



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER

HENRY JENNINGS
DIRECTOR

Memorandum

Date: June 20, 2014
To: Board
From: Henry Jennings
Subject: Overview of BPC Sign Requirements

At the March meeting, the subject of BPC posting requirements came up during a couple of the agenda item discussions. Board members felt it would be useful to review the current requirements in order to assess whether the requirements are meeting the intended purpose.

BPC posting and notification requirements are currently spread across four chapters of rules, which we've attempted to summarize below.

Chapter 26 - Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools

The Board's indoor rule specifies posting/notification requirements for pesticide applications conducted inside occupied buildings. The requirements differ depending on the use of the occupied structure. Signs must follow the template contained at the end of rule and must be 8½"x11" in size. They must be posted or provided at least 24 hours in advance of the pesticide application. Notices must be provided directly to occupants of residences and to parents/guardians for nursery/childcare facilities. For businesses, agencies and institutions, the signs must be posted in a conspicuous location where employee notices are customarily posted. There are a number of "lower risk" pesticide applications, such as baits or crack and crevice treatments, which are exempt from the posting/notification requirements.

Chapter 27 - Standards for Pesticide Application and Public Notification in Schools

The posting/notification requirements contained in Chapter 27 are similar to those described for Chapter 26 above. "Lower risk" applications are exempt from notification. Other applications—whether indoors or outdoors—require posting two days in advance of the pesticide application at points of ingress and at a common area of the school. When school is in session (during the school year except week long vacations), notice must be provided to all parents/guardians and staff at least five days prior to any pesticide application that is not exempt.

Chapter 28 – Notification Provisions for Outdoor Pesticide Applications

Chapter 28 contains three sections relating to notification:

1. The self-initiated notification request;
2. The Maine Pesticide Notification Registry; and
3. The general requirement for posting of residential areas.

Applicators making treatments in categories 3A (Ornamental), 3B (turf) and 7A (structural) must post the treatment area prior to application in a manner and at locations designed to reasonably assure that persons entering such area are aware of the application. The signs are supposed to remain in place for at least 48 hours following the application. The minimum sign size is five inches wide by four inches tall and must contain the following information:

1. the word CAUTION in 72 point type;
2. the words PESTICIDE APPLICATION in 30 point type or larger;
3. the Board designated symbol;
4. any reentry precautions from the pesticide labeling;
5. the name of the company making the pesticide application and its telephone number;
6. the date and time of the application; and
7. a date and/or time to remove the sign.

In recent years, questions have arisen about the sign requirement. Some citizens have questioned why some pesticide applications that frequently occur in residential areas require signs (the three categories listed above) and other residential pesticide applications, such as biting fly and general vegetation control, do not require signs. More recently, there have been questions about whether some signs have become so busy with advertising that it obscures/detracts from the original purpose of the sign.

Chapter 51 – Notice of Aerial Pesticide Applications

Originally promulgated in 1985, Chapter 51 is the first BPC rule to contain notification/posting requirements. The rule was developed in response to Public Law 1983, Chapter 819 which established statutory notice and posting requirements for budworm (aerial forest insect) spraying. In 1985, the Board decided to expand the scope of the aerial spraying notice requirements to cover other types of aerial spraying that have the potential to catch nearby residents unaware. Consequently, the Chapter 51 advance notice requirements cover aerial spraying for forest insect, other forest pests, ornamental, rights-of-way and biting fly applications.

The advance notice requirements contained in Chapter 51 include a public notice which must be published in a newspaper of general circulation, a written notice to adjacent land owners in some circumstances, (Forest Insect, Ornamental and Biting Fly) and posting of each major point of ingress and egress to the treated area. Notice must also be sent to the BPC and the Poison Control Center. The outdoor signs required under Chapter 51 are much larger (11"x14") than the outdoor signs required in Chapters 27 and 28 (5"x4"), but the information is similar.

