



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
**BOARD OF PESTICIDES CONTROL**  
**28 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333**

**JANET T. MILLS**  
**GOVERNOR**

**AMANDA E. BEAL**  
**COMMISSIONER**

To: Board Members  
 From: Staff  
 Re: Certification and Training Plan Rulemaking  
 Date: April 5, 2024

The Certification and Training Plan (C&T) was updated and accepted by EPA on August 18, 2023, pending rulemaking changes to align Maine’s rules with federal regulations. The table below outlines these changes and includes numbers that reference where the changes have been made in Chapter 31 and Chapter 32. These changes were outlined in Section 13 of the approved Certification and Training Plan.

| # | Chapter and Section                             | Change   | Reason for change  |
|---|---|--|--|
| 1 | Chapter 31, 1(A)(3)                             | Addition of 40 CFR 171.201.  | Additional federal standards for direct supervision of non-certified applicators supervised by commercial applicators.   |
| 2 | Chapter 31, 2(A)(I)(b) Option III               | Addition of the word “soil”.   | Aligns Maine’s category with the “Agricultural Crop Pest Control” federal category, clarifies that this category is for soil fumigation.   |
| 3 | Chapter 31, 2(A)(VI)                            | Addition of “Maintenance of public roads”.   | Clarifies that category VI A and B are also for maintenance of public roads.   |
| 4 | Chapter 31, 3(B)(I)(b)                          | Breaking out category competency standards and addition of 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1 through 10) (2023). | Additional federal standards for Maine’s 1B Option III – Agricultural Soil Fumigation category related to soil fumigation. A need to break out each subcategory to clearly outline competency standards. |
| 5 | Chapter 31, 3(B)(I)(VI)(a)(b) & 3(B)(I)(VII)(b) | Breakout of subcategories for VI and addition of   | A need to break out each subcategory to clearly outline competency standards. Additional   |

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|  |  |   |  |
|--|--|---|--|
|  |  | 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1 through 10) (2023) for VII (b). | federal standards for Maine’s 7B category, Industrial, Institutional, Structural and Health Related Pest – Fumigation category related to non-soil fumigation. |
|--|--|---|--|

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|---|---------------------------|---|--|
| 6 | Chapter 31, 3(B)(I)(XI)   | Addition of 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1 through 10) (2023).   | Additional federal standards for Maine’s 11 category, Aerial Pest Control related to aerial application of pesticides.   |
| 7 | Chapter 32, 1(A)          | Addition of 40 CFR 171.201 and 40 CFR 171.105(a) (1 through 11).  | Additional federal standards for direct supervision of non-certified applicators supervised by private applicators.  |
| 8 | Chapter 32, 2(B)(4) a - c | Addition of 40 CFR 171.195(d) (2023) to (a) Soil Fumigation, 40 CFR 171.195(e) (2023) to (b) Non-Soil Fumigation, and 40 CFR 171.195(f) (2023) to (c) Aerial. | Additional federal standards for supplemental certification of private applicators in these categories. This will require an update to the C & T Plan that will need to be submitted to EPA. |
| 9 | Chapter 32 (5) a - c      | Update to the EPA standards   | Updating the date for federal standards referenced. This will require an update to the C & T Plan that will need to be submitted to EPA.   |

Already Completed:

- Chapter 32, Address the minimum age requirements for noncertified applicators who are a minimum of 16 years old and who may apply restricted use pesticides under the direct supervision of a private applicator who is an immediate family member. 40 CFR 171.201(b) (2)(i through iii) will be adopted by reference. State Plan Section 7.
- Chapter 32, Address 40 CFR 171.201(2) (1 to 4), the direct supervision of non-certified applicators. State Plan Section 7.