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To: Board Members
From: Raymond Connors, Manager of Compliance
Subject: Interpretation of Chapter 24, Section 7(D)
Date: August 8, 2014

The compliance staff occasionally encounters pesticides stored outdoors in self-service areas at retail establishments where pesticides are sold that may not fit the letter of the law with respect to CMR 012-026, Chapter 24, Pesticide Storage Facility Standards/Pesticide Distributors, Section 7(D) (*see excerpt below*). The staff is seeking guidance on how certain circumstances should be addressed. Some storage conditions include:

1. Pesticides stored on “farmers’ porches” at farm and garden supply retailers
2. Partial fences with a gate surrounding certain retail establishments that store pesticides outdoors
3. Entry to facility that is gated, but where there is no fence

Excerpt from CMR 012-026, Chapter 24, Section 7(D)

Section 7. Special Requirements for Pesticide Distributor Self-Service Sales Areas

- A. All pesticides, unless they are exempted products under 22 M.R.S.A. §1471-W(5), shall be displayed in a separate area that is identified by a Board approved sign informing the public where to obtain additional information. The signs must be positioned between four and seven feet above the floor and prominently posted in all areas where non-exempt pesticides are displayed.
- B. All pesticide containers in the self-service sales area shall be in good condition and have full labeling intact. It is prohibited to have torn, punctured, rusted or leaking pesticide containers in the self-service sales area.
- C. All pesticide products not exempted under 22 M.R.S.A. §1471-W(5) shall not be displayed within 10 feet of food or animal feed products unless they are stored in adjoining aisles separated by a solid barrier. Pesticides shall not be on display above food or animal feed products.
- D. Any outdoor pesticide display area must be securely fenced and must have a roof to protect the material from the elements.
- E. Each retail or wholesale establishment must be equipped with spill cleanup materials sufficient to absorb 2 times the volume of the largest container stored. These cleanup materials must be readily available and easily accessible.