



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

February 9, 2024

9:00 AM Board Meeting
9:30-10:00 AM Public Forum
10:00 AM Board Meeting Continued

MINUTES

Adams, Bohlen, Carlton, Ianni, Lajoie, Neavyn

1. Introductions of Board and Staff

- Board: Adams, Carlton, Ianni, Jemison, Lajoie
- Assistant Attorney General: Carey Gustanski
- Staff: Boyd, Couture, Peacock, Pietroski, Vacchiano

2. Minutes of the December 1, 2023 Board Meeting

Presentation By: John Pietroski, Acting Director
Action Needed: Amend and/or approve

- **Lajoie/Carlton: Moved and seconded to approve the minutes of the December 1, 2023 meeting**
- **In Favor: Unanimous**

3. Introduction of New Registrar, Julia Vacchiano

- Patterson introduced Julia Vacchiano, BPC's recently hired Pesticide Registrar and Water Quality Specialist, to the Board.

4. Consideration of a Request for Financial Support from Maine Mobile Health

Since 1995 the Board has supported the Migrant and Seasonal Farmworker Safety Education program. The Maine Mobile Health Program (MMHP) provided training to 101 farmworkers during the 2023 season. Funding to support the effort in 2024 is being requested in the amount of \$6,432, which is the same funding amount provided by the Board in 2023. The

funding has been accounted for in the Board's FY24 budget.

Presentations By: Hannah Miller, Director of Outreach, Maine Mobile Health
Action Needed: Discussion and determination if the Board wishes to fund this request

- Miller told the Board that MMHP had trained 101 farmworkers on Worker Protection Standards and heat stress in 2023. MMHP also collaborated on a case with BPC in which an interpreter was needed.
- Patterson added that the collaboration around translation was essential while investigating the complaint.
 - **Carlton/Ianni: Moved and seconded to fund the request in the amount of \$6,432.**
 - **In Favor: Unanimous**

5. Update on Implementation of LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from these meetings. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff will give a brief update on the discussions at the sales and use meetings. These discussions will be included in the report on the implementation of LD 1770 is due to the legislature by March 1, 2024. The report will be presented at the February 23, 2024 board meeting.

Presentation By: John Pietroski, Acting Director
Action Needed: Discussion

- LD 1770 requires rulemaking to implement the requirement of electronic submission of annual use and sales reports. Two stakeholder meetings were held to discuss this implementation and some modifications were made to the BPC computer software solution system as a result.
- Carlton stated that staff needed to incorporate training to the regulated community on the process of entering the report information electronically.
- Patterson stated that BPC staff plan on conducting video and live trainings and there are static trainings on the BPC website that will hopefully be useful to folks.
- There was discussion about the amount of staff time to implement this change and issues for the regulated community who do not have access to the internet.
- The Board also went over agenda item six at this time and reviewed the proposed language. They proposed adding language that required reports to be submitted electronically through the current BPC portal and creating a timeline for implementation and start year that electronic reports would be required.
- Adams stated he thought electronic reporting should be strongly encouraged for 2024 and mandated in 2025.
- Patterson suggested additional conditional language could be added at the tail end of the rule. She also asked the Board's thoughts on a variance, waiver or staff issued exemption for those in the regulated community without internet access.

- Adams asked for the number of licensed individuals who did not have internet.
- Patterson responded that it was a small number and staff could bring that back next time.
- There was Board discussion about reporting annual use by commercial category.
- Ianni stated she would like to see a list of what questions could be answered from this data and on the stakeholder side what questions people wanted answered. She suggested that could maybe originate from the IPM Council. Ianni asked if something should be put in place that detailed what BPC wanted to achieve with this recordkeeping.
- Bohlen stated that certain information could be extrapolated about specific sets of pesticide data. He also mentioned the possibility of looking at the pesticides by mode of action to see if there was increased or decreased use in certain groups. Bohlen noted the Board should also consider the burden on industries reporting weighed against what could be answered with this information.

6. Potential Rulemaking on 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the December 1, 2023 Board meeting, the Board discussed LD 1770 and what issues might be addressed in rulemaking. There is a need for the Board to discuss rulemaking to implement LD 1770. Staff have compiled a memo with draft language for the Board to consider.

Presentation By: Karla Boyd, Policy & Regulations Specialist
 Action Needed: Discussion and amend/approve rulemaking

- This topic and amendments to the proposed rulemaking were discussed in the dialogue above along with agenda item five.

- **Bohlen/Carlton: Moved and seconded to pause meeting for public hearing at 9:49 AM**
- **In Favor: Unanimous**
- **Meeting was restarted at 10:08 AM**

7. Draft Adjuvant Policy

At the February 24, 2023 Board meeting, the Board voted on developing a policy that excluded colorants as adjuvants following the implementation of PL 2022 c. 673 (130st Legislature LD 2019), which includes spray adjuvants in the definition of pesticides. At the July 21, 2023 Board meeting, the Board voted to implement a policy related to the distribution of adjuvants that were not previously registered in Maine. Additionally, there is a need to develop a policy regarding recordkeeping requirements for spray adjuvants. Staff have combined these concepts into one policy for consideration.

Presentation By: Karla Boyd, Policy & Regulations Specialist
 John Pietroski, Acting Director
 Action Needed: Discuss; approve/disapprove adoption by interim policy

- Boyd stated that at a previous meeting the Board decided to include in the adjuvant policy what would not be considered an adjuvant. In this draft policy water and colorants would not be included as adjuvants.

- There was discussion amongst the Board about other products that might not be considered adjuvants. It was decided to handle these on a case by case basis and if there was a product someone considered should not be defined as an adjuvant they should bring it before the Board for discussion.
- Ianni mentioned she had reservations about exempting colorants from the definition of adjuvants as those products. She asked if BPC knew what those products chemically contained and if there could be PFAS concerns. Ianni stated she would prefer if the policy was limited to only water.
- Peacock read what had been included in statute as the definition for an adjuvant.
- Bohlen stated he liked the idea of including that statutory language in the policy.
- Jesse O'Brien, owner of Downeast Turf Farm and Chair of the IPM Council, mentioned softeners that were used to soften the soil when the turf was dry but that these products did not aid in the efficacy of the pesticide.
 - **Bohlen/Lajoie: Moved and seconded to modify the policy to include language from statute defining adjuvant**
 - **In Favor: Unanimous**

8. Adjuvant Reporting Start Date

Staff are requesting guidance on when applicators and dealers must begin reporting annual use and sales data for adjuvants. Staff are requesting guidance and a decision on the start date for reporting adjuvants in order to educate applicators and dealers on these new requirements. Staff are proposing a start date of January 1, 2024.

Presentation By: John Pietroski, Acting Director
 Action Needed: Discussion

- Adams stated this was redundant because adjuvants were already defined as pesticides and that would include reporting requirements.
- Patterson stated that staff would like this to be clear and would like clarification that there is expectation of registration and reporting.
- There was discussion about if there were pesticides being shipped into the state that were not registered. Lajoie asked for an update at the next meeting if more had been registered.

9. Update to Plant-Incorporated Protectant Technical Committee Policy

In 2009, the Board established a policy on forming a technical committee (TC) that would review new plant-incorporated protectant (PIP) registrations. The Board has received several new PIP registrations for 2024, therefore there may be a need for the Board to review these registrations. The Board may need to also revise their PIP TC policy to ensure that all of the required parties are appointed. Staff have provided the existing PIP TC policy for review.

Presentation By: John Pietroski, Acting Director
 Action Needed: Discussion & potential revision to current policy

- Patterson stated there had been discussions during rulemaking and there was a recent legislative hearing related to plant incorporated protectants, PIPs, and *Bt* corn. This policy explained who the technical committee consisted of and their responsibilities. Because of

Jemison's imminent departure from the Board the BPC would have a vacancy and the Board may want to revise policy regarding the standing membership. There was also a need to inform the positions listed that they are on this standing committee.

- Patterson suggested staff could research what would allow a little more flexibility in the standing committee membership and bring that back to the Board for review.
- The Board discussed what other expertise would be needed on the committee.
- Patterson stated the Board had the possibility to have three additional ad hoc members.
 - **Carlton/Lajoie: Moved and seconded to table this topic and have staff bring back a list of suggestions including expertise as needed**
 - **In Favor: Unanimous**

10. Board Representation Discussion

Overview of engagement of Board members in public meetings outside of Board of Pesticides Control meetings.

Presentation By: John Pietroski, Acting Director
Carey Gustanski, Assistant Attorney General
Action Needed: None

- Gustanski summarized protocols for Board member participation in panels that were not Board functions. He stated that if a member was asked to appear on a panel it was best practice to not be identified as a BPC Board member without the prior permission of the Board. He added that it could present the perception that the individual was speaking on behalf of the BPC.

11. Request for 24(c) Registration for Arsenal Herbicide Applicators Concentrate

At the request of Ronald Lemin, Jr. and the BASF Corporation supports the Special Local Need [24(c)] Registration (imazapyr, EPA Registration No. 241-299) and SLN NO. ME-040001 for the use of Arsenal Herbicide Applicators Concentrate to allow increased surfactant rate when used in combination with glyphosate for Jack pine, black spruce, red spruce, and white spruce release. This SLN was renewed in 2021 with a shorter expiration date with the expectation that this use would be added to the master label. According to BASF this use has yet to be incorporated into the label.

Presentation By: John Pietroski, Acting Director
Julia Vacchiano, Registrar
Action Needed: Review and/or Approve

- Vacchiano stated that this SLN was recently renewed in 2021 for three years instead of five because it was thought that this use would be added to label but BASF said they would like to keep this use as an SLN and no longer plan to update the label.
- Lemin stated that he was disappointed that BASF would not be updating the label but he had reached out to another manufacturer and they were in the process of updating their label to include this use. He added that there was need for this SLN product at least for this year until they could obtain the other product with the updated label to replace it. The new product would have language on the standard label and would not need an SLN at that point.

- **Lajoie/Carlton: Moved and seconded to approve the SLN for two years**
- **In Favor: Unanimous**

12. Consideration of Consent Agreement for Certified Pest Management of Chelsea, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved a false or fraudulent record and an unlicensed application.

Presentation By: Alex Peacock, Manager of Compliance
 Action Needed: Review and/or Approve

- Peacock stated this occurred when following up a complaint on a misuse of pesticide and it was discovered that the owner was not licensed. This case involved a false or fraudulent record and an unlicensed application. The company is no longer in business.
 - **Carlton/Bohlen: Moved and seconded to approve the consent agreement**
 - **In Favor: Unanimous**

13. Consideration of Consent Agreement for Mosquito Squad of Southern Maine of Scarborough, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved a violation of drift minimization and use of a pesticide inconsistent with its label.

Presentation By: Alex Peacock, Manager of Compliance
 Action Needed: Review and/or Approve

- Peacock stated that the agreement outlined several violations. Samples were taken from the neighboring property, including wipe samples on a chicken coop and vegetation samples. The chicken coop was negative but there was drift over the property line. Peacock stated that the applicator was newly hired, not licensed, and had not reviewed the label before the application. The second infraction was an application made during a rainy day. There was video of the application occurring during a rain event. This company had a previous consent agreement in 2021.
 - **Lajoie/Carlton: Moved and seconded to approve the consent agreement**
 - **In Favor: Unanimous**

14. Consideration of Consent Agreement for TruGreen Lawncare of Westbrook, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved failure to notify a property on the Notification Registry, use of a pesticide inconsistent with its label, and failure to cease spray activities near unprotected persons.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

Peacock stated that this company previously received a consent agreement in 2020 that required them to conduct extra in house training. This case involved failure to notify a property on the Notification Registry, use of a pesticide inconsistent with its label, and failure to cease spray activities near unprotected persons.

- **Carlton/Lajoie: Moved and seconded to approve the consent agreement**
- **In Favor: Unanimous**

15. Consideration of Consent Agreement for Insight Pest Solutions Maine, LLC of Falmouth, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved numerous unlicensed applications.

Presentation By: Alex Peacock, Manager of Compliance
Action Needed: Review and/or Approve

- Peacock stated that this case involved numerous unlicensed applications.
 - Ianni asked why \$40,000 was being waived.
 - Peacock replied that this was a negotiated settlement, and if the company had another violation within five years, then the additional \$40,000 would be due.
 - Carlton thanked Peacock and the enforcement staff for the work they were doing.
- **Carlton/Neavyn: Moved and seconded to approve the consent agreement**
 - **In Favor: Unanimous**

16. Consideration of Consent Agreement for Prime Cut Landscaping of Scarborough, Maine

On June 3, 1998, the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and

acknowledges a willingness to pay a fine to resolve the matter. This case involved the application of pesticides by an applicator that did not hold the proper category for the work performed.

- Peacock stated that this violation was discovered after a follow-up complaint regarding. He added that the individual responsible was not working for the company anymore.
- There was Board discussion about whether prior infractions were taken into consideration when licensing individuals.
- Patterson stated that there was nothing in the rule that gave staff the authority to reject applications for licensure.
 - **Bohlen/Neavyn: Moved and seconded to approve the consent agreement**
 - **In Favor: Unanimous**
- **Carlton/Neavyn: Moved and seconded to adjourn for a break**
- **In Favor: Unanimous**
- **The Board meeting resumed at 11:55 AM**

17. Other Old and New Business

- Adams introduced a topic regarding increasing penalties for violators of BPC rule and noted that the Board successfully navigated through licensure suspension for repeat offenders. He voiced concerns about companies that kept violating rules repeatedly.
- Peacock noted that there was currently a process in statute for revocation if the board felt the fines were not significant enough.
- Ianni commented that this level of negligence would not be tolerated in another business setting and it was clear the current consent agreements were not a deterrent.
- There was a discussion about criminal versus civil violations.
- Gustanski stated that to pursue a criminal case there would need to be violations proven that were made in a willful, knowing, and intentional manner. It is a high bar to clear and would require buy-in from the AG's office to pursue.
- Ianni asked how other states handled this issue.
- Peacock responded that other states have the same issues and some states do not have the ability to negotiate consent agreements. If there was a case where someone was severely harmed the BPC may potentially look into criminal violations. Peacock explained the current process for license revocation.
- Gustanski said it would have to be a legislative fix to increase the penalty amounts. The Board could decide to enact a policy about considering going to the district court for revocation. It would not be enforceable but could guide decision making.
- There was further discussion about repeat violators. Bohlen suggested the Board be notified upfront if there was a pattern of repeat violations.
- Peacock said that if the Board had specific parameters regarding when they would want to review a case, staff could bring that forward.
- Ianni asked staff to provide a list of triggers they thought were important for the Board to possibly be brought in earlier in the process.
- Bohlen stated the Board used to receive an enforcement spreadsheet but they had not received one recently and those helped to give a sense of the workload.

- Patterson stated it had been approximately three years and staff used to prepare them every other year or so.

- a. EPA Update: EPA Takes Action to Protect People from PFAS that Leach from Plastic Containers into Pesticides and Other Products

- **Carlton/Bohlen: Moved and seconded to approve Dave Adams and/or Robert Carlton to attend the upcoming work session discussing major substantive changes to Chapter 41 that the Committee on Agriculture, Conservation and Forestry would be holding in the immediate future.**
- **In Favor: Unanimous**

18. Schedule of Future Meetings

April 5, 2024 are the next scheduled Board meeting dates. The Board will decide whether to change and/or add dates.

- The Board decided to aim for an early June meeting rather than a May meeting.

19. Adjourn

- **Carlton/Bohlen: Moved and seconded to adjourn at 1:00 PM**
- **In Favor: Unanimous**



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BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
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JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

BOARD OF PESTICIDES CONTROL

February 23, 2024

9:00 AM Board Meeting

MINUTES

Adams, Bohlen, Carlton, Ianni, Jemison, Lajoie

1. Introductions of Board and Staff

- The Board, Assistant Attorney General Gustanski, and Staff introduced themselves

2. Minutes of the Emergency February 2, 2024 Board Meeting

Presentation By: Megan Patterson, Division Director
Action Needed: Amend and/or approve

3. Review of BPC Enforcement Protocol

At its February 9, 2024 Board meeting, concerns arose about the proposed fines imposed by several consent agreements. During the course of the discussion, there were questions about (1) whether the matter may have been more appropriately presented to the Board prior to negotiating a draft agreement, (2) the process by which the Board might alter an agreement, and (3) how the staff arrives at proposed penalties. Some of the questions relate to the Board's existing Enforcement Protocol. The last time this protocol was revised was in 2013. Consequently, the staff determined a review of the existing protocol may be a useful starting point.

Presentation By: Megan Patterson, Division Director
Action Needed: Discussion/Amend enforcement protocol

- Adams suggested a protocol that would trigger when certain cases should be brought before the Board before the completion of consent agreement negotiations. The Board agreed. Examples suggested included bodily harm, environmental harm and repeat offenders.
- There was a discussion about a possible delay in process if all consent agreements were brought before the Board before deals were negotiated. Patterson mentioned the issue of the

Board's history of delays when they had been settling the consent agreements quite some time ago.

- Ianni asked if there had ever been a deep dive into this topic and if staff had looked at how other agencies in the state handle these and what their criteria were.
- Gustanski noted that when staff notified the Board they would be bringing a case before them the violator must also be notified before the hearing.
- There was a discussion about possibly approaching the legislature to change the fee structure for violations currently in statute. Patterson explained the process for this, which could either be the Board voting to submit legislation or attempting to put together a Department bill which would entail the Department working on language and finding a sponsor.
- Jemison noted that it was often difficult to determine intention, but there had been cases over the years where harm was caused by pesticides to change the view from a property. He suggested that cases like this be added to the list that be brought before the Board before the finalization of a consent agreement.
- Adams suggested bringing this back at a future meeting when Peacock was in attendance and added that BPC staff should also work on additional education and training.

4. Potential Rulemaking on 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the December 1, 2023 Board meeting, the Board discussed LD 1770 and what issues might be addressed in rulemaking. There is a need for the Board to discuss rulemaking to implement LD 1770. At the February 9, 2024 Board meeting, the Board discussed additional information they would like to include in amendments to Chapter 50: Reports and Recordkeeping. Staff have compiled a memo with draft language for the Board to consider.

Presentation By: Karla Boyd, Policy & Regulations Specialist
Action Needed: Discussion and amend/approve rulemaking

- Boyd stated there was additional language added to Chapter 50. This included language added to incorporate a waiver process for an individual to show proof that they could not submit electronic reports.
- There was discussion about where the proposed waiver language was located in the rule.
- Patterson suggested that it could be moved so it was not under the transition section.
- Bohlen stated that was what he also had in mind.
- Carlton voiced concern about education and training surrounding electronic reporting.
- There was Board discussion about what external users could currently see for information regarding reporting and if there should be additional information required.
- Patterson suggested the Board could consider holding another stakeholder engagement forum as an opportunity to hear from the impacted public and could narrow it down to which topics Board members would like to hear about.
- Adams asked for this rulemaking to be added to the agenda of the next meeting.

5. Update on Report Regarding the Implementation of LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

At the September 1, 2023 Board meeting, staff brought forward a memo regarding the

implementation of LD 1770. Bohlen agreed to join staff for a meeting with developers and licensed applicators/dealers that use Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS) to discuss changes that would be needed to simplify the data entry process for annual reports. Staff will provide an update from these meetings. In addition, the Board discussed potential rulemaking to require electronic submissions of records. Staff will give a brief update on the discussions at the sales and use meetings. These discussions will be included in the report on the implementation of LD 1770 is due to the legislature by March 1, 2024.

Presentation By: Megan Patterson, Division Director
Action Needed: Discussion

- The draft report was presented to the Board members.
 - **Carlton/Lajoie: Moved and seconded to send the report to the ACF committee**
 - **In Favor: Unanimous**

6. Other Old and New Business

a. Review of Revised Adjuvant Policy

- Adams asked about the disposition of Chapter 41 in the legislature.
- Patterson responded that Chapter 41 rule was voted ought not to pass. A minority and a majority report would be sent to the full legislature, so there was a possibility it could still move forward.
- Adams asked if BPC would be facing an uphill battle with trying to provide the *Bt* training.
- Jemison stated that the training currently online should remain relevant for two to three years, but someone should eventually update it over time. He added that he was disappointed to hear that these changes would not be accepted. Jemison stated that he had pushed for this change so that the rules and regulations made sense with the current technology.
- Adams asked if anyone had asked a seed company to conduct the training and if that would be acceptable for them to do that.
- Patterson stated that they could conduct the training but would need to meet guidelines for staff approval.

- Jemison stated that he would be able to attend the April, June and July Board meetings but was unsure about any after that. He expressed that he had enjoyed representing UMaine on the Board and asked for information on how to exit as a Board member.

7. Schedule of Future Meetings

April 5, 2024, June 7, and July 19 are the next scheduled Board meeting dates.

Staff have reserved Deering Room 101 for August 30, 2024, and September 6, 2024.

8. Adjourn

- **Carlton/Jemison: Moved and seconded to adjourn at 10:40 AM**
- **In Favor: Unanimous**

**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

I. Name: Tyler Chateauvert Telephone Numbers: [O] 413-562-5681; [M]: 413-433-9296.
Company Name: RWC, Inc.
Address: PO Box 876; 248 Lockhouse Rd.; Westfield, MA 01086-0876.

II. Master Applicator: Tyler Chateauvert License Number: CMA-6290.
Address: 22 Fletcher Rd., Enfield, CT 06082.

III. As part of your application, please send a revegetation plan and digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov See Map of CPKC ROW in Maine, attached.

IV. Area(s) where pesticide will be applied: To tracks and related ROW appurtenances of Canadian Pacific Kansas City Railway ["CPKC"] in a 48-foot wide spray pattern, measured as 24 ft. from the center of tracks.

V. Pesticide(s) to be applied:(Including EPA Registration Number): Various combinations of the following herbicides:

- Aquaneat [EPA Reg. No. 228-365];
- Esplanade 200 SC [EPA Reg. No. 432-1516];
- Milestone [EPA Reg. No. 62719-519];
- Oust Extra [EPA Reg. No. 432-1557];
- Oust XP [EPA Reg. No. 432-1552];
- Polaris AC Complete [EPA Reg. No. 228-570];
- Roundup Custom [EPA Reg. No. 524-343];
- Roundup ProConcentrate [EPA Reg. No. 524-529].

VI. Purpose of pesticide application: According to federal laws, and regulations of the Federal Railroad Administration, the ballast, shoulder and areas adjacent to shoulder sections of railroad rights-of-way must be maintained to be free of weeds, grasses and brush free for many reasons, including to provide visibility at road crossings, to allow for proper inspection of tie fastenings, switches and rails, to maintain proper drainage, to allow for inspection of trains, to remove health and safety hazards, to improve working conditions, and to reduce fire hazards.

VII. Approximate dates of spray application: May 1, 2024 to Sept. 30, 2024.

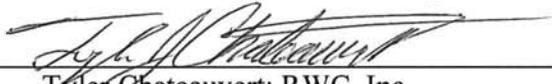
VIII. Application Equipment: Hy-Rail Truck with 7-foot fixed boom mounted underneath the truck at 18 inches above the ground, with boomless nozzles to spray on both sides of the truck.

IX. Standard(s) to be varied from: Chapter 29, Section 6A, which does not allow terrestrial broadcast application of herbicides within 25 feet of the mean high water marks from surface waters including wetlands as defined in this section.

X. Method to ensure equivalent protection: CPKC personnel have track charts [“System Track Profiles”] which show the locations of culverts and bridges. CPKC personnel will be in a track vehicle running ahead of the RWC herbicide spray vehicle, who will communicate by radio with the herbicide applicator when they are approaching culverts or bridges with running water underneath, or lakes, ponds, rivers, streams, estuarine or marine waters, wetlands, or other sensitive areas adjacent to the track.

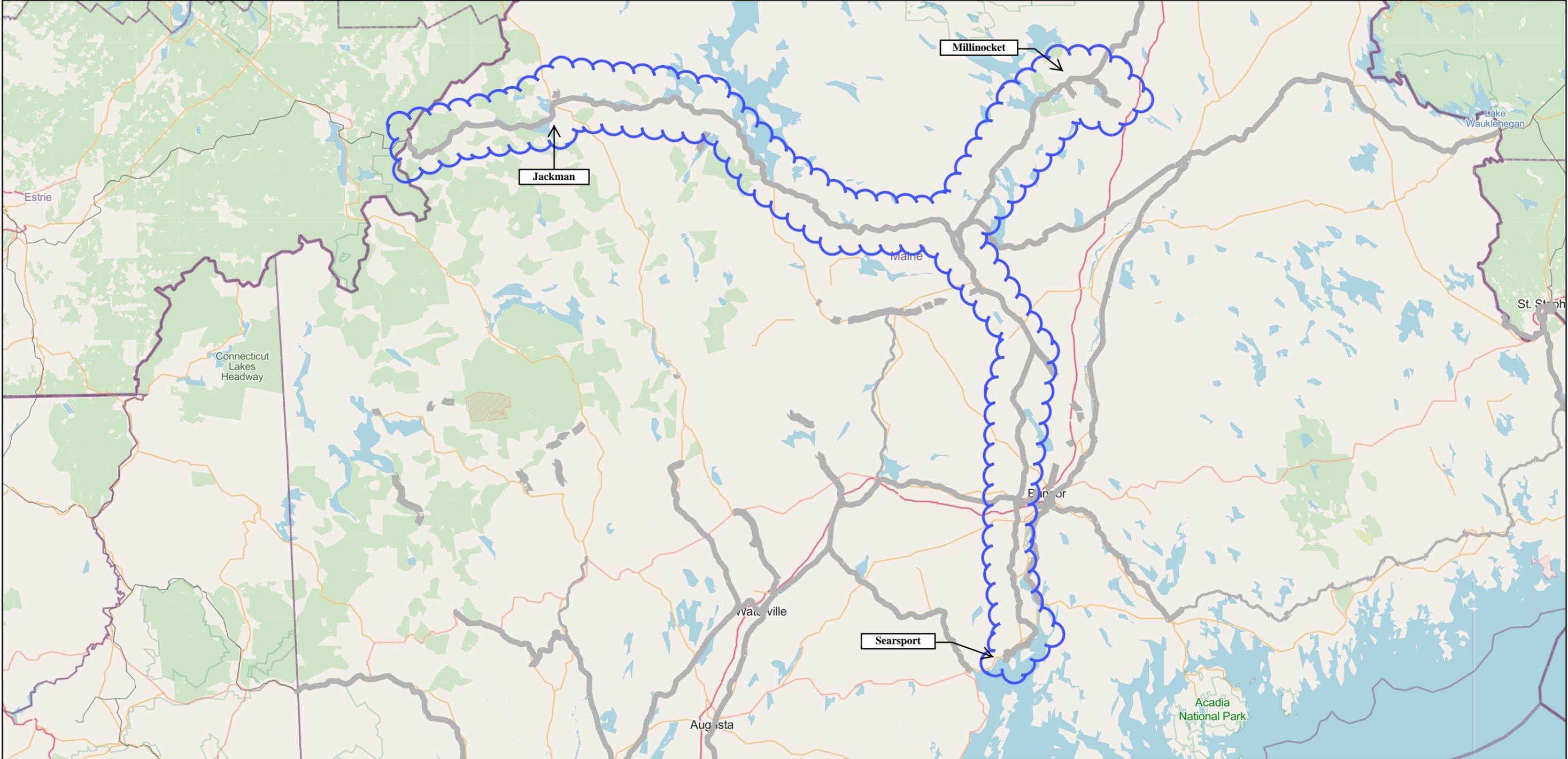
Standard herbicide application methods throughout RWC’s service area in Maine will include using drift control agents, using nozzles that enlarge the droplet size to reduce drift, using low-volatility herbicides, monitoring weather conditions and cancelling operations when rainfall is predicted. RWC, Inc. has mounted gutters on the rear of the equipment. They are controlled from the cab and assure that no pesticides drip or enter the waterways when traversing over bridges. RWC, Inc. will leave a buffer of ten feet (10’) from lakes, rivers, streams and surface waters and in the case of a public water supply will only apply Glyphosate for 0.5 miles leading up to and 0.5 miles beyond the site. Within the ten foot (10’) buffer, alternative methods will have to be employed to control vegetation. RWC, Inc. will conduct the applications in a manner which protects surface water as defined in Chapter 29, Section 6A.

Signed: _____


Tyler Chateauvert; RWC, Inc.

Date: 03/06/2024

CANADIAN PACIFIC KANSAS CITY RAILWAY

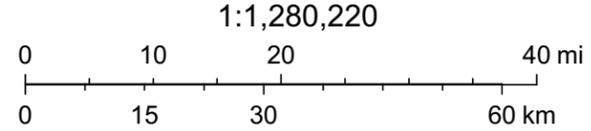


3/04/2024

MaineDOT - Railroads - Railroads

- Active
- Inactive, with track
- Abandoned, possibly no track.
- Track removed, Right of way repurposed.

CPKC RAILWAY Tracks
in Maine
3/04/2024 WHEM
Burlington, VT.



Map data © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**026 BOARD OF PESTICIDES CONTROL****Chapter 60: DESIGNATION OF CRITICAL PESTICIDE CONTROL AREAS**

SUMMARY: These regulations establish criteria which the Board will use in deciding if an area should be designated as a critical pesticide control area. In addition, these regulations specify the procedures parties must follow in requesting such a designation. These regulations also define the locations that have been designated as critical areas by the Board.

1. Procedure

- A. The Board shall receive, consider and act upon petitions for designation of critical pesticide control areas in accordance with 5 M.R.S.A., Ch. 375, subchapter II. Citizen petitions shall be allowed in accordance with 5 M.R.S.A. §8055. A municipality or county may make such petition in accordance with 22 M.R.S.A. §1471-M, sub-§ 4. In addition, the Board's staff may initiate such a petition.
- B. The Board shall provide public notice and opportunity for public comment on any such petition in accordance with 5 M.R.S.A., Ch. 375, subchapter II.
- C. There shall be opportunity for local participation in Board decisions regarding the designation of critical areas, as provided by 22 M.R.S.A. §1471-V.

2. Information required in Petition

Any person or persons petitioning the Board to designate an area as a critical pesticide control area shall submit the following information in support of the petition:

- A. The name, address and telephone number of the petitioner(s) and a statement of the petitioner's interest in the proposed designation.
- B. The name of the pesticides or group of pesticides for which restrictions are sought. Petitioners may seek restrictions on specific formulations which have enhanced toxicity, rather than on all products containing the active ingredient. For purposes of this regulation, pesticides shall include both active and inert ingredients, and carriers used in any pesticide application.
- C. The name(s) and address(es) of the owner(s) of property within the proposed critical area.
- D. A map of the proposed critical area.
- E. A description of the purposes for which the pesticide(s) is or may be applied within the proposed area (if known).

- F. For petitions for designation under criteria of sections 3(A), 3(B) or 3(C), the name(s) of the species for which protection is sought and a summary of the data establishing adverse effects of pesticides upon the species.
- G. For petitions for designation under criteria of section 3(D), a copy of any applicable town ordinances, a summary of: evidence establishing that the pesticides may enter ground or surface water, hydrogeologic data which adequately defines the proposed critical area, and evidence establishing that the pesticide(s) may have an adverse effect upon the health of current or future users of the ground or surface water.
- H. For petitions for designation under criteria of section 3(E), a summary of medical and/or epidemiological evidence that exposure to the pesticide(s) causes serious and/or longstanding health effects to sensitive individuals or groups of individuals.
- I. For petitions for designation under criteria of sections 3(F) or 3(G), a copy of any management plan for the area or species.
- J. A description of the petitioner's proposed restrictions on the use of pesticide(s) within the proposed critical area.

3. **Criteria for designation**

The Board of Pesticides Control will use the following criteria to determine whether to designate a critical pesticide control area. Where the Board is persuaded by the evidence that any of these criteria are met, it may designate a critical pesticide control area and adopt additional pesticide use restrictions, prohibitions or management plans for that area as necessary to protect health, welfare and the environment.

- A. Areas where use of pesticide(s), without additional restrictions, is likely to cause the significant destruction or curtailment of the habitat or range of any animal or plant species that:
 - (1) is listed as endangered pursuant to state or federal law; or
 - (2) is listed as threatened pursuant to state or federal law; or
 - (3) is an invertebrate species ranked G1, G2 or S1 under the Natural Heritage Program of The Nature Conservancy and which is, in the Board's judgment, of natural significance.
- B. Areas where use of pesticide(s), without additional restrictions, is likely to negatively affect the mortality rate and/or reproductive capability of any animal or plant species that:
 - (1) is listed as endangered pursuant to state or federal law; or
 - (2) is listed as threatened pursuant to state or federal law; or
 - (3) is an invertebrate species ranked G1, G2 or S1 under the Maine Natural Areas Program in the Department of Conservation and which is, in the Board's judgment, of natural significance.

- C. Areas where use of pesticide(s), without additional restrictions, is likely to cause the significant destruction or curtailment of significant wildlife habitat. "Significant wildlife habitat" is as identified under the Natural Resources Protection Act, 38 M.R.S.A., Ch. 3, subchapter 1, Art. 5-A.
- D. Areas where use of pesticide(s), without additional restrictions, is likely to significantly risk the quality of surface or groundwater supplies used for human consumption.
- E. Areas where use of pesticide(s), without additional restrictions, is likely to cause serious and/or longstanding impairment of the health of sensitive individuals or groups of individuals who normally occupy such areas. The Board contemplates that this designation will require verified medical and/or epidemiological documentation of human sensitivity to one or more pesticides.
- F. Areas where use of pesticide(s), without additional restrictions, is likely to significantly harm natural or other resources owned or managed by a government agency, or is contrary to the duly adopted management plan for an area owned or managed by a government agency.
- G. Areas where use of pesticide(s), without additional restrictions, is likely to significantly harm natural resources within an area which is identified as an exemplary natural community or ecosystem of recognized exceptional qualities and has been designated for long-term ecological research and/or conservation purposes.

4. Designated Critical Pesticide Control Area

A. Dennys River Critical Pesticide Control Area

- (1) The above entitled matter having come up for public hearing on 7 March, 1978, at 2:00 p.m. before the Pesticides Control Board in Room 102 of the Science Building at the University of Maine in Machias; and the Board, having considered the evidence and arguments presented, and with a quorum present, has this day voted to declare a critical area under provisions of Title 22, Chapter 258-A, Sections 1471-F and 1471-M (2)(A), within which critical area no aerial application of pesticide is to be made without prior approval of the Board of Pesticides Control.
- (2) The critical area herein established is described as follows: Commencing at the dam at the foot of Meddybemps Lake and extending down the Dennys River to the Gilman Dam, so-called, the critical area shall include all land within one-half mile of either bank of the Dennys River; commencing at the Gilman Dam, so-called, and extending down the Dennys River to its entrance into Dennys Bay, so-called, the critical area shall include all land within one mile of either bank of the Dennys River.

FISCAL IMPACT: This rule will not impose any fiscal impact on counties or municipalities.

STATUTORY AUTHORITY: 5 M.R.S.A., § 8051 *et seq.* and 22 M.R.S.A., §§ 1471-F and M.

EFFECTIVE DATE:

July 6, 1979

AMENDED:

May 8, 1989

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

AMENDED:

April 14, 1998

July 12, 2000

MINOR CORRECTION:

November 23, 2000 - citation in § 4(C)(4)

AMENDED:

December 24, 2000 - repealed §4(C)

December 26, 2011 – filing 2011-475

CORRECTIONS:

February, 2014 – agency names, formatting

Eagle Lake Water & Sewer District
PO Box 137
243 Old Main Street
Eagle Lake, ME 04739-0137
207-444-5441
[elwsd@fairpoint.net]

December 18, 2023

Mr., John Pietroski
Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028

Dear Mr. Pietroski,

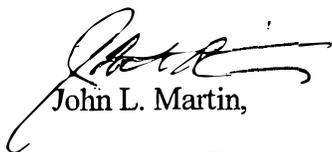
The Board of Trustees of Eagle Lake Water & Sewer District is requesting that the Board of Pesticides Control designate the district's public water supply, which is wellhead protection area along Eagle Lake as a Critical Pesticide Control Area and have a total ban on the use of pesticide and herbicide within this area.

The public water supply is two (2) 16" gravel pack groundwater wells, 42 feet in depth. Wells were installed in 2008 and put in service in January, 2009. In 2008 the district and the town tried to create a wellhead protection plan ordinance but failed. Over the years we have notice that abutting land owners have been active in applying herbicides and pesticides within our wellhead protection area. We have requested the abutting land owners stop this practice, but they have refused. The board of trustees is requesting your help to protect our drinking water supply.

Enclosed is a copy well site management plan, produce by our engineers and approved by the Maine Drinking Water Program, a site map, abutting land owners and mailing addresses.

Should you need additional information please contact district office at (207)-444-5441.

