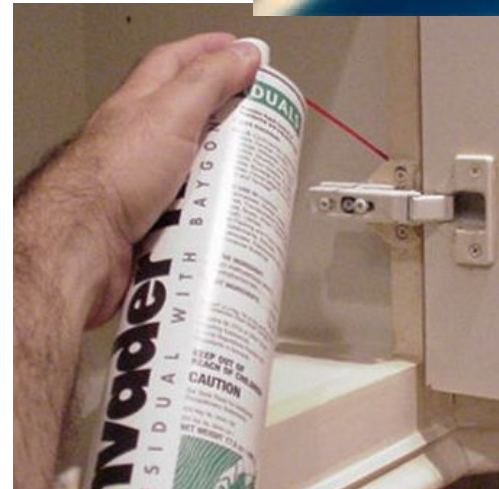


No recommendations or endorsements intended

**NEW**

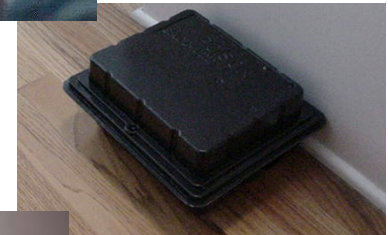
## Exemption from notification due to reduced exposure potential

- Crack & crevice treatments placed in areas not readily accessible to residents, employees or children
- Done in a manner that minimizes exposure to vapors and/or aerosolized materials



# What does *Not Readily Accessible* mean?


- Inside cabinets
- Inside wall voids
- Inside attics or basement areas
- Inside tamper-proof bait stations
- Above drop ceilings
- Out of reach of people






# What are the changes?

Notification sign changed slightly to show when to remove the sign

Date Posted or Provided: _____	<b>Notice of Pesticide Application</b>
Person Providing Notice: _____	
<b>Pesticides May Be Applied in this Building as Part of an Integrated Pest Management Program on (date) _____</b>	
You may request further information about the use of pesticides in this building by contacting the pesticide applicator:	
Company Name: _____	
Phone: _____	
	For information on pesticides and regulations contact the Maine Board of Pesticides Control at 287-2731 or visit <a href="http://www.thinkfirstspraylast.org">www.thinkfirstspraylast.org</a>

Old

<b>Notice of Pesticide Application</b>	
<b>Pesticides May Be Applied in this Building as Part of an Integrated Pest Management Program on (date) _____</b>	
To request information about the use of pesticides in this building contact:	
Company: _____	
Phone/E-mail: _____	
<i>This sign must remain posted for at least 48 hours after the application is completed.</i>	
Date Posted or Provided: _____	For general information on pesticides and regulations contact: Maine Board of Pesticides Control 287-2731, or visit <a href="http://www.thinkfirstspraylast.org">www.thinkfirstspraylast.org</a>
Person Providing Notice: _____	
Date/Time Completed: _____	
Remove sign on: _____	
	

New

NEW

# Board-approved notice form

## Notice of Pesticide Application

**Pesticides May Be Applied in this Building as Part of an Integrated Pest Management Program on (date) \_\_\_\_\_**

To request information about the use of pesticides in this building contact:

Company: \_\_\_\_\_

Phone/E-mail: \_\_\_\_\_

*This sign must remain posted for at least 48 hours after the application is completed.*

Date Posted or Provided: \_\_\_\_\_

Person Providing Notice: \_\_\_\_\_

Date/Time Completed: \_\_\_\_\_

Remove sign on: \_\_\_\_\_

For general information on pesticides and regulations contact:  
Maine Board of Pesticides Control  
287-2731, or visit  
[www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org)



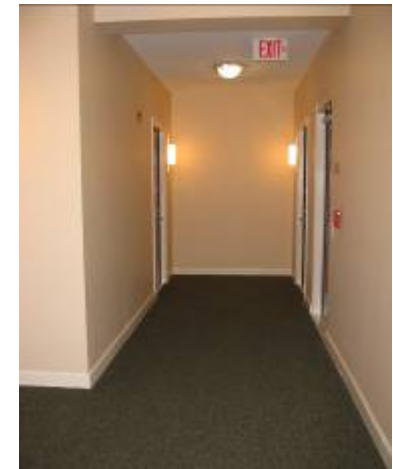
# Notice to Residents

- When treating inside a rented residence (apartment, condo, etc.)
- At least 24 hours but not more than 7 days in advance of a non-exempt application
- Must provide or cause to be provided a Board-approved written notice directly to each resident whose residence will be treated



