

BPC Regulations

10	Definitions and Terms	These definitions and terms are defined as they specifically relate to the use of pesticides, the certification and licensing of pesticide applicators and dealers, and other areas as regulated by the Board in succeeding chapters.
20	Special Provisions	Regulates the use, storage and disposal of pesticides with specific emphasis on registered pesticides, right of way and aquatic applications and employer/employee requirements.
22	Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition	Establishes procedures and standards for the outdoor application of pesticides by powered equipment in order to minimize spray drift and other unconsented exposure to pesticides. The primary purpose of these regulations is to implement the legislative mandate of the Board, as expressed by 7 M.R.S.A. § 606(2)(G), to design rules which "minimize pesticide drift to the maximum extent practicable under currently available technology."
24	Pesticide Storage Facility Standards/Pesticide Distributors	Provides minimum criteria for the siting, construction and operation of facilities and businesses which store pesticides for wholesale or retail purposes. They are intended to protect the public health of employees and persons who live near these facilities and to minimize adverse environmental impacts that might result from emergencies caused by fires or spills. This chapter divides storage facilities into three groups and imposes requirements commensurate with their potential threat to public health and the environment. These regulations also describe display requirements for retail businesses which offer pesticides for sale in self-service areas.
26	Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools	Establishes procedures and standards for applicators applying pesticides inside occupied private and public buildings other than K-12 schools that are covered by Chapter 27. This chapter also sets forth the requirements for notification about pending pesticide applications to residents of rented space, employees of agencies, businesses and institutions, and parents or guardians of children in licensed child care facilities and nursery schools.
27	Standards for Pesticide Application and Public Notification in Schools	Establishes procedures and standards for applying pesticides in school buildings and on school grounds. This chapter also sets forth the requirements for notifying school staff, students, visitors and parents about pending pesticide applications.
28	Notification Provisions for Outdoor Pesticide Applications	Establishes procedures and standards for informing interested members of the public about outdoor pesticide applications in their vicinity. This chapter sets forth the requirements for requesting notification about pesticide applications, for posting property on which certain commercial pesticide applications have occurred and also establishes the Maine Pesticide Notification Registry structure and fees.
29	Standards for Water Quality Protection	Establishes standards for protecting surface water. This chapter establishes a fifty-foot setback from surface water for mixing and loading of pesticides, sets forth requirements for securing containers on sprayers and cleaning up spills occurring within the setback zone, establishes restrictions on pesticide applications to control browntail moths near marine waters and requires an untreated 25-foot buffer

		zone for outdoor terrestrial broadcast pesticide applications near waters of the State.
31	Certification and Licensing Provisions/Commercial Applicators	Describes the requirements for certification and licensing of commercial applicators.
32	Certification and Licensing Provisions/Private Applicator	Describes the requirements for certification and licensing of private applicators.
33	Certification & Licensing Provisions/Private Applicators of General Use Pesticides (Agricultural Basic License)	Describes the requirements for certification and licensing of private applicators using general-use pesticides to produce plants or plant products intended for human consumption as food, where the person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual gross income from the sale of those commodities.
34	Certification and Licensing Provisions/Dealers	Describes the requirements for certification and licensing of pesticide dealers.
35	Certification and Licensing Provisions/Spray Contracting Firms	Describes the requirements for certification and licensing of spray contracting firms.
36	Certification and Licensing Provisions/Monitors and Spotters for Forest Insect Aerial Spray Program	Describes the requirements for certification and licensing of monitors and spotters for major forest insect aerial spray programs.
40	Restricted and Limited-Use Pesticides	Lists the pesticides classified by the Board as restricted use or limited use and describes procedures governing their sale and use.
41	Special Restrictions on Pesticide Use	Describes special limitations placed upon the use of (1) aldicarb (Temik 15G) in proximity to potable water bodies; (2) trichlorfon (Dylox, Proxol); (3) hexazinone (Velpar, Pronone), (4) aquatic herbicides in the State of Maine and (5) plant-incorporated protectants.
50	Record Keeping and Reporting Requirements	Describes the types of records and reports which commercial applicators, commercial agricultural producers, limited/restricted use pesticide dealers, spray contracting firms and monitors must maintain and submit to the Board.
51	Notice of Aerial Pesticide Applications	Describes the notification requirements for persons contracting aerial pesticide applications to control forest, ornamental plant, right-of-way, biting fly and public health pests.
60	Designation of Critical Pesticide Control Areas	Establishes criteria which the Board will use in deciding if an area should be designated as a critical pesticide control area. In addition, these regulations specify the procedures parties must follow in requesting such a designation. These regulations also define the locations that have been designated as critical areas by the Board.
70	Adjudicatory Proceedings	Describes procedures the Board must follow in conducting hearings concerned with pesticide certification, licenses and permits.
80	Advisory Rulings	Describes the procedures any interested person must follow in requesting an advisory ruling to determine if the Board's Statute and rules apply to his situation.
90	Complaints	Describes the procedure a person must follow in bringing a complaint to the Board and outlines the steps the Board may take in response.