Sincerely,



John L. Martin,

Clerk, ELWSD

Eagle Lake Water & Sewer District
Eagle Lake, Maine (Public Water Source)

Land Owners located within the 200 day travel time Zone of Contribution

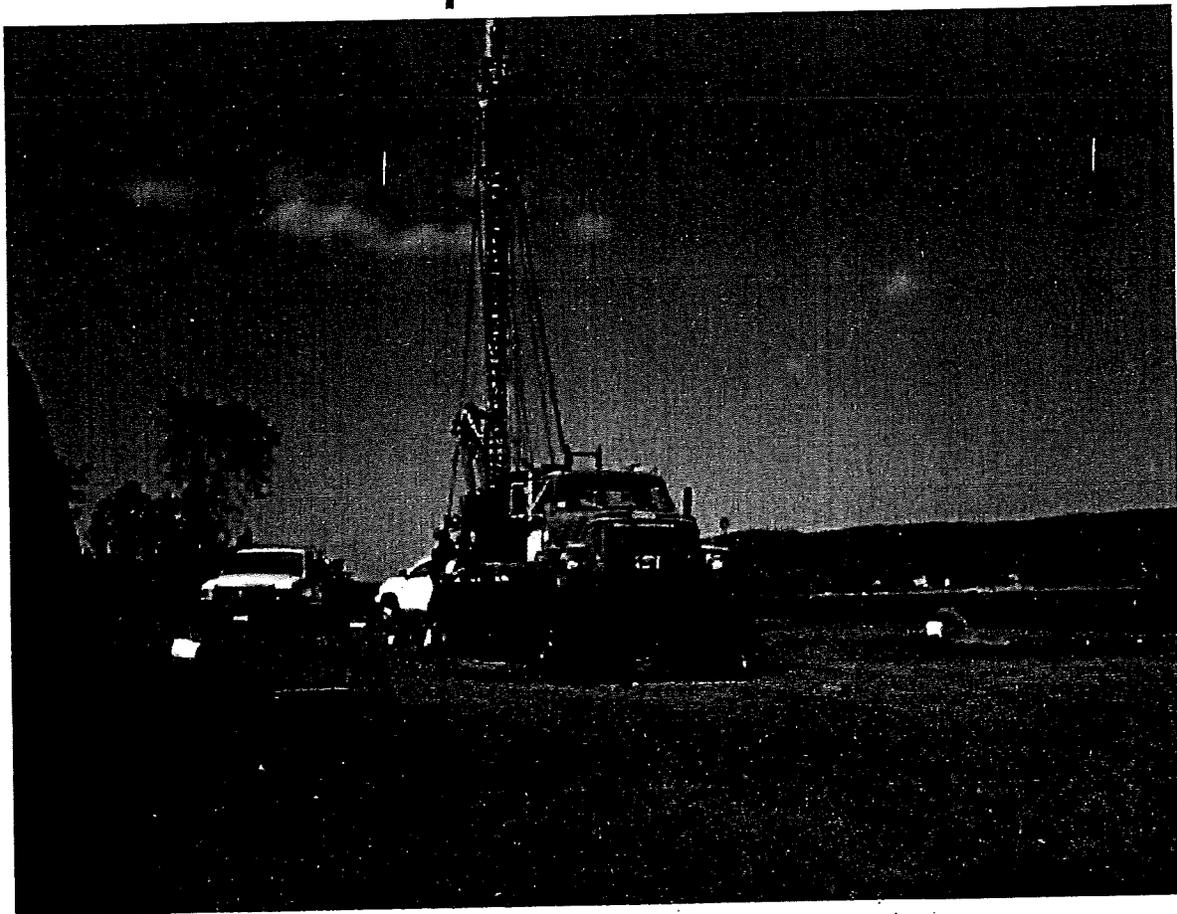
| Tax Map / Lot | Property Owner Name | Mailing Address |
|---------------|---|---|
| 16 / 29 | Phillip LeBoeuf Overlook Cabins | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 29 -1 | ELWSD District Sewer Pumping Station # 2 | PO Box 137, Eagle Lake, ME 04739 |
| 16 / 30 | Phillip LeBoeuf Home | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 30A | ELWSD District Wellhead Area | PO Box 137, Eagle Lake, ME 04739 |
| 16 / 31 -3 | Louis & Lillian Roy Home | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 31 -4 | Paula Ouellette RV Lot | 75 Pleasant St., Fort Kent, ME 04743 |
| 16 / 31 -5 | Jonathan & Karen Trudo Home | 20 Apple Blossom Lane, Kennebunkport, ME 04046 |
| | Maine Northern Railway | 103 School Street, Oakfield, ME 04763 |

200-DAY AND 2,500-DAY TRAVEL ZONE MANAGEMENT PLAN

LEBOEUF WELL SITE

EAGLE LAKE WATER AND SEWER DISTRICT
EAGLE LAKE, MAINE

September 2008



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Engineering a Better Environment

**200-DAY AND 2,500-DAY TRAVEL ZONE
MANAGEMENT PLAN**

LEBOUEF WELL SITE

**EAGLE LAKE WATER AND SEWER DISTRICT
EAGLE LAKE, MAINE**

SEPTEMBER 2008

Prepared By:

**Wright-Pierce
230 Commerce Way, Suite 302
Portsmouth, NH 03801**

200 DAY AND 2,500 DAY TRAVEL ZONE MANAGEMENT PLAN

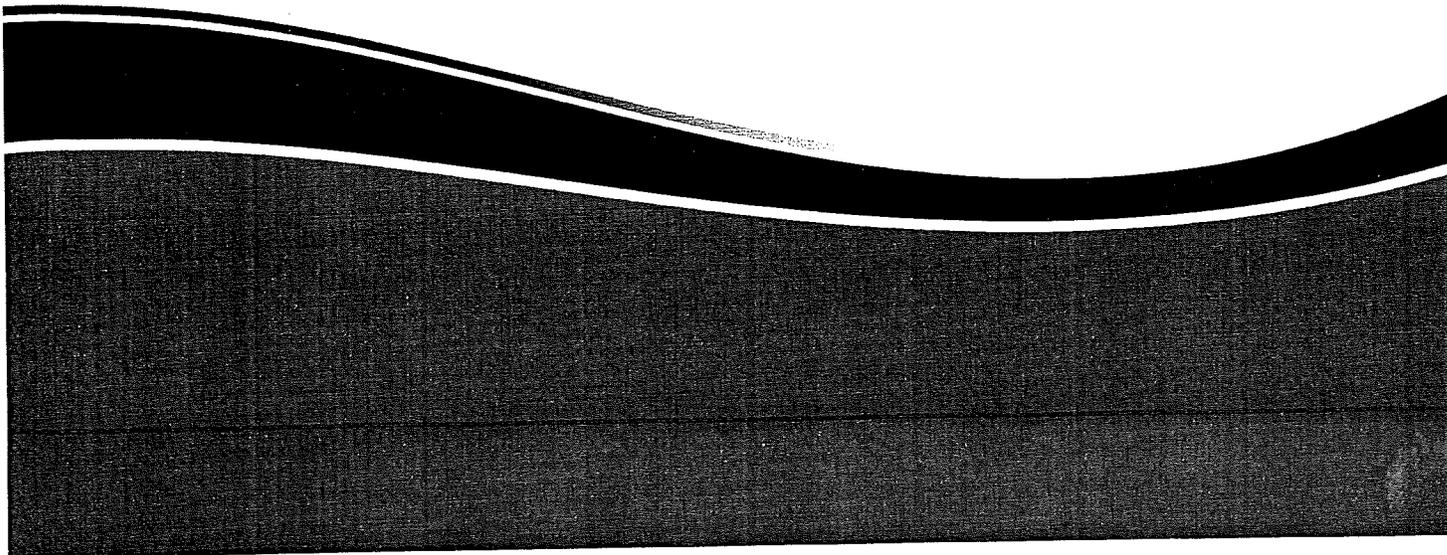
LEBOUEF WELLS SITE

EAGLE LAKE WATER AND SEWER DISTRICT EAGLE LAKE, MAINE

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SECTION 1 INTRODUCTION

In 1986, amendments to the Federal Safe Drinking Water Act (SDWA) law established the Wellhead Protection (WHP) Program. Under these amendments, each state was called upon to develop and submit to the United States Environmental Protection Agency (USEPA) for approval, a plan that would protect groundwater which supplies wells, wellfields, springs, and tunnels that provide drinking water to the general public. Also specified in the SDWA are the basic, minimum elements that states must address and include in their WHP plans.

State of Maine's "*Rules Relating To Drinking Water*" (10-144, Chapter 231) requires a plan be prepared that describes how the owner of a municipal well will manage land use activities within a well's wellhead protection area. The purpose of this plan is to help protect groundwater quality through land use activities and controls that will prevent groundwater contamination.

The State of Maine's Drinking Water Program granted the Eagle Lake Water and Sewer District final approval for its LeBouef Well on March 24, 2008. This well approval was conditioned on the preparation of 2,500-Day Travel Zone Management Plan for the LeBouef Well. This approval letter, along with other correspondence between the Eagle Lake Water and Sewer District and the State of Maine's Drinking Water Program is included in Appendix A.

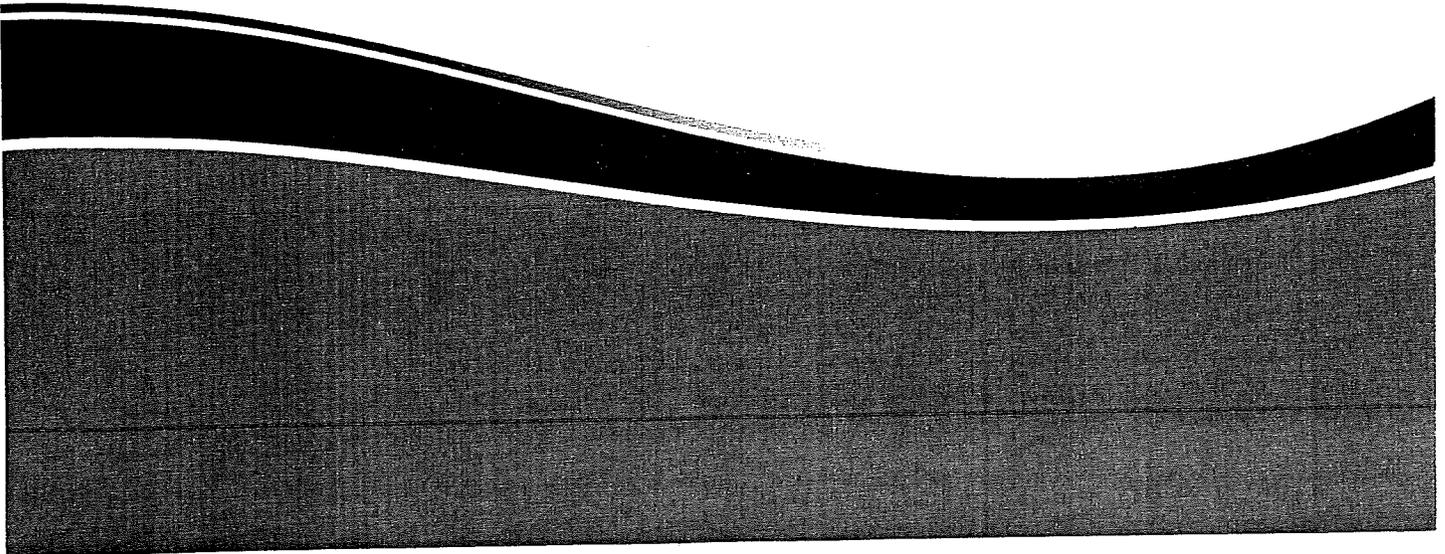
The basic physical details of the LeBouef Well are presented below:

1.1 LeBouef Wells

The LeBouef Well Site is located on Furlong Road on the western shore of Eagle Lake. Two 16-inch diameter gravel developed wells, known as PW-1 and PW-2, were constructed on the property in November 2007 by the Layne-Christensen Company of Dracut, Massachusetts. PW-1 is 42 feet deep and is located approximately 200 feet

west of Eagle Lake. PW-2 is located 145 feet south of PW-1 (approximately 180 feet from Eagle) and is also 42 feet deep. PW-1 will act as the primary well and PW-2 will serve as a back-up to PW-1. Pump tests of these wells, conducted in November and December, 2007 indicated each well can produce approximately 200 gallons per minute when pumped individually. See Figure 1 for the location of these wells.

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SECTION 2

200-DAY AND 2,500-DAY TRAVEL ZONE WELLHEAD PROTECTION AREAS

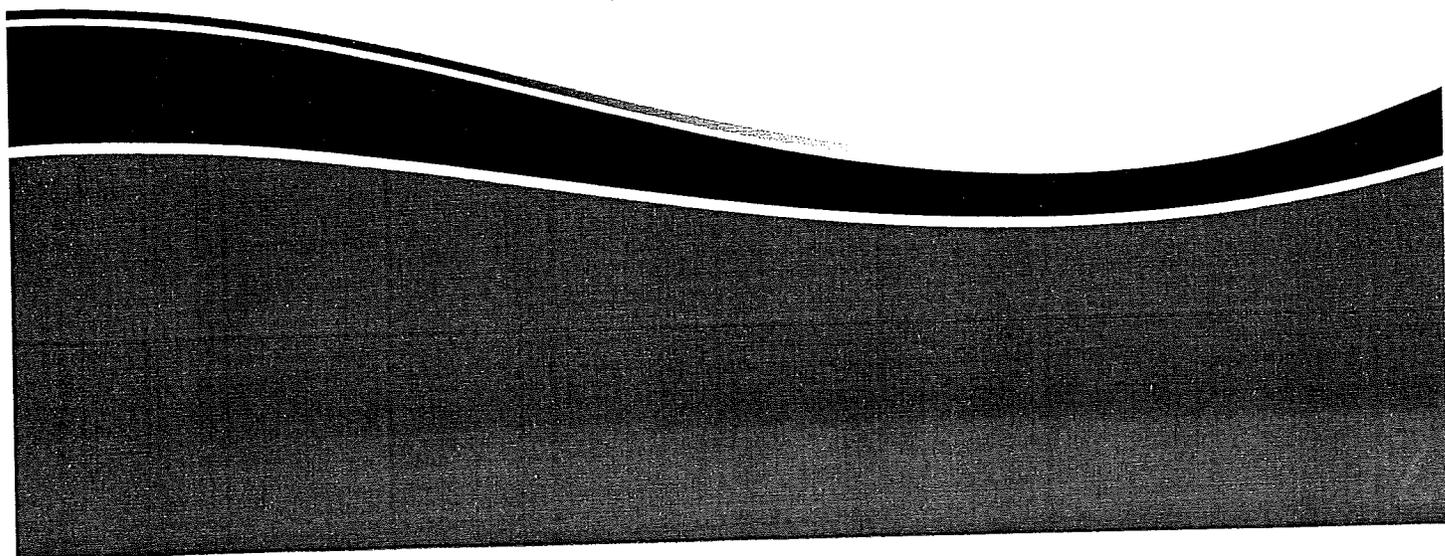
In Maine, wellhead protection area boundaries are established by determining the distance (boundary to well) that groundwater would travel over a period of 200 days and 2,500 days of well operation. These boundaries are determined through the use of sophisticated groundwater computer models and are customized for the specific hydrogeologic conditions around each well. Ideally, a water system is to own the all the property within the 200-day time of travel zone. Easements, aquifer protection zoning ordinances or other land use controls are typically required for the area within the 2,500-day time of travel zone.

Below are the details for the 200-Day and 2,500-Day Travel Zone for the LeBouef Wells.

2.1 LeBouef Wells

The 200-day travel zone for the LeBouef Wells is approximately circular shaped and is approximately 650 feet long (north - south) and 650 feet wide (east-west). The 2,500-day travel zone is more oval shaped and is approximately 850 feet long (north - south) and 650 feet wide (east - west). These time of travel zones were determined as part of a study that is summarized in a report titled, "*Request for Final Approval for a New Public Water Supply Well*" dated March, 2008 that was prepared by Wright-Pierce for the Eagle Lake Water and Sewer District. The 200-day and 2,500-day time of travel zones are shown on Figure 1 (Section 1).

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SECTION 3

POTENTIAL CONTAMINANT SOURCES (PCS) IDENTIFICATION AND DESCRIPTION

Using the State of Maine's Geographic Information System (GIS) system, threats to groundwater quality from known Potential Contaminant Sources (PCS) located within the wells' 200-day and 2,500-day time of travel zone were identified. The State of Maine Department of Environmental Protection maintains a database of PCS in a system known as the Maine Environmental and Geographic Analysis Database (EGAD)

EGAD, (formerly known as the Environmental and Groundwater Analysis Database) was originally designed to store site and water quality information and currently includes spatially located data for 39 different types of potential and actual sources of contamination to groundwater in Maine. Table 1 lists the 39 types of Potential Contaminant Sources.

TABLE 1

Maine's EGAD Database PCS Site Types

- Agricultural Chemical Use
- Agriculture Nitrate Bacteria
- Ash Utilization Site
- Automobile Graveyard/Junkyard
- Bulk Fuels Storage/Distribution Facility
- Compost Site
- Construction/Demolition
- Dry Cleaner
- Engineered Subsurface Wastewater Disposal System
- Industrial Complex
- Infiltration Retention Basin
- Landfill Commercial
- Landfill Municipal

Table 1 (continued)
Maine's EGAD Database PCS Site Types

Landfill Special Waste
Leaking Above-ground Storage Tank
Leaking Underground Storage Tank
Marina/Boat Yards
Mystery Spill
NPS Golf Courses Etc
RCRA Large Quantity Generators
RCRA Medium Quantity Generators
RCRA Remediation
RCRA Small Quantity Generators
Residuals Utilization Site
Resource Extraction Activities (Gravel Pits)
SWAT Surface Water Ambient Toxics - Lakes
SWAT Surface Water Ambient Toxics -
Rivers/Streams
Sand/Salt Storage
Sanitary and Industrial WWTF
Septage Disposal Storage Site
Sludge Utilization Site
Surface Impoundments SIA
Surface Spill
Transfer Station
Uncontrolled Site (All Others)
Uncontrolled Site DOD
Uncontrolled Site NPL
Underground Injection Sites
Unsewered Subdivisions
Woodyards/Lumberyards/Piles

Below are the details for the PCS's located in the 200 and 2,500-day travel zones for the LeBouef Wells.

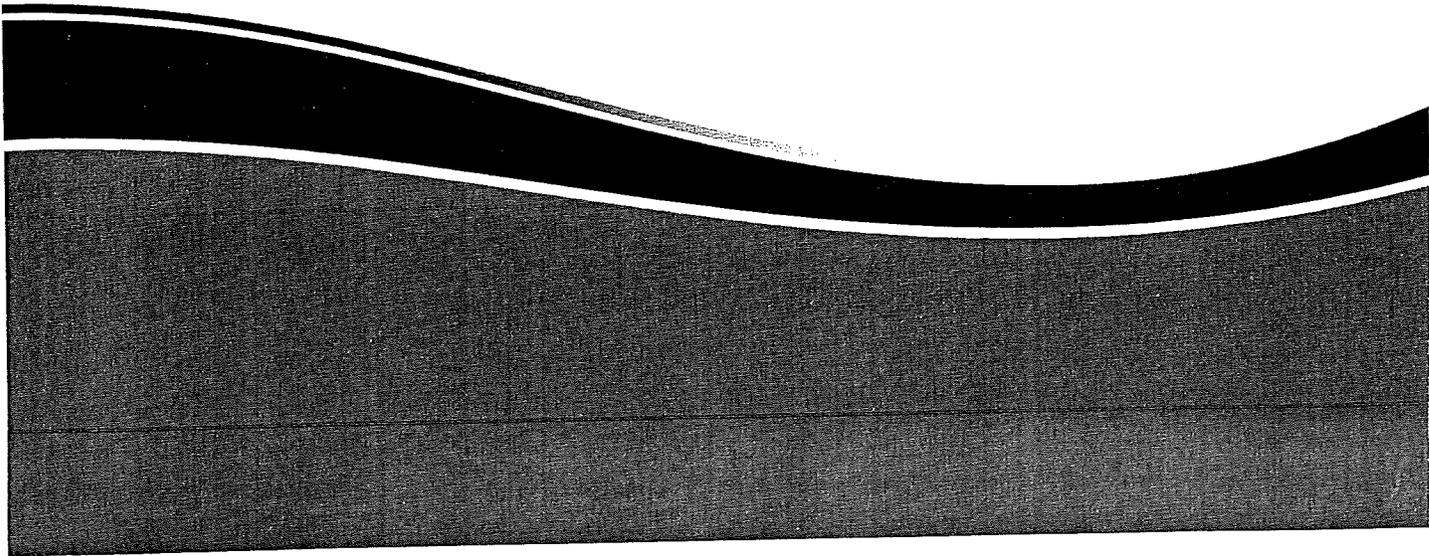
3.1 LeBouef Wells

The State of Maine's EGAD data base did not indicate any PCS in the LeBouef Wells' 200 and 2,500-day time of travel zones. The nearest PCS sites were two underground storage tank sites (two tanks each) located approximately 1,000 feet and 1,600 feet to the southwest of the production wells.

The PCS sites in the vicinity of the LeBouef Wells Wellhead Protection Areas are shown on Figure 1.

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Section 4



SECTION 4

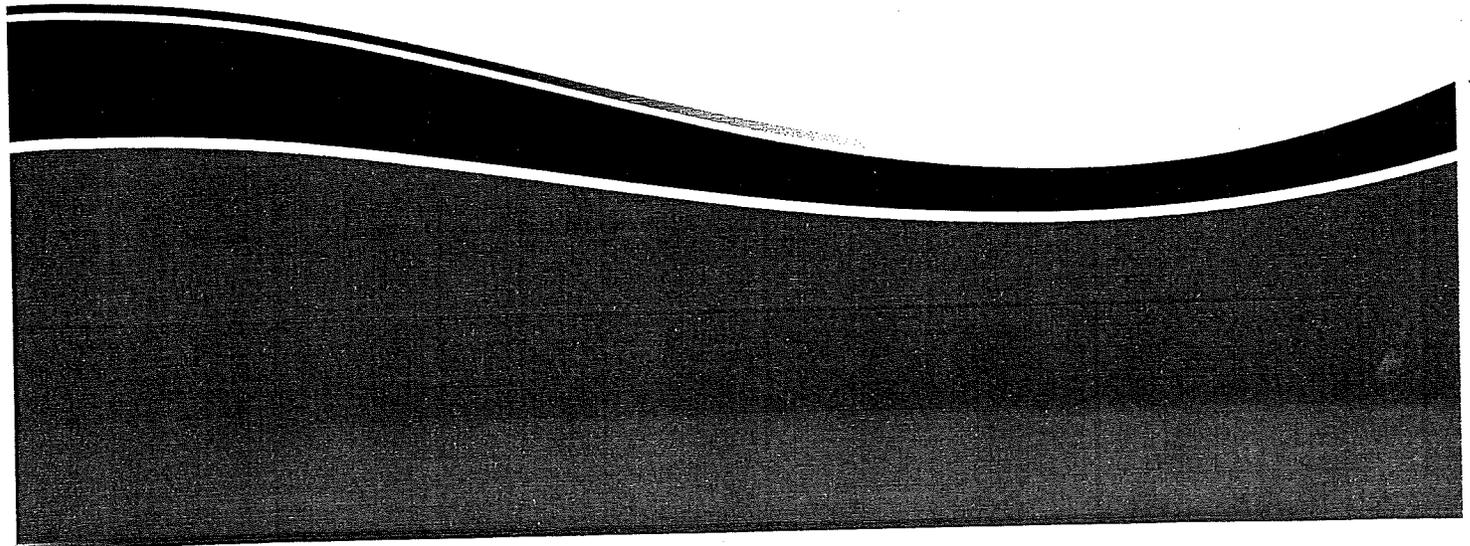
WELLHEAD PROTECTION OUTREACH AND GUIDANCE

Educating owners of property that are located within the 200-day 2,500-day travel time wellhead protection areas of the need to protect groundwater quality is a key component of Eagle Lake Water and Sewer District's wellhead protection strategy. Therefore, the names and addresses of all property owners that own land inside the wellhead protection area for the LeBouef Wells have been tabulated using information from the Town of Eagle Lake Tax Assessor's office. This property owner information is included in Appendix B.

A generic cover letter that explains the importance of wellhead protection has been prepared and is included in Appendix C. This letter will be mailed to the property owner along with a groundwater protection guidance document prepared by the Maine Rural Water Association titled "*The Safe Home Program*". This document provides comprehensive groundwater protection "Do's and Don'ts" and a copy is included in Appendix D.

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Section 5



SECTION 5

LONG-TERM WELLHEAD PROTECTION STRATEGIES

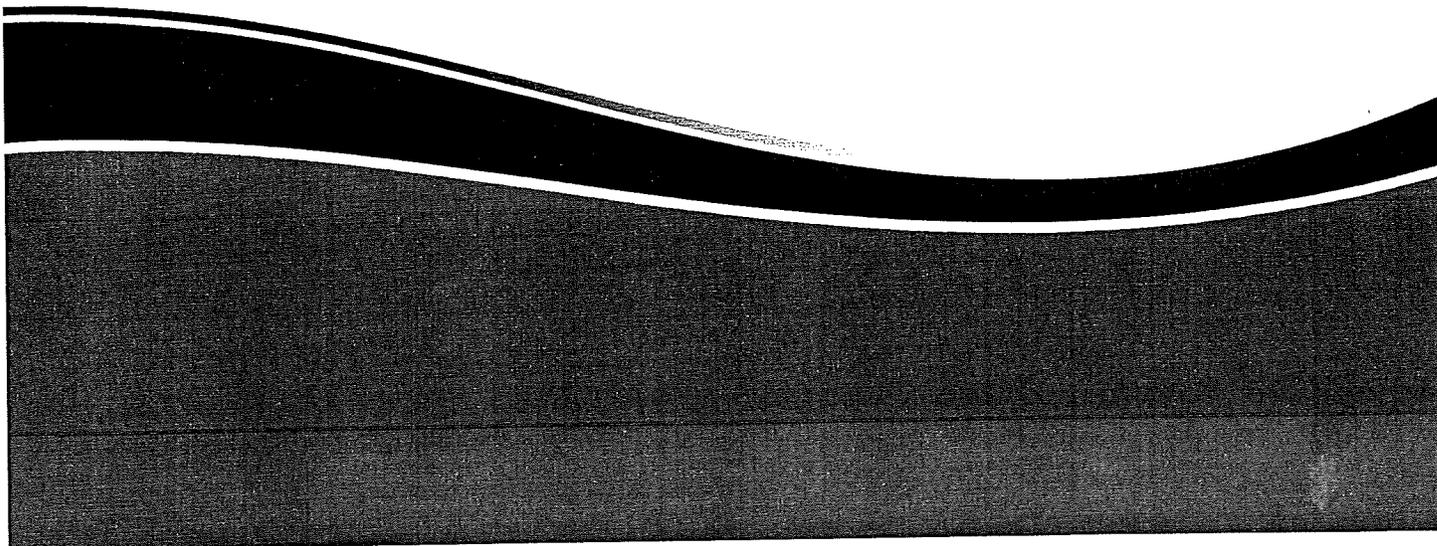
Ideally, all properties located within the wellhead protection area of the LeBouef Wells would be owned by the Eagle Lake Water and Sewer District or their land uses controlled through legal easements. The 200-day time of travel zone contains 7 properties and the 2,500-day time of travel zone contains 8 properties (see Figure 1). However, because these properties are located on Eagle Lake, they are very expensive and the cost of acquisition or easements would have an unacceptable adverse impact on water rates.

When land ownership or easements cannot be obtained for the properties in the wellhead protection areas, typically a water district would seek to incorporate a wellhead protection ordinance into its zoning regulations. However, the Eagle Lake Water and Sewer District recently attempted to enact a wellhead protection ordinance and was met with significant local opposition. Therefore the district will focus its efforts on public outreach and education through mailings and public informational meetings. Public outreach is discussed in Section 4.

Finally, on June 20, 2007, the State of Maine amended Chapter 353 of their public laws to require Natural Resource Protection Act (NRPA) permitting for activities within the shoreland zone of public water supplies. Rules established by this new law, which are expected to be issued within the next few years, will likely provide additional protection for the LeBouef wells.

For reference, a model Wellhead Protection Ordinance is included in Appendix E.

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*Maine Center for Disease
Control and Prevention*
*An Office of the
Department of Health and Human Services*

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-2070
Fax: (207) 287-4172; TTY: 1-800-606-0215

March 24, 2008

Mr. Gerald Raymond
Eagle Lake Water & Sewer District
P.O. Box 137
Eagle Lake, ME 04739

COPY

RE: Final Approval for Water Supply Wells PWSID # 90480

Dear Mr. Raymond:

The Department has reviewed the 'Request for Final Approval' submitted by Wright-Pierce for the two gravel packed wells constructed in November 2007. These wells are designated PW-1 and PW-2 and are located on the LeBoeuf site. In the materials presented, the well specifications and water quality analysis results meet all applicable State and Federal standards.

Final approval is granted for wells PW-1 and PW-2 subject to the following requirements:

1. The District must develop and implement an effective wellhead protection plan for the new wells. The Plan must include either ownership or legal control over the delineated 2,500 day contributing area for the wells. This control may take the form of a local ordinance restricting activities in the area, or of an easement on the land within the area that will accomplish the same purpose.
2. As a water district, chlorination facilities are required and continuous chlorination must be in operation upon initial utilization of the wells. Chlorination must continue for no fewer than 60 days. The District may petition to discontinue chlorination after the two month period.
3. Tests for gross alpha from each well must be conducted as soon as possible to fulfill the requirement of two quarterly tests. This follows the initial tests for gross alpha done in November.
4. First Year Water Testing: Monthly testing for bacteria for at least 12 months. Annual testing for nitrate/nitrite and volatile organic compounds. To a six-month testing schedule for lead/copper. Quarterly testing for disinfectant by-products. Quarterly composite tests for Radium 228 (TSVY) to be collected in the first two calendar quarters that the wells are on-line.

These testing requirements pertain to the groundwater sources only and exclude the current water testing requirements for surface water. You will be notified in the future regarding any additional routine monitoring requirements.

Please contact us if you have any questions or concerns.

Sincerely,

Lawrence R. Girvan, P.E.
Field Services Engineer 768-3610
Drinking Water Program

Lindy Moceus
Compliance Officer 287-8402

cc: Andy Tolman

Caring..Responsive..Well-Managed..We are DHHS.

Maine Drinking Water Program Well to Contamination Source Setback Waiver Form
Rev B 1/9/2007

System Name: *Eagle Lake Water District*
System Contact Name: *Gerry Raymond*
PWSID# (If applicable): *90480*
DWP Field Inspector: *Larry Girvan*
DWP Waiver Reviewer: (Field Inspection Team Manager or DWP Geologist):

Date: *8/15/07*

1. What is the measured setback the waiver is requested for? (Attach drawings and describe)
220' From Saucier Residence
2. What circumstance warrants a setback reduction waiver: *Maintain 150' setback from Eagle Lake surface water and allow sufficient land area to locate backup production well PW 2 (see attached site plan) in a location where high yield sand and gravel sediment is likely to exist on the LeBeouf Site. Saucier and LeBeouf residences are on municipal sewer system. Septic systems do not exist within 600 feet of the proposed well sites.*
3. If setback is less than 150 feet, was a hydrogeological study completed by a certified Geologist?

Yes (attach report)

No If No, why was the study not completed? (e.g. septic pretreatment required, study not needed? other?)

4. Waiver granted? Yes No

Explain reasoning:

Existing residential building poses limited risk. Well site highly constrained by geologic and regulatory restrictions.

5. Record waiver conditions (e.g. septic pretreatment, extended well casing or jazwell seal, monitoring requirements):
Applicant shall delineate actual protection zone (200 day travel time
New activities within that zone will be reviewed by Eagle Lake PB
and DWP.

DWP Authorizing Signature (Field Inspection Team Manager or DWP Geologist):

Andrews L. Tolman

Digitally signed by Andrews L. Tolman
DN: cn=Andrews L. Tolman, o=Eagle Lake Water District, ou=Maine, email=Andrew.L.Tolman@ewd.com, c=US

Date: 8/22/07

Retain this form in the PWS file.

APPROVED BY: Nancy Beardsley, Director

Nancy Beardsley
Signature

Effective Date

Rev A - 9/25/06 ; Rev B -1/9/07 ;
Revision Dates

_____; _____;



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
(Formerly Bureau of Health)
286 Water Street
11 State House Station
Augusta, ME 04333-0011

Brenda Harvey
Acting Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

July 31, 2007

Gerald Raymond, Superintendent
Eagle Lake Water and Sewer District, PWSID 90480
PO Box 137
Eagle Lake ME 04739

Subject: Wellhead protection status, LeBoeuf site and potential impacts on Saucier Property, Eagle Lake

Dear Mr. Raymond:

You requested that we clarify the status of the Saucier property's wellhead protection status given the recent agreement to develop a well on the LeBoeuf site. It is our understanding that the well will be developed in the vicinity of test boring 7-05, 150 + feet from the normal high water level of Eagle Lake. A well at that location would have a preliminary 300-foot radius protection area, pending actual delineation of a 200-day travel time area. The 300-foot circle would extend on to the Saucier property, primarily in the shoreland zone.

Based on our understanding of the Eagle Lake Shoreland Zoning Ordinance, it is our expectation that the use of the Saucier property would not face significant additional restrictions by the potential of this portion of their land being within the preliminary wellhead protection area. Additionally, it is important to note that the final delineation, based on the actual contributing area, may well not include the Saucier property, although we cannot be certain of that until the hydrogeologic evaluation is complete.

Another factor that will influence the long-term land use in the area is PL 2007, Chapter 353, which provides protection for the sanitary protection area of community public water systems (either a 300 foot radius or a 200 day travel time). Any new activity (e.g., a new building) in that area would be subject to state-level review and approval. Existing, ongoing low-intensity recreational use will not be regulated under this law.

We will continue to work with Eagle Lake to provide a safe and secure public water source for your customers. Please give me a call if you have questions about this letter.

Sincerely,

Larry Girvan, P.E.
Northern Maine Field Services
Maine Drinking Water Program

Andrews L. Tolman, C.G.
Water Resources Team Leader

Cc: Larry Girvan, Terry Trott, Roger Crouse

Our vision is Maine people enjoying safe, healthy and productive lives.
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John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
(Formerly Bureau of Health)
286 Water Street
11 State House Station
Augusta, ME 04333-0011

Brenda Harvey
Acting Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

July 6, 2007

Gerald Raymond, Superintendent
Eagle Lake Water and Sewer District, PWSID 90480
PO Box 137
Eagle Lake ME 04739

Subject: Wellhead protection status, LeBoeuf site and potential impacts on Saucier Property, Eagle Lake

Dear Mr. Raymond:

You requested that we clarify the status of the Saucier property's wellhead protection status given the recent agreement to develop a well on the LeBoeuf site. It is our understanding that the well will be developed in the vicinity of test boring 7-05, 150 + feet from the normal high water level of Eagle Lake. A well at that location would have a preliminary 300-foot radius protection area, pending actual delineation of a 200-day travel time area. The 300-foot circle would extend on to the Saucier property, primarily in the shoreland zone.

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We will continue to work with Eagle Lake to provide a safe and secure public water source for your customers. Please give me a call if you have questions about this letter.

Sincerely,

Larry Girvan, P.E.
Northern Maine Field Services
Maine Drinking Water Program

Andrews L. Tolman, C.G.
Water Resources Team Leader

Cc: Gary Smith, Wright-Pierce, 135 Commerce St. Portsmouth, NH 03801, Jeff Musich W-P, Larry Girvan, Terry Trott, Roger Crouse

Our vision is Maine people enjoying safe, healthy and productive lives.
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John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
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286 Water Street
11 State House Station
Augusta, ME 04333-0011

Brenda Harvey
Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

June 27, 2007

Mr. Gerald Raymond
Superintendent
Eagle Lake Water and Sewer District
PO Box 137
Eagle Lake, Maine 04739

Subject: Purchase of Saucier Property and the Development of Production Wells

PWSID# 90480

Dear Gerry:

Thank you for meeting with me and other Drinking Water Program (DWP) staff via telephone on June 26, 2007. The Eagle Lake Water and Sewer District (District) has an option to purchase the Saucier property located on the shore of Eagle Lake. However, due to the limited foot-print of this lot, the primary wellhead protection zone will extend beyond the boundaries of the property. The DWP requires that the District have ownership or other land use controls over the primary wellhead protection zone.

The District has sought unsuccessfully for opportunities to purchase land or easement rights from the abutting property owners. The District has conducted testing on a total of 12 separate locations in an effort to identify the most viable ground water supply. The District also worked with the Town of Eagle Lake to create a municipal ordinance that would provide the necessary wellhead protection. However, the DWP understands that the Selectmen in the Town of Eagle Lake have removed the wellhead protection ordinance from the municipal ballot.

The DWP has earmarked approximately \$956,000 from the Drinking Water State Revolving Fund (DWSRF) for the District for the development of a new water supply and the Community Development Block Grant Program has committed \$500,000. Approximately \$235,000 has been spent to-date.

Due to the District's great difficulties finding an acceptable water supply of water, the DWP agrees to the following terms:

1. The District may use DWSRF money to purchase the Saucier property and design and construct the necessary component of the new water source.
2. The District must continue working with abutting property owners and/or local government officials to obtain necessary ownership or control of the primary

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- wellhead protection area. The District must attain this ownership/control before the DWP will grant final approval of the new supply.
3. The District must provide evidence to the DWP that they have the rights to install and/or fully access the necessary monitoring wells to develop the groundwater model.

As you may know for the last several years the DWP has been working with the Legislature to find ways to better protect Maine's drinking water sources. This session we were successful in getting legislation passed that designates wellhead protection areas and areas around surface water intakes as protected natural resources; a very important first step in better protecting our drinking water sources. This is intended to provide a minimum acceptable level of land use control.

We are now working with the Department of Environmental Protection to develop rules that clarify the law. There are a number of steps in this process, and we will not know the shape of the new rules until after the next legislative session.

As I stated in our phone conversation, the District assumes a risk if it decides to proceed forward with this project without having the land ownership/control in place. Please do not confuse the DWP's agreement to fund this project as the DWP assuming part of that risk. The District remains the entity that is responsible for complying with State and Federal regulations and providing safe and reliably protected water to its customers in Eagle Lake.

The DWP appreciates the difficult situation you are in. We strongly support the development of a safe and reliable drinking water source in Eagle Lake. If you have any questions, please contact me at 287-5684 or roger.crouse@maine.gov.

Yours for safe drinking water,



Roger L. Crouse, P.E.
Assistant Director
Maine Drinking Water Program

Ec Andy Tolman, Nate Saunders, Nancy Beardsley, Tera Pare, Jeff Musich and Gary Smith -WP, Karen Asselin -MMBB



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
(Formerly Bureau of Health)
286 Water Street
11 State House Station
Augusta, ME 04333-0011

Brenda Harvey
Acting Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

June 6, 2007

Gerald Raymond, Superintendent
Eagle Lake Water and Sewer District PWSID 90480
PO Box 137
Eagle Lake ME 04739

Subject: Preliminary Hydrogeologic Approval well construction and testing, Saucier Site, Eagle Lake

Dear Mr. Raymond:

We have reviewed a draft report dated June 1, 2007 from Wright-Pierce, concerning location of a production well or wells for Eagle Lake. The current proposal is for naturally developed gravel wells on the Saucier property, located more than 150 feet from mean high water of the lake. We understand that this report will become part of the final hydrogeologic report for the system, and that this is an interim submittal.