Summary of Posting Requirements

Outdoor Signs

There are two types of sign that may be required for outdoor pesticide applications:

- The large 11"x14" poster required for most non-agricultural aerial spraying, posted at major points of ingress and egress to treated area. This sign must include the pesticide applied, the purpose of the application, contact information and phone numbers for the BPC and Poison Center.
- The smaller 4"x5" signs that must be used for commercial applications to turf, ornamental plantings and structures. The same sign is also required for outdoor pesticide applications on school grounds. This sign

must include the Board approved symbol and the words “Caution, Pesticide Application” together with date, time and re-entry interval.

Indoor Signs

In addition to the two signs that must be posted outdoors, there are two somewhat similar signs that must be posted indoors:

- An 8½”x11” sign must be posted for non-exempt applications in occupied buildings. The sign is generally posted in a central location, except for residential applications where the written notice is delivered to each residence and posted in common areas (if treated). This sign states that a pesticide application is planned and indicates from whom additional information may be obtained
- An 8½”x11” sign must be posted in a central location for all non-exempt applications made in schools or on school grounds. This sign should also be posted at the entry of any room or portion of a building when non-exempt indoor applications are made at schools. This sign requires information about what product has been used, the date, location and who to contact for additional information.

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:

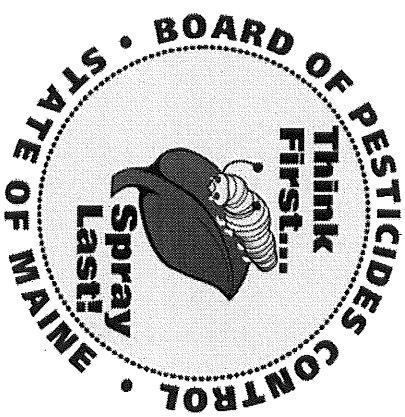
Company: _____

Phone/E-mail: _____

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

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|--------------------------------|
| 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



CAUTION

PESTICIDE APPLICATION

DATE & TIME OF APPLICATION ▼

RE-ENTRY PRECAUTIONS ▼

SIGN REMOVAL DATE ▼

PESTICIDE APPLICATION COMPANY & PHONE NO. ▼



CAUTION

PESTICIDE APPLICATION NOTICE

DATE & TIME OF APPLICATION ▼

PRODUCT & EPA REGISTRATION NO. ▼

RE-ENTRY PRECAUTIONS ▼

LOCATION OF APPLICATION ▼

REASON FOR APPLICATION ▼

CONTACT NAME & PHONE NO. ▼

| | Notice/Sign Requirements | Signs Specifications | Exemptions |
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| <p>Chapter 26 STANDARDS FOR INDOOR PESTICIDE APPLICATIONS AND NOTIFICATION FOR ALL OCCUPIED BUILDINGS EXCEPT K - 12 SCHOOLS</p> | <p>RESIDENTIAL: Individual Units: At least 24 hours and no more than seven days in advance written notice to residents of unit to be treated, if resident did not request.</p> <p>Common Areas: Posted notice at least 24 hours in advance and not more than seven days in advance in areas to be treated 48 hours after</p> <p>OFFICES: Posted notice at least 24 hours in advance and not more than seven days in advance in a conspicuous place; 48 hours after</p> <p>CHILDCARE/NURSERY SCHOOLS: Written notice at least 24 hours and no more than seven days in advance</p> | <p>Board approved template in rule 8 ½ x 11</p> | <ul style="list-style-type: none"> • application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when there is an urgent need to mitigate or eliminate a pest that threatens the health or safety of any person; • application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings during the course of routine cleaning procedures; • application of paints, stains or wood preservatives that are classified as general use pesticides; • application of pesticides by a resident to his or her own residential unit; • commercial application of pesticides where the resident has contracted for application to his or her own personal residential unit; and • indoor applications of pesticides injected into closed systems for control of nuisance microbial organisms. <p>Exempt from notice, but not posting:</p> <ul style="list-style-type: none"> • The use of baits, gels, pastes, dusts and granular materials placed in areas not readily accessible to residents, employees or children • The use of crack and crevice treatments placed in areas not readily accessible to residents, employees or children and done in a manner that minimizes exposure to vapors and/or aerosolized materials |

