



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BOARD OF PESTICIDES CONTROL
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AUGUSTA, MAINE 04333

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Memorandum

To: Board of Pesticides Control
From: Alexander Peacock, Director
Subject: Container Disposal Concerns

November 21, 2025

Background

Recently, inspection staff have been alerted to the improper disposal of pesticide containers, including the burying and burning of containers. Staff are considering options to prevent this activity in the future, including potential rulemaking.



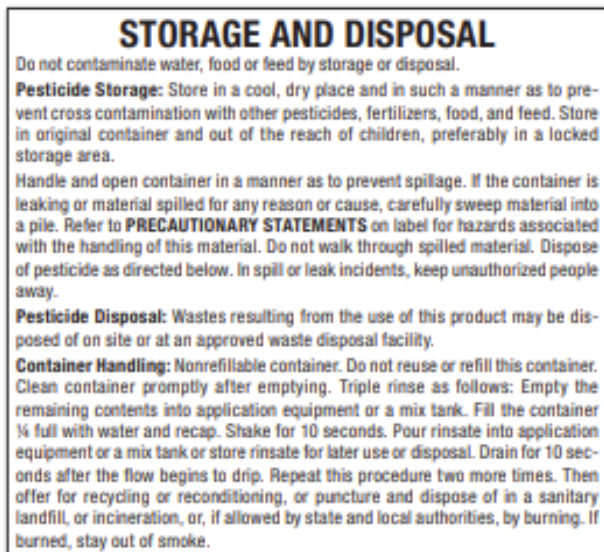
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Container storage and disposal are dictated by the pesticide label. Commonly disposal requirements include triple rinsing and offering the container for recycling or slashing the container so that it may no longer be used and properly landfilling.

Below is an example of container disposal language on a label:



Burning containers and solid waste is not permitted in Maine, as per MRS Title 12 CONSERVATION, §9324. PROHIBITED ACTS and Department of Environmental Protection Chapter 102: Open Burning. Both documents are attached for your reference.

BPC Pesticide Storage and Disposal:

Chapter 20: SPECIAL PROVISIONS

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.

B. Obsolete, expired, illegal, physically or chemically altered or unusable pesticides, except household pesticide products, shall be either:

1. stored in a secure, safe place under conditions that will prevent deterioration of containers or any contamination of the environment or risk to public health, or
2. returned to the manufacturer or formulator for recycling, destruction, or disposal as appropriate, or

3. disposed of in a licensed hazardous waste facility or other approved disposal site that meets or exceeds all current requirements of the Maine Department of Environmental Protection and the U.S. Environmental Protection Agency for facilities receiving such waste.

Conclusion:

BPC staff are seeking Board input regarding action steps to prevent further improper disposal of pesticide containers, which may lead to adverse effects on the environment and human health.

One option would be to incorporate a restriction on burning or burying pesticide containers to strengthen enforceability by the BPC.

Another option may be to deploy a container return monitoring program, working with the Ag Container Recycling Council (ACRC) to design and implement a program that monitors returned containers. This would include inspecting and possibly laboratory analysis of container residues to determine compliance with the label-required container rinsing.

§9324. Prohibited acts

1. Extinguishment of fire. Whoever by himself or by his servant, agent or guide or as the servant, agent or guide of any other person shall build a camp, cooking or other fire or use an abandoned camp, cooking or other fire in or adjacent to any woods in this State, shall, before leaving such fire, totally extinguish the same.

[PL 1979, c. 545, §3 (NEW).]

2. Time and manner of kindling. A person who kindles or uses a fire on that person's own land shall do so at a suitable time and in a careful and prudent manner and is liable in a civil action to another person injured by the failure to comply with this provision.

[RR 2021, c. 2, Pt. B, §68 (COR).]

3. Disposal of lighted material. No person shall dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substance or any other substance or thing in such a condition that it is likely to ignite forest, brush, grass or other lands or dispose of any of the aforesaid objects or substances from a moving vehicle.

[PL 1979, c. 545, §3 (NEW).]

4. No person shall kindle or use an out-of-door fire on land of another without permission of the owner, except at public campsites and lunch grounds maintained or authorized by the bureau, state parks and state highway picnic areas. This subsection shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno.

[PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

5. Permit required. No person, firm or corporation may burn out of doors without a permit from a town forest fire warden or forest ranger, except as provided in sections 9322, 9324 and 9325.

[PL 1991, c. 36, §3 (AMD).]

6. Domestic trash.

[PL 1997, c. 512, §4 (RP).]

7. Trash.

[PL 2001, c. 626, §3 (RP).]

7-A. Solid waste. Except as provided in this subsection, the out-of-door burning of plastic, rubber, styrofoam, metals, food wastes, chemicals, treated wood or other solid wastes is prohibited in all areas of the State. For the purposes of this subsection, the term "lumber" means material that is entirely made of wood and is free from metal, plastics, coatings and chemical treatments and the term "wood wastes" means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste. The following materials are exempt from this subsection:

A. Wood wastes; [PL 2001, c. 626, §4 (NEW).]

B. Painted and unpainted wood from construction and demolition debris; [PL 2001, c. 626, §4 (NEW).]

C. Empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, section 2472; and [PL 2001, c. 626, §4 (NEW).]

D. Explosives being disposed of under the direct supervision and control of the State Fire Marshal. [PL 2001, c. 626, §4 (NEW).]