The plan for development and testing is appropriate, and we have also reviewed the language and coverage of your proposed wellhead protection ordinance for this area. It meets our minimum standards for new source protection.

Based on the information available in these reports, we believe that a well on the Saucier site is acceptable from a source protection standpoint. Final well approval will depend on the characteristics of well(s) as they are developed. This approval is separate from the Environmental Review required for SRF.

Sincerely,

Larry Girvan, P.E.
Northern Maine Field Services
Maine Drinking Water Program

Andrews L. Tolman, C.G.
Water Resources Team Leader

Cc: Gary Smith, Wright-Pierce, 135 Commerce St. Portsmouth, NH 03801, Jeff Musich W-P, Larry Girvan, Terry Trott, Roger Crouse



John Elias Baldacci
Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
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286 Water Street
11 State House Station
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Brenda Harvey
Acting Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

May 9, 2006

Gerald Raymond, Superintendent
Eagle Lake Water and Sewer District PWSID 90480
PO Box 137
Eagle Lake ME 04739

Subject: Location of production wells at Eagle Lake

Dear Mr. Raymond:

On May 4, Drinking Water Program (DWP) staff and Wright-Pierce staff conducted a conference call to clarify the location and path to approval for the new Eagle Lake wells. Determining the location of the wells is complicated by two potential sources of contamination. The first potential source of contamination is the proximity to surface water. All wells located less than 150 feet from a surface water body must be tested, using Microscopic Particulate Analysis (MPA), to determine if the wells are under the direct influence of surface water. Wells that are determined to be under the direct influence of surface water are subject to the provisions of the Surface Water Treatment Rule. Since the early 1990s the DWP has used a definition of the edge of the surface water body that is consistent with the definition of the "Normal high water line" found in Maine Statute (38 MRSA, §480B).

In a letter dated November 18, 2005, the DWP authorized development and testing of new wells on the LeBoef property. That letter was based on Wright-Pierce's November, 2005 request for preliminary approval report, which indicated that the well was to be located "152 feet from the Eagle Lake shoreline". The DWP did not recognize during the review of the report that the shoreline identified was not the statutory edge of the lake, but rather an observed summer water level.

On May 3, 2006, Larry Girvan and Bill Johnson of the DWP, measured from the normal high water line of Eagle Lake to the staked well locations. The distances were determined to be 119 and 125 feet. Since the staked locations are less than the 150 feet from a surface water body, any wells constructed at these points would need to be tested to determine if they are under the direct influence of surface water.

The second potential source of contamination is the existing home on the LeBoef property. The State of Maine Rules Relating to Drinking Water requires that "New wells shall be located at least 300 feet away from potential contamination sources." (Section 3. G. 2. f. iii.). In the subsequent paragraph (iv) the DWP has the ability to "grant a waiver on a case-by-case basis." The locations of the wells, as staked on May 3, 2006, are more than 300 feet from the existing home. Moving the wells further away from surface water, to avoid the required MPA testing, will result in the home being located within the 300 foot circle. However, since no subsurface disposal field exists on the property, the DWP would approve a waiver if a strong management plan is implemented.

Larry Girvan is anticipating meeting Gary Smith from Wright-Pierce, at the LeBoef property on May 15, 2006 to help delineate the 150 foot set-back from surface water. If you have any questions, please contact me at 287-6196.

Sincerely,

Andrews L. Tolman
Education and Technical Assistance Team Leader
Maine Drinking Water Program

Cc: Gary Smith, Wright-Pierce, 135 Commerce St. Portsmouth, NH 03801, Jeff Musich, Larry Girvan, Terry Trott, Roger Crouse

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Governor

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention
(Formerly Bureau of Health)

286 Water Street
11 State House Station
Augusta, ME 04333-0011

John R. Nicholas
Commissioner

Dora Anne Mills, MD, MPH
Public Health Director
Maine CDC Director

November 18, 2005

Gerald Raymond, Superintendent
Eagle Lake Water and Sewer District PWSID 90480
PO Box 137
Eagle Lake ME 04739

Subject: Preliminary Approval, Pump test plan and hydrogeologic evaluation, Eagle Lake.

Dear Mr. Raymond:

We have reviewed the November, 2005 report prepared by Wright-Pierce for the LeBoef site. The plan presents a clear understanding of the site hydrogeologic conceptual model, as well as an appropriate plan for testing that model's assumptions during the production well pump test.

The pumping test plan includes a variable duration, depending on the system response. This is appropriate for this setting, with both a positive and negative boundary condition to evaluate. We note that a delineation of the contributing area (200 and 2,500 day travel time) will be required for final approval of the production well, along with an effective wellhead protection plan that provides for ownership or legal control of activities in the contributing area.

We wish you good luck in the well installation and development process. Please keep us apprised of your progress, so that we can work together to provide Eagle Lake with safe drinking water.

Sincerely,

Andrew L. Tolman
Manager Source Protection,
Maine Drinking Water Program
286 Water Street, 3rd Floor
Augusta, ME 04333-0011



Cc: Gary Smith, Wright-Pierce, 135 Commerce St. Portsmouth, NH 03801

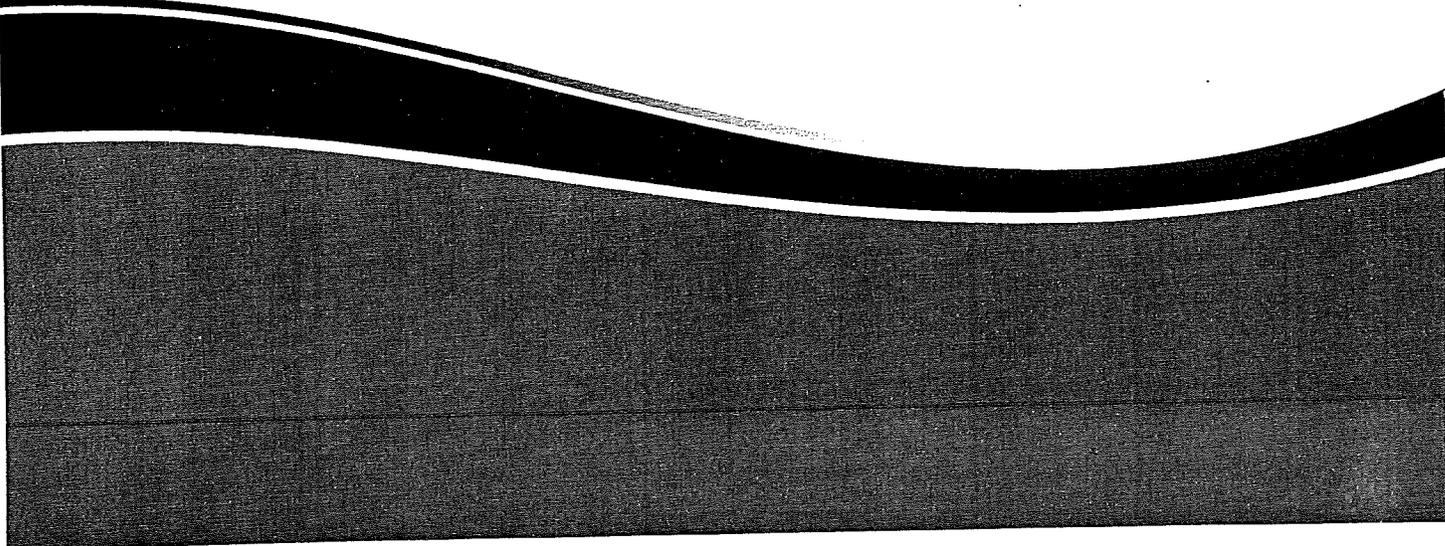
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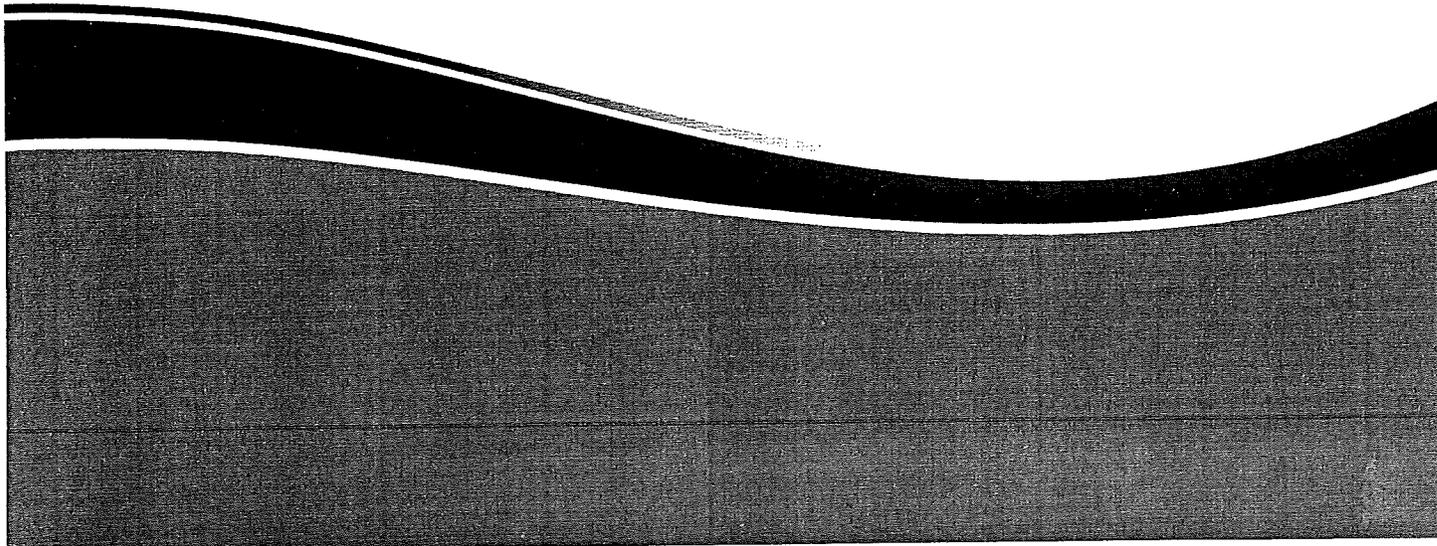


Eagle Lake Water & Sewer District
Eagle Lake, Maine (Public Water Source)

Land Owners located within the 200 day travel time Zone of Contribution

| Tax Map / Lot | Property Owner Name | Mailing Address |
|---------------|---|---|
| 16 / 29 | Phillip LeBoeuf Overlook Cabins | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 29 -1 | ELWSD District Sewer Pumping Station # 2 | PO Box 137, Eagle Lake, ME 04739 |
| 16 / 30 | Phillip LeBoeuf Home | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 30A | ELWSD District Wellhead Area | PO Box 137, Eagle Lake, ME 04739 |
| 16 / 31 -3 | Louis & Lillian Roy Home | PO Box 347, Eagle Lake, ME 04739 |
| 16 / 31 -4 | Paula Ouellette RV Lot | 75 Pleasant St., Fort Kent, ME 04743 |
| 16 / 31 -5 | Jonathan & Karen Trudo Home | 20 Apple Blossom Lane, Kennebunkport, ME 04046 |
| | Maine Northern Railway | 103 School Street, Oakfield, ME 04763 |

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September 1, 2008

Name

Address

Eagle Lake, ME 04090

Subject: Eagle Lake Water and Sewer District
Wellhead Protection Area Information for Homeowners - LeBouef Wells
Eagle Lake Tax Map _____, Lot _____

Dear Property Owner:

As you may be aware, the Eagle Lake Water and Sewer District (ELWSD) uses groundwater wells as water sources for its municipal water supply system. In order to supply the safest and highest quality drinking water to its customers, ELWSD is committed to keeping these water sources as pristine and free of land use related contamination as possible.

This letter is to notify you that your property is located within a wellhead protection area for new groundwater wells located on the LeBouef property between Dube Lane and Old Main Street. As part of the municipal groundwater well approval process, State of Maine Drinking Water Program rules require a wellhead protection area be established around municipal water supply wells. The wellhead protection area boundaries are established by determining the distance (boundary to well) that groundwater would travel over a period of 2,500 days of well operation.

Land use activities on your property could affect the quality of groundwater that reaches the LeBouef Well Site. We, therefore, urge you to be aware of, and avoid, activities that can adversely impact groundwater quality.

Enclosed please find some information that explains how you can protect your groundwater quality. We hope you will take a moment to review this material and follow its recommendations to prevent groundwater contamination. If water for your home is supplied by an on-site private well, this information will also help to ensure your family's water remains clean and safe to drink.

If you have any question regarding this letter or the enclosed materials, please do not hesitate to contact me at the Eagle Lake Water and Sewer District at 207-444-5441. Thank you for helping keep our community's groundwater safe and clean.

Sincerely,

Gerry Raymond, Superintendent
Eagle Lake Water and Sewer District

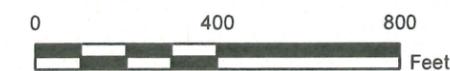


Legend

EGAD-Sites

-  Automobile Graveyard/Junkyard
-  Leaking Underground Storage Tank
-  Marina/Boat Yards
-  Underground Injection Sites
-  Active Underground Storage Tank
-  Active Aboveground Storage Tank
-  Production Well
-  200 Day Travel Time
-  2,500 Day Travel Time
-  Parcel

Source:
 EGAD, AST, and UST data obtained from the Maine Drinking Water Program. Travel time and well data developed by Wright-Pierce. Parcel data developed by ortho-rectifying scanned tax maps obtained from the town. All remaining base data obtained from the Maine Office of GIS. Map developed by Wright-Pierce GIS Dept.



Eagle Lake, Maine

Eagle Lake Source Water Protection Plan

Point Source Contamination Map

PROJ NO: 11287A DATE: Aug 2008 FIGURE: 1



EC-33859, RC-46835, 43839, 43840 -Inspector's Report

Inspection #220908KRB01, 220909KRB01, 2209KRB02

Complainant: Gerry Raymond

Background Information: The Eagle Lake Water Department obtains municipal drinking water from two wells near the shore of Eagle Lake, on Department-owned property behind the home of Philip LeBoeuf at 91 Furlong Road. The property at 83 Furlong Road abuts the Water District property and is owned by Mr. Jonathan Trudo.

During the morning of August 29, 2022, a licensed commercial pesticide applicator employed by Northern Turf Management (SCF-2520) was preparing to make an application of Flight Control Plus turf grass goose repellent and an above grade foundation application of Fuse termiticide/insecticide to the Trudo property when he was observed by Eagle Lake Water Department Superintendent Gerry Raymond, who was driving along Furlong Road enroute to the Water Department well site. Mr. Raymond stopped to discuss the pending pesticide applications with the applicator. When Mr. Raymond learned of the planned goose repellent application, he informed the Northern Turf Management employee that part of the Trudo property is located within a municipal well head protection zone and he asked the Northern Turf Management employee to not make the application, citing concern for possible contamination of the wells. The employee contacted Northern Turf Management owner Patrick Vaillancourt and advised him of the situation. Mr. Vaillancourt directed his employee to not make the application, and through a subsequent phone conversation with Mr. Raymond, Mr. Vaillancourt learned of the general extent of the wellhead protection zone. At Mr. Raymond's request, Mr. Vaillancourt emailed pesticide labels for products that were intended to be applied to the Trudo property that day, prior to the work stoppage. The products intended to be applied were Fuse termiticide/insecticide (EPA Reg.#53883-328) and Flight Stop goose repellent (EPA Reg.#69969-1). Mr. Vaillancourt also provided a pesticide label for TZone insecticide (EPA Reg.#2217-976) a product that had been applied to the neighboring LeBoeuf property earlier this summer.

Prior to August 29, Mr. Raymond had not been aware of ongoing pesticide applications at the LeBoeuf and Trudo properties, and Mr. Vaillancourt had not been aware of the wellhead protection zone. Following their initial introduction and conversation, both Mr. Raymond and Mr. Vaillancourt began investigating regulations related to municipal wellhead protection, each making various phone calls to State of Maine municipal water regulators and the Maine Board of Pesticides Control.

I received an email from Mr. Vaillancourt on September 7 requesting compliance assistance with regard to Board of Pesticides Control regulations associated with municipal well head protection and that same day Mr. Raymond called Maine Board of Pesticides Control Manager of Compliance Pro-Tem Alex Peacock requesting assistance with resolution of the matter. Mr. Peacock directed that I meet with Mr. Raymond to gather information regarding well locations, nearby abutters and steps

taken by the Department to promote wellhead zone protection, and that I also conduct routine records and operations check inspections with Northern Turf Management to determine the extent of pesticides that are known to have been applied on the properties this year.

I met with Mr. Raymond in the town of Eagle Lake on Thursday September 8, and with Mr. Vaillancourt at his Cyr Plantation office on Friday September 9.

Complaint: As stated in PEGA complaint EC-33859- "Caller works for the Eagle Lake Water Department and is concerned about groundwater contamination from commercial pesticide applications being made at properties that are within the 300- foot diameter recharge zone for a town well."

Findings:

The two-Eagle Lake Water Department production wells are located on a 3.77-acre parcel of land owned by the Eagle Lake Water Department (Refer to sample 220908KRB01A and attachment #1). Well PW-1 has location coordinates of 47°02.7764'N, 68°35.3618'W and well PW-2 has location coordinates 47°02.7505'N, 68°35.3595'W, as determined during my site visit with a Garmin GPSMAP 64X series hand-held gps unit. The wells are separated by approximately 60 feet (PW-1 is north of PW-2) and are located approximately 150 feet from the high-water mark of Eagle Lake to the East. PW-2 is 60-feet north of the Trudo property, and both wells are in the order of 155-170 feet from the LeBoeuf property.

Access to the wells is through a right of way easement off Furlong Road over the LeBoeuf property dooryard. The wellhead protection zone is not delineated by signs, a fence, or placards. The well casings are painted a shade of green to blend in with surrounding turf, and several evergreen trees are planted around the well heads.

According to Superintendent Raymond, the wells were constructed in 2008 to replace an outdated surface water source and treatment plant that was located on the southerly edge of the community. When constructed, the well location was deemed the only suitable location within the Eagle Lake community. The property was purchased from Mr. LeBoeuf, the owner of the 91 Furlong Road property. The wells are the sole source of municipal water for the Eagle Lake Water Department customers.

According to copies of diagrams provided by Mr. Raymond (220908KRB01C) the Department has established a 300-foot radius wellhead protection zone centered about each well, and these diagrams depict that the wellhead protection zones extend onto both 91- and 83-Furlong Road properties. The diagrams do not appear to accurately depict the full extent of the wellhead protection zone. Based on the gps-derived well location coordinates when plotted on Google Earth, the 300-ft.radius wellhead protection zones include substantially greater portions of both the 83 and 91 Furlong Road properties than are as indicated on the diagrams provided by the Water

Department, and actually also impact the property to the South of the Trudo property (see attachment #1).

Information obtained from Town of Eagle Lake municipal tax maps suggests that the LeBoeuf property occupies 67,606+/- square feet and the Trudo property occupies 42,055+/- square feet. The maximum application surface area covered by Northern Turf Management in 2022 is 26,000 square feet on the LeBoeuf property and 25,000 square feet on the Trudo property (application area information was obtained from Northern Turf Management Records & Operations Checks RC-43839 and RC-43840).

Given that the wellhead protection zones as shown on attachment #1 include most of the lawn area of both properties, and the maximum coverage area of any pesticide application on each property is considerably less than the overall property surface area, it is reasonable to assume that all the pesticides applied to the LeBoeuf and Trudo properties occurred either within or very close to the wellhead protection zones.

The Town of Eagle Lake has no ordinance relating to land use as far as the wellhead protection zone is concerned. Following completion of well construction, the Water Department requested that landowners near the zone be aware of the wellhead protection zone and the potential for contamination. Mr. Raymond provided copies of a letter dated September 1, 2008, and a booklet entitled **The Safe Home Program** that was prepared by the Maine Rural Water Association in cooperation with the Maine Drinking Water Program, and EPA Region 1 that had been distributed to landowners near the wellhead protection zone in 2008. Mr. LeBoeuf has owned his property since prior to construction of the wells. The Mr. Trudo purchased the property sometime after 2008 and may not have received the letter or the bulletin.

Public wells are considered sensitive areas per the “sensitive area” definition in MeBPC regulations, Chapter 10. MeBPC Chapter 22 states “Prior to spraying a pesticide, the applicator must become familiar with the area to be sprayed and must identify and record the existence, type and location of any Sensitive Area located within 500 feet of the target area.” However, the regulation goes on to state “This requirement shall not apply to commercial applications conducted under categories 3A (outdoor ornamental), 3B (turf) 7A (structural general pest control applications).

Records and operations check inspections were conducted with Northern Turf Management owner Patrick Vaillancourt on September 9, 2022 (RC-43839 & RC-43840). Service Summary Records for both properties for the year 2022 to date were reviewed for each property. The records indicate the total amount of undiluted pesticide applied per application and the associated surface area covered.

The LeBoeuf property at 91 Furlong Road received pesticide applications on June 7 and August 3, 2022. According to Mr. Vaillancourt, the client is concerned about broadleaf weeds and insects that are a nuisance to turf:

- June 7
 - TZone herbicide (EPA Reg.#2217-976)-14.0 oz was applied at the rate of 1.4oz./1,000s.f. to 10,000s.f. of lawn, primarily as a directed or spot application
- August 3
 - TZone herbicide (EPA Reg.#2217-976)-4.0 oz. was applied at the rate of 1.4oz./1,000s.f. to 2,860s.f. of lawn
 - Escalade herbicide (EPA Reg.#228-442)-18.0 oz. was applied at the rate of 1.0oz./1,000sq.ft. to 18,000s.f. of lawn for a total herbicide application of 20,860 sq. ft on August 3.
 - Bifen I/T insecticide (EPA Reg.#53883-118)-26.0 oz was applied at the rate of 1.0oz./1,000sq.ft. to 26,000s.f. of lawn
 - Imadicloprid 2F (EPA Reg.#89442-19)-15.6 oz. was applied at a rate of 0.6oz./1,000sq.ft. to 26,000s.f. of lawn

The Trudo property received pesticide applications on May 24 and July 7. According to Mr. Vaillancourt, the client is concerned about geese roosting on the back lawn, and earwigs, spiders, etc. on the above grade foundation exterior:

- May 24
 - Taurus SC insecticide (EPA Reg.#53883-279)-1.2 oz. was applied at the rate of 0.8oz./gallon of mix to above grade portions of the foundation exterior.
 - Flight Control Plus goose repellent (EPA Reg.#69969-1)-36.5oz. was applied at the rate of 1.46oz./1,000s.f to 25,000s.f. of lawn
- July 7
 - Flight Control Plus goose repellent (EPA Reg.#69969-1)-35.16oz. was applied at the rate of 1.46oz./1,000s.f. to 24,000s.f. of lawn
- August 29
 - The intended application (not applied) was to be Fuse Termiticide/Insecticide (EPA Reg.#53883-328) on the foundation and Flight Control Plus goose repellent on the lawn. No products were applied, however.

In addition to the above pesticides, Northern Turf Management also applied slow-release fertilizer to the LeBoeuf property, one application on June 7, and another application on August 3. Fertilizer application is not within the jurisdiction of the Maine Board of Pesticides Control and as such is not addressed in this report.

Keith R Brown
Keith R. Brown, Pesticide Inspector

9/14/22
Date

Untitled Map

Write a description for your map.

220908KRB01A-Untitled GoogleEarth Map of Well area and Abutters

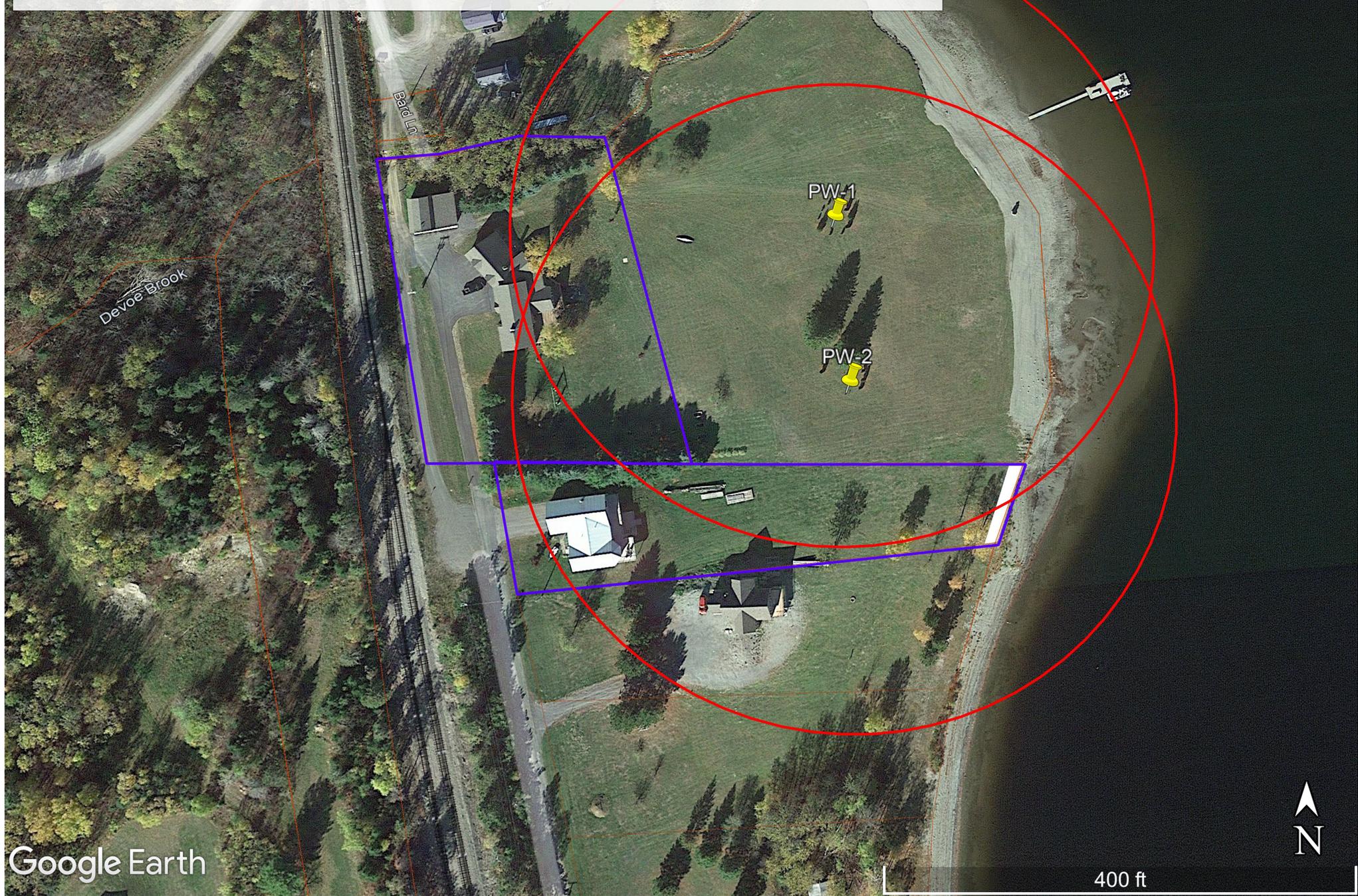
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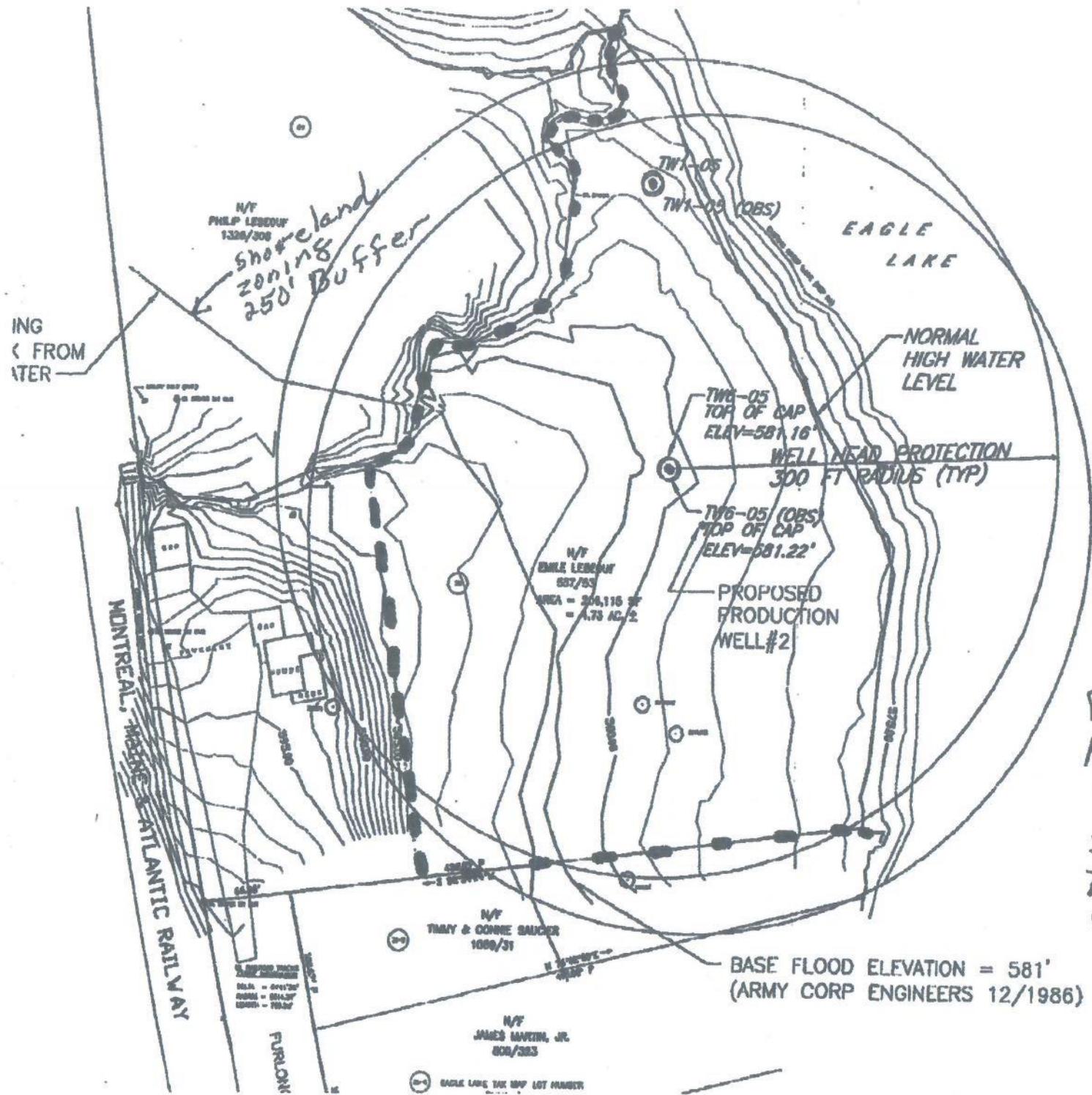


Attachment #1, Wellhead Protection Zones, Eagle Lake, ME

Red circles indicate 300' radius wellhead protection zones.

Blue polygons indicate LeBoeuf Property (North) and Trudo Property (South).



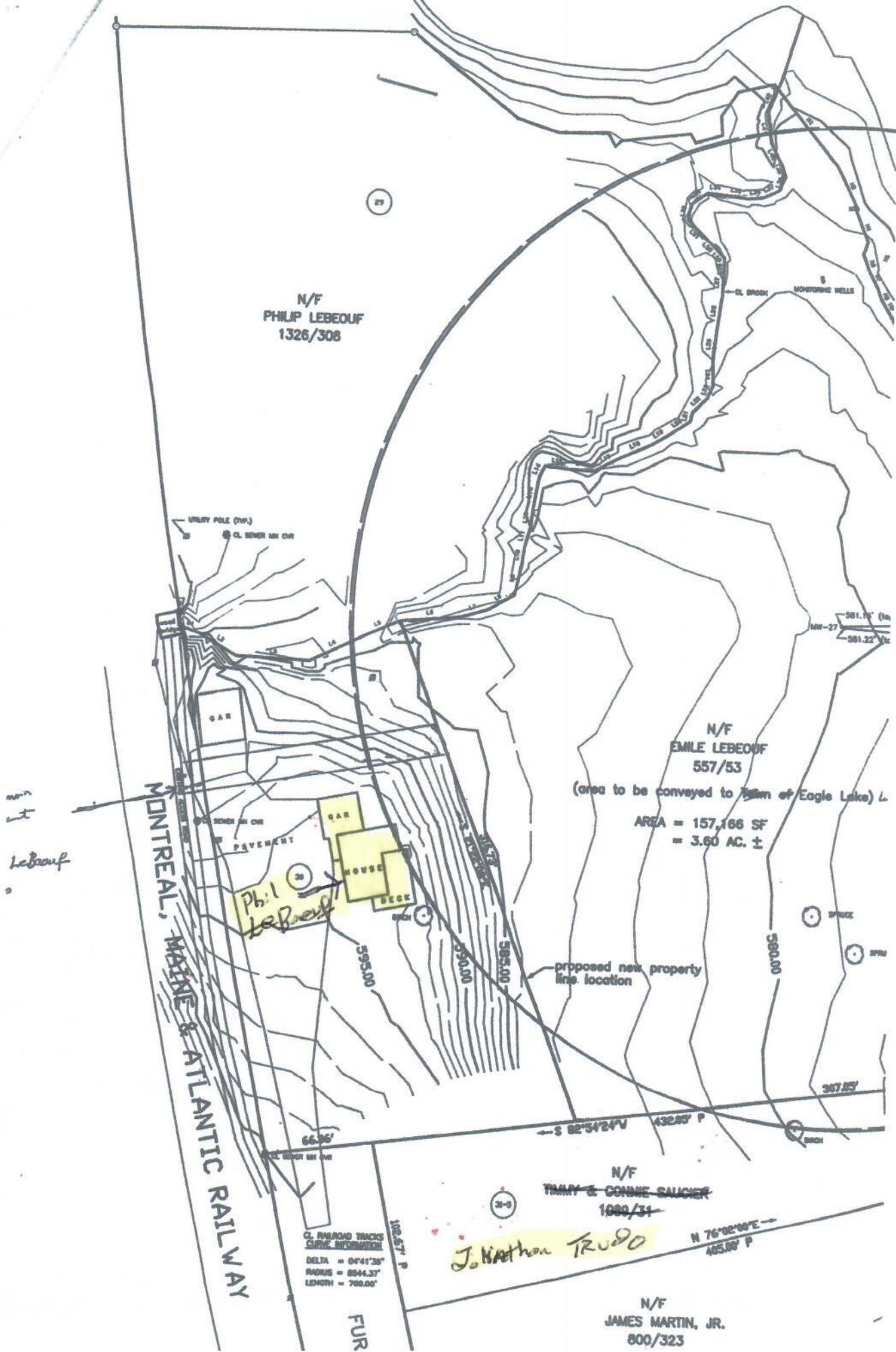


Gerry,
 Proposed Area To Be Purchased Shown within Dashed Area, Remaining area outside Dashed To Be Waived

Gary

NO.

THIS TOP OF



GROUP **3** INSECTICIDE



Bifen I/T

Insecticide/Termiticide

For prevention and control of termites, carpenter ants and other pests of structures. To control pests in and around such areas as homes, commercial and industrial buildings, recreational areas, athletic fields, lawns and ornamentals. Controls pests in livestock and poultry houses.

For Use as a Termiticide: May only be used by individuals/ firms licensed by the State to apply termiticide products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the pest control regulatory agency of your State prior to use of this product.

| | |
|---------------------------------|---------------|
| Active Ingredient: | By Wt. |
| Bifenthrin* | 7.9% |
| Other Ingredients: | <u>92.1%</u> |
| Total | 100.0% |

Bifen I/T contains ⅓ pound active ingredient per gallon.
 *Cis isomers 97% minimum, trans isomers 3% maximum.

EPA Reg. No. 53883-118

EPA Est. No. 53883-TX-002

Net Contents _____

KEEP OUT OF REACH OF CHILDREN
CAUTION

| FIRST AID | |
|-------------------------------|--|
| If swallowed | <ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| If inhaled | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice. |
| If on skin or clothing | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice. |
| If in eyes | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, |

| | |
|---|---|
| | then continuing rinsing eye. <ul style="list-style-type: none">• Call a poison control center or doctor for treatment advice. |
| Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact SafetyCall® (866) 897-8050 for emergency medical treatment information. | |
| Note to Physician - This product is a pyrethroid. If large amounts have been ingested, the stomach and intestine should be evacuated. Treatment is symptomatic and supportive. Digestible fats, oils, or alcohol may increase absorption and so should be avoided. | |

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Harmful if swallowed, inhaled, or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash before reuse.

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system, or an in-line injector system, shirt, pants, socks, shoes, and waterproof gloves are sufficient. In addition, all pesticide handlers must wear a respiratory protection device¹ when working in a non-ventilated space. All pesticide handlers must wear protective eyewear when working in non-ventilated space or when applying termiticide by rodding or sub-slab injection.

