



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 S. JENNINGS
DIRECTOR

February 20, 2015

«Addresses»

RE: Unlawful Insect, Rodent and Weed Control at Health Care Facilities

Dear «Contact»,

Pesticide use inside hospitals or on hospital grounds comes to the forefront every so often, as it did recently for one Maine hospital that was fined by the Maine Board of Pesticides Control (BPC). This incident was especially concerning since the pesticides were applied in patients' rooms by an untrained staff person. Using any product to control, repel or mitigate insects, rodents, weeds or other pests in and around health care facilities is only lawful when done by a properly licensed applicator even if the applicator is a facility employee.

A commercial pesticide applicator license is required whenever pesticides are used in hospitals or other places that are open to the public. Yet, almost every year, the Board hears about hospital employees using pesticides without licensing—sometimes after a complaint has been filed.

People wrongly assume that licensing isn't required for over-the-counter products. Among the commonly used pesticides in these circumstances are insecticides, weed killers and rodent poisons—all products that are widely available over the counter from retail and hardware stores or garden centers. These products are sometimes marketed as "all natural", "organic" or "non-toxic" — all of which promote misconceptions about their regulatory status. No license is required when these products are applied by consumers at their own residences or on their own lawns. However, only a licensed commercial pesticide applicator may use these same products on property open to use by the public.

If you have questions about the laws relating to managing pests at a health care facility, or about how facility staff can obtain a pesticide applicator's license, you may call the BPC office at 287-2731 or visit the BPC website at www.thinkfirstspraylast.org.

Sincerely,

Henry Jennings, Director
Maine Board of Pesticides Control

Enc: – Pertinent excerpts from the Code of Maine Rules.

Maine Board of Pesticides Control

Code of Maine Regulations 10-026 - Chapter 10 - Definitions

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 10: DEFINITIONS AND TERMS

I. "Commercial applicator" means any person, unless exempted in I(4) hereunder, whether or not the person is a private applicator with respect to some uses, who:

1. Uses or supervises the use of any limited or restricted use pesticide other than as a private applicator; or

2. **Makes or supervises a custom application of a general use pesticide;** or

3. Applies a pesticide in connection with their duties as an official or an employee of federal, state, county, university or local government.

P. **"Custom application" means an application of a pesticide:**

2. To a property open to use by the public;

a. For purposes of this definition, property is deemed to be open to use by the public where its owner, lessee or other lawful occupant operates, maintains or holds the property open or allows access for routine use by members of the public. Persons are considered to be members of the public even though they may pay a fee or other compensation in order to make use of the property or may visit the property for a commercial purpose.

b. Property open to use by the public includes but is not limited to: shopping centers, office and store space routinely open to the public (i.e. rest rooms, self-service areas and display aisles), common areas of apartment buildings, occupied apartments, public pools and water parks, schools and other institutional buildings, public roads, organized recreational facilities, golf courses, campgrounds, parks, parking lots, ornamental and turf areas around condominiums, apartment buildings, stores malls and retail areas of greenhouses and nurseries if the public is allowed access before the pesticide restricted-entry or re-entry interval elapses.