[PL 2001, c. 626, §4 (NEW).]

8. Construction and demolition debris.

[PL 2001, c. 626, §5 (RP).]

9. Recreational campfires. A person who kindles or uses a recreational campfire, other than a licensed camping facility, may not allow the recreational campfire to exceed 3 feet in diameter on the ground at the base of the fire or 3 feet in height.

[PL 2023, c. 56, §4 (NEW).]

10. Open burning during red flag warning. A person may not engage in open burning under section 9325, subsection 1 or 2, including a recreational campfire, in any geographic area subject to a red flag warning. Open burning without a permit under section 9325, subsection 2 is allowed at the following locations:

A. A licensed camping facility; and [PL 2023, c. 56, §5 (NEW).]

B. Campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with rules under section 9001-B, subsection 4. [PL 2023, c. 56, §5 (NEW).]

[PL 2023, c. 56, §5 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1983, c. 504, §4 (AMD). PL 1991, c. 36, §3 (AMD). PL 1997, c. 512, §§4,5 (AMD). PL 2001, c. 277, §§1,2 (AMD). PL 2001, c. 626, §§3-5 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). RR 2021, c. 2, Pt. B, §68 (COR). PL 2023, c. 56, §§4, 5 (AMD).

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Chapter 102: OPEN BURNING

SUMMARY: This rule provides for the prohibition of the open burning of specific materials and certain open burning activities. In addition, the rules prohibits all open burning activities which are not specified as permissible open burning with or without an open burning permit.

1. Scope

- A.** This section shall be applicable in all ambient air quality regions in the State of Maine.
- B.** This section shall not interfere with or supersede any local law or ordinance which is more stringent.

2. Prohibitions and Permissible Open Burning. Outdoor burning is prohibited in all areas of the State, except as follows:

- A. Permissible Open Burning With Permit.** When not prohibited by local ordinances the following types of burning are permissible if a permit has been obtained from the Town Forest Fire Warden, forest ranger, or local fire prevention official having jurisdiction over the location where the fire is to be set, so long as the burning is conducted according to the terms and conditions of such permit and provided no nuisance is created.

NOTE: Any kindling or use of out-of-door fires is regulated by the Department of Conservation, Maine Forest Service. Any requirements or conditions of issuance of a fire permit must be in accordance with Title 12, Chapter 807 - Forest Fire Control, Subchapter IV - Regulation of Open Burning, Article II Out-of-Door Fires, Sections 9321-9324 and Title 25, Chapter 317 - Preventative Measures and Restrictions, sec. 2436-A.

- (1) Recreational campfires kindled when the ground is not covered by snow;
 - (2) Fires in conjunction with holiday and festive celebration, pursuant to Section 2(A)(5) of this rule;
 - (3) Burning of solid or liquid fuels and structures for the purpose of research or bona fide instruction and training of municipal or volunteer firefighters pursuant to Maine Revised Statutes Title 26, section 2102 and industrial fire fighters in methods of fighting fires when conducted under the direct control and supervision of qualified instructors and with a written objective for the training. For purposes of this section, "qualified instructor" means the fire chief or designee or a fire-fighting instructor. Structures burned for instructional purposes must first be emptied of waste materials that are not part of the training objective.
 - (4) Burning for agricultural purposes which include but are not limited to open burning of blueberry fields, potato tops, hayfields and prescribed burning for timberland management.
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- (5) Out-of-door burning of wood wastes and painted and unpainted wood from demolition debris in the open. For purposes of this chapter, the term “wood wastes” means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste, and “lumber” means material that is entirely made of wood and is free from metal, plastics, coatings and chemical treatments.
- (6) Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance.
- (7) Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development.
- (8) Burning of vegetative growth for hazardous abatement purposes, such as, but not limited to, the burning of grass fields.
- (9) Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum product.
- (10) The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities in accordance with a facility license issued pursuant to Maine’s Solid Waste Management Rules, 06-096 CMR 400 to 409.
- (11) The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Maine Revised Statutes Title 25, section 2472.
- (12) Explosives being disposed of under the direct supervision and control of the State Fire Marshal

NOTE: Although this rule does not require the separation of painted and unpainted wood from demolition debris, Maine law requires that “A person engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint ...shall take reasonable precautions to prevent the release of lead to the environment, including the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.” (Title 38 MRSA § 1296)

NOTE: Any open burning occurring at a municipal solid waste disposal site must be conducted in accordance with those forest fire prevention measures specified in Title 12, Chapter 807 - Forest Fire Control, Subchapter IV - Regulation of Open Burning, Article I - Dumps, Sections 9301 - 9304.

B. Permissible Open Burning Without Permit. When not prohibited by local ordinances, the following types of burning are permissible without a permit so long as no nuisance is created.

- (1) Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food.
 - (2) Recreational campfires kindled when the ground is covered with snow or on frozen bodies of water.
 - (3) Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns, as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services.
- C. No person, firm, corporation, association, municipal or state agency shall engage in any open burning except in conformity with Section 2.

NOTE: Paper or cardboard may be burned as kindling only in amounts necessary to ensure ignition of fires pursuant to Sections 2(A) and 2(B) of this rule.

AUTHORITY: 38 M.R.S.A., Section 585-A

EFFECTIVE DATE: January 31, 1972
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