BPC Policies

BOARD OPERATIONS	
Board Review of Plant Incorporated Protectants (5/14/2010)	Details under what circumstances a Board review will be required for Plant Incorporated Protectants.
Criteria for Considering Pesticide Products for State Restricted Use Status (amended 12/12/1997)	Describes the criteria used by the Board for considering placement of pesticides on the state restricted use list.
Environmental Risk Advisory Committee (amended 3/28/2014)	The ERAC is convened to provide expert advice to the Board. This policy outlines the function, membership and other aspects of the Committee.
Medical Advisory Committee (8/1/2008)	The MAC is convened to provide expert advice to the Board. This policy outlines the function, membership and other aspects of the Committee.
Receipt of Public Comment (7/30/1998)	Outlines guidelines for the public to submit comments to the Board and for how the Board should treat public comments.
Submission and Review of Special Local Needs (24c) Applications (10/17/2008)	Details the process for submitting applications for consideration for Special Local Needs status.
Submission of Comments and Information (11/16/2007)	Details formats of acceptable content, and the procedure and deadline for submission of comments and information to the Board.
Plant Incorporated Protectant Technical Committee (5/14/2010)	Describes the membership and purpose of the Ad Hoc PIP Committee.
RULE INTERPRETATIONS/CLARIFICATIONS	
CHAPTER 10	
Application of Pesticides to Unoccupied Hotel Rooms and Apartments (April 24, 2015)	States that in the case of lodging places and apartment buildings, the entire building must be closed to the public for seven days in order to be treated by non-licensed applicators, rather than just a single room or apartment.
Application of Pesticides in Areas "Open to Use by the Public" if Access to the Public is Denied for Seven Days (July 10, 2015)	States that in the case of recreational areas, trails, and parks, only the area treated needs to be closed to the public for seven days in order to be treated by non-licensed applicators, rather than the entire property.
Commercial Applicators - Application of Restricted or Limited Use Pesticides on Their Own Property (5/12/1992)	Clarifies the requirement for applicators using restricted or limited use pesticides on their own property for agricultural commodities to have a Private Applicator license.
Definition of Distribute (6/13/2003)	States that giving samples of pesticides constitutes distribution and requires a license.
CHAPTER 20	
Policy on Exclusion Areas Relative to Chapter 20, Section 6 Rulemaking Amendments (9/6/2013)	Concerns the definition and mapping of areas to be excluded from aerial spraying in the event of a mosquito-borne public-health emergency.