¹Use one of the following: NIOSH approved respirator with any R, P or HE filter or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any R, P, or HE pre-filter.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Environmental Hazards

This pesticide is extremely toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems. Care should be used when spraying to avoid fish and reptile pets in/around ornamental ponds. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow to drift to blooming crops if bees are foraging the treatment area. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other public waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

Physical and Chemical Hazards

Do not apply water-based dilutions of Bifen I/T to electrical conduits, motor housings, junction boxes, switch boxes or other electrical equipment because of possible shock hazard.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

- Do not apply a broadcast application to interior surfaces of homes.
- Do not apply by air.
- Do not apply in greenhouses, nurseries.
- Do not apply this product through any kind of irrigation system.
- Not for use on sod farm turf, golf course turf, or grass grown for seed.
- Do not apply to pets, crops, or sources of electricity.
- Firewood is not to be treated.
- Use only in well-ventilated areas.
- During any application to overhead areas of structure, cover surface below with plastic sheeting or similar material except for soil surfaces in crawlspaces.
- Do not allow spray to contact food, foodstuffs, food-contacting surfaces or food utensils or water supplies.
- Thoroughly wash dishes and food handling utensils with soap and water if they become contaminated by application of this product.
- Do not treat areas where food is exposed.
- During indoor surface applications do not allow dripping or runoff to occur.
- Do not allow contact with treated surfaces by people or pets before spray has dried.
- Bifen I/T will not discolor or otherwise harm surfaces that water alone will not discolor or otherwise harm.
- Do not apply this product in patient rooms or in any rooms while occupied by the elderly or infirm.
- Do not apply Bifen I/T in classrooms, libraries, sports venues, or other institutional facilities when they are occupied.
- Bifen I/T may be applied with low-volume application equipment, including Actisol® and Micro-Injector®, for general surface, spot, crack and crevice, and deep harborage treatments.
- Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended only for aesthetic purposes or climactic modifications and being grown in interior plantscapes, ornamental gardens or parks, or lawns and grounds.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

Additional Application Restrictions for Residential Outdoor Surface and Space Sprays:

All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

1. Applications to soil or vegetation around structure;
2. Applications to lawns, turf, and other vegetation;
3. Applications to building foundations, up to a maximum height of 3 feet above grade;
4. Applications to underside of eaves, soffits, doors, or windows permanently protected from rainfall by a covering, overhang, awning or other structure;
5. Applications around potential pest entry points into buildings, when limited to a surface band not to exceed one inch in width;
6. Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label, and not over an impervious surface, drainage or other condition that could result in runoff into storm drains, drainage ditches, gutters, or surface waters, in order to control occasional invaders or aggregating pests.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.

When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediately adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leaks or significant exposures to persons occupying the structure. People present or residing in the structure during application must be advised to remove their pets and themselves from the structure if they see any signs of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the applications site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the clean-up is completed.

RESISTANCE MANAGEMENT

Some insects are known to develop resistance to products used repeatedly for control. Because the development of resistance cannot be predicted, the use of this product should conform to resistance management strategies established for the use area. Consult your local or state pest management authorities for details.

If resistance to this product develops in your area, this product, or other products with a similar mode of action, may not provide adequate control. If poor performance cannot be attributed to improper application or extreme weather conditions, a resistant strain of insect may be present. If you experience difficulty with control and suspect that resistance is a reasonable cause, immediately consult your local company representative or pest management advisor for the best alternative method of control for your area.

APPLICATION DIRECTIONS

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended only for aesthetic purposes or climatic modifications and being grown in interior plantscapes, ornamental gardens or parks, or lawn and grounds. Only use this product on plants being grown for aesthetic or climatic purposes and in interior and exterior sites, such as, gardens, parks, lawns, and grounds, and other ornamental sites. Do not use on vegetation intended for sale or other commercial uses. Do not use on plants grown for seed production or research purposes.

Using this product in and around structures and building construction will prevent and control termite infestations.

To institute a barrier between the wood and the termites in the soil, the chemical emulsion must be effectively dispersed in the soil. It is important to remove unnecessary materials that contain cellulose and wood from around foundation walls, crawl spaces (inside of structure), and porches, and fix damaged plumbing and construction grade in order to deny termite access to moisture.

To use this product effectively, it is important that the service technician be familiar with current control practices including trenching, rodding, subslab injection, low-pressure spray applications, coarse fan spraying of soil surfaces, crack and crevice (void) injection, excavated soil treatment and brush and spray applications to infested or susceptible wood. Using these techniques correctly is essential to prevent or control infestations by subterranean termite species of genera *Reticulitermes*, *Zootermopsis*, *Coptotermes* and *Heterotermes*. When determining what procedures to follow, the service technician should consider certain variables. Some of the variables to consider are species biology and behavior, structure design, heating, ventilation, and air conditioning (HVAC) systems, water

table, soil type and compaction, grade conditions, and the location and type of domestic water supplies and utilities.

For information concerning the most up to date control practices in a given region or locale, consult the local resources for structural pest control, state cooperative extensions or regulatory agencies.

Applications Instructions

Bifen I/T controls a wide range of listed pests on flowers, foliage plants, non-bearing fruit and nut trees, shrubs, and ornamental trees, in interior and exterior landscapes, such as those in hotels, office buildings, shopping malls, etc., and around athletic fields, homes, institutional buildings, parks, and recreational areas. Non-bearing fruit and nut trees are those that will not produce a harvestable crop during the season of application.

Bifen I/T can be tank-mixed with insect growth regulators and other pesticides. Observe all precautions and Directions for Use for each product. Physical compatibility may vary with different combinations of products, so prepare a small scale (pint or quart jar) test sample for any combination not tested previously. Use proper proportions in the small scale test to achieve the correct result.

Unless otherwise noted in the label instructions, use the procedure below for preparation of a new tank mix:

1. Add wettable powders to tank water.
2. Mix well
3. Add liquids and flowables
4. Mix well
5. Add emulsifiable concentrates
6. Mix well

Try reversing the order of addition or increasing the amount of water if the combination is not compatible using the above order. **NOTE:** After increasing the amount of water, if the mixture is found to be compatible, it is necessary to recalibrate the sprayer for a higher volume application. Do not allow mixture to stand overnight.

Formula for Determining the Active Ingredient Content of the Finished Emulsion

$$\frac{(7.9) (\text{Fl. Oz. of Bifen I/T added to tank})}{(\text{Gallons of finished spray mix}) (128)} = \% \text{ Active Ingredient in emulsion}$$

Subterranean Termite Control – Use Directions

Important: Observe the following restrictions to avoid contamination of public and private water supplies:

- Use anti-backflow equipment and procedures to prevent insecticide from being siphoned into water supplies.
- Do not contaminate cisterns, wells, or other water tanks by treating the soil beneath these structures.
- Do not treat soil where runoff may occur.
- Do not treat soil water-saturated or frozen soil.
- Consult local and state specifications for recommended treatment practices in your area.
- If local or state specifications do not exist, consult the Federal Housing Administration (H.U.D.) guidance documents.

Note: For the purposes of this label, crawl spaces are defined as being inside of the structure.

Critical Areas: Points at which the foundation is penetrated or abuts another structure are Critical Areas. These include bath traps, cracks and expansion joints, utility entry points, and adjacent structures such as patios, slab additions, and stairs.

Structures with Wells/ Cisterns Inside Foundations

Structures that contain wells or cisterns within the foundation of a structure can only be treated using the following techniques:

1. Do not treat soil while it is beneath or within the foundation or along the exterior perimeter of a structure that contains a well or cistern. The treated backfill method must be used if soil is removed and treated outside/away from the foundation. The treated backfill technique is described as follows:
 - a) Trench and remove soil to be treated onto heavy plastic sheeting or similar material or into a wheelbarrow.
 - b) Treat the soil at the rate of 4 gallons of dilute emulsion per 10 linear feet per foot of depth of the trench, or 1 gallon per 1.0 cubic feet of soil. See "Mixing Directions" section of this label. Mix thoroughly into the soil taking care to contain the liquid and prevent runoff or spillage.
 - c) After the treated soil has absorbed the diluted emulsion, replace the soil into the trench.
2. Treat infested and/or damaged wood in place using an injection technique such as described in the "Control of Wood Infesting Insects in Wood" section of this label.

Structures with Adjacent Wells/ Cisterns and/or Other Water Bodies

Applicators must inspect all structures with nearby water sources such as wells, cisterns, surface ponds, streams, and other bodies of water and evaluate, at a minimum, the treatment recommendations listed below prior to making an application.

1. Prior to treatment, if feasible, expose the water pipe(s) coming from the well to the structure, if the pipe(s) enter the structure within 3 feet of grade.
2. Prior to treatment, applicators are advised to take precautions to limit the risk of applying the termiticide into subsurface drains that could empty into any bodies of water. These precautions include evaluating whether application of the termiticide to the top of the footer may result in contamination of the subsurface drain. Factors such as depth to the drain system and soil type and degree of compaction should be taken into account in determining the depth of the treatment.
3. When appropriate (i.e., on the water side of the structure), the treated backfill technique (described above) can also be used to minimize off-site movement of termiticide.

Before these techniques are used close to cisterns, wells, or other bodies of water, seek advice from local, state, or federal agencies for information on treatment practices that are accepted in your area.

Application Rate: Use a 0.06% emulsion for subterranean termites. For other pests on the label use specific listed rates.

Mixing Directions: Mix the termiticide use dilution in the following manner: Fill tank $\frac{1}{4}$ to $\frac{1}{2}$ full. Start pump to begin by-pass agitation and place end of treating tool in tank to allow circulation through hose. Add appropriate amount of Bifen I/T. Add remaining amount of water. Let pump run and allow recirculation through the hose for 2 to 3 minutes.

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Bifen I/T may also be combined into full tanks of water. If combined into full tanks of water, allow sufficient time for agitation and/or recirculation to ensure consistency of the dilution.

To prepare a 0.06% water emulsion, ready to use, dilute 3 quarts of Bifen I/T with 99.25 gallons of water.

Mixing: Using the chart below, determine the volume of Bifen I/T and water required to produce the desired volume of finished emulsion.

| Amount of Bifen I/T (Gallons except where noted) | | | |
|---|---------------------|-----------------|--------------------------------------|
| Emulsion Concentrate | Amount of Bifen I/T | Amount of Water | Desired Gallons of Finished Emulsion |
| 0.06% | 1 oz. | 127 oz. | 1 |
| | 5 oz. | 4.9 | 5 |
| | 10 oz. | 9.9 | 10 |
| | 25 oz. | 24.8 | 25 |
| | 1.5 qt. | 49.6 | 50 |
| | 2.25 qt. | 74.4 | 75 |
| | 3 qt. | 99.25 | 100 |
| | 4.5 qt. | 148.8 | 150 |
| | 6 qt. | 198.5 | 200 |
| 0.12%* | 2 oz. | 126 oz. | 1 |
| | 10 oz. | 4.9 | 5 |
| | 19.5 oz. | 9.8 | 10 |
| | 1.5 qt. | 24.6 | 25 |
| | 3 qt. | 49.2 | 50 |
| | 4.5 qt. | 73.8 | 75 |
| | 6 qt. | 98.5 | 100 |
| | 9 qt. | 147.7 | 150 |
| | 3 | 197 | 200 |

Units of measure:

1 pint = 16 fluid ounces (oz.)

1 quart = 2 pints = 4 cups = 32 fluid ounces (oz.)

* When treating for termites, use this rate only in conjunction with volume adjustments, foam applications or underground services applications.

Application Volume: To provide maximum control and protection against termite infestation apply the specified volume of the finished water emulsion and active ingredient as set forth in the directions for use section of this label. If soil will not accept the labeled application volume, the volume may be reduced provided there is a corresponding increase in concentration so that the amount of active ingredient applied to the soil remains the same.

Note: Large reductions of application volume reduce the ability to obtain a continuous barrier. Variance is allowed when volume and concentration are consistent with the label directed rates and a continuous barrier can still be achieved.

The volume of the 0.12% emulsion may be reduced by ½ the labeled volume where desirable for pre- and post-construction applications. When the volume is reduced, the hole spacing for subslab injection and soil rodding may also need to be adjusted to account for lower

volume dispersal of the termiticide in the soil. Consult the following Volume Adjustment Chart for details.

| VOLUME ADJUSTMENT CHART | | |
|--|-------------|-------------|
| Rate (% emulsion) | 0.06% | 0.12% |
| Volume allowed | | |
| <ul style="list-style-type: none"> Horizontal (gallons emulsion/10 ft²) Vertical (gallons emulsion/10 linear ft.) | 1.0 Gallons | 0.5 gallons |
| | 4.0 gallons | 2.0 gallons |

After treatment: All holes in commonly occupied areas into which material has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material.

Foam Applications

Bifen I/T dilution, from 0.06 to 0.12% may be converted to foam with 2X - 40X expansion characteristics and used to control or prevent termite infestations.

Depending on the circumstances, foam applications may be used alone or in combination with liquid emulsion applications. Applications may be made behind veneers, piers, chimney bases, into rubble foundations, into block voids or structural voids, under slabs, stoops, porches, or to the soil in crawlspaces, and other similar voids.

Foam and liquid application must be consistent with volume and active ingredient instructions in order to insure proper application has been made. The volume and amount of active ingredient are essential to an effective treatment. At least 75% of the labeled liquid emulsion volume of product must be applied, with the remaining percent delivered to appropriate areas using foam application. Refer to label and use recommendations of the foam manufacturer and the foaming equipment manufacturer.

Foam applications are generally a good supplement to liquid treatments in difficult areas, but may be used alone in difficult spots.

Application Under Slabs or to Soil in Crawlspaces to Prevent or Control Termites

When making applications, Bifen I/T foam can be used alone or in combination with liquid dilution. Whether applied as a dilution, foam, or some of both, the equivalent of at least 4 gallons of 0.06% dilution (4 ounces of Bifen I/T concentrate) per 10 linear feet must be applied for a vertical barrier, or at least 1 gallon of 0.06% dilution (1 ounce of Bifen I/T concentrate) per 10 square feet must be applied for a horizontal barrier. For a foam only application, apply Bifen I/T concentrate in sufficient concentration and volume to equal 4 ounces of concentrate per 10 linear feet or 1 ounce of concentrate per 10 square feet. For example, 2 gallons of 0.12% dilution converted to foam and used to cover 10 linear feet is the equivalent of 4 gallons of 0.06% dilution per 10 linear feet.

Sand Barrier Installation and Treatment

As long as termites have access to soil that has not been treated and can avoid soil that has been treated with Bifen I/T, they can build mud tubes over surfaces that have been treated. Cracks and spaces should be filled with play box or builder's sand and then treated in the same manner as soil. Follow the rates listed on the Bifen I/T label.

Retreatment for subterranean termites can only be performed if there is clear evidence of reinfestation or disruption of the barrier due to construction, excavation, or landscaping and/or evidence of the breakdown of the termiticide barrier in the soil. These vulnerable or

reinfested areas may be retreated in accordance with application techniques described in this product's labeling. The timing and type of these retreatments will vary depending on factors such as termite pressure, soil types, soil conditions and other factors which may reduce the effectiveness of the barrier.

Annual retreatment of the structure is prohibited unless there is clear evidence that reinfestation or barrier disruption has occurred.

Pre-Construction Subterranean Termite Treatment

Do not apply at a lower dosage and/or concentration than specified on this label for applications prior to the installation of the finished grade. When treating foundations deeper than 4 feet, apply the termiticide as the backfill is being replaced, or if the construction contractor fails to notify the applicator to permit this, treat the foundation to a minimum depth of 4 feet after the backfill has been installed. The applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to a minimum depth of 4 feet. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

To produce effective pre-construction subterranean termite control, create vertical and/or horizontal chemically treated zones of protection using 0.06% emulsion of Bifen I/T. Follow the current edition of the Housing and Urban Development Minimum Property Standards to assure that F.H.A. termite-proofing requirements are met.

Horizontal Barriers

Establish a horizontal chemical barrier wherever treated soil will be covered by a slab, such as basement floors, carports, entrance platforms, footing trenches, and slab floors.

Apply 1 gallon of 0.06% dilution per 10 square feet, or use 1 fluid ounce of Bifen I/T per 10 square feet in sufficient water (no less than ½ gallon or more than 2 gallons) to provide a uniform treated barrier for the area being treated.

If the fill is coarse aggregate, such as washed gravel, a sufficient volume of dilution must be applied to allow it to reach the soil beneath the coarse fill.

Make applications with a low-pressure spray (less than 50 p.s.i.), using a coarse spray nozzle. If foundation walls have not been installed around the treated soil and the slab will not be poured the same day as treatment, the treated soil must be covered with a water-proof barrier. Polyethylene sheeting may be used for this purpose.

Vertical Barriers

Establish vertical barriers in Critical Areas, such as along the inside of foundation walls, plumbing, bath traps, utility services and other features that will penetrate the slab.

Using a 0.06% dilution, apply 4 gallons of dilution per 10 linear feet per foot of depth or 4 fluid ounces of Bifen I/T per 10 linear feet per foot of depth from grade level to the top of the footing in sufficient water to provide a uniform treated barrier. Use not less than 2 gallons to not more than 8 gallons of water per 10 linear feet.

When trenching and rodding into the trench, or trenching, take care to ensure that the dilution reaches the top of the footing. Space the rod holes so that a continuous treated barrier is created, but not exceeding 12 inches apart. Avoid washing-out the soil around the footing. Trenches should be about 6 inches wide and 6 inches deep. Mix the chemical

dilution with the soil as it is being replaced in the trench. Inside vertical barriers may not be required for monolithic slabs.

When treating hollow block voids, use 2 gallons of dilution per 10 linear feet to assure that the dilution reaches the top of the footing.

Prior to each application, applicators must notify the general contractor, construction superintendent, or similar responsible party, of the intended termiticide application and intended sites of application and instruct the responsible person to notify construction workers and other individuals to leave the area to be treated during application and until the termiticide is absorbed into the soil.

Post-Construction Subterranean Termite Treatment

For post-construction treatment, use a 0.06% dilution. Post-construction treatments shall be made by subslab injection, trenching and rodding into the trench or trenching using low-pressure spray not exceeding 25 p.s.i. at the nozzle. Proper precautions should be taken to avoid soil wash-out around the footing.

Locate, identify, and mark wells, electrical conduits, water and sewer lines, and radiant heat pipes prior to application of Bifen I/T. Do not puncture or inject Bifen I/T into such structures.

Basements

Treatment must be made by trenching and rodding into the trench, or trenching at the rate of 4 gallons of dilution per 10 linear feet per foot of depth wherever the footing, from grade to the bottom of the foundation, is greater than 1 foot of depth. When the footer is greater than four feet below grade, the applicator may trench and rod into the trench, or trench beside foundation walls at the rate designated for four feet of depth. Space rod holes to create a continuous insecticidal barrier, but in no case more than 12 inches apart. Depending on the type of soil, degree of compaction, and location of termite activity, the actual depth of treatment will differ. However, a structure should never be treated below the footer. Sub-slab injection may be needed beside the inside of foundation walls, around conduits, piers, and pipes, beside both sides of interior footing-supported walls, and beside cracks and partition walls.

Crawl Spaces - Accessible

For crawl spaces, apply vertical termiticide barriers at the rate of 4 gallons of emulsion per 10 linear feet per foot of depth from grade to the top of the footing, or if the footing is more than 4 feet below grade, to a minimum depth of 4 feet. Apply by trenching and rodding into the trench, or trenching. Treat both sides of foundation and around all piers and pipes. Where physical obstructions such as concrete walkways adjacent to foundation elements prevent trenching, treatment may be made by rodding alone. When soil type and/or conditions make trenching prohibitive, rodding may be used. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. Read and follow the mixing and use direction section of the label if situations are encountered where the soil will not accept the full application volume.

1. Rod holes and trenches must not extend below the bottom of the footing.
2. Rod holes must be spaced so as to achieve a continuous termiticide barrier but in no case more than 12 inches apart.
3. Trenches must be a minimum of 6 inches deep or to the bottom of the footing, whichever is less, and need not to be wider than 6 inches. When trenching in sloping (tiered) soil, the trench must be stepped to ensure adequate distribution and prevent termiticide from running off. The emulsion must be mixed with the soil as it is replaced in the trench.

4. When treating plenums or crawl spaces, turn off the air circulation system of the structure until application has been completed and all termiticide has been absorbed by the soil.

Crawl Spaces - Inaccessible

For inaccessible interior areas, such as areas where there is insufficient clearance between floor joists and ground surfaces to allow operator access, excavate if possible, and treat according to the instruction for accessible crawl spaces. Otherwise, apply one or a combination of the following two methods.

1. To establish a horizontal barrier, apply to the soil surface, 1 gallon of emulsion per 10 square feet overall using a nozzle pressure of less than 25 p.s.i. and a coarse application nozzle (e.g., Delavan Type RD Raindrop, RD-7 or larger, or Spraying Systems Co. 8010LP TeeJet® or comparable nozzle). For an area that cannot be reached with the application wand, use one or more extension rods to make the application to the soil. Do not broadcast or powerspray with higher pressures.
2. To establish a horizontal barrier, drill through the foundation wall or through the floor above and treat the soil perimeter at a rate of 1 gallon of emulsion per 10 square feet. Drill spacing must be at intervals not to exceed 16 inches. Many states have smaller intervals, so check State regulations which may apply.

When treating plenums and crawl spaces, turn off the air circulation systems of the structure until application has been completed and all termiticide has been absorbed by the soil.

Excavation Technique: When treating in troublesome areas (e.g., beside fieldstone or rubble walls, beside faulty foundation walls, and around pipes and utility lines leading downward from the structure to a well or pond) apply using the following technique:

- a. Prepare a trench, placing the removed soil onto heavy-weight plastic sheeting or similar, water-impermeable material.
- b. Treat the soil with 4 gallons of 0.06% dilution per 10 linear feet per foot of depth of the trench. Completely mix the dilution into the soil, exercising care to avoid liquid running off the sheeting.
- c. Place the treated soil back into the trench after it has absorbed the dilution.

Attention: Wear NIOSH approved unvented goggles and a respirator when applying Bifen I/T in a confined area.

Foundations

For applications made after the final grade is installed, the applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements, at the rate prescribed from grade to the top of the footing. When the footing is more than four (4) feet below grade, the applicator must trench and rod into the trench or trench along the foundation walls at the rate prescribed to a minimum depth of four feet. The actual depth of treatment will vary depending on soil type, degree of compaction, and location of termite activity. When the top of the footing is exposed, the applicator must treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. However, in no case should a structure be treated below the footing.

Masonry Voids

Drill and treat voids in multiple masonry elements of the structure extending from the structure to the soil in order to create a continuous treatment barrier in the area to be treated. Apply at a rate of 2 gallons of emulsion per 10 linear feet of footing, using a nozzle pressure of less than 25 p.s.i. When using this treatment, access holes must be drilled below the sill plate and should be as close as possible to the footing as is practical. Treatment of voids in block or rubble foundation walls must be closely examined: Applicators must

inspect areas of possible runoff as a precaution against application leakage in the treated areas. Some areas may not be treatable or may require mechanical alteration prior to treatment.

All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy the contaminated areas of the structure until the clean-up is completed.

NOTE: When treating behind veneer structures (walls, etc.) take proper care to not drill beyond the veneer. If concrete blocks exist behind the veneer, both can be drilled and treated simultaneously.

Bifen I/T may not be used in voids insulated with rigid foam insulation.

Slabs

Create vertical barriers by trenching and rodding into the trench or trenching outside at a rate of 4 gallons of dilution per 10 linear feet per foot of depth and by sub-slab injection within the structure. Ensure an even distribution of chemical. Applications must not be made below the bottom of the footing.

Apply beside the outside of the foundation and under the slab on the inside of foundation walls, where needed. Treatment of slabs may also be necessary under and beside both sides of any interior footing-supported walls, in all cracks and expansion joints, and beside one side of interior partitions. By long-rodding or grid pattern injection vertically through the slab, horizontal barriers may be created where necessary.

- a. To permit the creation of an uninterrupted insecticidal barrier, drill holes in the foundation and/or slab.
- b. For foundations that are less than or equal to 1 foot, dig a narrow trench about 6 inches wide beside the outside of the foundation walls. Do not dig beneath the bottom of the footing. As the soil is placed back into the trench, apply 4 gallons of 0.06% dilution per 10 linear feet per foot of depth to the trench and soil.
- c. Follow the rates stated above for basements for foundations that are deeper than 1 foot.
- d. A 0.06% dilution may be used to treat soil that is exposed and wood in bath traps.

Annual retreatment of the structure is prohibited unless there is clear evidence that reinfestation or barrier disruption has occurred.

Food Handling Establishments

If used as a general spot, surface, or crack and crevice treatment, Bifen I/T may be applied in both food/feed and nonfood areas of food/feed handling establishments.

Bifen I/T will provide up to 1 month residual control of house flies. Length of residual control is dependent upon rate and surface treated.

Food/feed handling establishments are any place other than private residences where exposed food/feed is held, processed, prepared or served, including areas for receiving, storing, packing (bottling, boxing, canning, wrapping), preparing, enclosed processing systems (dairies, edible oils, mills, syrups) of food and edible waste storage. Serving areas where food is exposed and the facility is in operation are also considered food areas.

Nonfood areas in which applications are allowed include entries and vestibules, floor drains (to sewers), garages, garbage rooms, lavatories, locker rooms, machine rooms, mop closets, offices, and storage (after canning or bottling).

Permitted use sites include, but are not limited to: aircraft (do not use in aircraft cabins), apartment buildings, bakeries, bottling facilities, breweries, buses, cafeterias, candy plants, canneries, dairy product processing plants, food manufacturing plants, food processing plants, food service establishments, granaries, grain mills, hospitals, hotels, industrial buildings, laboratories, meat/poultry/egg processing plants, mobile/motor homes, nursing homes offices, railcars, restaurants, schools, ships, trailers, trucks, vessels, warehouses† and wineries.

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† WAREHOUSES and GROCERY/PET STORES: Bifen I/T dilution may be applied as a surface, spot or crack and crevice treatment in food and nonfood storage warehouses and stores. Apply to all areas that may harbor pests, including under and between pallets, bins, and shelves. **Do not** apply directly to food, grain bins (interior), or animals.

General Surface Application: Do not use this application method in food/feed handling establishments when the facility is in operation or foods/feeds are exposed. During treatment, remove or cover all food processing and/or handling equipment and do not apply directly to food products. All equipment, benches, shelving and other surfaces in food processing plants, bakeries, cafeterias and other facilities, which food will contact must be washed after treatment. Clean food handling equipment or processing equipment and rinse completely with fresh, clean water.

Spot, Crack and Crevice Application: These types of treatments can be done when the facility is operating, but food must be covered or removed from the treatment area. Do not apply directly to food.

Foam Applications: Converting Bifen I/T to foam will allow it to be used to treat structural voids. To produce a 0.02% to 0.06% foam concentration, dilute 0.33 to 1.0 fl. oz. of Bifen I/T per gallon of water and add the manufacturer's recommended amount of foaming agent. Before application, make sure that the foaming agent is compatible with Bifen I/T. Use of a foaming agent increases a.i. surface contact time on challenging surfaces and provides visual marking of the application. Ensure that the foaming agent is approved for food surface/area contact use.

Indoor Uses

In the home, cover all food processing surfaces and utensils during treatment or thoroughly wash before reuse. Exposed food must be covered or removed. Do not permit humans or pets to contact treated surfaces until the spray has dried.

During any overhead applications to overhead interior areas of structures, cover surfaces below with plastic sheeting or similar materials.

Wear protective clothing, unvented goggles, gloves and respirator, when applying to overhead areas or in poorly ventilated areas. Avoid touching sprayed surfaces until spray has completely dried.

Bifen I/T may be used to control ants, carpenter ants, bees, beetles, biting flies, boxelder bugs, centipedes, cicadas, cockroaches, crickets, earwigs, firebrats, fleas, flies, gnats, millipedes, mosquitoes, moths, scorpions, silverfish, sowbugs (pillbugs), spiders (including

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Black Widow, Brown Recluse and Hobo Spiders), springtails, stink bugs, ticks (including Brown Dog Ticks), Vinegar (Fruit) Flies, and wasps.

In structures and buildings and on modes of transportation, use a 0.02% to 0.06% suspension (0.33 to 1 fl. oz. per gallon of water) using a crack and crevice, pinstream, spot, coarse, low-pressure spray (25 p.s.i. or less) or with a paint brush.

Indoor Treatments: Apply where pests hide. These areas include, but are not limited to, baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, behind and under refrigerators, cabinets, sinks, furnaces, stoves, the underside of shelves, and drawers. Treat with a low pressure, coarse, crack and crevice or spot spray. Pay close attention to cracks and crevices. See also "Foam Applications" in the Food Handling Establishments section. Not for use as a space spray.

Mixing Directions: See mixing directions in "Pest Control on Outside Surfaces and Around Buildings" section.

To make a dilution for brush or spray treatments:

- Dilute Bifen I/T with water.
- Fill sprayer with the required amount of water.
- Add Bifen I/T.
- To ensure proper mixing, close sprayer and shake before use.
- Only mix the amount of solution that is necessary for treatment.

In order to achieve and/or maintain control in times of high pest pressure, retreatment may be needed. Repeat application should only take place if there are signs of renewed insect activity and must not exceed one application per 7 days.

Ants: Apply to any ant trails, around doors and windows and other places that ants frequent.

Bedbugs: Thorough application should be made to crack and crevices where evidence of bed bugs occurs. Areas of application include bed frames, box springs, inside empty dressers and clothes closets and carpet edges, high and low wall moldings and wallpaper edges. Do not use this product on bed linens, pillows, mattresses or clothes. Remove all clothes and other articles from dressers or clothes closets before application. Allow all treated areas to thoroughly dry before use. Bifen I/T is not recommended for use as sole protection against bedbugs. If evidence of bedbugs is found in or on mattresses, use products approved for this use.

Use a 0.03% or 0.06% dilution (0.5 to 1 fluid oz. per gallon of water) for residual pest control in buildings and structures and on modes of transport. Apply either as a crack and crevice, pinstream, spot, coarse, low pressure spray (25 psi or less) or with a paint brush. Use the higher rate of application (0.06%) on painted and non-porous surfaces.

Bees and Wasps: Apply to nests in late evening when these pests are at rest. Spray nests, entrances to nests and surrounding areas thoroughly. Contact as many insects as possible. Retreat if signs of renewed activity exist. Spray liberally into hiding and breeding places, especially under attic rafters, contacting as many insects as possible.

Boxelder Bugs, Centipedes, Cicadas, Earwigs, Beetles, Millipedes, Pillbugs, Sowbugs, Springtails, and Stink Bugs: Treat near doors and windows, storage areas, baseboards and other sites where these pests may be found.

Cockroaches, Crickets, Firebrats, Flies, Gnats, Moths, Mosquitoes, Scorpions, Silverfish, Spiders, and Ticks: Bifen I/T will provide up to 1 month residual control of house flies. Length of residual control is dependent upon rate and surface treated. Use a coarse low-

pressure, crack and crevice or spot spray, paying close attention to cracks and crevices. Treat where pests hide. These areas include, attics and eaves, baseboards, closets, corners, storage areas, around water pipes, doors and windows, behind and under cabinets, furnaces, refrigerators, sinks, stoves, and the underside of shelves and drawers.

Fleas: Bifen I/T will kill fleas for up to 3 months. Vacuum prior to treatment. Apply as a coarse, low pressure spot or crack and crevice treatment to areas frequented by pets, such as under bedding, rugs, next to furniture. Do not apply Bifen I/T dilution directly to pets. Treatment must be dry before pet re-entry.

Spider Mites: Treat houseplants thoroughly but do not allow run off to occur. Ensure the underside of leaves is treated.

Stored Product Pests (Including Indian Meal Moths, Rice Moths, Tobacco Moths, Flour Beetles, Lesser Grain Borers, Merchant Grain Beetles, Sawtoothed Grain Beetles, Grain Weevils, Warehouse Beetles, Cigarette Beetles, and Dermestid Beetles, Psocids, and other similar pests: Inspect to locate and remove infested food sources, remove or cover any food items or food serving dishes or utensils prior to treatment. Apply Bifen I/T using a 0.02 to 0.06% dilution as a coarse, low pressure spray to areas where these pests hide. Treatment areas include baseboards, corners, storage areas, closets, around water pipes, doors and windows, attics and eaves, behind and under refrigerators, cabinets, sinks, furnaces, and stoves, the underside of shelves, drawers and similar areas. Pay particular attention to cracks and crevices. **Do not** apply directly to food.

Livestock and Poultry Housing Structures

Controls pests of poultry and livestock facilities, including biting flies, filth-breeding flies, fleas, litter beetles, hide beetles, bed bugs, mites and ticks. Apply as a general surface (including directed spray) and/or crack and crevice treatment. Control is enhanced when interior and exterior perimeter applications are made in and around the livestock or poultry housing structures. Normal cleaning practices of the structure also must be followed along with applications of Bifen I/T to effectively control crawling and flying insect pests.

For occupied areas of poultry and livestock facilities, apply to indoor cracks and crevices only. Exterior applications to walls and foundation perimeters can help prevent interior infestations of flying and crawling insect pests. Apply Bifen I/T at a rate equivalent to 0.33 to 1 fl. oz per 1,000 sq. feet.

For unoccupied areas of poultry and livestock facilities, apply to floors, vertical and overhead surfaces where crawling or flying insect pests may be present. Feeders, waterers and feed carts must be covered before application to prevent contamination. Do not apply to milk rooms. Pay attention to animal areas including stanchions, pipes, windows, doors and areas where insect pests hide or congregate. Exterior applications to walls and foundation perimeters can help prevent interior infestations of flying and crawling insect pests. Apply Bifen I/T at a rate equivalent to 0.33 to 1 fl. oz per 1,000 sq. feet.

To control bed bugs, mites and ticks in animal facilities, treat cracks/crevices, walls, posts, nest boxes and mobile side curtains. Do not apply Bifen I/T directly to animals.

For adult fly control in and around animal facilities, spray application should target areas where flies will rest, such as the ceiling, rafters and trusses. Also treat windows, interior and exterior walls and supports, fences and vegetation. Bifen I/T suspension may be sprayed on manure in areas where fly larvae are abundant and the area cannot be cleaned.

For poultry houses, apply to floor area (birds grown on litter) or to walls, posts and cage framing (birds grown in cages). Application should also be made into cracks and crevices around insulation. Reapply after each grow out or de-caking and sanitization procedure, but not more frequently than every 8 weeks. Indoor control can be enhanced by making perimeter treatments around the outside of building foundations to prevent immigrating adult beetles. Apply in a uniform band 2 to 3 feet up and 6 to 10 feet out from the structure. Maintaining a year-round treatment program will prevent background populations from reaching problem levels.

To control beetles in houses containing birds grown on litter apply Bifen I/T at a rate equivalent to 0.33 to 1 fl. oz per 1,000 sq. feet to litter after birds are removed and during tilling. If litter is removed and replaced with fresh litter, apply Bifen I/T at a rate equivalent to 0.33 to 1 fl. oz per 1,000 sq. feet to bare soil or concrete, and treat new litter after it is spread. Apply spray to inside walls, posts and exterior perimeter. Reapply between each flock.

To control beetles in broiler-breeder houses, apply as directed above for litter and soil/floor treatment.

To control beetles in caged-layer houses, do not treat accumulated manure as it will likely disrupt natural enemies that control fly breeding. Instead, treat the perimeter of the manure at a rate equivalent to 0.33 to 1 fl. oz of Bifen I/T per 1,000 sq. feet. Pit walls, posts and exterior of structure should also be sprayed. Reapply between each flock.

Allow Bifen I/T treatment to dry before applying disinfectants.

Insecticide Class Rotations: In order to avoid problems with developed resistance to insecticides it is important to rotate to an insecticide of a different class each 2-3 flocks. It is best to attempt to use 3 different classes of insecticides during a calendar year.

DO NOT apply Bifen I/T as a general surface spray when animals are present in the facility. Allow applications to dry before restocking the facility. Treatment may be made to cracks and crevices when animals are present.

DO NOT apply Bifen I/T to any animal feed, water or watering equipment.

DO NOT contaminate any animal feed, food or water in and around livestock or poultry housing when making applications.

Lawns

Use Bifen I/T as a broadcast treatment. To accomplish uniform control when applying to dense grass foliage, use volumes of up to 10 gallons per 1000 square feet.

To ensure control of sub-surface pests including Mole Crickets using low volume treatments, (i.e. less than 2 gallons per 1000 square feet), immediately follow the treatment with irrigation of the treated area with at least 0.25 inches of water.

Lawn Application Rates

Under typical conditions, the application rates shown in the table below will provide control of the listed pests. Bifen I/T may, however, be applied at up to 1 fl. oz. per 1000 square feet at the discretion of the applicator. Maximum residual control requires the higher treatment rates.

| Pest | Application Rate Bifen I/T |
|--|---|
| Armyworms ¹ Cutworms ¹ Sod Webworm ¹ | 0.18 - 0.25 fluid oz. per 1000 sq. ft. |
| Annual Bluegrass Weevil (Hyperodes) (Adult) ² Banks Grass Mite ⁶ Billbugs (Adult) ³ Black Turfgrass Ataenius Adult ⁴ Centipedes Crickets Earwigs Fleas (Adult) Grasshoppers Leafhoppers Mealybugs Millipedes Mites ⁶ Pillbugs Sowbugs | 0.25 - 0.5 fluid oz. per 1000 sq. ft. |
| Crane Flies ¹² | 0.5 fl oz. Per 1000 sq. Ft. |
| Ants Chinch Bugs ⁵ Fleas (Larvae) ⁷ Imported Fire Ants ⁸ Japanese Beetle (Adult) Mole Cricket (Adult) ⁹ Mole Cricket (Nymph) ¹⁰ Stink Bugs Ticks ¹¹ | 0.5 - 1.0 fluid oz. per 1000 sq. ft. |

In New York State, this product may not be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

In New York State, do make a single repeat application of Bifen I/T if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

Notes

¹**Armyworms, Cutworms, and Sod Webworms:** Postpone irrigation or mowing for 24 hours after application to obtain the best possible control. Higher treatment rates (up to 1 fluid oz. per 1000 square feet) may be necessary if high pest pressure exists and if the grass is maintained taller than 1 inch.

²**Annual Bluegrass Weevil (Hyperodes) adults:** Treatment of this species should be timed as they travel into grass areas and away from their overwintering sites. Travel usually begins when *Forsythia* is in full bloom and ends when *Cornus florida* (flowering dogwood) is in full bloom. For additional detailed information regarding treatment timing, check with your State Cooperative Extension Service.

³**Billbug adults:** Treatment of adult billbugs should be made when they are first noticed in April and May. To optimize treatment timing, degree day models have been developed. For detailed information particular to your region, check with your State Cooperative Extension Service. Spring treatments for billbug adults will also offer control of over-wintered chinch bugs in temperate climates.

⁴**Black Turfgrass Ataenius adults:** In order to control the 1st and 2nd generation of black turfgrass ataenius adults, respectively, treatments should take place in May and July. Time the May treatment to match with the full bloom stage of Vanhoutte spiraea (*Spiraea vanhoutte*) and horse chestnut (*Aesculus hippocastanum*). Time the July treatment to match with the blooming Rose of Sharon (*Hibiscus syriacus*).

