



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

TO: Board Members

FROM: Gary Fish—Manager, Pesticide Programs

SUBJECT: Impact of LD 1758 and future amendments to CMR 01-026, Chapter 21

DATE: February 16, 2012

LD 1758, An Act to Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides, was voted out of the ACF Committee ought to pass on February 7. Most likely it will coast through the floor vote as well.

In anticipation of that development, the Board needs to determine whether it wishes to repeal Chapter 21 in its entirety, or replace the deposit and return requirements with provisions consistent with state and federal law. For instance, you may want to retain the standards in Section A(5), covering container rinsing. In addition, guidance on lawful disposal of pesticide containers may be useful for all parties. Finally, the title of Chapter 21, Pesticide Container Disposal and Storage, suggests that storage is covered, but it really isn't. Chapter 20 has some storage language, but it is somewhat vague (*see below*). Pesticide labels also provide very vague storage and disposal requirements.

Excerpt from Chapter 20, Section 3. Pesticide Storage and Disposal

- A. Unused pesticides, whether in sealed or open containers, must be kept in a secure enclosure and otherwise maintained so as to prevent unauthorized use, mishandling or loss; and so as to prevent contamination of the environment and risk to public health.

The staff needs to know how the Board would like to proceed and whether or not to start drafting general standards language to retain in Chapter 21.