Verifiable Authorization of Commercial Pesticide Application Services (11/16/2007)	States what methods of verifiable authorizations the Board has approved and provides a path for applicators to petition for other methods to be approved.
Positive Identification of Proper Treatment Site by Commercial Applicators (amended December 5, 2014)	Details methods of positively identifying application sites which have been approved by the Board as required by Chapter 20.
Easements and Rights of Ways (10/3/2002)	Assistant Attorney General's explanation of easements and rights of way, as they relate to pesticide applications.
CHAPTER 26	
Board Designated Public Health Pests (11/17/2006)	Defines what pests are designated public health pests under CMR 01-026 Chapter 26 Section 4(C)(2).
Interim Interpretative Policy on the Applicability of CMR 01-026 Chapter 26 (8/27/2009)	Interprets "occupied buildings" to mean fully enclosed indoor spaces inside buildings and does not roofed areas of retail store that are otherwise open to the outdoors
CHAPTER 28	
Appropriate Methods for Notifying the Public About Commercial Applications to Sidewalks and Trails (December 5, 2014)	As required by CMR 01-026 Chapter 28 Notification Provisions for Outdoor Pesticide Applications as of May 25, 2015
CHAPTER 29	
Determining Allowable Pesticide Applications Pursuant to CMR 01-026, Chapter 29, Section 6 (3/5/2010)	Clarifies what types of applications are "not broadcast application" and therefore are not prohibited in the 25-foot-buffer area.
Interim Policy Regarding Interpretation of "Dominated by Emergent or Aquatic Plants" as Used in Chapter 29 Section 6A(B) (Adopted 6-23-17)	Clarifies that small areas which do not contain standing water do not require buffering even if they contain plant communities normally associated with wetlands, and that manmade depressions, such as skidder ruts and road ditches, do not require buffering even if they contain standing water.
Definition of Biological Pesticide as it Relates to Chapter 29 Section 5 (amended 3/31/2017)	Lists the products allowed for use for control of browntail moth adjacent to marine waters.
Allowable Pesticides for the Control of Browntail Moth Within 250 Feet of Marine Waters (1/11/2017)	Lists the products allowed for use for control of browntail moth between 50 and 250 feet of the high water mark of marine waters.
CHAPTER 31	
Private vs. Commercial Applicators (10/29/2002)	Details circumstances in which a commercial applicator's license is required in an agricultural setting.
Certification Exams from Other States (6/26/1992)	States that the Board will no longer recognize other states' certification standards for issuing Maine licenses; applicators must pass Maine exams.
CHAPTER 32	
Sales of Restricted/Limited Use Pesticides to Unlicensed Corporate Farm Employees or	Clarifies that restricted/limited use pesticides may be billed to an unlicensed corporate farm employee or a public or private lender as long as the pesticides are delivered to a farm where a documented licensed private applicator will have on-site supervision over the application, storage and

Public or Private Lenders (amended 7/26/2002)	disposal of those products. Also includes the form which must be used to verify the responsible licensed private applicator.
Commercial Applicators - Application of Restricted or Limited Use Pesticides on Their Own Property (5/12/1992)	Clarifies the requirement for applicators using restricted or limited use pesticides on their own property for agricultural commodities to have a Private Applicator license.
CHAPTER 33	
Food Production— Interpretation as it relates to Agricultural Basic License (8/8/2014)	Clarifies that the term “food production” includes treatments beginning with the growing media and ending when the plant or plant product is transferred out of the grower’s control.
CHAPTER 35	
Spray Contracting Firm License Requirements (7/22/2004)	Clarifies the requirements set forth in 22MRSA 1471-C, 23-B and CMR 01-026 Chapter 10, Section 2 EEE regarding spray contracting firms when one company subcontracts with another company.
CHAPTER 50	
Applicator Records (6/13/2003)	Specifies that applicators must record information on the same day the application is performed.
ENFORCEMENT	
Production of Pesticides for Personal Use (12/10/2010)	Clarifies that a person may lawfully produce a pesticide for his own use without registering it, but may not do so as a licensed applicator.
Enforcement Protocol (amended December 2013)	Details enforcement protocol to be utilized in routine enforcement matters arising under the Board's statutes and regulations.
What Pesticide Products May be Distributed by a Landlord to a Tenant for use in the Tenant's Own Apartment (8/28/2009)	Defines “low risk” pesticide in the context of landlords/tenants and states that landlords may distribute low risk pesticides to tenants.
VARIANCES	
Repeat Variances of CMR 01-026 Chapter 22 and Chapter 29 (9/8/1995)	Delegates the approval of repeat variances to staff in certain circumstances
Interim Policy to Delegate Authority to the Staff to Approve Requests for Variance from CMR 01-026 Chapter 29 for Control of Plants that Pose a Dermal Toxicity Hazard (11/18/2011)	Delegates authority to staff for variance from the 25-foot untreated buffer zone required by Chapter 29 for control of plants that pose a dermal toxicity hazard.
Interim Policy to Delegate Authority to the Staff to Approve Requests for Variance from CMR 01-026 Chapter 29 for Control of Invasive Plants (12/13/2013)	Delegates authority to staff for variance from the 25-foot untreated buffer zone required by Chapter 29 for control of certain invasive plants.