⁵**Chinch Bugs:** Mostly found in the thatch layer, chinch bugs infest the base of grass plants. In order to optimize the penetration of the insecticide to location of the chinch bugs, irrigation of the grass prior to treatment may be necessary. If grass is being kept at a long mowing height or if the thatch layer is excessive, use higher volume treatments. It may be necessary to use higher application rates (up to 1 fluid oz. per 1000 square feet) to control populations made up of both adults and nymphs in mid-summer.

⁶**Mites:** Apply Bifen I/T in combination with a labeled rate of a surfactant to achieve optimal control of eriophyid mites. A second application may be needed 5 to 7 days after the first to ensure optimal control.

⁷**Flea larvae:** Immature fleas mature in shaded areas accessible to pets or other animals. When treating these areas use a higher volume treatment so that the insecticide penetrates into the soil. NOTE: If adult fleas on lawn areas are being controlled by applying Bifen I/T at a rate of 0.25 fl. oz. per 1000 square feet, then the rate of larval application can be accomplished by two- to four-fold increase in spray volume.

⁸**Imported Fire Ants:** The best control will be achieved by using broadcast treatments in combination with mound drenches. This will control present colonies along with foraging workers and newly mated fly-in queens. It is critical either to use high volume treatments or to irrigate prior to application if the soil is dry. Apply 1 fl. oz. per 1,000 square feet when using broadcast treatments. For mound drenches, dilute 1 teaspoon of Bifen I/T per gallon of water and use 1 to 2 gallons of finished dilution using sufficient force to penetrate the top and allow dilution to flood ant channels. Treat a four-foot diameter around each ant mound. Application should be made in late evening or early morning when it is cooler (65° - 80° when insects are most active). NOTE: A spray rig calibrated to apply 1 fluid oz. per 1,000 square feet of Bifen I/T in 5 gallons per 1,000 square feet contains the equivalent dilution (1 teaspoon per gallon) required for fire ant mound drenches in the spray tank.

⁹**Mole Cricket adults:** Since the preferred grass areas are subject to constant invasion in early spring by the active adult stage, it is can be difficult maintain control of adult mole crickets. It is ideal to treat the areas as late in the day as possible and water immediately after application with up to 0.5 inches of water. To ensure maximum contact when soil is dry, it is necessary to irrigate prior to treatment to bring the adult mole crickets closer to the soil surface. To obtain optimal control of potential nymphal populations, the grass areas preferred by adult mole crickets should be treated at immediately prior to peak hatch stage. (See note 10 below).

¹⁰**Mole Cricket nymphs:** Treat grass areas that are preferred by adult mole crickets in the spring just before peak egg hatch. Young nymphs are more vulnerable to insecticidal treatment at this stage because they are close to the soil surface where the insecticide is most concentrated and thereby providing the most efficient control. For larger more damaging nymphal stages later in the year, it may be necessary to use higher application rates more frequent. It is ideal to treat the areas as late in the day as possible and water immediately after application with up to 0.5 inches of water. To ensure maximum contact when soil is dry, it is necessary to irrigate prior to treatment to bring the adult mole crickets closer to the soil surface.

¹¹**Ticks (including ticks that may transmit Lyme Disease and Rocky Mountain Spotted Fever):** Make application to the entire area where contact with ticks may occur. Do not make spot treatments. When applying to areas with heavy leaf litter or dense ground cover use higher spray volumes. To attain and/or sustain control in times of high pest pressure, retreatments may be necessary; retreat only if signs of continued or renewed tick activity are present. Repeat treatments must not be made more often than once per 7 days. **Deer ticks (*Ixodes sp.*)** have a four-stage life cycle spanning 2 years. Treat in late fall and/or early spring to both larval and nymphal stages present in leaf litter and the soil, and adults

living in the grass and low-lying vegetation above ground. **American dog ticks** invade suburban settings in areas where residences and dwellings are constructed on former fields or wooded areas. These pests normally gather by paths or roadways where they are likely to find a host. To control tick larvae, nymphs and adults, treatments should take place, as needed, from mid spring to early fall.

¹² **Crane Flies:** Treatments can be made to control early to mid-season larvae (approximately August-February) as they feed on plant crowns. Treatments made to late-season larvae (approximately March, April) may only provide suppression.

Bifen I/T Lawn Dilution Chart

| Application Volume: | Application Rate: | Fluid Ounces* of Bifen I/T Diluted to these Volumes of Finished Spray | | | |
|---------------------------|--------------------------------|---|-----------|------------|-------------|
| | | 1 gallon | 5 gallons | 10 gallons | 100 gallons |
| Gallons Per 1,000 Sq. Ft. | Fluid Ounces per 1,000 Sq. Ft. | | | | |
| 1.0 | 0.18 | 0.18 | 0.90 | 1.8 | 18.0 |
| 1.0 | 0.25 | 0.25 | 1.25 | 2.5 | 25.0 |
| 1.0 | 0.5 | 0.5 | 2.5 | 5.0 | 50.0 |
| 1.0 | 1.0 | 1.0 | 5.0 | 10.0 | 100.0 |
| 2.0 | 0.18 | - | 0.45 | 0.90 | 9.0 |
| 2.0 | 0.25 | 0.13 | 0.63 | 1.25 | 12.5 |
| 2.0 | 0.5 | 0.25 | 1.25 | 2.5 | 25.0 |
| 2.0 | 1.0 | 0.5 | 2.5 | 5.0 | 50.0 |
| 3.0 | 0.18 | - | 0.30 | 0.60 | 6.0 |
| 3.0 | 0.25 | - | 0.42 | 0.83 | 8.3 |
| 3.0 | 0.5 | 0.17 | 0.83 | 1.67 | 16.7 |
| 3.0 | 1.0 | 0.33 | 1.67 | 3.33 | 33.3 |
| 4.0 | 0.18 | - | 0.23 | 0.45 | 4.5 |
| 4.0 | 0.25 | - | 0.31 | 0.63 | 6.3 |
| 4.0 | 0.5 | 0.13 | 0.63 | 1.25 | 12.5 |
| 4.0 | 1.0 | 0.25 | 1.25 | 2.5 | 25.0 |
| 5.0 | 0.18 | - | 0.18 | 0.36 | 3.6 |
| 5.0 | 0.25 | - | 0.25 | 0.5 | 5.0 |
| 5.0 | 0.5 | 0.1 | 0.5 | 1.0 | 10.0 |
| 5.0 | 1.0 | 0.2 | 1.0 | 2.0 | 20.0 |
| 10.0 | 0.18 | - | - | 0.18 | 1.8 |
| 10.0 | 0.25 | - | 0.13 | 0.25 | 2.5 |
| 10.0 | 0.5 | - | 0.25 | 0.5 | 5.0 |
| 10.0 | 1.0 | 0.1 | 0.5 | 1.0 | 10.0 |

*To convert to millimeters, multiply by 29.57

1 fluid ounce = 29.57 ml = 2 tablespoons = 6 teaspoons

Do not use household utensils to measure Bifen I/T.

Ornamentals and Trees

Treat with 0.125 to 1.0 fl. oz. of Bifen I/T per 1,000 square feet or 5.4 to 43.5 fl. oz. per 100 gallons for ornamental applications. As long as the highest label rate (1.0 fl. oz. per 1000 square feet or 43.5 fl. oz. per 100 gallons) is not exceeded, Bifen I/T can be diluted and used in different volumes of water. If diluted with water or other carriers, low volume equipment can be used for application as long as the highest label rate (1.0 fl. oz. per 1000 square feet or 43.5 fl. oz. per 100 gallons) is not exceeded.

Treat as a full coverage foliar spray using the stated application rate. If pest pressure and density of foliage increases, repeat treatments using higher rates may be needed to reach the desired control. Repeat treatments must not be made more often than once per 7 days.

Before application to entire planting, test treat a small number of plants and watch for signs of sensitivity. Some plant species may be sensitive to the final spray solution.

To avoid or delay pest resistance, it is recommended to use an alternate class of pesticide in any application program.

Bifen I/T Ornamental Dilution Chart

| Application Volume: Gallons Per | | Application Rate: Fl. Oz. per | Fluid Ounces* of Bifen I/T Diluted to these Volumes of Finished Spray | | | |
|------------------------------------|------|-------------------------------------|--|-----------|------------|----------------|
| 1,000 sq. ft. | Acre | | 1 gallons | 5 gallons | 10 gallons | 100 gallons |
| 2.3 | 100 | 0.125 | - | 0.27 | 0.54 | 5.4 |
| 2.3 | 100 | 0.25 | 0.11 | 0.54 | 1.08 | 10.8 |
| 2.3 | 100 | 0.5 | 0.22 | 1.09 | 2.17 | 21.7 |
| 2.3 | 100 | 1.0 | 0.44 | 2.17 | 4.35 | 43.5 |
| 4.6 | 200 | 0.125 | - | 0.14 | 0.27 | 2.7 |
| 4.6 | 200 | 0.25 | - | 0.27 | 0.54 | 5.4 |
| 4.6 | 200 | 0.5 | 0.11 | 0.54 | 1.09 | 10.9 |
| 4.6 | 200 | 1.0 | 0.22 | 1.09 | 2.17 | 21.7 |
| 6.9 | 300 | 0.125 | - | - | 0.18 | 1.8 |
| 6.9 | 300 | 0.25 | - | 0.18 | 0.36 | 3.6 |
| 6.9 | 300 | 0.5 | - | 0.36 | 0.72 | 7.2 |
| 6.9 | 300 | 1.0 | 0.15 | 0.72 | 1.45 | 14.5 |

*To convert to millimeters, multiply by 29.57

300 gallons per acre is a typical application volume for landscape ornamental applications.

1 fluid ounce = 29.57 ml = 2 tablespoons = 6 teaspoons

Do not use household utensils to measure Bifen I/T.

Calculating Dilution Rates using the Ornamental Application Rates Table and the Bifen I/T Ornamental Dilution Chart: To determine the proper dilution of Bifen I/T that is required to control specific pests, follow the steps below:

1. Determine the target pest that is the least susceptible (i.e., the pest that requires the highest application rate for effective control).
2. Choose a treatment rate in terms of fl. oz. of Bifen I/T.
3. Determine the dilution volume necessary for the treatment.
4. Use the proper amount of Bifen I/T that must be mixed in your preferred volume of water as shown in the Ornamental Dilution Chart.

As an example, if you were treating for Cutworms, the Ornamental Application Rates table shows that 0.125 – 0.25 fluid ounces of Bifen I/T should be applied per 1,000 square feet. Select the application rate of 0.25 fluid oz. per 1,000 square feet due to evidence of high pest pressure. The application volume is determined to be 300 gallons per acre, which is equivalent to 6.9 gallons per 1,000 square feet. The corresponding value in the Ornamental Dilution Chart shows that 0.36 fluid oz. of Bifen I/T must be mixed with 10 gallons of water.

Ornamental Application Rates

Under typical conditions, the application rates in the table below will offer optimal control of the listed pests, but Bifen I/T can be used at up to 1 fl. oz. per 1000 square feet (43.5 fl. oz. per 100 gallons) at the discretion of the applicator. When maximum residual control is preferred, higher listed treatment rates are necessary.

| Pest | Application Rate Bifen I/T | |
|-----------------------|--------------------------------------|------------------------------|
| | Fluid Ounces per 1,000 square ft. | Fluid Ounces per 100 gallons |
| Bagworms ¹ | 0.125 - 0.25 | 5.4 - 10.8 |

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| | | |
|---|-------------------|--------------------|
| <p>Cutworms Elm Leaf Beetles Fall Webworms Gypsy Moth Caterpillars Lace Bugs Leaf Feeding Caterpillars Tent Caterpillars</p> | | |
| <p>Adelgids[†] Aphids Bees Beet Armyworm Beetles^{2,†} Black Vine Weevil (Adults) Brown Soft Scales Broad Mites Budworms California Red Scale (Crawlers)¹³ Centipedes Cicadas[†] Citrus Thrips Clover Mites Crickets Diaprepes (Adults) Earwigs European Red Mite Flea Beetles Fungus Gnats (Adults) Grasshoppers Japanese Beetle (Adult)[†] Leafhoppers Leafrollers Mealybugs Millipedes Mites Orchid Weevil Pillbugs Pine Needle Scales (Crawlers)² Plant Bugs (Including <i>Lygus</i> <i>spp.</i>) Psyllids[†] San Jose Scales (Crawlers)² Scorpions Sowbugs Spider Mites³ Spiders Spittlebugs[†] Thrips Tip Moths Treehoppers[†] Twig Borers² Wasps Weevils² Whiteflies</p> | <p>0.25 - 0.5</p> | <p>10.8 - 21.7</p> |
| <p>Ants Imported Fire Ants** Leafminers Pecan Leaf Scorch Mite Pine Shoot Beetle (Adults) Spider Mites³ Stink Bugs</p> | <p>0.5 - 1.0</p> | <p>21.7 - 43.5</p> |

| | |
|------------|---|
| Mosquitoes | See directions for use in mosquito control in the section titled "Mosquito Control" |
|------------|---|

¹**Bagworms:** For optimum control treat when larvae have started to hatch and are young, directing spray to contact as many larvae as possible.

²**Beetles, Scale Crawlers, Twig Borers, and Weevils:** Apply to plant foliage; also treat trunks, stems, and twigs.

³**Spider Mites:** Apply during spring and mid-summer for most effective control of twospotted spider mites. During mid- to late-summer it may be necessary to make more frequent treatments, possibly at higher rates suitable control. Control may be enhanced by adding a surfactant or horticultural oil or by combining Bifen I/T with other products registered to control mites. Applications of Bifen I/T may be alternated with chemicals offering other modes of action delay or prevent control resistance by twospotted spider mites. For recommendations on resistance management in your region check with your local Cooperative Extension Service.

**For foraging ants.

†Not for use in California.

Pest Control on Outside Surfaces and Around Buildings

Follow Additional Application Restrictions for Residential Outdoor Surface and Space Sprays under

DIRECTIONS FOR USE.

Bifen I/T will provide up to 1 month residual control of house flies. Length of residual control is dependent upon rate and surface treated.

Applications to vertical exterior surfaces (e.g., foundations) are permitted to a maximum height of 3 feet from ground level. Sections of vertical exterior surfaces that abut non-porous horizontal surfaces can only be treated if either 1) these sections are protected from rainfall and spray from sprinklers or 2) they do not drain into a sewer, storm drain, or curbside gutter (e.g., not to sections that abut driveways or sidewalks that drain into streets.)

Bifen I/T may be used to control Ants, including Carpenter Ants and Fire Ants, Armyworms, Lady Beetles, Bees, Beetles[†], Biting Flies, Boxelder Bugs, Centipedes, Chiggers, Chinch Bugs, Cicadas, Clover Mites, Crickets, Cutworms, Dichondra Flea Beetles, Earwigs, Elm Leaf Beetles, Firebrats, Fleas, Flies, Gnats, Grasshoppers, Hornets, Japanese Beetles[†], Midges, Millipedes, Mosquitoes, Moths, Roaches (including Cockroaches), Scorpions, Silverfish, Sod Webworms, Sowbugs (Pillbugs), Spider Mites, Spiders (including Black Widow, Brown Recluse and Hobo Spiders), Springtails, Stink Bugs, Ticks (including Brown Dog Ticks), Vinegar (Fruit) Flies and Wasps.

†Not for use in California.

Use a 0.02 to 0.06% dilution to spray the outside surfaces of buildings such as private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, garages, fence lines, storage sheds, barns, and other residential and non-commercial structures. Sites of treatment include, but are not limited to, exterior siding, foundations, porches, window frames, eaves, patios, garages, garbage areas, lawn areas, trunks of trees and shrubs and other areas where pests may be found. Use a spray volume of up to 10 gallons of emulsion per 1,000 square feet. Use higher dilution volumes if vegetation or landscape materials are dense.

Mixing Directions

| Suspension | Bifen I/T per gallon of water | Remarks |
|------------|-------------------------------|--|
| 0.02% | 0.33 fl. oz. | -Do not use household utensils to measure Bifen I/T. |

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| | | |
|-------|-------------|--|
| 0.06% | 1.0 fl. oz. | -Use higher treatment rates for quicker knockdown or longer residual control. -High pest pressure may require subsequent applications. -Repeat application only if there is evidence of renewed insect activity and not more than once per 7 days. |
|-------|-------------|--|

Perimeter Treatment: Treat a band of soil and vegetation 6 to 10 feet wide around and next to the structure and the foundation of the structure to a height of 2 to 3 feet. Use 0.33 to 1.0 fluid oz. of Bifen I/T per 1,000 square feet in enough water to provide sufficient coverage (refer to Perimeter Application Dilution Chart).

For sections of foundation that abut non-porous horizontal surfaces, the treated areas must be protected from rainfall and spray from sprinklers or they do not drain into a sewer, storm drain, or curbside gutter (e.g. not to sections that abut driveways or sidewalks that drain into streets.)

Bifen I/T Perimeter Application Dilution Chart

| Application Volume: Gallons Per | Application Rate: Fluid Ounces Per | Fluid Ounces* of Bifen I/T Diluted to these Volumes of Finished Spray | | | |
|------------------------------------|---------------------------------------|---|-----------|------------|-------------|
| | | 1000 sq. ft. | 5 gallons | 10 gallons | 100 gallons |
| 1 | 0.33 | 0.33 | 1.67 | 3.33 | 33.3 |
| 1 | 0.5 | 0.5 | 2.5 | 5.0 | 50.0 |
| 1 | 0.67 | 0.67 | 3.33 | 6.67 | 66.7 |
| 1 | 0.75 | 0.75 | 3.75 | 7.5 | 75.0 |
| 1 | 1.0 | 1.0 | 5.0 | 10.0 | 100.0 |
| 2 | 0.33 | 0.17 | 0.83 | 1.65 | 16.5 |
| 2 | 0.5 | 0.25 | 1.25 | 2.5 | 25.0 |
| 2 | 0.67 | 0.33 | 1.67 | 3.35 | 33.5 |
| 2 | 0.75 | 0.38 | 1.88 | 3.75 | 37.5 |
| 2 | 1.0 | 0.5 | 2.5 | 5.0 | 50.0 |
| 3 | 0.33 | 0.11 | 0.55 | 1.10 | 11.0 |
| 3 | 0.5 | 0.17 | 0.83 | 1.67 | 16.7 |
| 3 | 0.67 | 0.22 | 1.11 | 2.23 | 22.3 |
| 3 | 0.75 | 0.25 | 1.25 | 2.5 | 25.0 |
| 3 | 1.0 | 0.33 | 1.67 | 3.33 | 33.3 |
| 4 | 0.33 | - | 0.41 | 0.83 | 8.3 |
| 4 | 0.5 | 0.13 | 0.63 | 1.25 | 12.5 |
| 4 | 0.67 | 0.17 | 0.84 | 1.67 | 16.7 |
| 4 | 0.75 | 0.19 | 0.94 | 1.88 | 18.8 |
| 4 | 1.0 | 0.25 | 1.25 | 2.5 | 25.0 |
| 5 | 0.33 | - | 0.33 | 0.67 | 6.7 |
| 5 | 0.5 | 0.1 | 0.5 | 1.0 | 10.0 |
| 5 | 0.67 | 0.13 | 0.67 | 1.33 | 13.3 |
| 5 | 0.75 | 0.15 | 0.75 | 1.5 | 15.0 |
| 5 | 1.0 | 0.2 | 1.0 | 2.0 | 20.0 |
| 10 | 0.33 | - | 0.17 | 0.33 | 3.3 |
| 10 | 0.5 | - | 0.25 | 0.5 | 5.0 |
| 10 | 0.67 | - | 0.33 | 0.67 | 6.7 |
| 10 | 0.75 | - | 0.38 | 0.75 | 7.5 |
| 10 | 1.0 | 0.1 | 0.5 | 1.0 | 10.0 |

*To convert to milliliters, multiply by 29.57

1 fluid oz. = 29.57 ml = 2 tablespoons = 6 teaspoons

Do not use household utensils to measure Bifen I/T.

Fire Ants and Fire Ant Mounds Outdoors: Control is optimized by combining broadcast applications that will control foraging workers and newly mated fly-in queens with mound

drenches that will control existing colonies. If the soil is dry, then it is important to irrigate before application or use a high volume application. Apply broadcast treatments at 0.6 to 1 fluid oz. per 1,000 square feet. Use enough finished volume to penetrate thatch or sod. Treat mounds by applying 1 oz Bifen I/T per mound in 1 to 2 gallons water by sprinkling the mound until it is wet and treat 3 feet out around the mound. Use the higher volume for mounds larger than 12. Treat mounds with sufficient force to break their apex and allow the insecticide solution to flow into the ant tunnels. For best results, apply in cool weather (65 - 80°F) or in early morning or late evening hours.

Mosquito Control

To control adult mosquitoes outdoors on residential, institutional, public, commercial and industrial buildings, and lawns, ornamentals, parks, recreational areas and athletic fields.

Apply Bifen I/T for mosquito control at an application rate of 0.33 to 1.0 fluid oz. Bifen I/T per gallon of water (0.07 to 0.22 lbs Bifenthrin/acre), and apply at the rate of one gallon of dilution per 1,000 square feet as a general spray (refer to the Bifen I/T Dilution Chart). Use the high rate for residual control of mosquitoes. Use this product for control of mosquitoes that may potentially transmit malaria, and arboviruses (West Nile Fever, dengue fever, Eastern equine encephalitis, and St. Louis encephalitis.)

Apply as a residual spray to outside spray to outside surfaces of buildings including but not limited to, exterior siding, foundations, porches, window frames, eaves, patios, garages, refuse dumps, lawns such as grass areas adjacent to or along private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, fence lines, storage sheds, barns, and other commercial, residential and non commercial structures, soil, trunk of woody ornamentals, trees, shrubs, ground cover, bedding plants, foliage plants, flowers, non-bearing fruit and nut trees, urban areas, parks, campsites, athletic fields, playgrounds, recreational and overgrown waste areas, roadsides and other areas where mosquitoes are found. May also be applied to non-bearing crops or perennial crops that will not produce harvestable raw agricultural commodities during the season of application.

Use the high rate for heavy pest infestation, quicker knockdown, or longer residual control. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure, or if there are signs of renewed insect activity. For the lower use rates, repeat application must be limited to no more than once per seven days. For the high use rate of 1.0 fluid oz. Bifen I/T per gallon of water, do not apply more than once per four weeks.

Apply with hand-held and back pack sprayers or mist blowers, ground sprayers, power sprayers, truck mounted hydraulic sprayers or mist blowers. Do not apply by air or with hand held or truck mounted cold aerosol ULV sprayers and thermal fogging devices. For best results apply when the mosquitoes are most active. Application during the cooler hours of the night or early mornings is recommended.

Do not apply more than 1.0 fluid oz. of Bifen I/T per 1,000 square feet (equivalent to 0.22 lbs. Bifenthrin/acre) per application.

Do not apply when wind speed exceeds 10 MPH.

Other Pest Control Applications

Controlling Ants Indoors and Outdoors

Pest Ants Indoors: Apply to ant nests for best results. Apply a dilution of 0.5 to 1.0 fl. oz. of Bifen I/T per gallon of water at the rate of one gallon of dilution per 1000 square feet to places where ants have been seen or are believed to forage as a general surface, spot or crack and crevice treatment. Some of these areas include baseboards, cracks and crevices, in and behind cabinets, under and behind dishwashers, furnaces, refrigerators, sinks and stoves, around pipes, and in corners. Pay close attention when treating entry points into the home or around windows and doors. When combining liquid Bifen I/T treatments with bait treatments, use Bifen I/T as instructed above and apply baits in those areas where Bifen I/T has not been applied.

Pest Ants Outdoors: Apply to ant nests for best results. Treat ant trails, around windows and doors, and other places where ants have been seen or are likely to forage. As stated in the "Pest Control on Outside Surfaces and Around Buildings" section, treat using a low or high volume perimeter treatment depending on density of vegetation and landscaping materials. When treating concrete surfaces, more frequent treatments, higher dilutions and/or application volumes may be needed for ant control. The following procedures must be followed to help achieve maximum control of the pest: Dilute 0.5 to 1.0 fl. oz. of Bifen I/T per gallon of water and applying at a rate of up to 10 gallons of dilution per 1,000 square feet for maximum residual control.

1. Vegetation and porous surfaces should be treated with high volume applications using dilutions that are calculated to deliver 0.5 to 1.0 fluid oz. of Bifen I/T per 1,000 square feet (refer to the Ornamental and Perimeter Application Dilution Charts).
2. Treat non-porous surfaces with low volume applications using 0.5 to 1.0 fluid oz. of Bifen I/T per gallon of water and applying this dilution at the rate of one gallon per 1,000 square feet.

Carpenter Ants Indoors: Treat areas where carpenter ants are seen or are predicted to forage, such as, baseboards, in and behind cabinets, under and behind dishwashers, furnaces, refrigerators, sinks, and stoves, around pipes, cracks and crevices, and in corners by diluting 0.5 to 1.0 fluid oz. of Bifen I/T per gallon of water and applying at the rate of one gallon of dilution per 1,000 square feet as a general surface, crack and crevice, spot and/or foam application. Spray or foam into cracks and crevices or drill holes and spray, mist or foam into voids and galleries where carpenter ants or their nests are present. When combining liquid Bifen I/T treatments with bait treatments, use Bifen I/T as instructed above and apply baits in those areas where Bifen I/T has not been applied.

Carpenter Ants Outdoors: Treat carpenter ant nests for best results. Treat areas where carpenter ants are seen or are believed to forage, such as ant trails, and around doors and windows. As stated in the "Pest Control on Outside Surfaces and Around Buildings" section, treat using a low or high volume perimeter treatment. When treating concrete surfaces, more frequent treatments, higher dilutions and/or application volumes may be needed for carpenter ant control. The following procedures must be followed to help achieve maximum control of the pest:

1. Dilute 0.5 to 1.0 fl. oz. of Bifen I/T per gallon of water and apply at a rate of up to 10 gallons of dilution per 1,000 square feet to obtain residual control.
2. Vegetation and porous surfaces should be treated with high volume applications using dilutions that are calculated to deliver 0.5 to 1.0 fluid oz. of Bifen I/T per 1,000 square feet (refer to the Ornamental and Perimeter Application Dilution Charts).

3. Treat non-porous surfaces with low volume applications using 0.5 to 1.0 fluid oz. of Bifen I/T per gallon of water and applying this dilution at the rate of one gallon per 1,000 square feet.
4. Use 0.5 to 1.0 fl. oz. of Bifen I/T per gallon of water on tree trunks with carpenter ant trails or evidence of foraging. Apply to the bark, completely wetting it from the bottom of the tree to the highest possible point on the trunk.

To control carpenter ants inside deck materials, fencing, trees, utility poles or other structural elements, drill to find the inside infested cavity and inject or foam a 0.06% dilution (1.0 fl. oz. of Bifen I/T per gallon of water) into the cavity with adequate volume and a proper treatment tool with a splash-back guard. Where there are ants tunneling below the surfaces, dilute 0.5 to 1.0 fl. oz. of Bifen I/T per gallon of water and applying as a drench or foam at intervals of 8 to 12 inches. A uniform barrier should be established where there are ants tunneling below surfaces such as, at the edges of walls, driveways or other hard surfaces.

Use a sprinkling can or a hose-end sprayer to distribute a coarse drenching spray, apply a 0.06% dilution to stored lumber and wood piles. This wood may be used for lumber or may be burned after 30 days. Do not use this method of application in structures.

Diluting 1.0 fluid oz. of Bifen I/T per gallon of water and applying to the soil below where the firewood will be stacked at the rate of one gallon of dilution per 8 square feet will protect the wood from carpenter ants.

DO NOT treat firewood with this product.

Controlling Termites (Above Ground Only)

The treatment methods that are expressed below are intended to kill termite workers or winged reproductives present at the time of application. These methods should supplement, not substitute for, mechanical alteration, soil treatment or foundation treatment.

Controlling winged reproductive termites and exposed workers in localized areas may be accomplished by diluting 1.0 fl. oz. of Bifen I/T per gallon of water and applying the dilution at the rate of one gallon per 1000 square feet to crawl spaces, unfinished basements, attics, and other crawl spaces as a coarse fan spray. Both swarming termites and the areas where they gather should be treated.

Controlling above-ground termites in localized areas of infested wood may be accomplished by diluting 1.0 fl. oz. of Bifen I/T per gallon of water and applying as a foam or a liquid to voids and galleries in wood that is damaged in addition to spaces between wooden structural members and between the foundation and sill plate where the wood is at risk of to attack. Drilling and then injecting the foam or dilution into damaged wood or wall voids with an appropriate directional injector will help reach those areas that are not easy to access. After treatment is completed, securely plug the holes that are in regularly occupied areas in the construction elements.

Controlling termite carton nests in building voids can be accomplished by diluting 1.0 fl. oz. of Bifen I/T per gallon of water and applying as a foam or a liquid using a pointed projection tool. To obtain control, various depths of injection and numerous injection points may be needed. After treatment is complete and when feasible, remove the carton nest material from the building void.

Pests Under Slabs

To control infestations of Arthropods (e.g., ants, cockroaches, and scorpions) that live beneath the slab area, drill or horizontally rod and inject 1 gallon of a 0.06% to 0.12% dilution per 10 square feet or 2 gallons of dilution per 10 linear feet

Posts, Poles, and Other Constructions

Around wooden constructions (signs, fences, and landscape ornamentation) an insecticidal barrier can be established by treating with a 0.06% dilution. Sub-surface injection and gravity-flow through holes in the bottom of the trench, are two treatment methods that can be used on poles and posts that have already been installed. Establishing a complete chemical zone around the pole can be accomplished by treating on all sides. For poles and posts that are fewer than 6 inches in diameter use 1 gallon of dilution per foot of depth and 1.5 gallons for larger poles, applying under the wood to a depth of 6 inches. 4 gallons per 10 linear feet per foot of depth should be used for larger constructions.

Control of Wood-Infesting Insects in Wood (Localized Areas in Structures)

| Insects | Application Rate | Remarks |
|--|---|---|
| Termites Ants Carpenter Ants Wood-infesting beetles (including but not limited to Old House Borer & Powder Post) | Apply a 0.06% dilution to voids and galleries in damaged wood and in spaces between wooden members of a structure and between wood and foundations where wood is at risk. | -Can be applied as a paint or fan spray. -Place plastic sheeting under overhead areas that are spot treated except for soil surfaces in crawl spaces. -Areas to which access is difficult can be treated by drilling, and then injecting dilution with a crack and crevice injector into the damaged wood or void spaces. (Not intended as a replacement for soil treatment, mechanical alteration or fumigation to control widespread infestation of wood-infesting insects. |

Control of Wood-Infesting Insects and Nuisance Pests (Outside of Structures)

In order to control wood-infesting insects active inside trees, utility poles and/or fences, a 0.06% dilution should be injected into the infested cavity, which can be found by drilling into the wood. If treating nuisance pests on the exterior of the structure, use a fan spray at a maximum pressure of 25 p.s.i. and apply up to the point of runoff. To control Bees, Wasps, Hornets, and Yellow-Jackets, direct the spray at nest openings in the ground, bushes, and in cracks and crevices, where the insects may nest. Saturate the openings and contact as many insects as possible.

Underground Services (e.g. cables, conduits, pipes, utility lines, wires, etc.) may be in right-of-ways, inside of structures or to guard long range (miles) of installations of services.

Treat the soil using a 0.06 to 0.12% Bifen I/T dilution to prevent and control termite and ant infestations.

Treat the bottom of the trench with 2 gallons of dilution per 10 linear feet and let it soak into the soil. Place the services on the treated soil and cover with about 2 inches of fill soil.

Apply another 2 gallons per 10 linear feet over the fill soil to complete the chemical barrier. Only treat the soil in the area near the services in wide trenches, but ensure a continuous barrier of treated soil surrounding the services.

In the event that the soil will not accept the volume stated above, 1 gallon of 0.12% Bifen I/T may be applied per 10 linear feet of trench over the soil that covers the services and to the base of the trench.

Fill the remainder of the trench with the treated fill soil. Where each service sticks out of the ground, the soil may be treated by trenching/rodding no more than 1 to 2 gallons of dilution into the soil.

RESTRICTIONS: Do not treat electrically active underground services.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

STORAGE AND SPILL PROCEDURES: Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spillage or leakages, soak up with an absorbent material such as sand, sawdust, earth, Fuller's earth, etc. Dispose of with chemical waste.

PESTICIDE DISPOSAL: Pesticide, spray mixture or rinse water that cannot be used according to label instructions must be disposed of at or by an approved waste disposal facility.

CONTAINER HANDLING:

For Containers equal to or less than 5 Gallons: Nonrefillable container. Do Not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling if available. If recycling is not available, puncture or dispose of in a sanitary landfill.

For Containers greater than 5 Gallons: Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Offer for recycling if available. If recycling is not available, puncture or dispose of in a sanitary landfill.

For Bulk containers: (Refillable Container) Refill this container with pesticides only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the re-filler. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or re-circulate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this procedure two more times.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire direction for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at

once. By using this product, user or buyer accepts the following **CONDITIONS, DISCLAIMER OF WARRANTIES, and LIMITATIONS OF LIABILITY.**

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risk associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Control Solutions, Inc. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Control Solutions, Inc. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Control Solutions, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Control Solutions, Inc. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Control Solutions, Inc election, the replacement of product.

Control Solutions, Inc.
5903 Genoa-Red Bluff
Pasadena, TX 77507-1041

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GROUP 4 HERBICIDE

Escalade[®] 2

HERBICIDE

FOR SELECTIVE BROADLEAF WEED CONTROL IN ORNAMENTAL LAWNS AND TURF GRASSES

CONTAINS 2,4-D, FLUROXYPYR AND DICAMBA

CONTROLS: Black medic, Chickweed, Clover, Cocklebur, Dandelion, Knotweed, Oxalis, Plantain, Thistle, Dogfennel, Kochia, Knot weed, Horsetail, Pigweed, Toadflax, Vetch and many other species of broadleaf weeds

ACTIVE INGREDIENTS:

| | |
|---|--------|
| Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid* | 39.53% |
| 1-Methylheptyl Ester of Fluroxypyr:[(4-amino-3-5-dichloro-6-fluoro-2-pyridinyl)oxy]acetic Acid,1-methylheptyl Ester** | 5.90% |
| Dicamba (3,6-Dichloro-o-Anisic Acid)*** | 4.10% |

OTHER INGREDIENTS:

| | |
|---------------------|---------|
| | 50.47% |
| TOTAL: | 100.00% |

By Isomer Specific AOAC Method, Equivalent to:

| | | |
|--|--------|-------------|
| *2,4-Dichlorophenoxyacetic Acid | 32.83% | 3.2 lbs/gal |
| **[(4-amino-3-5-dichloro-6-fluoro-2pyridinyl)oxy]acetic Acid | 4.10% | 0.4 lbs/gal |
| ***3,6-Dichloro-o-Anisic Acid | 4.10% | 0.4 lbs/gal |

DO NOT SELL, DISTRIBUTE OR USE THE PRODUCT IN NASSAU AND SUFFOLK COUNTY IN NEW YORK.

KEEP OUT OF REACH OF CHILDREN WARNING / AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

SEE INSIDE BOOKLET FOR FIRST AID AND PRECAUTIONARY STATEMENTS

EPA Reg. No. 228-442

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300

For Medical Emergencies Only, Call (877) 325-1840

Manufactured for
Nufarm Americas Inc.
11901 S. Austin Avenue
Alsip, IL 60803



Nufarm

Grow a better tomorrow.

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
WARNING / AVISO**

Causes substantial but temporary eye injury. Harmful if swallowed. Harmful if swallowed or absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some materials that are chemical-resistant to this product are made of barrier laminate, butyl rubber (≥14 mil.), nitrile rubber (≥14 mil.) or viton (≥14 mil.).

All mixers, loaders, applicators and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes and socks,
- protective eyewear (face shield, goggles or safety glasses),
- chemical-resistant gloves,
- chemical-resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

See engineering controls for additional requirements.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Engineering Control Statement:

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d) (4-6)], the handler PPE may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users Should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. If pesticide gets on skin, wash immediately with soap and water.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This product has properties and characteristics associated with chemicals detected in groundwater. The use of this product in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

FIRST AID

| | |
|-------------------------------|--|
| IF IN EYES | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice. |
| IF SWALLOWED | <ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| IF ON SKIN OR CLOTHING | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice. |

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. READ ENTIRE LABEL BEFORE USING THIS PRODUCT. USE STRICTLY IN ACCORDANCE WITH LABEL PRECAUTIONARY STATEMENTS AND DIRECTIONS.

This pesticide should be used strictly in accordance with the drift and run-off precautions on this label in order to minimize off-site exposure.

Low humidity and high temperatures increase the evaporation rate of spray droplets and therefore the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.

Do not apply this product in a way that will contact workers, other persons, or pets, either directly or through drift. Keep people and pets out of the area during application. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Do not apply this product aerially.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- coveralls worn over short-sleeved shirt and short pants,
- chemical-resistant footwear plus socks,
- chemical-resistant gloves made of any waterproof material,
- chemical-resistant headgear for overhead exposure,
- protective eyewear.

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

This product is for use on Ornamental Turf Lawns (Residential, Industrial and Institutional), Parks, Cemeteries, Athletic Fields and Golf Courses (Fairways, Aprons, Tees* and Roughs); also for use on Sod Farms. This product should not be used in or near greenhouses.
*Excluding Bentgrass Tees

USE RESTRICTIONS

Do not apply this product through any type of irrigation system. Do not apply this product aerially. Do not use on golf course greens or Bentgrass tees.

USE PRECAUTIONS

Avoid drift of spray mist to vegetables, flowers, ornamental plants, shrubs, trees and other desirable plants. Do not pour spray solutions near desirable plants. Do not use on Centipede, St. Augustine, Dichondra, nor on lawns or turf where desirable clovers are present. Avoid fine mists. Use lawn type sprayer with coarse spray as wind drift is less likely. Avoid contact with exposed feeder roots of ornamentals and trees. Maximum control of weeds will be obtained from spring or early fall applications when weeds are actively growing. Use the higher rate for hard-to-control weeds. Do not exceed specified dosages for any area; be particularly careful within the dripline of tree and other ornamental species. Do not apply to newly seeded grasses until well established. Reseed no sooner than 3 to 4 weeks after application of this product. Avoid broadcast applications when air temperature exceeds 90 degrees. When using small, spot treatment applications in temperature over 90 degrees, turf injury may occur.