# Notice to Residents

- When treating common areas in rental buildings (apartments, condos, etc.)
- At least 24 hours but not more than 7 days in advance of a non-exempt application
- Must post the Board-approved written notice



NEW

## Notice to Residents

- Applicator may instruct the landlord or building manager to provide the notice
- The person who carries out the notice and confirms that it was done is responsible for the notice

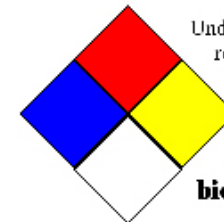


# Notice to employees

- When treating an agency, business or institution
- At least 24 hours but not more than 7 days in advance of a non-exempt application
- Must post or caused to be posted the Board approved notice in a conspicuous place or places where notices to employees are customarily posted



## Employees' Right to Know



Under State law, any employee may request information about these materials in the workplace.

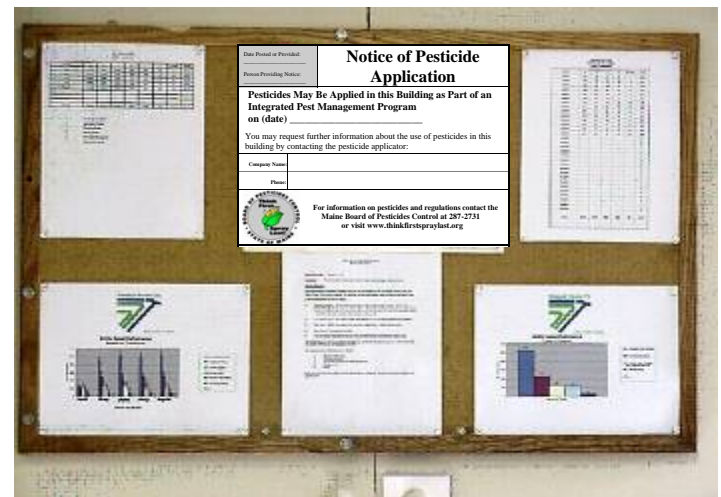
- Toxic substances
- Chemical and biological agents

**You have a right to know**

NEW

# Notice to employees

- Applicator may instruct the building manager, person requesting the application, or another responsible individual to provide the notice
- The person who carries out the notice and confirms that it was done is responsible for the notice



# Notice to parents or guardians

- When treating a licensed childcare facility or nursery school
- At least 24 hours but not more than 7 days in advance of a non-exempt application
- Must provide Board-approved written notice to parents or guardians of currently enrolled children





**NEW**

## Notice to parents or guardians

- Applicator may instruct the manager of the daycare or nursery to provide the notice
- The person who carries out the notice and confirms that it was done is responsible for the notice



## Requests for additional information

- Residents, employees, parents or guardians can request additional information regarding the impending application
- Such requests do not delay the application

FMI: FOR MORE INFORMATION

# Additional information

- Applicator must provide what is requested including as applicable:
  - Trade name and EPA Reg. No. of the pesticide(s)
  - Approximate date & time of application
  - Location of the application
  - Re-entry time listed on the label
  - Name and phone number of contact person
  - Copy of pesticide label or MSDS



# IPM

- Must use appropriate elements of IPM
- Must minimize exposure and human risk to the maximum extent practicable using currently available technology
- Must identify pest conducive-conditions



# IPM

- Must provide the client a written evaluation of pest-conducive conditions, and
- Provide specific recommendations for practical non-pesticide control measures



# IPM

- Prior to any pesticide application
  - Must identify the pest specifically, and
  - Evaluate the infestation severity and associated damage except when:
    - There is a history of infestation and conducive conditions, or
    - There is a public health pest designated by the Board, and
    - Baits, gels, pastes, granules or crack & crevice treatments will be done



# Risk minimization

- Applicators must
  - Consider product toxicity
  - Choose low risk products
    - Based on product efficacy,
    - Exposure potential,
    - Label signal word,
    - MSDS, and
    - Ventilation requirements



No recommendation or endorsement intended

# Risk minimization

- May only use low risk materials when a “room” is occupied
- Prior to application applicators must consider:
  - Principal use of a room
  - Likelihood people or pets may come into contact with pesticides
  - Practical need to ventilate prior to re-entry
  - Whether the ventilation system needs to be shut off