| | Notice/Sign Requirements | Signs Specifications | Exemptions |
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| <p>Chapter 27 STANDARDS FOR PESTICIDE APPLICATIONS AND PUBLIC NOTIFICATION IN SCHOOLS</p> | <p>SCHOOL IN SESSION Applications in school buildings or on school grounds at least five days prior; sign at each point of access and in a common area at least 2 days prior and 48 hours after.</p> <p>SCHOOL NOT IN SESSION Sign at each point of access and in a common area at least 2 days prior and 48 hours after.</p> | <p>The signs shall:</p> <ol style="list-style-type: none"> i. be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue, red or green). ii. bear the word CAUTION in 72 point type, iii. bear the words PESTICIDE APPLICATION NOTICE in 30 point type or larger, iv. state any reentry precautions from the pesticide labeling in at least 12 point type, v. state the approximate date and time of the application in at least 12 point type, and vi. state the name of the company or licensed applicator making the pesticide application and a contact telephone number in at least 12 point type, <p>The signs for indoor applications must:</p> <ol style="list-style-type: none"> i. be at least 8.5 inches wide by 11 inches tall, ii. state the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type, iii. state the location of the application in at least 12 point type, and iv. state the reason(s) for the application in at least 12 point type. <p>The signs for outdoor applications must:</p> <ol style="list-style-type: none"> i. be at least 5 inches wide by 4 inches tall, ii. be made of rigid, weather-resistant material that will last at least ninety-six (96) hours when placed outdoors, iii. bear the Board designated symbol (see appendix A), and iv. state a date and/or time to remove the sign. | <ul style="list-style-type: none"> • application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when there is an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student, staff member or visitor, • application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings during the course of routine cleaning procedures, and • application of paints, stains or wood preservatives that are classified as general use pesticides. • pesticides injected into cracks, crevices or wall voids, • bait blocks, gels, pastes, granular and pelletized materials placed in areas inaccessible to students, • indoor application of a pesticide with no re-entry or restricted entry interval specified on its label but entry to the treated area is restricted for at least 24 hours. • When the Maine Center for Disease Control has identified arbovirus positive animals (including mosquitoes and ticks) in the area, powered applications for mosquito control are exempt from sending notice. Applicators should post the treated area as soon as practical • Applications done to facilities used for agricultural or horticultural education are not required to send notice, but must post |

| | Notice/Sign Requirements | Signs Specifications | Exemptions |
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| <p>Chapter 28 NOTIFICATION PROVISIONS FOR OUTDOOR PESTICIDE APPLICATIONS</p> | <p>NOTICE Notification by request within 500 feet for ground or 1000 feet for aerial</p> <p>Notification registry</p> | | <ul style="list-style-type: none"> • Any person providing written notices to property owners in accordance with Chapter 51 • The application of pesticides indoors; • Agricultural pesticide applications; • The outdoor commercial application of pesticides to control vegetation in rights-of-way in certification and licensing categories VI(A) - Utility Rights-of-Way, VI(B) - Roadside Vegetation Management, and VI(C) - Railroad Vegetation Management; • The outdoor commercial application of pesticides in certification and licensing category VII(a) - Structural General within five (5) feet of a human dwelling, office building, institution such as a school or hospital, store, restaurant or other occupied industrial, commercial or residential structure which is the intended target site; • The application of general use pesticides by hand or with non-powered equipment to control stinging insects; • The placement of pesticidal baits; • The injection of pesticides into trees or utility poles; • The placement of pesticide-impregnated devices on animals, such as ear tags and flea collars; • The application of pesticidal pet supplies, such as shampoos and dusts; • The application of disinfectants, germicides, bactericides and virucides, such as bleach. The use of disinfectants in the pressure-washing of the exterior of buildings is not exempt under this section; • The application of insect repellents to the human body; • The application of swimming pool products; • The application of general use paints, stains, and wood preservatives and sealants applied with non-powered equipment or by hand or within an enclosure which effectively prevents the escape of spray droplets of the product being applied; and • The injection of pesticides into wall voids. |