When treating Carpetgrass, avoid broadcast applications when air temperature exceeds 80 degrees. When air temperatures exceed 80 degrees, limit application to spot treatment only.

The suitable use of this product on non-recommended turf species may be determined by treating a small area at any rate/acre which does not exceed 3 pints/acre. The treated area should be observed for any sign of turf injury for a period of 30 days of normal growing conditions to determine the phytotoxicity and efficacy to the treated area.

Adding oil, wetting agent, or other appropriate surfactant to the spray may be used to increase effectiveness on weeds but doing so may reduce selectivity to turf resulting in turf damage. Clean and rinse spray equipment using soap or detergent and water, and rinse thoroughly before reuse for other sprays.

SPRAY DRIFT MANAGEMENT

All ground application equipment must be properly maintained and calibrated using appropriate carriers and surrogates. The applicator must evaluate all factors and make appropriate adjustments when applying this product. A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of application (e.g., ground, aerial airblast, chemigation) can influence pesticide drift.

Droplet Size

When applying sprays that contain 2,4-D as the sole active ingredient, or when applying sprays that contain 2,4-D mixed with active ingredients that require a Coarse or coarser spray, apply only as a Coarse or coarser spray (ASAE standard 572) or a volume mean diameter of 385 microns or greater for spinning atomizer nozzles.

220909KRB01C-Specimen label for Escalade 2 herbicide, EPA Reg.#228-442

When applying sprays that contain 2,4-D mixed with other active ingredients that require a Medium or more fine spray, apply only as a Medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

Wind Speed

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. If applying a Medium spray, leave one swath unsprayed at the downwind edge of the treated field.

Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

Susceptible Plants

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops include, but are not limited to, cotton, okra, flowers, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

Other State and Local Requirements

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

Equipment

Do not apply with a nozzle height greater than 4 feet above the crop canopy.

SPECIMEN

WEEDS CONTROLLED

| | | | | |
|----------------------------|-------------------|----------------------|-----------------------|--------------------------|
| Alder | Common chickweed | Horsetail | Prostrate spurge | Thistle |
| Annual yellow sweet clover | Common mullein | Indiana mallow | Prostrate vervain | Tick trefoil |
| Artichoke | Common sowthistle | Ironweed | Puncture vine | Toad flax |
| Aster | Corn Chamomile | Jewelweed | Purslane | Trailing Crownvetch |
| Austrian fieldcress | Creeping jenny | Jimsonweed | Ragweed | Tumble mustard |
| Bedstraw | Crimson clover | Kochia | Red clover | Tumble pigweed |
| Beggartick | Croton | Knawel | Redroot pigweed | Tumbleweed |
| Biden | Cudweed | Knotweed | Red sorrel | Velvet leaf |
| Bindweed | Curly dock | Lambsquarter | Redstem filaree | Venice mallow |
| Bird vetch | Curly indigo | Lespedez | Rough cinquefoil | Veronica |
| Bitterweed | Dandelion | Locoweed | Rough fleabane | Vervain |
| Bitter wintercress | Dead nettle | Lupine | Roundleafed marigold | Vetch |
| Black-eyed Susan | Dock | Mallow | Rush | Virginia buttonweed |
| Black medic | Dogbane | Marshelder | Russian pigweed | Virginia creeper |
| Black mustard | Dogfennel | Matchweed | Russian thistle | Virginia pepperweed |
| Black-seed plantain | Elderberry | Mexicanweed | St. Johnswort | Wavyleaf bullthistle |
| Blessed thistle | English daisy | Milk vetch | Scarlet pimpernel | Western clematis |
| Blue lettuce | Fall dandelion | Milkweed bloodflower | Scotch thistle | Western salsify |
| Blue vervain | False dandelion | Mugwort | Sheep sorrel | White clover |
| Box elder | False flax | Morning glory | Shepherdspurge | White mustard |
| Bracted plantain | False sunflower | Mouse-ear chickweed | Slender plantain | Wild aster |
| Brassbuttons | Fiddleneck | Musk thistle | Smallflower galinsoga | Wild buckwheat |
| Bristly oxotongue | Field bindweed | Mustard | Smartweed | Wild carrot |
| Broadleaf dock | Field pansy | Narrowleaf plantain | Smooth dock | Wild four-o'clock |
| Broadleaf plantain | Flea bane (daisy) | Narrowleaf vetch | Smooth pigweed | Wild garlic |
| Broomweed | Flixweed | Nettle | Sneezeweed | Wild geranium |
| Buckhorn | Florida betony | Orange hawkweed | Southern wild rose | Wild lettuce |
| Buckhorn plantain | Florida pusley | Oxalis | Sowthistle | Wild marigold |
| Bulbous buttercup | Frenchweed | Oxeye daisy | Spanishneedle | Wild mustard |
| Bull nettle | Galinsoga | Parsley-piert | Spatterdock | Wild onion |
| Bull thistle | Garlic mustard | Parsnip | Speedwell | Wild parsnip |
| Burdock | Goathead | Pearwort | Spiny Amaranth | Wild radish |
| Burning nettle | Goatsbeard | Pennycress | Spiny cocklebur | Wild rape |
| Bur ragweed | Goldenrod | Pennywort | Spotted catsear | Wild strawberry |
| Burweed | Ground ivy | Peppergrass | Spotted knapweed | Wild sweet potato |
| Buttercup | Gumweed | Pepperweed | Spotted spurge | Wild vetch |
| Canada thistle | Hairy bittercress | Pigweed | Spurge | Willow |
| Carolina geranium | Hairy fleabane | Pineywoods bedstraw | Spurweed | Witchweed |
| Carpetweed | Hawkweed | Plains coreopsis | Stinging nettle | Woolly morning glory |
| Catchweed bedstraw | Healall | Plantain | Stinkweed | Woodsorrel |
| Catsear | Heartleaf drymary | Poison hemlock | Stitchwort | Woolly croton |
| Catnip | Hedge bindweed | Poison ivy | Strawberry clover | Woolly plantain |
| Chickweed | Hedge mustard | Poison oak | Sumac | Wormseed |
| Chicory | Hemp | Pokeweed | Sunflower | Yarrow |
| Cinquefoil | Henbit | Poorjoe | Sweet clover | Yellow rocket |
| Clover | Hoary cress | Povertyweed | Tall nettle | Yellow flower pepperweed |
| Cockle | Hoary plantain | Prickly lettuce | Tall vervain | |
| Cocklebur | Hoary vervain | Prickly sida | Tansy mustard | |
| Coffebean | Honeysuckle | Primrose | Tansy ragwort | |
| Coffeeweed | Hop clover | Prostrate knotweed | Tanweed | |
| | Horsenettle | Prostrate pigweed | Tarweed | |

Some of these species may require repeat spot applications and/or use of higher rate recommended on this product label even under ideal conditions for application.

MIXING INSTRUCTIONS

Fill spray tank with water. Start agitation and slowly add the recommended amount of concentrate. Maintain continuous agitation after mixing and during application. If this product is allowed to stand in tank for extended periods of time, some separation may occur. Reagitate before use.

ORNAMENTAL LAWNS AND TURF

Apply this product at the rate of 2 to 3 pints in 20 to 240 gallons of water per acre (0.75 to 1.1 fluid ounces in 0.5 to 5.5 gallons of water per 1,000 square feet) to control weeds growing in turf planted to Bluegrass, Fescue, Ryegrass, Bentgrass (excluding golf course greens and Bentgrass tees), Bahia, Bermudagrass and Zoysia.

Note: On closely mowed golf course fairway bentgrass, apply this product at a maximum rate of 2 pints in 20 to 240 gallons of water per acre (0.75 fluid ounces in 0.5 to 5.5 gallons of water per 1,000 square feet). During conditions which promote turf stress use lower rates, 1 to 1.5 pints in 20 to 240 gallons of water, per acre (0.36 to 0.55 fluid ounces in 0.3 to 5.5 gallons per 1,000 square feet). Slight turf yellowing will disappear after one week. To minimize grass injury, a second application should not be made for at least 4 weeks. Avoid swath overlaps. Do not use on golf course greens or Bentgrass tees.

Lower Volume Equipment: Use as little as 5 gallons of water per acre. Use only application equipment that is capable of spreading a uniform droplet, wetting each weed surface.

NOTE: For all grasses (1) do not overlap spray patterns; and (2) use reduced rates if grass is stressed from heat, drought, etc.

Limitations for Use on Ornamental Turf: The maximum rate per application is 3.75 pints per acre, and the maximum seasonal rate is 7.5 pints per acre. Do not apply more than 2 broadcast applications to the same treatment site per year, excluding spot treatments. Do not apply more than 7.5 pints per acre per year, including all broadcast and spot treatments combined. Do not exceed 2.0 lb ae dicamba and 3.0 lb ae 2,4-D per acre per year. Reseed no sooner than 3 to 4 weeks after application of this product.

SOD FARMS

This product is intended for use on sod farms. This herbicide provides selective broadleaf control in warm season and cool season turfgrass established for commercial sod production.

Timing

Apply this herbicide to broadleaf weeds that are actively growing. Follow-up applications may be required for dense infestations of perennial and biennial weeds. Do not apply this product to St. Augustinegrass.

The application of this herbicide to grass seedlings is not recommended until after the second mowing.

The application of this product to newly sodded, sprigged, or plugged grasses should be delayed until 3 to 4 weeks after the sodding, sprigging, or plugging operations. Also, applications to dormant Bermudagrass, dormant Zoysiagrass and dormant Bahiagrass are suggested.

Rates for Sod Farms

For Bluegrass, Ryegrass and Fescue, apply 2 to 3 pints per acre. For Creeping Bentgrass use 1.25 pints per acre. For Common and Hybrid Bermudagrass, Bahia and Zoysia grass apply 1.5 to 1.8 pints per acre. Spray volume for Sod Farm application is 5 to 175 gallons per acre.

Generally, the lower application rates will provide satisfactory control of sensitive weeds. The higher application rates will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

Limitations for Use on Sod:

The maximum rate per application is 5 pints per acre, and the maximum seasonal rate is 10 pints per acre. Do not apply more than 2 broadcast applications to the same treatment area per year, excluding spot treatments. Do not apply more than 10 pints per acre per year, including all broadcast and spot treatments combined. Minimum of 21 days between applications.

NON-TURF AREAS

Roadsides (including aprons and guardrails) and rights-of-way: For control of broadleaf weeds, mix at a rate of 2 to 5 pints of this product per acre in adequate water to thoroughly saturate all weeds with spray mixture. This may require a spray volume of 50 to 300 gallons of water per acre. Apply any time between the time when plants come into full leaf (spring) to when the plants begin to go dormant. Best results are obtained when weeds are young and actively growing. Do not cut weeds until herbicide has translocated throughout the plant causing root death. For small broadleaf weeds, use the lower rate. Heavy, dense stands require the higher rate with high water volume. For small (spot) applications with small tank sprayers, apply at the rate of 2-1/4 ounces of this product per gallon of water and spray to thoroughly wet all foliage, but do not exceed 5 pints of product per acre per application.

For control of woody plants: Apply to both stems and foliage any time from the time foliage is completely matured until the time plants start to go dormant. All leaves, stems and suckers must be completely wet to the ground line for effective control. Regrowth may be anticipated on the more resistant species. Add 4 to 5 pints of this product per acre in adequate water to thoroughly saturate all weeds with the spray mixture. This may require a spray volume of 200 to 600 gallons of water per acre depending upon the height and thickness of the brush. Mix thoroughly before spraying.

Limitations for Non-Turf Areas:

For annual and perennial weeds, the maximum rate per application is 5 pints per acre, limited to 2 applications per year. Do not apply more than 10 pints per acre per year, including all broadcast and spot treatments combined. Minimum of 30 days between applications. For woody plants, the maximum rate per application is 10 pints per acre, limited to 1 application per year.

Applications to non-cropland areas are not applicable to treatment of commercial timber or other plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes.

COMPATIBILITY

This product can be mixed with some liquid fertilizers or liquid iron materials. Because liquid fertilizers and liquid iron differ in pH, free ammonia content, density, salt concentration and percentage of water, a compatibility test (given below) is recommended prior to mixing in the application equipment. All regulations, either State or Federal, relating to the application of liquid fertilizers or liquid iron and this product must be strictly followed. It is the pesticide user's responsibility to ensure that all products in the listed mixtures are registered for the intended use. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture. The following compatibility test should always be performed prior to full-scale mixing.

1. Pour 18 fluid ounces of water into a quart jar.
2. Add 1 fluid ounce of either the liquid fertilizer or liquid iron to be used.
3. Add 1 fluid ounce of this product.
4. Close jar and shake well.
5. Watch the mixture for several seconds after shaking and check again after 30 minutes.
6. If the mixture does not show signs of separating, the combination may be used. If the mixture foams excessively, gels, separates or gets very thick, do not combine for field application.
7. Compatibility may be improved by the use of a compatibility agent. Some suggested compatibility agents to try are Kalo Laboratories Complex, Farm Chemicals Inc.'s Compat, Harcros Chemicals' T-Mulz 734-2, Rigo Company's Rigo Compatibility Agent, Witco Chemical's Sponto 1 68D, Amoco Oil's Amoco Spray Mate and Universal Coop.'s Chem-Link. These agents are all used in the same manner. Follow the previously outlined test procedures and add 1/6 ounce of the compatibility agent between steps (the compatibility agent must be added to the fertilizer or iron before adding the product).
8. If the mixture does not separate, gel, foam or get very thick, it may be used for field application. Mix only the amount to be sprayed. Do not allow to stand overnight.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Always use original container to store pesticides in a secured warehouse or storage building. Store at temperatures above 25°F. Protect product from freezing. If allowed to freeze, remix well before using. This does not alter this product. Containers should be opened in well-ventilated areas. Keep container tightly sealed when not in use. Do not stack cardboard cases more than two pallets high. Do not store near open containers of fertilizer, seed or other pesticides.

PESTICIDE DISPOSAL: Pesticide wastes are toxic. If container is damaged or if pesticide has leaked, contain all spillage. Absorb and clean up all spilled material with granules or sand. Place in a closed, labeled container for proper disposal. Improper disposal of excess pesticide, spray mixtures, or rinsate is a violation of Federal law and may contaminate groundwater. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING: Nonrefillable Containers 5 Gallons or Less: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

Nonrefillable containers larger than 5 gallons: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available. If recycling or reconditioning not available, puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke. Triple rinse or pressure rinse container (or equivalent) promptly after emptying. **Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure-rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

Refillable containers larger than 5 gallons: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

OR

Refillable Container: Refill this container with pesticide only. Do not reuse this container for any other purpose. Close all openings and replace all caps. Contact Nufarm's Customer Service Department at 1-800-345-3330 to arrange for return of the empty refillable container.

FOR RESIDENTIAL USE

CONTAINER HANDLING: If empty - Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled** - If product cannot be used as directed, call your local solid waste agency for disposal instructions. Never place unused product down any indoor (including toilet) or outdoor (including sewer) drain.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER, AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, CROP OR PLANT DAMAGE, OR LOSS OF YIELD, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE WEATHER, WIND, AND TEMPERATURE, OR THE MANNER OF USE OR APPLICATION, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER, AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER OR MANUFACTURER, AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY OTHER REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS. NO WARRANTIES SHALL BE CREATED BY COURSE OF DEALING, USAGE OF TRADE, OR COURSE OF PERFORMANCE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE FACE HEREOF. THE SELLER OR MANUFACTURER ASSUMES NO RESPONSIBILITY THAT THE GOODS WILL BE FIT FOR ANY PARTICULAR PURPOSE FOR WHICH YOU MAY BE BUYING OR USING THE GOODS, EXCEPT AS OTHERWISE PROVIDED IN THE CONTRACT.

LIMITATION OF LIABILITY WARNING

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NEITHER MANUFACTURER NOR SELLER SHALL BE LIABLE TO BUYER OR USER OR TO CUSTOMERS OF BUYER, IF ANY, FOR INDEMNIFICATION OR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE USE, MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY, SHALL BE FOR DAMAGES NOT EXCEEDING THE PURCHASE PRICE OF THE GOODS AND, IF BUYER OR USER WISHES, THE RETURN OF THE GOODS BY BUYER TO SELLER.

If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the goods, and return it unopened to the Seller, and the purchase price will be refunded. *By using the goods, you expressly agree to all of the terms and conditions of this contract.*

USES WITH OTHER PRODUCTS (TANK MIXES) *If the goods are used in combination with any other product except as specifically recommended in writing by Nufarm, then Nufarm shall have no liability for any crop, plant, or other loss, damage, or injury arising out of its use in any such combination not so specifically recommended.*

RV042216

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QUALI-PRO[®]



IMIDACLOPRID 2F

Turf & Ornamental Insecticide

For use on Turf and Ornamentals,
Nurseries and Greenhouses
Foliar and Systemic Insect Control

| ACTIVE INGREDIENT: | % BY WT. |
|---|---------------|
| Imidacloprid: 1-[(6-Chloro-3-pyridinyl) methyl] -N-nitro-2-imidazolidinimine | 21.8% |
| OTHER INGREDIENTS: | 78.2% |
| TOTAL: | 100.0% |

Contains 2 pounds of imidacloprid per gallon.
Flowable insecticide.
Shake well before using.

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCION

PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente. (TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

For additional precautionary, handling, and use statements, see inside of this booklet.

EPA Reg. No. 66222-203
EPA Est No. 53883-TX-002

**CONTENTS:
1 GALLON**



Manufactured for:
Makhteshim Agan of North America, Inc.
(d/b/a ADAMA)
3120 Highwoods Blvd., Suite 100
Raleigh, NC 27604

EPA 120313/Rev A

| FIRST AID | |
|---|--|
| IF SWALLOWED: | <ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| IF INHALED: | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice. |
| IF ON SKIN OR CLOTHING: | <ul style="list-style-type: none"> • Take off contaminated clothing • Rinse skin immediately with plenty of soap and water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice. |
| IF IN EYES: | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice. |
| HOT LINE NUMBER: In case of emergency, contact Prozar at 1-877-250-9291. Have the product container or label with you when calling a poison control center or doctor or going for treatment. | |
| NOTE TO PHYSICIAN: No specific antidote is available. Treat patient symptomatically. | |

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION**

Harmful if swallowed, inhaled, or absorbed through skin. Avoid contact with skin eyes, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove contaminated clothing and wash clothing before reuse.

Keep children or pets away from treated area until dry.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category A on an EPA chemical-resistance category selection chart.

Follow manufacturer's instructions for cleaning/ maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Applicators and other handlers must wear:

Worker Protection Standard Uses:

Applicators and other handlers (mixers and loaders) who handle this product for uses covered by the Worker Protection Standard (40 CFR Part 170) – such as sod farms, must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton. If you want more options, follow the instructions for Category A on an EPA chemical resistance category selection chart.
- Shoes plus socks

Non- Worker Protection Standard Uses:

Applicators and other handlers must wear:

- Shirt and pants
- Gloves
- Shoes plus socks

ENGINEERING CONTROLS STATEMENTS

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(4)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. Wash thoroughly and change into clean clothing. Wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters or rinsate.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops/plants or weeds. Do not apply this product or allow it to drift to blooming crops/plants or weeds if bees are foraging.

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Apply this product only as specified on this label. Extreme care must be taken to avoid runoff. Apply only to soil or other fill substrate that will accept the solution at the specified rate. Do not treat soil that is water-saturated or frozen or in any conditions where run-off or movement from the treatment area (site) is likely to occur.

PROTECTION OF POLLINATORS



APPLICATION RESTRICTIONS EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.



Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators.

This product can kill bees and other insect pollinators.

Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar.

Bees and other insect pollinators can be exposed to this pesticide from:

- o Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- o Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- o Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- o Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at <http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>.

Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to www.aapco.org/officials.html. Pesticide incidents should also be reported to the National Pesticide Information Center at www.npic.orst.edu or directly to EPA at beekill@epa.gov

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

See individual sites for specific pollinator protection application restrictions. If none exist under the specific site, for foliar applications, follow these application directions for food/feed crops and commercially grown ornamentals that are attractive to pollinators, and for non-agricultural uses:



FOR FOOD/FEED CROPS AND COMMERCIALY GROWN ORNAMENTALS NOT UNDER CONTRACT FOR POLLINATION SERVICES BUT ARE ATTRACTIVE TO POLLINATORS

Do not apply this product while bees are foraging. Do not apply this product until flowering is complete and all petals have fallen unless one of the following conditions is met:

- The application is made to the target site after sunset
- The application is made to the target site when temperatures are below 55°F
- The application is made in accordance with a government-initiated public health response
- The application is made in accordance with an active state-administered apiary registry program where beekeepers are notified no less than 48-hours prior to the time of the planned application so that the bees can be removed, covered or otherwise protected prior to spraying
- The application is made due to an imminent threat of significant crop loss, and a documented determination consistent with an IPM plan or predetermined economic threshold is met. Every effort should be made to notify beekeepers no less than 48-hours prior to the time of the planned application so that the bees can be removed, covered or otherwise protected prior to spraying.



Non-Agricultural Products:

Do not apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE while bees are foraging. Do not apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE to plants that are flowering. Only apply after all flower petals have fallen off.

Read entire label before using this product. This label must be in the possession of the user at the time of pesticide application.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.

Exception: If the product is applied by drenching, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- Coveralls
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton. If you want more options, follow the instructions for category A on an EPA chemical resistance category selection chart.
- Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and pets off treated area until dry.

APPLICATION ON TURFGRASS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE may be used to control listed insect pests on turfgrass in residential lawns, business and office complexes, shopping complexes, multi-family residential complexes, golf courses, airports, cemeteries, parks, playgrounds, athletic fields and sod farms.

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE controls listed soil inhabiting pests such as Northern & Southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic

garden beetle, *Maladera castanea*; European chafer, *Rhizotrogus majalis*; Green June beetle, *Cotinis nitida*; May or June beetle, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; Oriental beetle, *Anomala orientalis*; Billbugs *Spherophorus* spp.; Annual bluegrass weevil, *Hyperodes* spp.; Black turfgrass atenius, *Ataenius spretulus* and *Aphodius* spp.; European Crane Fly, *Tipula paludosa*; and mole crickets, *scapteriscus* spp. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE can also be used for suppression of cutworms and chinch bugs.

For optimum control, make applications preceding or during the egg laying period of the target pest. The active ingredient in QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE has enough residual activity so that applications can be made preceding the egg laying activity. Application timing can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Most favorable control will be achieved when applications are made prior to egg hatch of the target pests. Follow applications with sufficient irrigation or rainfall to move the active ingredient through the thatch.

RESTRICTIONS: Do not make applications when turfgrass areas are waterlogged or the soil is saturated with water. Sufficient distribution of the active ingredient cannot be achieved under these conditions. The treated turf area must be in such a condition that the rainfall or irrigation will penetrate vertically in the soil profile.

Do not exceed a total of 1.6 pt (0.4 lb of active ingredient)/A per year.

APPLICATION EQUIPMENT FOR USE ON TURFGRASS

Apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE in sufficient water to provide adequate distribution in the treated area. The use of accurately calibrated equipment normally used for the application of turfgrass insecticides is required. Use equipment which will produce a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Check calibration periodically to ensure that equipment is working properly.

RESTRICTION: Do not apply through any irrigation system.

APPLICATIONS

TURF GRASSES

| PEST | RATE | APPLICATION INSTRUCTIONS |
|--|--|--|
| Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbug Black turfgrass atenius Cutworms (suppression) European chafer European crane fly Green June Beetle Japanese beetle Northern Masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer | 1.25 to 1.6 pt/A or 0.46 to 0.6 fl. oz. (14 to 17 mL) per 1000 sq. ft. | For best control of grubs, billbugs, annual bluegrass weevil, and European Crane Fly, apply prior to egg hatch of the target pest. Read APPLICATION EQUIPMENT section of this label. |
| Chinch bugs (suppression) Mole crickets | 1.6 pt /A or 0.6 fl. oz. (17 mL) per 1000 sq. ft. | For suppression of chinch bugs, apply before hatching of the first instar nymphs. To control mole crickets apply before or during the peak egg hatch period. Use a curative insecticide in addition to QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE when adults or large nymphs are present and actively tunneling. Follow label instructions for other insecticides when tank-mixing. |
| <p>Consult your local turf, state Agricultural Experiment Station, or State Extension Service Specialists for more specific information regarding timing of application.</p> <p>Irrigation or rainfall must occur within 24 hours after application to move the active ingredient through the thatch. Do not mow turf or lawn area until after sufficient irrigation or rainfall has occurred so that uniformity of application will not be affected.</p> <p>RESTRICTION:</p> <ul style="list-style-type: none"> • Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. • Do not apply this product in a way that will contact people or pets. • Do not allow children or pets to enter treated areas until sprays have dried. • Do not allow this product to contact plants in bloom if bees are foraging in the treatment area. | | |

APPLICATION TO ORNAMENTALS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE is for use on ornamentals in commercial and residential landscapes and interior plantscapes. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE is a systemic product and will be taken up into the plant system from root uptake. The product must be placed where the growing portion of the target plant can absorb the active ingredient. The addition of a nitrogen containing fertilizer, where applicable, into the solution may enhance the uptake of the active ingredient. Application can be made by foliar application or soil applications including soil injection, drenches, and broadcast sprays. Foliar applications offer locally systemic activity against insect pests.

When making soil applications to plants with woody stems, systemic activity will be delayed until the active ingredient is taken up throughout the plant. In some cases, this translocation delay could take 60 days or longer. For this reason, apply prior to anticipated pest infestation to achieve optimum levels of control.

RESTRICTIONS:

- For outdoor applications, do not exceed a total of 1.6 pt (0.4 lb of active ingredient) /A per year.
- Not for use on grass grown for seed or on commercial fruit and nut trees.
- Do not apply this product, by any application method, to linden, basswood, or other *Tilia* species.

Ant Management Programs

Use QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE to control aphids, scale insects, mealybugs and other sucking pests on ornamentals to limit the honeydew available as a food source for ant populations. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE applications can be then supplemented with residual sprays, bait placements or other ant control tactics to further reduce the pest population.

APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE mixes readily with water and may be used in many types of application equipment. Mix product with the required amount of water and apply as desired dependent upon the selected use pattern.

When making foliar applications on hard to wet foliage such as holly, pine or ivy, the addition of a spreader/sticker is recommended. If concentrate or mist type spray equipment is used, an equivalent amount of product should be used on the area sprayed as would be used in a dilute application.

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE has been found to be compatible with commonly used fungicides, miticides, liquid fertilizers, and other commonly used insecticides. Check physical compatibility using the correct proportion of products in a small jar test if local experience is unavailable.

RESTRICTION:

- Do not apply through any irrigation system.
- Do not apply this product in a way that will contact people or pets.
- Do not allow children or pets to enter treated areas until sprays have dried.

APPLICATIONS

FOR USE ONLY IN AND AROUND THE PERIMETER OF INDUSTRIAL AND COMMERCIAL BUILDINGS AND RESIDENTIAL AREAS

| CROP | PEST | RATE | APPLICATION INSTRUCTIONS |
|--|--|---|---|
| Trees Shrubs Evergreens Flowers Foliage plants Groundcovers Interior plantscapes | Adelgids Aphids Japanese beetles Lace bug Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Mealybugs Psyllids Sawfly Larvae Thrips (suppression) Whiteflies | 1.5 fl. oz. (45 mL) per 100 gal of water | Foliar Applications: Begin applications before the onset of high pest populations and reapply as needed. |
| | White grub larvae (such as Japanese beetle larvae, Chafers, <i>Phyllophaga</i> spp., Asiatic garden beetle, Oriental beetle) | 0.46 to 0.6 fl. oz. (14 to 17 mL) per 1000 sq. ft. | Broadcast Applications: Use enough water to mix the product and thoroughly apply to the treatment area. Do not use less than 2 gallons of water per 1000 sq ft. Irrigate after application to incorporate QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE into the upper soil layer. For additional use directions, refer to the FLOWERS and GROUND COVERS section of this label. |

SOIL INJECTION* AND SOIL DRENCH APPLICATIONS IN AND AROUND THE PERIMETER OF INDUSTRIAL AND COMMERCIAL BUILDINGS AND RESIDENTIAL AREAS, AND STATE, NATIONAL AND PRIVATE WOODED AND FORESTED AREAS

*No Soil injection Applications Allowed in Nassau or Suffolk Counties of New York.

| PEST | CROP/RATE | APPLICATION INSTRUCTIONS | REMARKS |
|---|--|---|--|
| Adelgids Aphids Armored scales (suppression) Black vine weevil larvae Eucalyptus longhorned borer Flatheaded borer (including bronze, alder and emerald ash) Japanese beetles Lace bugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Leafminers Mealybugs Pine tip moth larvae Psyllids Roundheaded borers (including Asian longhorned beetles) Royal palm bugs Sawfy larvae Soft scales Thrips (suppression) White grub larvae Whiteflies | <p style="text-align: center;">TREES</p> Use the following rates as a function of tree Diameter at Breast Height (D.B.H.): Apply 0.1 to 0.4 fl. oz. (3 to 12 mL) per inch of trunk diameter (D.B.H.) You may use the higher rate (0.3 – 0.4 fl. oz.) only for trees greater than 15 D.B.H. to control the following pests: Asian longhorned beetle, Emerald Ash Borer, Eucalyptus longhorned borer, Bronze birch borer, Alder borer <p style="text-align: center;">RESTRICTION:</p> Do not exceed a total of 1.6 pt (0.4 lb of active ingredient) /A per year. Diameter at Breast Height (D.B.H.) = is measured at 4.5 feet from the ground. | <p>SOIL INJECTION:</p> <p>Grid System: Space holes in a grid pattern on 2.5 foot centers extending to the drip line of the tree.</p> <p>Circle System: Apply in holes evenly spaced in circles (use more than one circle dependent upon the size of the tree) beneath the drip line of the tree extending in from that line.</p> <p>Basal System: Space injection holes evenly around the base of the tree trunk no more than 6 to 12 inches out from the base.</p> <p>Soil Drench: Apply uniformly as a drench around the base of the tree in not less than 10 gallons of water per 1000 square feet. Direct application to the root area. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p> | Use enough water to mix the product and inject an equal amount of solution in each hole. Use low pressure and sufficient solution for distribution of the liquid into the treatment area. Keep the treated area moist for 7 to 10 days. Do not use less than 4 holes per tree. <p>For Control of Specified Borers: Trees with existing insect damage and stress may not recover after treatment with QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE.</p> |

(continued)

| PEST | CROP/RATE | APPLICATION INSTRUCTIONS | REMARKS |
|------|--|--|---|
| | <p>SHRUBS</p> <p>0.1 to 0.2 fl. oz. (3 to 6 mL) per foot of shrub height</p> | <p>Soil Injection: Apply at the specified dosage to each plant.</p> <p>Soil Drench: Apply uniformly as a drench around the base of the tree in not less than 10 gallons of water per 1000 square feet. Direct application to the root area. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p> | <p>Use enough water to mix the product and inject an equal amount of solution in each hole. Use low pressure and sufficient solution for distribution of the liquid into the treatment area. Keep the treated area moist for 7 to 10 days.</p> <p>Do not use less than 4 holes per shrub.</p> |
| | <p>FLOWERS AND GROUNDCOVERS</p> <p>0.46 to 0.6 fl. oz. (14 to 17 mL) per 1000 sq. ft.</p> | <p>Apply as a broadcast treatment before or after planting, prior to bloom or after all flower petals have fallen off for established plants. Mix into soil. On established plants, irrigate thoroughly after application.</p> | |

FOLIAR APPLICATIONS FOR USE ONLY IN AND ON RESIDENTIAL AREAS

| CROP | PEST | RATES | APPLICATION INSTRUCTIONS |
|--|---|--|---|
| <p>POME FRUITS Apple Crabapple Loquat Mayhaw Pear Pear (oriental) Quince</p> | <p>Aphids (except Woolly apple aphid) Leafhoppers (including glassy-winged sharpshooter) Leafminer Mealybugs¹ San Jose scale¹</p> | <p>1.5 fl. oz. (45 mL) per 100 gal or 6.0 fl. oz./A³</p> | <p>Apply specified dosage as foliar spray as needed after petal-fall is complete.</p> <p>For control of rosy apple aphid, apply prior to leafrolling caused by the pest.</p> <p>For first generation leafminer control, make first application as soon as petal-fall is complete. Greatest leafminer control will result from the earliest possible application. For second and succeeding generations of leafminer, optimal control is obtained from applications made early in the adult flight against egg and early instar larvae. A second application may be required 10 days later if severe pressure continues or if generations are overlapping. A single application may result in suppression only. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE will not control late stage larvae.</p> <p>For San Jose Scale, time applications to the crawler stage. Treat each generation.</p> <p>For late season (preharvest) control of leafhopper species, apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE while most leafhoppers are in the nymphal stage.</p> <p>For control of mealybug, insure good spray coverage of the trunk and scaffolding limbs or other resting sites of the mealybug.</p> <p>RESTRICTIONS:</p> <ul style="list-style-type: none"> • Do not apply more than 6.0 fl. oz./A in a single application. • Do not make more than 5 applications /A per year. • Do not apply more than 1.6 pt (0.4 lb of active ingredient) per year. • Allow 10 or more days between applications. Allow at least 7 days between last application and harvest. |

(continued)

FOLIAR APPLICATIONS FOR USE ONLY IN AND ON RESIDENTIAL AREAS (continued)

| CROP | PEST | RATES | APPLICATION INSTRUCTIONS |
|---|--|---|---|
| Pecan ² | Yellow pecan aphid Black margined aphid Pecan leaf phylloxera Pecan spittlebug Pecan stem phylloxera | 1.5 fl. oz. (45 mL) per 100 gal or 6.0 fl. oz./A ³ | Make foliar applications as pests begin to build before populations become extreme. Two applications at a 10 to 14 day interval may be required to achieve control. Scout and re-treat if needed. Thorough uniform coverage of foliage is necessary for optimal control. Addition of an organosilicone-based spray adjuvant at a rate not to exceed the adjuvant manufacturer's use rate may improve coverage. RESTRICTIONS: <ul style="list-style-type: none"> • Do not apply more than a total of 18.0 fl. oz. of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE /A per year. Do not make more than 3 applications. • Allow 10 or more days between applications. Allow at least 7 days between last application and harvest. |
| <p>¹ Not for use in California for control on pears.</p> <p>² Use on pecans not permitted in California unless directed by state-specific 24(c) supplemental labeling.</p> <p>³ The amount of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE required /A will depend on tree size and volume of foliage present. The rate /A is based on a standard of 400 gallons of dilute spray solution /A for large trees.</p> | | | |

FOLIAR APPLICATION FOR USE ONLY IN AND ON INDUSTRIAL AND COMMERCIAL BUILDINGS AND RESIDENTIAL AREAS

| CROP | PEST | RATE | APPLICATION INSTRUCTIONS |
|--------|--|--|---|
| Grapes | Leafhoppers (including glassy-winged sharpshooter) Mealybugs | 1.5 fl. oz. (45 mL) per 100 gal or 3.0 fl. oz/A (90 mL/A) | Apply specified dosage as a foliar spray using 200 gallons of water /A. RESTRICTIONS: <ul style="list-style-type: none"> • Do not apply more than a total of 6.0 ounces of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE /A per year. • Allow at least 14 days between applications. Applications may be applied up to and including day of harvest. Pre-Harvest Interval = 0 days. |

Restrictions

- Keep children and pets off treated area until dry.
- Do not graze treated areas or use clippings from treated areas for feed or forage.
- Do not allow runoff or puddling of irrigation water following application. Do not apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant.
- Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year.

APPLICATION IN GREENHOUSES, NURSERIES, ORNAMENTALS, FRUIT AND NUT TREES AND VEGETABLE PLANTS

APPLICATION TO ORNAMENTALS AND VEGETABLE PLANTS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE may be used to control listed insect pests on ornamental and vegetable plants in nurseries and greenhouses. Insect protection is achieved because QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE is a systemic product and the active ingredient moves upward into the plant system. Apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE to the growing part of the plant for more absorption of the active ingredient. Nitrogen containing fertilizer may be added to the solution to aid in the uptake of the active ingredient where applicable. Apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE as a foliar spray or by soil applications such as soil injection, drenches, chemigation and broadcast sprays.

Soil applications to plants with woody stems will require applications of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE before expected pest infestations due to the delay in the uptake of the active ingredient and the time until the product is taken up throughout the plant.

Restriction: For outdoor applications, do not exceed a total of 1.6 pt (0.4 lb of active ingredient) /A per year.

Bark Media: The length of protection after treatment with QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE may be shortened if the media has 30% or more bark content.

APPLICATION EQUIPMENT FOR ORNAMENTALS AND VEGETABLE PLANTS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE mixes with water and may be applied with different types of application equipment. After mixing with the correct amount of water, follow the application directions for the selected use pattern.

For applications on hard to wet foliage such as holly, pine or ivy, the use of a spreader/ sticker is recommended. For application by concentrate or mist type spray equipment, use the same amount as would be used in a dilute application.

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE is compatible with frequently used fungicides, miticides, liquid fertilizers. Compatibility may be tested in a small jar by using the correct proportion of products if compatibility information is not available.

APPLICATION THROUGH IRRIGATION SYSTEMS

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE may be applied alone or as a tank mixture with other chemicals or pesticides registered for application through irrigation systems. The normal dilution ratio is 1:100 to 1:200 depending on the system. Always meter the product into the irrigation water during the first part of the irrigation cycle. The product may be mixed separately prior to injection. Agitation may be necessary if the mixture is allowed to stand more than 24 hours.

Remove scale, pesticide residue and other foreign matter from the tank and entire irrigation system.

Apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE only through micro irrigation (individual spaghetti tubes), drip irrigation, overhead irrigation, ebb and flood, or hand-held or motorized calibrated irrigation equipment.

Do not apply this product through any other type of irrigation system. Crop injury or lack of effectiveness can result from non uniform distribution of treated water.

If you have any questions about calibration, contact your State Extension Service specialist, equipment manufacturers or other experts in this area.

Do not connect an irrigation system (including greenhouse systems) used for pesticide application to a public water system unless the pesticide label-prescribed safety devices for public water systems are in place.

