



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

ROBERT W. SPEAR
COMMISSIONER
ROBERT I. BATTEESE, JR.
DIRECTOR

November 13, 2002

Jon R Antil
Foggy Bottom Blueberry Cooperative
HCR 71 Box 231
Northfield, Maine 04654

Dear Mr. Antil:

Henry Jennings has asked me to respond to your questions about how a blueberry cooperative might assist its members in purchasing pesticides. Our Board has previously discussed several issues pertaining to blueberry cooperatives and reached the following conclusions based on our statutes and regulations. They are outlined as follows:

- An organization that purchases pesticides and applies them to a member's field for compensation must have persons licensed as commercial applicators. This includes situations where services such as burning, spraying and harvesting are conducted for the member and the costs are deducted from the amount paid to the member for his/her berries.
- Any person, including cooperatives, distributing pesticides must be licensed as a pesticide dealer. If the products include restricted use pesticides or hexazinone, the organization must be licensed as a restricted use pesticide dealer.
- The definition of "distribute" is very broad to include offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this state.
- An organization that takes orders for growers, purchases the pesticide products, stores the products, allows the member to pick up the products or delivers the pesticides to a member or accepts payment must be licensed as a pesticide dealer.
- An organization that does not wish to obtain a pesticide dealer's license may pool the orders of several members and then attempt to negotiate a better price with a licensed pesticide dealer. However, that dealer must invoice each member separately and deliver the pesticides directly to each member. If the dealer is unwilling to send a truck around the countryside to deliver several small orders, the members could congregate at a central location at an appointed time and the driver could hand the pesticides and invoice to each member present. If some members could not be present at the appointed time, the driver would have to take their products back to his/her company's warehouse and the members would have to make



their own arrangements to pick up the pesticides.

I trust this information will be helpful. If you have any questions or are aware of any situations not envisioned in this letter, please feel free to contact me at your convenience.

Sincerely,

Robert I. Batteese, Jr.
Director

CC: H. Jennings