# Tenant opposition to treatment

- Except where a public health or code enforcement official determines a need for immediate treatment...
- a pesticide application may not be done when a tenant is opposed to the treatment unless...
- non-pesticide control measures have been tried and fail, and
- the pest poses health risks or significant property damage and threatens to spread to other parts of the building



APPROVED

# Follow most restrictive rules

- Pesticide labels may be more restrictive than this regulation
- Other regulations may also be more restrictive
- Always follow the most restrictive rules

**The Label  
is the Law!**



Maine Food Code

# FMI

- Contact me 287-7545,  
[gary.fish@maine.gov](mailto:gary.fish@maine.gov)
- Go to our web site



[http://www.maine.gov/agriculture/pesticides/chapter\\_26/index.htm](http://www.maine.gov/agriculture/pesticides/chapter_26/index.htm)

# Summary

- Notification only required for higher risk applications
- Must follow IPM
- Must not do treatment when a tenant opposes it

# Summary

## Notice Requirements (higher risk treatments)

<b>Treatment site</b>	<b>Notice type</b>
Inside a residence	Individual notice to tenants
Common areas of residence	Posted notice
Workplaces	Posted notice
Child Care / Nursery School	Individual notice to parents / guardians

# LD 871 Becomes Law

- 22 MRSA-1471 C, 5-A. Custom application. "Custom application" means an application of a pesticide:
  - C. In a food establishment licensed under chapter 551 or an eating establishment licensed under chapter 562



# LD 871 Becomes Law - Exemptions

- "custom application" does not include a pesticides application at a licensed food or eating establishment when:
  - (1) The establishment is ancillary to the production of an agricultural commodity;
  - (2) The owner or an employee of that establishment is certified as a private applicator under section 1471-D, subsection 2; and
  - (3) The property is not open to the public.
- Other exemptions from the Food Code
  - Non-profits holding 12 or less events a year
  - Agricultural establishments
    - warehouses, packing plants, etc.



# Concerns regarding EPA Exempt pesticides

- The Board wants the staff to explore the risks posed by EPA Exempt pesticide products
- The lack of efficacy and toxicology data is troubling
- Although some ingredients are food grade, the concentration of those ingredients and the route of entry into the body pose greater risks than those presented in the food we eat



**ECOEXEMPT® KO**  
**CONTACT INSECTICIDE**

With  
EcoSMART BOTANICALS™

Active Ingredients: *From Plant Essential Oils*

2-Phenethyl Propionate	5.00%
Eugenol	0.50%
OTHER INGREDIENTS	94.50%
Insecticidal Material, Waterborne Oil	100.00%

With Natural Oil, Citrus Based

EcoSMART Botanicals™ is a blend of plant oils proven to kill and control a broad spectrum of insects.

**Kills:**  
CRAWLING INSECTS: Ants, bedbugs, carpet beetles, carpenter ants, centipedes, clover mites, cockroaches, crickets, drug store beetles, earwigs, elm leaf beetles, fleas, millipedes, pillbugs, scorpions, silverfish, spiders, termites, ticks and other crawling insect pests.  
FLYING INSECTS: Flies, gnats, mosquitoes, moths, yellow jackets, wasps, and other flying insect pests.

- Quick Knockdown / Kill
- For Use Indoors and Outdoors
- Safe Around Children and Pets
- Minimum Risk Pesticide

Soft Botanical Scent

**CAUTION**  
KEEP OUT OF REACH OF CHILDREN  
NET CONTENTS: 14 OZ.

www.ecosmart.com



## Results of Medline Search for “Product Active Ingredient” AND “Allergies”

Active Ingredient	# citations
eugenol	79
sesame oil	26
geraniol	7
peppermint	19
sodium lauryl sulfate	98
cedar or cedar oil	494
mint	21
citronella	2
lemongrass	2
lavender	11
vanillin	10
<b>TOTAL</b>	<b>796</b>

## American Association of Poison Control Centers Annual Reports for Essential Oils

Includes Cinnamon, Clove, Eucalyptus,  
Other/Unknown essential oils, Pennyroyal & Tea Tree

Year	Total	Treated in Health Care Facility		Outcomes	
				Major	Death
2006	7,377	757	10 %	4	0
2005	7,282	819	11 %	6	0
2004	6,125	678	11 %	5	1
2003	7,310	766	10.5 %	3	0

## Other reminders

- Verifiable authorization to do a treatment
- Positive identification of the application site prior to treatment