A person knowledgeable of the chemigation system and responsible for its operation or a person who is under the supervision of the responsible person, shall shut the system down and make necessary adjustments should the need arise.

SAFETY DEVICES FOR IRRIGATION SYSTEMS CONNECTED TO PUBLIC WATER SUPPLIES:

If the source of water for your irrigation system is a public water supply, follow the instructions below:

1. Public water system means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
2. Chemigation systems connected to public water systems must contain a functional, reduced-pressure zone, backflow preventer (RPZ) or the functional equivalent in the water supply line upstream from the point of pesticide introduction. As an option to the RPZ, water from the public water system should be discharged into a reservoir tank prior to pesticide introduction. There shall be a complete physical break (air gap) between the outlet end of the fill pipe and the top or overflow rim of the reservoir tank of at least twice the inside diameter of the fill pipe.
3. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.

4. The pesticide injection pipeline must contain a functional, normally closed, solenoid-operated valve located on the intake side of the injection pump and connected the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
5. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops, or in cases where there is no water pump, when the water pressure decreases to the point where pesticide distribution is adversely affected.
6. Systems must use a metering pump, such as a positive displacement injection pump (e.g., diaphragm pump) effectively designed and constructed of materials that are compatible with pesticides and capable of being fitted with a system interlock.
7. Do not apply when wind speed favors drift beyond the area intended for treatment.

SAFETY DEVICES FOR IRRIGATION SYSTEMS NOT CONNECTED TO A PUBLIC WATER SUPPLY:

1. The system must contain a functional check valve, vacuum relief valve and low pressure drain appropriately located on the irrigation pipeline to prevent water source contamination from backflow.
2. The pesticide injection pipeline must contain a functional, automatic, quick-closing check valve to prevent the flow of fluid back toward the injection pump.
3. The pesticide injection pipeline must also contain a functional normally closed solenoid-operated valve located on the intake side of the injection pump and connected to the system interlock to prevent fluid from being withdrawn from the supply tank when the irrigation system is either automatically or manually shut down.
4. The system must contain functional interlocking controls to automatically shut off the pesticide injection pump when the water pump motor stops.
5. The irrigation line or water pump must include a functional pressure switch which will stop the water pump motor when the water pressure decreases to the point where the pesticide distribution is adversely affected.
6. Systems must use a metering pump such as a positive displacement injection pump (e.g. diaphragm pump) effectively designed and constructed of material that is compatible with pesticides and capable of being fitted with a system interlock.
7. Do not apply when wind speed favors drift beyond the area intended for treatment.

APPLICATION TO GRASSY AREAS IN NURSERIES

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE may be used on nursery grass in areas such as under or around field or container grown plants, on roadways or other grassy areas in or around nurseries.

QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE controls listed soil inhabiting pests of grassy areas of nurseries, such as Northern and Southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic garden beetle, *Maladera castanea*; European chafer, *Rhizotroqus majalis*; Green June beetle, *Cotinis nitida*; May or June beetle, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; Oriental beetle, *Anomala orientalis*; Billbugs, *Spherophorus* spp.; Annual bluegrass weevil, *Hyperodes* spp.; Black turfgrass atenius, *Ataenius spretulus* and *Aphodius* spp. and mole crickets, *Scapteriscus* spp. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE can also be used for suppression of cutworms and chinch bugs.

For optimum control, make applications preceding or during the egg laying period of the target pest. The active ingredient in QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE has enough residual activity so that applications can be made preceding the egg laying activity. Application timing can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Most favorable control will be achieved when applications are made prior to egg hatch of the target pests. Follow application with sufficient irrigation or rainfall to move the active ingredient through the thatch.

RESTRICTIONS

- Do not make applications when grassy areas are waterlogged or the soil is saturated with water. Sufficient distribution of the active ingredient cannot be achieved under these conditions. The treated grassy area must be in such a condition that the rainfall or irrigation will penetrate vertically in the soil profile.
- Do not apply more than a total of 1.6 pt (0.4 lb of active ingredient) /A per year.

APPLICATION EQUIPMENT FOR USE ON GRASSY AREAS IN NURSERIES

Apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE in enough water to provide sufficient distribution in the treated area. Use accurately calibrated equipment typically used for the application of soil insecticides which will produce a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Check calibration periodically to ensure that equipment is working properly.

APPLICATION SITES

GRASSY AREAS OF FIELD AND FOREST NURSERIES

| PEST | RATES | APPLICATION INSTRUCTIONS |
|--|--|---|
| Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbugs Black turfgrass ataenius <i>Phyllophaga</i> spp. Cutworms (suppression) European chafer Green June Beetle Japanese beetle Northern masked chafer Oriental beetle Southern masked chafer | 19.2 to 25.6 fl. oz. /A or 0.45 to 0.6 fl. oz. (13 to 17 mL) per 1,000 sq. ft. | <p>For best control of grubs, billbugs and annual bluegrass weevil, make application prior to egg hatch of the target pest.</p> <p>Make sure to read APPLICATION EQUIPMENT section of this label.</p> <p>For suppression of chinch bugs, make application prior to the hatching of the first instar nymphs.</p> <p>For control of mole crickets make application before or during the peak egg hatch period. When adults or large nymphs are present and actively tunneling, QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE application should be accompanied by a curative insecticide. Follow label instructions for other insecticides when tank-mixing.</p> |
| Chinch bugs (suppression) Mole crickets | 25.6 fl. oz./A or (17 mL) per 1,000 sq. ft. | <p>Consult your local turf, State Agricultural Experiment Station, or State Extension Service Specialist for more specific information regarding timing of application. Irrigation or rainfall must occur within 24 hours after application to move the active ingredient through the thatch. Do not mow grass area until after adequate irrigation or rainfall has occurred so that evenness of application will not be affected.</p> <p>RESTRICTION:</p> <ul style="list-style-type: none"> · Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. · Do not apply this product in a way that will contact people or pets. · Do not allow children or pets to enter treated areas until sprays have dried. · Do not allow this product to contact plants in bloom if bees are foraging in the treatment area. |

ORNAMENTALS

FOLIAR AND SYSTEMIC APPLICATION IN OR ON FIELD-GROWN NURSERY AND CONTAINER STOCK, GREENHOUSE ORNAMENTALS, AND ORNAMENTALS GROWN IN FLAT BENCHES OR BEDS

| PEST | CROP | RATES | APPLICATION INSTRUCTIONS |
|---|--|--|--|
| Adelgids Aphids Japanese beetles (adults) Lacebugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Leafminers Mealybugs Sawfly larvae Thrips (suppression) Whiteflies | Trees (including non-bearing fruit and nut) Shrubs Evergreens Flowers Ground covers Vegetable plants* | 1.7 fl. oz. (50 mL) per 100 gal. of water | <p>Foliar Applications: Start treatments before high pest pressure is observed and reapply as needed.</p> <p>For resistance management purposes, do not make a QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE foliar application following a soil application in the same crop.</p> <p>RESTRICTIONS</p> <ul style="list-style-type: none"> • For use on vegetable plants intended for resale only including: Broccoli, Chinese Broccoli, Broccoli Raab, Brussels Sprouts, Cabbage, Chinese Cabbage, Cauliflower, Collards, Eggplant, Ground Cherry, Kale, Kohlrabi, Lettuce, Mustard Greens, Pepinos, Peppers, Potatoes, Rape Greens, Sorghum, Sugarbeets, Tomatillo, and Tomato. • Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. Minimum interval between applications: 5 days. |
| White grub larvae (such as Japanese beetle larvae, Chafers, <i>Phyllophaga</i> spp., Asiatic garden beetle, Oriental beetle) | | 0.45 to 0.6 fl. oz. (13 to 17 mL) per 1,000 sq. ft. | <p>Broadcast Applications: Mix required amount of product in enough water to uniformly and exactly cover the treatment area. Do not use less than 2 gallons of water per 1000 sq. ft. Irrigate to integrate QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE into the upper soil level.</p> <p>Refer to REMARKS section for use directions specific for FLOWERS AND GROUND COVERS concerning additional use directions.</p> <p>RESTRICTION: Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. Minimum interval between applications: 5 days.</p> |
| <p>* For use on vegetable plants intended for resale only including: Broccoli, Chinese Broccoli, Broccoli Raab, Brussels Sprouts, Cabbage, Chinese Cabbage, Cauliflower, Collards, Eggplant, Ground Cherry, Kale, Kohlrabi, Lettuce, Mustard Greens, Pepinos, Peppers, Potatoes, Rape Greens, Sorghum, Sugarbeets, Tomatillo, and Tomato.</p> | | | |

SOIL INJECTION, SOIL DRENCH AND BROADCAST APPLICATIONS IN NURSERY AND GREENHOUSE

| PEST | CROP/RATES | APPLICATION INSTRUCTIONS |
|---|---|---|
| Adelgids Aphids Armored scales Black vine weevil larvae Eucalyptus longhorned borers Flatheaded borers (including bronze birch and alder borers) Japanese beetles (adults) Lacebugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Leafminers Mealybugs Pine Tip moth larvae Psyllids Royal palm bugs Sawfly larvae Soft scales Thrips (suppression) White grub larvae Whiteflies | <p style="text-align: center;">TREES</p> Apply 0.1 to 0.2 fl oz (3 to 6 mL) per inch of trunk diameter. Diameter at Breast Height (D.B.H.) = is measured at 4.5 feet from the ground. | <p>Soil Injections:</p> <p>Grid System: Space holes on 2.5 foot centers, in a grid pattern, extending to the drip line of the tree.</p> <p>Circle System: Apply in holes evenly spaced in circles, (use more than one circle dependent upon the size of the tree) beneath the drip line of the tree extending in from that line.</p> <p>Basal System: Space injection holes evenly around the base of the tree trunk no more than 6 to 12 inches out from the base.</p> <p>Mix required dosage in sufficient water to inject an equal amount of solution in each hole. Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. Keep the treated area moist for 7 to 10 days. Do not use less than 4 holes per tree.</p> <p>Soil Drench: Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p> <p>For Control of Specified Borers: Application to trees already heavily infested may not prevent the eventual loss of the trees due to existing pest damage and tree stress.</p> <p>RESTRICTIONS</p> <ul style="list-style-type: none"> • No Soil Injection Application Allowed in Nassau or Suffolk Counties of New York. • Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. |

(continued)

| PEST | CROP/RATES | APPLICATION INSTRUCTIONS |
|------|---|--|
| | <p>SHRUBS 0.1 to 0.2 fl. oz. (3 to 6 mL) per foot of shrub height</p> | <p>Soil Injection: Apply to individual plants using dosage indicated. Mix required dosage in sufficient water to inject an equal amount of solution in each hole. Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. Keep the treated area moist for 7 to 10 days. Do not use less than 4 holes per shrub.</p> <p>Soil Drench: Uniformly apply the dosage in no less than 10 gallons of water per 1,000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p> <p>RESTRICTIONS</p> <ul style="list-style-type: none"> • No Soil Injection Application Allowed in Nassau or Suffolk Counties of New York. • Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. |
| | <p>FLOWERS AND GROUND COVERS 0.45 to 0.6 fl. oz. (13 to 17 mL) per 1,000 sq. ft.</p> | <p>Apply as a broadcast treatment before or after planting, prior to bloom or after all flower petals have fallen off for established plants. After application to established plants, irrigate thoroughly.</p> <p>RESTRICTION: Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year.</p> |

EBB & FLOOD APPLICATION

Prior to treatment, to ensure accurate uptake by the plants, at least 10 plants must be brought up to a known field capacity and allowed to dry out for one or two days. Once dry, re-wet these plants to determine how much water on average each plant will absorb to bring it back at field capacity. Use the volume absorbed per plant (keeping pot sizes uniform) multiplied by the number of pots being treated. Add to this volume a required minimum to flood your smallest treatment area. This should minimize the return back to the storage tank. Re-use the returned volume with subsequent irrigation or nutrients on the same plants.

| PEST | POT SIZE (inches) | Herbaceous species including vegetable plants* (1 or 2 plants per pot) | Woody perennials, Herbaceous species including vegetable plants* (3 or more plants per pot) | APPLICATION INSTRUCTIONS |
|---|-------------------|--|---|---|
| | | ML per 100 Plants | ML per 100 Plants | |
| Adelgids | 2 | 1.6 mL | 2.5 mL | <p>¹ Fungus gnat larvae: Control in the soil by drench or incorporation. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE will not control adult Fungus Gnats.</p> <p>² Root Mealybug: To obtain control, thoroughly drench the containerized media but do not allow leaching from the bottom of the container. Use the following rate of 1.7 fl oz (50 mL) in 150 gallons of water.</p> <p>³ Citrus Root Weevil: For use on non-bearing citrus nursery stock.</p> <p>⁴ Thrips: For suppression on foliage only. Thrips in buds and flowers will not be suppressed.</p> <p>Foliar insect control is accomplished by the uptake of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE from a healthy root system. This allows the active ingredient to move up into the plant.</p> <p>RESTRICTIONS</p> <ul style="list-style-type: none"> • For use on vegetable plants intended for resale only including: Broccoli, Chinese Broccoli, Broccoli Raab, Brussels Sprouts, Cabbage, Chinese Cabbage, Cauliflower, Collards, Eggplant, Ground Cherry, Kale, Kohlrabi, Lettuce, Mustard Greens, Pepinos, Peppers, Potatoes, Rape Greens, Sorghum, Sugarbeets, Tomatillo, and Tomato. • Do not apply more than 1.6 pt (0.4 lb of active ingredient) /A per year. |
| Aphids | | | | |
| Armored scales | 3 | 2.5 mL | 3.7 mL | |
| Fungus Gnats (larvae only) ¹ | | | | |
| Japanese beetles (adults) | 4 | 3.3 mL | 5 mL | |
| Lacebugs | | | | |
| Leaf beetles (including elm and viburnum leaf beetles) | 5 | 4.2 mL | 6.3 mL | |
| Leafhoppers (including glassy-winged sharpshooter) | 6 | 5 mL | 7.7 mL | |
| Leafminers | 7 | 5.9 mL | 9.1 mL | |
| Mealybugs | | | | |
| Psyllids | 8 | 6.6 mL | 10 mL | |
| Root mealybugs ² | | | | |
| Root Weevil Complex (such as Apopka Weevil, Black Vine Weevil, Citrus Weevil ³) | 9 | 7.4 mL | 11.1 mL | |
| Soft scales | 10 | 8.3 mL | 12.5 mL | |
| Thrips (suppression) ⁴ | | | | |
| Whiteflies | 11 | 9 mL | 14.3 mL | |
| White grub larvae (such as Japanese Beetle, Masked Chafer, European Chafer, Oriental Beetle, Asiatic Garden Beetle) | 12 | 10 mL | 16.7 mL | |

DRENCH AND IRRIGATION APPLICATIONS

For use only on greenhouse and nursery ornamentals, vegetable plants*, and interiorscape plants using soil drenches, micro irrigation, drip irrigation, overhead irrigation, ebb and flood irrigation, or hand-held or motorized calibrated irrigation equipment.

| PEST | POT SIZE (inches) | Herbaceous species including vegetable plants* (1 or 2 plants per pot) | Woody perennials, Herbaceous species including vegetable plants* (3 or more plants per pot) | APPLICATION INSTRUCTIONS |
|---|-------------------|--|---|--|
| | | No. pots treated with 1.7 fl. oz. (50 mL) | No. pots treated with 1.7 fl. oz. (50 mL) | |
| Adelgids | 2 | 3,000 | 2,000 | Thoroughly wet most of the potting medium but do not allow runout or leaching from the bottom of the container. |
| Aphids | | | | |
| Fungus Gnats (larvae only) ¹ | 3 | 2,000 | 1,350 | Follow the application with moderate irrigation. During the next 10 days, carefully irrigate to avoid the loss of the active ingredient due to leaching. ¹ Fungus gnat larvae: Control in the soil by drench or incorporation. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE will not control adult Fungus Gnats. ² Root Mealybug: To obtain control, thoroughly drench the containerized media but do not allow leaching from the bottom of the container. Use the following rate of 1.7 fl oz (50 mL) in 150 gallons of water. ³ Citrus Root Weevil: For use on non-bearing citrus nursery stock. ⁴ Thrips: For suppression on foliage only. Thrips in buds and flowers will not be suppressed. Foliar insect control is accomplished by the uptake of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE from a healthy root system. This allows the active ingredient to move up into the plant. |
| Japanese beetles (adults) | 4 | 1,500 | 1,000 | |
| Lacebugs | | | | |
| Leaf beetles (including elm and viburnum leaf beetles) | 5 | 1,200 | 800 | |
| Leafhoppers (including glassy-winged sharpshooter) | 6 | 1,000 | 650 | |
| Leafminers | 7 | 850 | 550 | |
| Mealybugs | 8 | 750 | 500 | |
| Psyllids | 9 | 675 | 450 | |
| Root mealybugs ² | | | | |
| Root Weevil Complex (such as Apopka Weevil, Black Vine Weevil, Citrus Weevil ³) | 10 | 600 | 400 | |
| Soft scales | 11 | 550 | 350 | |
| Thrips (suppression) ⁴ | 12 | 500 | 300 | |
| Whiteflies | | | | |
| White grub larvae (such as Japanese Beetle, Masked Chafer, European Chafer, Oriental Beetle, Asiatic Garden Beetle) | | | | |

(continued)

DRENCH AND IRRIGATION APPLICATIONS *(Continued)*

For use only on greenhouse and nursery ornamentals, vegetable plants*, and interiorscape plants using soil drenches, micro irrigation, drip irrigation, overhead irrigation, ebb and flood irrigation, or hand-held or motorized calibrated irrigation equipment. *(continued)*

| PEST | POT SIZE (inches) | Herbaceous species including vegetable plants* (1 or 2 plants per pot) | Woody perennials, Herbaceous species including vegetable plants* (3 or more plants per pot) | APPLICATION INSTRUCTIONS |
|---|---|--|---|---|
| | | No. pots treated with 1.7 fl. oz. (50 mL) | No. pots treated with 1.7 fl. oz. (50 mL) | |
| | Ornamental and vegetable plants* grown in flats, benches, or beds | | 1.7 fl. oz. (50 mL) per 3,000 sq. ft. | <p>Mix the appropriate amount of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE in sufficient water to evenly cover the treatment area.</p> <p>RESTRICTION: Do not use less than 2 gallons of mixture per 1000 sq. ft.</p> <p>Apply as a broadcast treatment. Before planting, mix into the potting medium or apply after to established plants. Lightly irrigate after application to established plants for best control.</p> <p>RESTRICTION: Do not allow leaching or runoff for 10 days after application.</p> |
| <p>* For use on vegetable plants intended for resale only including: Broccoli, Chinese Broccoli, Broccoli Raab, Brussels Sprouts, Cabbage, Chinese Cabbage, Cauliflower, Collards, Eggplant, Ground Cherry, Kale, Kohlrabi, Lettuce, Mustard Greens, Pepinos, Peppers, Potatoes, Rape Greens, Sorghum, Sugarbeets, Tomatillo, and Tomato.</p> | | | | |

(continued)

DRENCH AND IRRIGATION APPLICATIONS (Continued)

| PEST | Containerized Plants | | APPLICATION INSTRUCTIONS |
|---|----------------------|---|--|
| | Container Size | No. pots treated with 1.7 fl. oz. (50 mL) | |
| Adelgids | 1 gallon | 340 to 244 | <p>Apply in sufficient water to wet the potting medium. For best control, make applications prior to egg hatch of the target pest. Irrigate moderately after application to move the active ingredient into the root zone.</p> <p>To prevent leaching, use 1.7 fl. oz. (50 mL) of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE in the appropriate amount of water to treat the number of pots based on the pot size as stated in the table.</p> <p>Foliar insect control is accomplished by the uptake of QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE from a healthy root system. This allows the active ingredient to move up into the plant.</p> <p>¹ Fungus gnat larvae: Control in the soil by drench or incorporation. QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE will not control adult Fungus Gnats.</p> <p>² Root Mealybug: To obtain control, thoroughly drench the containerized media but do not allow leaching from the bottom of the container. Use the following rate of 1.7 fl oz (50 mL) in 150 gallons of water.</p> <p>³ Citrus Root Weevil: For use on non-bearing citrus nursery stock.</p> <p>⁴ Thrips: For suppression on foliage only. Thrips in buds and flowers will not be suppressed.</p> |
| Aphids | | | |
| Fungus Gnats (larvae only) ¹ | 2 gallon | 280 to 210 | |
| Japanese beetles (adults) | 3 gallon | 220 to 165 | |
| Lacebugs | | | |
| Leaf beetles (including elm and viburnum leaf beetles) | 5 gallon | 160 to 110 | |
| | 7 gallon | 100 to 75 | |
| Leafhoppers (including glassy-winged sharpshooter) | 10 gallon | 60 to 45 | |
| Leafminers | 15 gallon | 40 to 30 | |
| Mealybugs | | | |
| Psyllids | 20 gallon | 20 to 15 | |
| Root mealybugs ² | | | |
| Root Weevil Complex (such as Apopka Weevil, Black Vine Weevil, Citrus Weevil ³) | | | |
| Soft scales | | | |
| Thrips (suppression) ⁴ | | | |
| Whiteflies | | | |
| White grub larvae (such as Japanese Beetle, Masked Chafer, European Chafer, Oriental Beetle, Asiatic Garden Beetle) | | | |

(continued)

| PEST | Containerized Plants | | APPLICATION INSTRUCTIONS |
|---|---|---|---|
| | Container Size | No. pots treated with 1.7 fl. oz. (50 mL) | |
| Field and Forest Nurseries | | | |
| White grub larvae (such as Japanese Beetle, Masked Chafer, European Chafer, Oriental Beetle, Asiatic Garden Beetle) | 1.7 fl. oz. (50 mL) per 1,000 ft. of row or 3,000 sq. ft. | | Before application, mow the vegetation in the treatment area to a height of 3 inches or less. Mow to the lowest height possible. Applications must be made May through July. Treatment must be followed by rainfall or irrigation. Do not use less than 2 gallons of spray volume per 1000 square feet. Apply as a uniform band on either side of the row using a band width six (6) inches wider than the actual root ball diameter to be dug. Do not overlap bands in adjacent rows. For grub control in areas of turf, apply as a broadcast application using 1.35 to 1.7 fl oz (40 to 50 mL) per 3000 sq. ft. |

RESTRICTIONS

Do not graze treated areas or use clippings for treated areas for feed or forage. Do not allow runoff or puddling of irrigation water following application.

Do not apply QUALI-PRO IMIDACLOPRID 2F TURF & ORNAMENTAL INSECTICIDE to soils which are water logged or saturated, which will not allow penetration into the root zone of the plants.

Do not allow leachate run out for the first 10 days after application, in order to retain the product and facilitate full plant uptake of the active ingredient.

For outdoor ornamentals, do not apply more than a total of 1.6 pt (0.4 lb of active ingredient imidacloprid) /A per year.

Food Crops: Treated areas may be replanted with any crop specified on an imidacloprid label, or with any crop for which a tolerance exists for the active ingredient.

For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12 month plant-back interval must be observed.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food and feed. Store in original container and out of reach of children, preferably in a locked storage area. Store upright at room temperature. Avoid exposure to extreme temperatures. In case of spillage or leakages, soak up with an absorbent material such as sand, sawdust, earth, Fuller's earth, etc. Dispose of with chemical waste.

PESTICIDE DISPOSAL: Open dumping is prohibited. Pesticide wastes are toxic. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the hazardous waste representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING:

Rigid, Nonrefillable containers small enough to shake (i.e. with capacities equal to less than five gallons), Nonrefillable container. Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling or reconditioning if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or a mix tank or collect rinsate at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. Once container is rinsed, offer for recycling if available, or puncture and dispose of in a sanitary landfill.

Rigid, Nonrefillable containers that are too large to shake (i.e. with capacities greater than 5 gallons or 50 lbs).

Nonrefillable container. Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Offer for recycling or reconditioning if available, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

(continued)

STORAGE AND DISPOSAL *(continued)*

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or a mix tank or collect rinsate at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. Once container is rinsed, offer for recycling if available, or puncture and dispose of in a sanitary landfill.

Refillable Container

Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Refilling or Returning Containers

If refilling or returning container is planned, end users are not authorized to remove tamper evident cables, one way valves or clean container.

Recycle or Disposal of Containers

End users are authorized to remove tamper evident cable as required to remove the product from the container unless the container is equipped with one way valves and refilling or returning is planned.

Instructions for container rinsing and either recycling or disposal are as follows:

Bottom Discharge IBC (e.g. Schuetz Caged IBC or Snyder Square Stackable).

Pressure rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To pressure rinse the container before final disposal, empty the remaining contents from the IBC into application equipment or mix tank. Raise the bottom of the IBC by 1.5 inches on the side which is opposite of the bottom discharge valve to promote more complete product removal. Completely pump or drain rinsate into application equipment or rinsate collection system while pressure rinsing. Continue pressure rinsing for 2 minutes or until rinsate becomes clear. Replace the lid and close bottom valve.

Top Discharge IBC, Drums, Kegs (e.g. Snyder 120 Next Gen, Bonar B120, Drums and Kegs).

Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To triple rinse the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Rinse all interior surfaces. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

LIMITATION OF WARRANTY AND LIABILITY

Read the entire directions for use, conditions of warranties and limitations of liability before using this product. If terms are not acceptable, return the unopened product container at once.

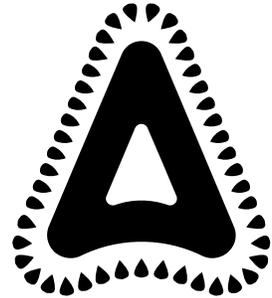
By using this product, user or buyer accepts the following **CONDITIONS, DISCLAIMER OF WARRANTIES, and LIMITATIONS OF LIABILITY.**

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Makhteshim Agan of North America, Inc. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. makes no other warranties, express or implied, of merchantability or of fitness for a particular purpose or otherwise, that extend beyond the statements made on this label. No agent of Makhteshim Agan of North America, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, Makhteshim Agan of North America, Inc. disclaims any liability whatsoever for special, incidental or consequential damages resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: To the extent consistent with applicable law, the exclusive remedy of the user or buyer for any and all losses, injuries or damages resulting from the use or handling of this product, whether in contract, warranty, tort, negligence, strict liability or otherwise, shall not exceed the purchase price paid or at Makhteshim Agan of North America, Inc.'s election, the replacement of product.

QUALI-PRO[®]



IMIDACLOPRID 2F

Turf & Ornamental Insecticide

For use on Turf and Ornamentals,
Nurseries and Greenhouses
Foliar and Systemic Insect Control

| ACTIVE INGREDIENT: | % BY WT. |
|--|----------|
| Imidacloprid: 1-[(6-Chloro-3-pyridinyl)methyl] -N-nitro-2-imidazolidinimine | 21.8% |
| OTHER INGREDIENTS: | 78.2% |
| TOTAL: | 100.0% |

Contains 2 pounds of imidacloprid per gallon.
Flowable insecticide.
Shake well before using.

CONTENTS:
1 GALLON

KEEP OUT OF REACH OF CHILDREN
CAUTION/PRECAUCION

PRECAUCION AL USUARIO: Si usted no puede leer o entender ingles, no use este producto hasta que la etiqueta le haya sido explicada ampliamente. (TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

For additional precautionary, handling, and use statements, see inside of this booklet.

EPA Reg. No. 66222-203
EPA Est No. 53883-TX-002

Manufactured for:
Makhteshim Agan of North America, Inc.
(d/b/a ADAMA)
3120 Highwoods Blvd., Suite 100
Raleigh, NC 27604

EPA 120313/Rev A

220909KRB01B-Specimen label for TZone SE herbicide, EPA Reg.#2217-076

THE EXCLUSIVE REMEDY OF BUYER AND ALL USERS OF THIS PRODUCT, AND THE EXCLUSIVE LIABILITY OF THE MANUFACTURER, FOR ANY AND ALL LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF OR THE REPAYMENT OF THE PURCHASE PRICE FOR THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. The Manufacturer must be promptly notified in writing of any claims, whether based in contract, tort, negligence, strict liability, or otherwise, to be eligible to receive either remedy stated above.

The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere. No employee or agent of the manufacturer or seller is authorized to vary or exceed the terms of this Limited Warranty and Disclaimer in any manner.

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EPA REG. NO. 2217-976



An Employee-Owned Company

**MANUFACTURED BY
PBI/GORDON CORPORATION
1217 WEST 12TH STREET
KANSAS CITY, MISSOURI 64101
www.GordonsProfessional.com**

ATTENTION: This specimen label is provided for informational use only. This product may not yet be available for sale in your state or area. The information found in this label may differ from the information found on the product label you are using. Always follow the instructions for use and precautions on the label of the product you are using.

TAURUS[®] SC

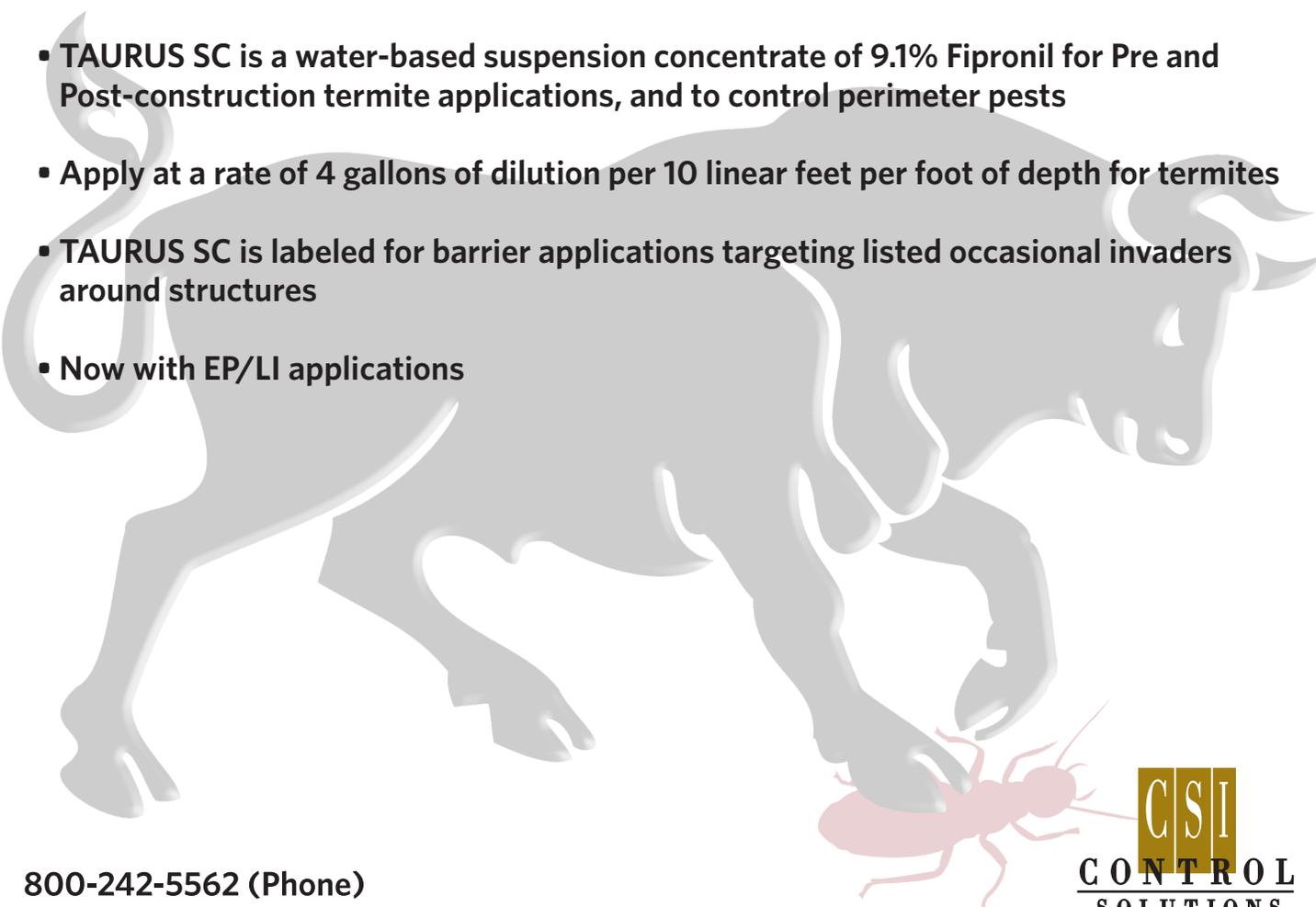
TERMITICIDE / INSECTICIDE



Features & Benefits:

- TAURUS SC is a water-based suspension concentrate of 9.1% Fipronil for Pre and Post-construction termite applications, and to control perimeter pests
- Apply at a rate of 4 gallons of dilution per 10 linear feet per foot of depth for termites
- TAURUS SC is labeled for barrier applications targeting listed occasional invaders around structures
- Now with EP/LI applications

800-242-5562 (Phone)
281-892-2501 (Fax)
www.controlsolutionsinc.com



CSI
CONTROL
SOLUTIONS
Incorporated
A Makhteshim-Agan Company

TAURUS® SC

Termiticide / Insecticide

220909KRB02C-Specimen label for Taurus SC insecticide, EPA Reg #53883-279

PRECAUTIONARY STATEMENTS Hazards to Humans and Domestic Animals Caution

Harmful if swallowed, absorbed through skin or inhaled. Do not get in eyes, on skin or on clothing. Do not breathe spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

Personal Protective Equipment (PPE):

All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves. All pesticide handlers must wear a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, R, P or HE filter, when working in a non-ventilated space, including but not limited to crawl-spaces and basements. All pesticide handlers must wear protective eyewear (goggles, a faceshield, or safety glasses with front, brow, and temple protection) when working in a non-ventilated space, including but not limited to crawl-spaces and basements or when applying termiticide by rodding or sub-slab injection.

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

- For sale to, use and storage only by individuals/firms licensed or registered by the state to apply termiticide and/or general pest control products.
- **DO NOT** use this product for termite or other pest control indoors, except for label-specified applications for termite control and foam applications to wall voids for control of other listed pests.
- **DO NOT** use on golf course turf. May be used for control of termites and other listed pests found on/near structures associated with golf courses, but only as specified on this label.
- **DO NOT** use on animal trophies or animal skins.
- **DO NOT** use on/in commercial bee hives.

See inside booklet for additional **Restrictions, First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty,** and state-specific use sites and/or restrictions.

For sale to, use and storage only by individuals/firms licensed or registered by the state to apply termiticide and/or general pest control products.

Active Ingredient:

*Fipronil 9.1%

Other Ingredients: 90.9%

Total: 100.0%

*[5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1R,S)-(trifluoromethyl)sulfinyl)-1-H-pyrazole-3-carbonitrile]

TAURUS® SC termiticide/insecticide contains 0.8 lbs. active ingredient per gallon.

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCIÓN

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.

(If you do not understand the label, find someone to explain it to you in detail.)

(See attached label for additional precautionary information and complete Directions for Use.)

EPA Reg. No. 53883-279

EPA Est. No. 53883-TX-002

Control Solutions, Inc.
5903 Genoa-Red Bluff
Pasadena, TX 77507-1041

FIRST AID

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

| | |
|--------------------------------|--|
| If swallowed: | <ul style="list-style-type: none"> • Call a Poison Control Center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person. |
| If on skin or clothing: | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice. |
| If inhaled: | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for treatment advice. |
| If in eyes: | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice. |

Note to Physician: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases, possibly convulsions may occur.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact SafetyCall® (866) 897-8050 for emergency medical treatment information

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, fish, and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Care must be taken to avoid runoff. Do not contaminate water by cleaning equipment or disposal of wastes. Do not contaminate water when disposing of equipment washwaters.

DIRECTIONS FOR USE

It is violation of federal law to use this product in a manner inconsistent with its labeling.

Read entire label before using this product.

For sale to, use and storage only by individuals/firms licensed or registered by state to apply termiticide and/or general pest control products. States may have more restrictive requirements regarding qualifications of persons using this product. Consult the structural pest control regulatory agency of your state prior to use of this product.

DIRECTIONS FOR USE TO CONTROL TERMITES

USE RESTRICTIONS:

When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediate adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leaks or significant exposures to persons occupying the structure. People present or residing in the structure during application must be advised to remove their pets and themselves from the structure if they see any signs of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the clean up is completed.

- Prior to drilling and treating through concrete structures, such as patios, porches, sidewalks and foundation slabs applicator should first determine that there are no habitable areas below that could be unintentionally contaminated by the treatment.
- Only protected applicators wearing personal protective equipment as required by this product label may be in the area during application.
- All holes in commonly occupied areas into which this termiticide / insecticide product has been applied must be plugged. Plugs must be of a non-cellulose material or covered by an impervious, non-cellulose material.
- Do not apply finished dilution of this product until all heating/air conditioning ducts, air vents, plumbing pipes, sewer lines, floor drains, heating pipes and electrical lines/conduits are known and identified. Do not puncture or contaminate any of these.
- Do not treat within a distance of one foot out from the drip line of edible plants.
- Do not contaminate public and private water supplies.
- Do not make treatments while precipitation is occurring.
- Do not treat soil that is water-saturated or frozen.
- Use anti-backflow or air gap equipment with filling hoses.

General Information

When used in accordance with the directions in this label, this product provides effective prevention and/or control of subterranean termites. This product must be applied in a manner which provides a continuous treated zone to effectively prevent termites from infesting wood.

This product may only be applied by licensed technicians familiar with trenching, rodding, short rodding, sub-slab injection, low-pressure banded surface applications and foam delivery techniques. This product is a highly effective termiticide against a variety of subterranean termites including species of *Reticulitermes*, *Zootermopsis*, *Heterotermes*, and *Coptotermes*.

TAURUS SC is formulated as a water-based suspension concentrate liquid containing 9.1% active ingredient.

