

BASIS STATEMENT FOR ADOPTION OF CHAPTER 10—DEFINITIONS AND TERMS

Basis Statement

In recent years, the Board has found it necessary to clarify the intent of several of its rules via policy. However, policies are not enforceable, so the Board has decided to incorporate a handful of policy interpretations into rule by amending certain definitions in Chapter 10 for clarification. This would eliminate the need for current policies and simplify interpretation of the law for all parties involved. The proposed amendments would relax the regulatory burden from current levels. No comments were received on the proposed amendments during the comment period.

One of the proposed amendments was to require that governmental employees who recommend the use of pesticides obtain a commercial applicators license. Upon further discussion, the Board found that requiring a commercial license was unnecessarily burdensome; the original intent had been to ensure that people making pesticide recommendations are familiar with the key pesticide regulatory requirements, which are largely covered in the core manual and exam. Many university and state employees who make recommendations possess a private pesticide applicators license, which also requires applicants to successfully complete the core exam. In addition, the Board questioned the propriety of requiring a commercial license for governmental employees making pesticide recommendations, without instituting a similar requirement for non-governmental employees making pesticide recommendations. Based on these factors, the Board found it was inappropriate to adopt licensing requirements at this time and decided to revisit this issue in a future round of rulemaking.

The Board also found that requiring written permission to apply repellents to students and minors might be counterproductive to the goal of the exemption and decided to eliminate the requirement.

After making the aforementioned revisions, the Board determined the proposed amendments were logical and appropriate and adopted the amendments.

Impact on Small Business

In accordance with 5 MRSA §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the Maine Board of Pesticides Control office, State House Station #28, Augusta, Maine 04333-0028, telephone 207-287-2731.