| | Notice/Sign Requirements | Signs Specifications | Exemptions |
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| <p>Chapter 28 NOTIFICATION PROVISIONS FOR OUTDOOR PESTICIDE APPLICATIONS continued</p> | <p>POSTING Categories III(a) Outdoor Ornamentals; III(b) Turf, VII(a) Structural signs posted so that persons entering area will see, before application and 2 days after (Note: these are the same categories that are exempt from recording and mapping sensitive areas within 500 feet in Chapter 22)</p> | <p>The sign must be:</p> <ul style="list-style-type: none"> • at least five (5) inches wide and four (4) inches high; • made of rigid, weather resistant material that will last at least forty-eight (48) hours when placed outdoors; • light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green); <p>The sign must bear:</p> <ol style="list-style-type: none"> 1. the word CAUTION in 72 point type; 2. the words PESTICIDE APPLICATION in 30 point type or larger; 3. the Board designated symbol; 4. any reentry precautions from the pesticide labeling; 5. the name of the company making the pesticide application and its telephone number; 6. the date and time of the application; and 7. a date and/or time to remove the sign. | <ul style="list-style-type: none"> • Any person providing written notices to property owners in accordance with Chapter 51, Section III Ornamental Plant Applications • Placement of marked bait stations in outdoor settings |

| | Notice/Sign Requirements | Signs Specifications | Exemptions |
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| <p>Chapter 51 NOTICE OF AERIAL PESTICIDE APPLICATIONS</p> | <p>Forest Insect Applications: Major forest insect application: Newspaper at least 14 days but not more than 30 days prior</p> <p>Minor forest insect application: Newspaper at least 4 days but not more than 10 days prior</p> <p>All: Written notice to properties within 500 feet at least 3 days but not more than 60 days prior</p> <p>Poster just prior and 48 hours after at each major point of ingress and egress of the public</p> <p>Notice to BPC and Maine Poison Control Center at least 15 days but not more than 30 days prior for major and at least 5 days prior for minor</p> <p>Ornamental Plant Applications: Newspaper at least 3 days but not more than 60 days prior</p> <p>Written notice to properties within 500 feet at least 3 days but not more than 60 days prior</p> <p>Notice to BPC and Maine Poison Control Center at least 7 days but not more than 30 days prior</p> <p>Rights-of-way, Forest Vegetation Management and Other Forest Pest Applications: Newspaper at least 3 days but not more than 60 days prior OR where there is no regular newspaper, written notice to properties within 500 feet</p> <p>Poster just before and 48 hours after</p> <p>Notice to BPC and Maine Poison Control Center at least 7 days but not more than 30 days prior</p> <p>Biting Fly and Public Health Pest Applications: Newspaper at least 3 days but not more than 60 days prior</p> <p>Written notice to properties within 500 feet at least 3 days but not more than 60 days prior</p> <p>Notice to BPC and Maine Poison Control Center at least 7 days but not more than 30 days prior</p> | <p>(All except Ornamentals) Brightly colored, weather resistant stock, at least 11. 14 inches, printed in English and French. Must contain:</p> <ol style="list-style-type: none"> 1. Name of the person who contracts for the application or her/his representative or the applicator and the address and telephone number to contact for more specific information about the intended application. 2. Intended purpose of the pesticide application. 3. Pesticide(s) to be used. 4. Telephone number of the Maine Board of Pesticides Control 5. Telephone number of the Maine Poison Control Center. 6. Public precautions which appear on the pesticide label. | <p>When the Maine Center for Disease Control and Prevention (CDC) recommends control of disease vectors, government sponsored vector control programs are exempt from this chapter provided that the responsible governmental entity submits the written notice to Board and the written notice to the Maine Poison Control Center as described in this chapter.</p> <p>Other emergencies</p> |

