STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
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To: Board Members

From: Gary Fish, Manager of Pesticide Programs

Subject: Discuss potential rule changes to exempt Categories 7E & 6D from Chapter 22 sensitive area identification requirements

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In 1987–1988, when the Chapter 22 "Drift rules" were developed it became abundantly clear that requiring lawn and landscape applicators (Category 3A and 3B) to identify all sensitive areas within 500 feet in urban areas would be burdensome and that everything around them in a residential area is a sensitive area anyway. Since all areas around the applicator were assumed to be sensitive, the alternative solution was to require that applicator to pre-post a sign to warn the neighbors about an impending or already completed application.

Subsequently, in 1996, the Board added exterior applications done by applicators in Category 7A (Structural & General Pest Management) to this list, since they also did many residential applications.

More recently many companies have begun doing tick and mosquito control in urban settings and some of the cities and towns have applicators control sidewalk and median strip weeds on similar urban sites near residential areas.

One applicator that does all of these types of applications is Michael Legasse at Green Thumb Lawn Service. He has asked that the Board consider adding urban/residential applications in Categories 7E (Biting Flies & Other Arthropod Vectors) and 6B (Industrial/Commercial/Municipal Vegetation Management) to the list of categories which are allowed to pre-post a Board-approved sign in lieu of identifying all sensitive areas within 500 feet.

The staff agrees that urban/residential applications in these categories are similar to the existing category exemptions and requests your direction in regards to initiation of rulemaking to add this amendment.