Mixing Instructions

To mix TAURUS SC termiticide / insecticide:

1. Fill the tank 1/4 to 1/3 full with water. The filling hose must be equipped with an anti-backflow device or water flow must include an air gap to protect against back siphoning.
2. Start the pump to begin by-pass agitation and place the end of the treating tool in the tank to allow circulation through the hose.
3. Add the appropriate amount of TAURUS SC required to prepare the desired dilution.
4. Add the remaining water.
5. Continue to run the pump allowing recirculation through the hose back into the tank until the TAURUS SC is completely dispersed.
 - To mix a 0.06% dilution, add 0.8 fluid ounces of TAURUS SC per gallon of finished dilution.
 - To mix a 0.09% dilution, add 1.2 fluid ounces of TAURUS SC per gallon of finished dilution.
 - To mix a 0.125% dilution, add 1.6 fluid ounces of TAURUS SC per gallon of finished dilution.

Application Rates for Termiticide Use

For most applications, use the 0.06% dilution and apply at a rate of 4 gallons of dilution per 10 linear feet per foot of depth. For example, for treatment of 10 linear feet with a four-foot depth, use 4 x 4 (16) gallons per 10 linear feet. Do not apply at a concentration less than 0.06%.

Where severe termite infestations occur, where problem soils occur or where difficult or problem construction types are encountered, it may be advisable to use either 0.09% or 0.125% concentration. Apply the higher concentration at a rate of 4 gallons of solution per 10 linear feet per foot of depth. For example, for treatment of 10 linear feet with a four-foot depth, use 16 (4 x 4) gallons per 10 linear feet.

In dense soil that will not accept a volume of 4 gallons per linear foot per foot of depth, use the 0.125% dilution, and apply at a rate of 2 gallons per 10 linear feet per foot of depth. For example, for treatment of 10 linear feet with a four-foot depth, use 8 (2 x 4) gallons per 10 linear feet. When using the lower volume of application, be careful to maintain a continuous treated zone. If application requires drilling, drill holes less than 12" apart to maintain a continuous treated zone.

PRE-CONSTRUCTION TREATMENT

In advance of treatment, applicators must notify the general contractor, construction superintendent, or other responsible personnel of the intended TAURUS SC application and the intended sites of application. Applicators must instruct the person responsible to notify construction workers and other individuals on site to vacate the treatment area and not to return until TAURUS SC has been absorbed into the soil. Do not apply at a dosage and/or concentration lower than 0.06% for applications up to and including installation of the final grade.

General Information

Pre-construction treatments include any treatment made during all phases of construction up to and including installation of the final grade. Establishing a thorough and complete horizontal and vertical treated zone will provide effective pre-construction termite control.

When foundations are deeper than 4 feet, it is preferable to apply TAURUS SC as the backfill is being replaced. If the backfill is already in place, the applicator must trench and rod into the trench or trench along the foundation walls, around pillars and other foundation elements, at the rate prescribed from grade to a minimum depth of 4 feet. When trenching in sloping or tiered soil, the trench must be stepped to ensure adequate distribution and to prevent TAURUS SC from running out of the trench. When the top of the footing is exposed, the soil adjacent to the footing must be treated to a depth not to exceed the bottom of the footing. Never treat any structure below the footing.

Concrete Slab (Including Monolithic, Floating and Supported Concrete Slabs) on Ground or in Basements and Crawl Spaces Horizontal treated zones:

Apply an overall treatment of TAURUS SC to the entire surface to be covered by the concrete slab. This includes living area, as well as carports, porches, basement floors, and any extended entrances. Apply this treatment at the rate of 1 to 1.5 gallons of finished dilution per 10 square feet using a coarse spray nozzle

and low-pressure spray (less than 25 p.s.i.). Spray the dilution evenly and uniformly over the entire area to be treated. If the slab is not to be poured the same day as treatment, cover the treated soil with a waterproof barrier such as polyethylene sheeting.

Vertical treated zones: Apply TAURUS SC at a rate of 1 gallon of finished dilution per square foot around anything penetrating the slab such as utility service and plumbing lines. Apply TAURUS SC at a rate of 4 gallons of finished dilution per 10 linear feet per foot of depth along the inside and outside perimeter of foundation walls. The applicator must trench and rod into the trench or trench along the foundation walls and around pillars and other foundation elements. If the footing is more than 4 feet below grade, make this treatment to a minimum of 4 feet below grade. A trench need not be any wider than 6 inches. Treat the soil which will be replaced into the trench using a low-pressure spray (not more than 25 p.s.i. at the nozzle). When rodding from grade or from the bottom of a shallow trench, space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone.

It is highly recommended that a complete horizontal treated zone be created prior to the slab pour. However, if the slab was poured before a horizontal treatment could be made, refer to the "Post-Construction" section of this label for alternate application instructions.

Hollow Block Foundations or Voids

Create a continuous treatment zone by treating hollow block foundations or voids in masonry resting atop the footing. If voids in the masonry elements are not openly accessible, drill and treat into these voids by applying 2 gallons of finished dilution per 10 linear feet of footing using a nozzle pressure of 25 p.s.i. or lower. When using this treatment, drill the access holes as close to the footing as is practical. Drilling below the sill plate is acceptable. Applicators must examine the treated areas of voids in block or rubble foundation walls closely for possible runoff as a precaution against application leakage. Mechanical alteration to some areas may be required before a treatment can be made. Other areas may not be treatable.

All leaks resulting during the application of TAURUS SC in locations other than those prescribed on this label must be cleaned up before leaving the application site. Do not allow people or pets to come in contact with contaminated areas or allow them to reoccupy the treatment site until the clean up is completed.

Not for use in voids insulated with rigid foam.

Use with Other Products

When a borate-based termite control product has been chosen as the primary pre-construction treatment for subterranean termites and is applied in accordance with the directions for use on the borate product's label, Taurus SC may be used as an exterior perimeter pre-construction treatment. For an exterior perimeter pre-construction treatment, Taurus SC must be applied in such a way as to create a continuous treated zone along the exterior foundation of the structure. A complete and thorough horizontal pre-construction treatment with Taurus SC under the concrete slab is optional.

Taurus SC may also be applied to critical areas of the interior of the structure including around plumbing or utility services penetrating floors, bath and / or shower traps, or along concrete expansion joints, and other areas of known or suspected termite activity. Refer to the "POST-CONSTRUCTION EXTERIOR PERIMETER / LOCALIZED INTERIOR (EP / LI) STRUCTURAL TERMITE TREATMENT" section of this label for instructions on applications to the exterior perimeter of a structure and to critical areas in the interior of the structure.

POST-CONSTRUCTION CONVENTIONAL STRUCTURAL TERMITE TREATMENT

General Information

For applications of TAURUS SC made after the final grade is installed to protect the structure from termite infestation and/or to control existing termite populations, the applicator must trench and rod into the trench or trench along the foundation walls, around pillars and other foundation elements, at the rate prescribed from grade to the top of the footing. When the footing is more than 4 feet below grade, treat to a minimum depth of four feet. The depth of treatment will vary depending on soil type, degree of compaction and location of termite activity. When the top of the footing is exposed, the soil adjacent to the footing must be treated to a depth not to exceed the bottom of the footing. Never treat any structure below the footing. To establish a complete exterior perimeter treatment zone along the foundation wall, drill any exterior concrete structures adjoining the foundation, such as patios, porches and sidewalks, and treat by sub-slab injection of Taurus SC finished dilution.

Before treatment, locate and identify all heating or air conditioning vents and ducts, water and sewer plumbing lines, electrical lines and conduits, and avoid contamination or damage to these structural elements.

Concrete Slab Over Soil (Including Monolithic, Floating and Supported Slabs)

Exterior perimeter: Apply by trenching and rodding into the trench or by trenching along the foundation walls at the rate of 4 gallons of finished dilution per 10 linear feet per foot of depth, or, if the footing is more than 4 feet below grade treat to a minimum depth of 4 feet. Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep or to the bottom of the footing. Never treat a structure

below the footing. Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone. Mix the finished dilution into the soil before replacing it into the trench.

Sub-slab injection: Sub-slab injection treatments can be made from inside the structure, or in cases where this is not possible, from the outside of the structure by drilling through the foundation as directed below. Before treatment, locate and identify all heating or air conditioning vents and ducts, water and sewer plumbing lines, electrical lines and conduits, and avoid contamination or damage to these structural elements.

Vertical drilling / injection: Make treatments under the slab by drilling vertically through the slab along the interior perimeter of the foundation including the garage. Drill holes along all concrete expansion joints, cracks, plumbing and utility services penetrating the slab. Drill holes along interior partition walls when there is clear evidence of termite activity or damage. Space all drill-holes no more than 12 inches apart in a manner which will create a continuous treated zone. Inject the finished dilution of TAURUS SC into the drill-holes at a rate of 4 gallons per 10 linear feet per foot of depth. When making applications, use a lateral dispersal nozzle to achieve the best results. After treatment, all holes in commonly occupied areas must be plugged with a non-cellulose material or covered with an impervious, non-cellulose material.

Horizontal drilling / rodding / sub-slab injection from the exterior of the foundation: Use this technique to treat underneath the slab only when floors or interior design do not allow for treatment by vertical drilling. Care must be taken not to rod into heating or air conditioning vents and ducts, water and sewer plumbing lines, electrical lines and conduits. Use horizontal short rodding practices to create a continuous treated zone into the soil proximal to the inside of the foundation wall. Angle drill-holes through the outside of the foundation to ensure deposition of TAURUS SC below any existing heating ducts, water and sewer lines, or electrical conduits. Use horizontal long rodding practices only when the areas to be treated underneath the slab are not accessible by vertical rodding or horizontal short rodding. Do not use long rods exceeding 20 feet. For all horizontal rodding applications space drill-holes no more than 12 inches apart in a manner which will create a continuous treated zone. Inject the finished dilution of TAURUS SC into the drill-holes a rate of 4 gallons per 10 linear feet per foot of depth. All holes must be plugged with a non-cellulose material or covered by and impervious, non-cellulose material.

Bath traps: Treat exposed soil or soil covered with tar or similar sealants beneath or around plumbing and/or drain pipe entry areas with a minimum of 1 gallon but not more than 4 gallons of finished dilution per square foot. It may be necessary to remove tar or sealant to ensure adequate soil penetration. Install an access door or inspection portal if one is not already present. After inspection and removal of all wood or cellulose debris, treat the soil by rodding or drenching with the finished dilution of TAURUS SC.

Shower drains: To treat the soil beneath and adjacent to shower pan drains, drill through the slab adjacent to the shower pan and apply the finished dilution of TAURUS SC by sub-slab injection. Foam can be used to maximize dispersion. Drill multiple access points adjacent to the drain, and use a directional dispersion tip to enhance the treatment of the soil beneath the drain. Treat with a minimum of 1 gallon but not more than 4 gallons of finished dilution per shower drain. Horizontal rodding can be used to access and treat soil associated with the shower drain.

Structures with French Drains and Sump Pumps

In sites where French drains exist at the footer along the foundation perimeter, common in hollow block foundation structures, the soil must be dry before applications can be made. Do not treat soil that is saturated or frozen. Do not make treatments while precipitation is occurring. To prevent seepage of finished dilution or damage to drains or tiles, do not rod through the slab any closer than 24 inches from French drains. Do not apply TAURUS SC within 5 feet from the sump pump pit and pump. Do not drill through hollow block foundations that border French drains to prevent drainage or seepage from the block into the drains.

Identify and locate French drains, then apply TAURUS SC in the following manner:

1. Unplug the sump pump. Inspect the sump pit for water. If no water is present, keep the sump pump unplugged while making the treatment.
2. If water is in the pump pit, unplug the sump pump and remove four cups of water from the pit. Mark the water level. Wait 10 minutes then check the water level in the pit. If the water level has risen, there is too much seepage to make a treatment. If the water level has not risen, a treatment can be made as long as the sump pump remains unplugged.

During application, check the sump pump pit every few minutes for the presence of termiticide dilution. If dilution is detected, stop the treatment immediately and remove all dilution from the pump pit before plugging the pump back in. Dispose of the dilution from the sump pump pit as directed by this label in the "Storage and Disposal" section.

Basement Structures

Exterior perimeter: Apply by trenching and rodding into the trench or by trenching along the foundation walls at the rate of 4 gallons of finished dilution of Taurus SC per 10 linear feet per foot of depth, or, if the footing is more than 4 feet below

grade treat to a minimum depth of 4 feet. Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep to the bottom of the footing. When trenching in sloping or tiered soil, the trench must be stepped to ensure adequate distribution and to prevent Taurus SC from running out of the trench. Never treat a structure below the footing. Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone. Mix the finished dilution into the soil before replacing it into the trench.

Inside perimeter: To treat under the basement floor slab, drill vertically through the slab along the interior perimeter of the foundation. Drill holes along all concrete expansion joints, cracks, and any plumbing or utility services penetrating the slab. Drill holes along both sides of partition foundation walls, and around piers. Where there is clear evidence of termite activity in a non-foundation interior partition wall, drill holes through the slab adjacent to the wall along one side. Space all drill-holes no more than 12 inches apart in a manner which will create a continuous treated zone. Inject the finished dilution of TAURUS SC into the drill-holes at the rate of 4 gallons per 10 linear feet per foot of depth. When making applications, use a lateral dispersal nozzle to achieve the best results. After treatment, all holes in commonly occupied areas must be plugged with a non-cellulose material or covered with an impervious, non-cellulose material.

Accessible Crawl Space Construction

Before treatment turn off any air circulation equipment that moves air from the area to be treated to any untreated interior space of the structure. Do not turn the air circulation system back on until the application of TAURUS SC is completed and has been absorbed into the soil.

Treat crawl spaces by applying a vertical TAURUS SC termiticide treatment at the rate of 4 gallons of finished dilution per 10 linear feet per foot of depth from grade to the top of the footing, or, if the footing is more than 4 feet below grade treat to a minimum depth of 4 feet. Apply by trenching, or by trenching and rodding into the trench. Treat both sides of foundation and around all piers and pipes. In areas where physical obstructions exist that prevent trenching, such as concrete walkways adjacent to the foundation, apply by rodding alone. Where soil type and/or conditions make trenching impossible, apply by rodding. When the top of the footing is exposed, treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. Read and follow the mixing directions in the "Mixing Instructions" section of this label when encountering soil types which will not accept the full application volume.

- Rod holes and trenches must not extend beneath the bottom of the footing.
- Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone.
- Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep or to the bottom of the footing. When trenching in sloping or tiered soil, the trench must be stepped to ensure adequate distribution and to prevent TAURUS SC from running out of the trench. Mix the finished dilution into the soil before replacing it into the trench.

Inaccessible Crawl Space Construction

Before treatment turn off any air circulation equipment that moves air from the area to be treated to any untreated interior space of the structure. Do not turn the air circulation system back on until the application of TAURUS SC is completed and has been absorbed into the soil.

For any inaccessible interior areas, for example where the clearance between the floor joists and ground surfaces do not allow for operator access, excavate, if possible, and follow the instructions for accessible crawl spaces. When excavation is not possible, apply one or a combination of the following two methods:

1. Establish a horizontal treated zone by applying 1 gallon of finished dilution of TAURUS SC with a coarse application nozzle (e.g., Delavan Type RD Raindrop, RD-7 or larger, or Spraying Systems Co. 80110LP Teejet or comparable nozzle) per 10 square feet of soil surface using a nozzle pressure of less than 25 p.s.i. For any area which cannot be reached with the application wand, use one or more extension rods. Do not broadcast or power spray with high pressures.
2. Establish a horizontal treated zone by drilling through the foundation wall or through the floor above and treat the soil adjacent to the foundation at a rate of 1 gallon of finished dilution of TAURUS SC per 10 square feet. Drill spacing must not exceed 16 inches between drill-holes. Many states have smaller interval requirements so check state regulations before application. Treat the soil adjacent to foundation elements with short or long rodding techniques without drilling if it is possible to reach the soil to be treated with the treatment tool.

Hollow Block Foundations / Voids

Establish a continuous treated zone in hollow block foundations or voids in masonry resting on top of the footing by drilling and treating into voids of multiple masonry elements of the structure to soil level. If not openly accessible, drill and treat into voids of masonry elements. Apply 2 gallons of finished dilution per 10 linear feet of footing at a nozzle pressure of 25 p.s.i. or less. When making this treatment, drill access holes as close as possible to the footing, below the level of the sill plate if necessary. Applicators

must examine the treated areas for possible runoff as a precaution against application leakage. Mechanical alteration to some areas may be required before a treatment can be made. Other areas may not be treatable.

All leaks resulting during the application of TAURUS SC in locations other than those prescribed on this label must be cleaned up before leaving the application site. Do not allow people or pets to come in contact with contaminated areas until the clean up is completed.

Not for use in voids insulated with rigid foam.

Treatment of Structures with Wells or Cisterns

Do not contaminate wells or cisterns.

Do not apply TAURUS SC within 5 feet of any well or cistern. Treat soil 5 to 10 feet from any well or cistern by backfill method only. Treat soil adjacent to water pipes within 3 feet of grade by backfill method only.

Backfill method:

1. Trench to remove the soil to be treated and place it into a wheelbarrow or onto heavy plastic sheeting or similar material.
2. Treat the soil at a rate of 4 gallons of finished dilution of TAURUS SC per 10 linear feet per foot of trench depth, or at a rate of 1 gallon per cubic foot of soil. Mix the TAURUS SC thoroughly into soil while taking care to prevent runoff or spillage.
3. After the treated soil has completely absorbed the finished dilution of TAURUS SC, put it back into the trench.

Structures Adjacent to Wells / Cisterns and / or Other Bodies of Water

Prior to application examine any structure with nearby sources of water such as wells, cisterns, ponds, streams or other bodies of water, then follow the treatment procedures described below.

1. If the pipe(s) from the well enter the structure with 3 feet of grade, expose them if possible prior to treatment. Treat the soil adjacent to the water pipe(s) using the backfill method described above.
2. Take precautions, prior to treatment, to limit the risk of TAURUS SC being applied into subsurface drains which empty into any bodies of water, including evaluating whether treatment of the footer could result in contamination of subsurface drains. Take into consideration such factors as depth to the drain system, soil type and degree of soil compaction when determining the depth of treatment.
3. Use the treated backfill method, when appropriate (e.g., on the water side of the structure), to minimize off-site movement of TAURUS SC.
4. To minimize potential runoff of TAURUS SC into non-target areas, apply a finished dilution of 0.125% at a rate of 2 gallons per 10 linear feet per foot of depth.

Plenum Construction

Before treatment turn off any air circulation equipment that moves air from the area to be treated to any untreated interior space of the structure. Do not turn the air circulation system back on until the application of TAURUS SC is completed and has been absorbed into the soil.

Treat the soil exterior to the foundation walls according to the instructions in the "Accessible Crawl Space Construction" section of this label.

Follow the instructions below for interior treatment of plenum structures that use a sealed under floor space to circulate heated or cooled air throughout the structure:

1. Remove sealing fabric and anything on the sealing fabric to expose no more than an 18 inch width adjacent to all foundation structures, including foundation walls, interior piers, pipes and any other structures in contact with soil. Treat according to the instructions for exterior and interior treatment in the "Accessible Crawl Space Construction" section of this label.
2. After the finished dilution of TAURUS SC has been absorbed into the soil, return the sealing fabric and anything removed from the surface of the sealing fabric to their original pre-treatment positions.

Foam Application

When construction practices, soil subsidence, or other factors make it difficult to establish a continuous treated zone with conventional liquid application methods, supplement treat with the use of foam-generating equipment. Foam applications are useful in the treatment of filled stoops and porches, chimney bases, into block voids, behind masonry or other veneers, and into stud walls. Utilize applications of dry foam only (a range of 15:1 to 50:1 expansion ratio) when treating voids in stud walls. Apply foam to wall voids where evidence of termite presence or damage exist or are suspected.

Foam only treatments under slabs are appropriate when maximum horizontal coverage is desired. In areas with no deep foundation or footing (for example: around plumbing entries and near settlement cracks in concrete slabs). Use both conventional liquid application and foam treatment in areas where both lateral spread and deeper vertical penetration of TAURUS SC are desired. Effective treatment is highly dependent on volume and amount of active ingredient. Apply at least 75% of the finished dilution of TAURUS SC as a liquid treatment, then deliver the remaining 25% or less to the appropriate areas as a foam application. The total amount of product applied as a combined foam and liquid treatment should be equivalent to volume of TAURUS

SC liquid finished dilution required for a liquid application alone. Foam applications provide a good supplement to liquid applications in difficult to treat areas.

Foam mixing instructions:

Prepare the desired finished dilution of TAURUS SC, then mix with the manufacturer's recommended quantity of foaming agent in foaming equipment. Apply a sufficient volume of TAURUS SC foam to establish a continuous treated zone at the rates recommended in this label for specific applications. When sufficient foam volume cannot be applied to achieve the recommended rate of TAURUS SC, supplement the treatment with additional liquid finished dilution to assure appropriate treatment volume and concentration in the treated area.

- 1 gallon of finished dilution at a foam expansion ratio of 25:1 makes 25 gallons of foam.
- 1.66 gallons of finished dilution at a foam expansion ratio of 15:1 makes 25 gallons of foam.
- 2.5 gallons of finished dilution at a foam expansion ratio of 10:1 makes 25 gallons of foam.
- 5 gallons of finished dilution at a foam expansion ratio of 5:1 makes 25 gallons of foam.

POST-CONSTRUCTION EXTERIOR PERIMETER / LOCALIZED INTERIOR (EP / LI) STRUCTURAL TERMITE TREATMENT
– Not approved for use in Louisiana

General Information

This post-construction application of Taurus SC can be made after the final grade is installed to protect the structure from termite infestation and/or to control existing termite populations. This treatment method is designed to be non-invasive to the interior of the structure with the establishment of a continuous treated zone along the exterior of the foundation and only treating interior spaces where termite activity has been found. If you have questions regarding this treatment, consult the appropriate state agency.

Termite activity is defined as the presence of one or more of the following signs of infestation:

1. Alates (winged termites) have swarmed inside the structure.
2. Live termites are found to be active within the structure.
3. There is clear evidence of termite activity on or inside the structure such as the presence of mud tubes, galleries in wood.

Do not apply Taurus SC finished dilution as perimeter / localized interior treatment at a concentration lower than 0.06% or at an application volume lower than those specified in the "Application Rates for Termiticide Use" section of this label.

EXTERIOR PERIMETER TREATMENT

To prevent termite infestation of a structure, exterior perimeter applications of Taurus SC must be made in a manner which will create a continuous treated zone. If situations are encountered where the soil will not accept the full application volume recommended in the use directions below, read and follow the direction in the "Application Rates for Termiticide Use" section of this label.

Concrete Slab on Ground (Including Monolithic, Floating and Supported Concrete Slabs)

Apply along the exterior foundation perimeter by trenching and rodding into the trench or by trenching at the rate of 4 gallons of finished dilution per 10 linear feet per foot of depth. Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep or to the bottom of the footing. Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone. Mix the finished dilution into the soil before replacing it into the trench.

In areas where physical obstructions exist that prevent trenching, such as concrete walkways adjacent to the foundation, apply by rodding alone. Where soil type and/or conditions make trenching impossible, apply by rodding. In order to establish a complete exterior perimeter treatment zone, drilling and sub-slab treatment will be necessary wherever adjoining concrete structures exist such as patios, porches or sidewalks. For driveways, exterior drilling is necessary only around building supports or wall elements permanently located at driveway joints. Never treat a structure below the footing.

Basement and Inaccessible Crawl Space Construction

Apply along the exterior foundation perimeter by trenching and rodding into the trench or by trenching along the foundation walls at the rate of 4 gallons of finished dilution of Taurus SC per 10 linear feet per foot of depth, or, if the footing is more than 4 feet below grade treat to a minimum depth of 4 feet. Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep or to the bottom of the footing. When trenching in sloping or tiered soil, the trench must be stepped to ensure adequate distribution and to prevent Taurus SC from running out of the trench. Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone. Mix the finished dilution into the soil before replacing it into the trench. Never treat a structure below the footing.

In areas where physical obstructions exist that prevent trenching, such as concrete walkways adjacent to the foundation, apply by rodding alone. Where soil type and/or conditions make trenching impossible, apply by rodding. In order to establish a complete exterior perimeter treatment zone, drilling and sub-slab treatment will be necessary wherever adjoining concrete structures exist such as patios, porches or sidewalks. For driveways, exterior drilling is necessary only around building supports or wall elements permanently located at driveway joints. Never treat a structure below the footing.

220999KRB02C Specimen Label for Taurus SC insecticide, EPA Reg #53883-279

If termite activity is detected inside an inaccessible crawl space, the area must be treated. Make a localized interior treatment at the site of termite activity and extending at least 2 feet in both directions from the activity. Choose the appropriate application technique for treating inaccessible crawl space construction by referring to the "POST-CONSTRUCTION CONVENTIONAL STRUCTURAL TERMITE TREATMENT" section of this label.

Accessible Crawl Spaces

Before treatment turn off any air circulation equipment that moves air from the area to be treated to any untreated interior space of the structure. Do not turn the air circulation system back on until the application of Taurus SC is completed and has been absorbed into the soil.

Treat crawl spaces by applying a vertical Taurus SC termiticide treatment at the rate of 4 gallons of finished dilution per 10 linear feet per foot of depth from grade to the top of the footing, or, if the footing is more than 4 feet below grade treat to a minimum depth of 4 feet. Apply by trenching, or by trenching and rodding into the trench. Treat outside of foundation and around all piers and pipes. In areas where physical obstructions exist that prevent trenching, such as concrete walkways adjacent to the foundation, apply by rodding alone. Where soil type and/or conditions make trenching impossible, apply by rodding. When the top of the footing is exposed, treat the soil adjacent to the footing to a depth not to exceed the bottom of the footing. In order to establish a complete exterior perimeter treatment zone, drilling and sub-slab treatment will be necessary wherever adjoining concrete structures exist such as patios, porches or sidewalks. If situations are encountered where the soil will not accept the full application volume recommended in the use directions below, read and follow the direction in the "Application Rates for Termiticide Use" section of this label.

- Rod holes and trenches must not extend beneath the bottom of the footing.
- Space the rod holes no more than 12 inches apart in a manner which will create a continuous treated zone.
- Trenches need not be wider than 6 inches and must be a minimum of 6 inches deep or to the bottom of the footing. When trenching in sloping or tiered soil, the trench must be stepped to ensure adequate distribution and to prevent Taurus SC from running out of the trench. Mix the finished dilution into the soil before replacing it into the trench.

Garages: Attached garage floors should be treated

Sub-slab injection: Sub-slab injection treatments can be made from inside the garage, or in cases where this is not possible, from the outside of the structure by drilling through the foundation as directed below. Before treatment, locate and identify all heating or air conditioning vents and ducts, water and sewer plumbing lines, electrical lines and conduits, and avoid contamination or damage to these structural elements.

Vertical drilling / injection: Make treatments under the slab by drilling vertically through the slab along the interior perimeter of the garage foundation. Drill holes along all concrete expansion joints, cracks, plumbing and utility services penetrating the slab. Drill holes along interior partition walls when there is clear evidence of termite activity or damage. Space all drill-holes no more than 12 inches apart in a manner which will create a continuous treated zone. Inject the finished dilution of Taurus SC into the drill-holes at a rate of 4 gallons per 10 linear feet per foot of depth. When making applications, use a lateral dispersal nozzle to achieve the best results. After treatment, all holes in commonly occupied areas must be plugged with a non-cellulose material or covered with an impervious, non-cellulose material such as Portland cement.

Horizontal drilling / rodding / sub-slab injection from the exterior of the garage foundation: Use this technique to treat underneath the slab only when interior design do not allow for treatment by vertical drilling. Care must be taken not to rod into heating or air conditioning vents and ducts, water and sewer plumbing lines, electrical lines and conduits. Use horizontal short rodding practices to create a continuous treated zone along the inside perimeter of the foundation. Angle drill-holes through the outside of the foundation to ensure deposition of Taurus SC below any existing heating ducts, water and sewer lines, or electrical conduits. Use horizontal long rodding practices only when the areas to be treated underneath the slab are not accessible by vertical rodding or horizontal short rodding. Do not use long rods exceeding 20 feet. For all horizontal rodding applications space drill-holes no more than 12 inches apart in a manner which will create a continuous treated zone. Inject the finished dilution of Taurus SC into the drill-holes at rate of 4 gallons per 10 linear feet per foot of depth. All holes must be plugged with a non-cellulose material or covered by an impervious, non-cellulose material such as Portland cement.

LOCALIZED INTERIOR TREATMENT

As part of a complete treatment, targeted interior applications may be made to vulnerable areas such as around plumbing or utility services penetrating floors, bath and/or shower traps, or along concrete expansion joints or settlement cracks. If known termite activity exists in areas inside living spaces or in non-living spaces (such as crawl spaces, plenums etc.) of the structure, a localized interior treatment must be made at the immediate vicinity of the termite activity and radiating out at least 2 feet from the site in two or more directions.

Hollow Block Foundations / Voids

When termite activity is evident in or in the vicinity (within 2 feet) of hollow block foundations or voids in masonry resting on the footing, drill the wall adjacent to the evidence, if not openly accessible, and inject the finished dilution of Taurus SC into the void at a rate of 2 gallons per 10 linear feet of footing using a nozzle of 25 p.s.i. or less. This localized interior treatment to hollow block must be made at the site of the termite activity and to areas above the termite activity. Treatment must be applied radiating out at least 2 feet in two or more directions from the site of activity or along the wall pier or support post. Use of foam will maximize dispersion. When using this treatment, drill access hole below the sill plate as close as possible to the footing as is practical.

Applicators must examine the treated areas of voids in block or rubble foundation walls closely for possible runoff as a precaution against application leakage. Mechanical alteration to some areas may be required before a treatment can be made. Other areas may not be treatable.

All leaks resulting during the application of Taurus SC in locations other than those prescribed on this label must be cleaned up before leaving the application site. Do not allow people or pets to come in contact with contaminated areas or allow them to reoccupy the treatment site until the clean up is completed.

The drilled holes in commonly occupied areas must be plugged with a non-cellulose material or covered by an impervious, non-cellulose material such as Portland cement.

Bath Traps

If termite activity is evident within 2 feet of a bath trap, exposed soil or soil covered with tar or a similar sealant around plumbing and / or drainpipe entry areas must be treated. Tar or sealant may have to be removed to ensure adequate soil penetration. Install an access door or inspection portal if one is not already present. After all wood and cellulose debris is removed, treat the soil by rodding or drenching with a minimum of 1 gallon to a maximum of 4 gallons of finished dilution of Taurus SC per square foot.

Shower Drains

If termite activity is evident within 2 feet of a shower drain, soil beneath and adjacent to the drain must be treated. Drill through the slab adjacent to the shower drain and apply the finished dilution of Taurus SC by sub-slab injection to the soil below. Multiple access points may be drilled adjacent to the drain. Use of foam will maximize dispersion. Use of a directional dispersion tip will further enhance the treatment of the soil beneath the drain. Treat the soil with a minimum of 1 gallon but no more than 4 gallons of finished dilution per shower drain. Horizontal rodding can also be used to access and treat soil associated with a shower drain.

Retreatment Instructions

Annual retreatment of a structure is prohibited. Retreatment for subterranean termites can only be performed under the following circumstances:

1. There is clear evidence of re-infestation.
2. There is disruption of the treated zone due to construction, excavation, or landscaping and / or there is evidence of the breakdown of termiticide treated zone in the soil.

Treat these vulnerable or re-infested areas using a spot, partial or complete treatment in accordance with the application techniques described in this label. The timing and selection of retreatment type will vary depending on such factors as termite pressure, soil types and conditions, and other factors which may reduce the effectiveness of the treated zone.

POSTS, POLES, WOODEN LANDSCAPE ORNAMENTATION

DO NOT contaminate wells or cisterns.

Preventative Treatment: Create a continuous treatment zone in the soil around wooden posts, poles, fence posts, signs and landscaping ornamentation. Apply the finished dilution of TAURUS SC at the rate of 4 gallons per 10 linear feet per foot of depth. When performing the treatment at the time of installation, the finished dilution may be applied to the soil as it is replaced around the pole or post. The application should place termiticide to a depth of 6 inches below the bottom of posts, poles or other wooden objects in contact with soil.

Curative Treatment: Treat previously installed wooden posts, poles, fence posts, signs and landscaping ornamentation with the finished dilution of TAURUS SC by sub-surface injection or by gravity flow through holes made at the bottom of a trench around posts and poles. When trenching, the trench need not be wider than 6 inches and should be 6 inches deep. When sub-surface injecting, treat all sides to create a continuous treatment zone. Apply termiticide to a depth of 6 inches below the bottom of the wood.

TERMITES ABOVE GROUND

For Control of Termite Aerial Colonies or Drywood Termites

To treat localized areas of wooden structures, apply the finished dilution of TAURUS SC to wooden members / voids. To treat inaccessible areas, drill and inject the finished dilution into the damaged wood of void spaces with a crack and crevice injector. Foam application can also be made into void spaces.

To treat termite carton nests in trees or building voids, inject the finished dilution of TAURUS SC using a pump sprayer. Inject into all voids. Injection points may vary in depth. May be necessary. Physically remove carton nest material from building voids when such nests are found.

After treatment, the applicator is required to check for leaks resulting in the deposition of TAURUS SC in locations other than those prescribed on this label. When found, this material must be cleaned up before leaving the application site. Do not allow people or pets to come in contact with contaminated areas or allow them to reoccupy the treatment site until the clean up is completed.

DO NOT TREAT FRUIT- OR NUT-BEARING TREES.

DIRECTIONS FOR USE TO CONTROL LISTED PESTS ON OUTSIDE SURFACES AND ALONG FOUNDATION PERIMETER OF LISTED STRUCTURES

Listed structures are residential, institutional, commercial and industrial buildings and utility enclosures.

USE RESTRICTIONS:

- Only applicators wearing the personal protective equipment required by this product label may be in the area during application.
- Do not treat within a distance of 1 foot out from the dripline of edible plants.
- Do not contaminate public or private water supplies.
- Do not apply to wasp or hornet nests if they are not attached to or within the structure.
- Do not make treatments during times of precipitation.
- Do not allow residents, children, other people or pets into the treatment area until sprays have dried. After treatment, the applicator is required to check for leaks resulting in the deposition of treatment dilution in locations other than those prescribed in this label. When found, this material must be cleaned prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until clean up is completed.
- Do not spray air conditioning units or intake vents.
- Do not use indoors except for application into wall voids.
- Do not exceed the maximum of two applications per year.
- Do not apply to playground equipment and pet quarters.
- Do not apply to applications to runoff or drip from treated surfaces.
- Do not apply to boat houses, including their piers or pilings.
- Do not apply within 5 feet of wells or cisterns.
- Do not apply to French drains or other permeable drainage.
- Doors and windows adjacent to application site must be closed during surface application.
- Do not apply within 15 feet of bodies of fresh water; lakes, reservoirs, rivers, permanent streams, marshes, natural ponds and commercial fish ponds. A 15-foot buffer of uniform groundcover must exist between application zone and bodies of fresh water (uniform ground cover is defined as land which supports vegetation of greater than 2 inches in height throughout).
- Do not apply within 60 feet of estuarine bodies of water. Estuarine water bodies are brackish, tidal water bodies such as bays, mouths of rivers, salt marshes and lagoons.

Use TAURUS SC to kill and to provide residual control of the following pests:

Ants (acrobat, Argentine, big-headed, carpenter, crazy, odorous, pavement, pharaoh, and thief)

Use TAURUS SC to kill the following pests:

Asian lady beetles, darkling beetles
Australian, Oriental, and smoky brown cockroaches
Black widow, brown recluse, cellar, and hobo spiders
Box-elder bugs, pill bugs
Brown and dog ticks
Centipedes
Cluster flies
European earwigs
House crickets
Millipedes
Paper wasps*
Silverfish
Yellow jackets

* TAURUS SC is not a knockdown agent.

MIXING INSTRUCTIONS

For perimeter pest treatments, mix a 0.06% spray dilution of TAURUS SC by filling the treatment tank 1/4 to 1/3 full with water, then add 0.8 fluid ounces of TAURUS SC. The filling hose must be equipped with an anti-backflow device or the water flow must include an air gap to protect against back siphoning. Add more water to the tank while agitating to 1 gallon of finished dilution.

APPLICATIONS TO OUTSIDE SURFACES OF LISTED STRUCTURES AND INTO WALL VOIDS

Apply 0.06% of finished TAURUS SC dilution as a low-pressure spray to the exterior of the structure where listed pests enter, trail around the structure or where they crawl and hide. Treat using a low-pressure coarse banded surface spray up to 18 inches in width around doors, windows, vents, pipes, foundation cracks, drilled holes or around any exterior openings where listed pests could enter the structure. Make sure to treat the joint where exterior siding (wood, vinyl, aluminum or other

similar materials) meets the cement, brick or block foundation. Treat anywhere electrical, cable, telephone wires enter the structure. This treatment should be made as a general surface spray, crack and crevice spray, or a wall void application. TAURUS SC may be applied as a foam treatment into wall voids to kill and / or control the above listed pests.

Refer to the **Foam Application** section of this label for specific foam mixing and application instructions.

APPLICATIONS TO PERIMETER OF LISTED STRUCTURES

Apply 2 quarts of 0.06% finished spray of TAURUS SC per 160 linear feet. Refer to the "Foam Application" section of this label for specific foam mixing and application instructions.

Except for foam applications made into wall voids, apply 0.06% of finished TAURUS SC dilution as a low-pressure coarse general surface spray along the foundation exterior perimeter to an area 1 foot out from and 1 foot up from where the ground meets the foundation. Apply 2 quarts of 0.06% finished spray of TAURUS SC per 160 linear feet. Do not exceed a maximum of 2 applications per year. Nests that are found on the ground within 1 foot of the foundation may be treated.

Vegetation touching the structure may offer a route for the entry of ants into the structure without coming into contact with the treatment; therefore, remove or prune away any shrubbery, bushes, and tree branches touching the structure.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

Storage

Store unused product in original container only, out of reach of children and animals.

Pesticide Disposal

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal

Nonrefillable Container: Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store/rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

In case of minor spills or leaks, soak up with sand, earth or other suitable material and dispose of as pesticide waste.

WARRANTY STATEMENT

Control Solutions, Inc. warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for purposes stated on such label only when used in accordance with directions under normal use conditions. It is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Control Solutions, Inc. To the extent consistent with applicable law, Control Solutions, Inc. shall in no event be liable for consequential, special, or indirect damages resulting from the use or handling of this product. All such risks shall be assumed by the Buyer. In addition to the foregoing, no purchaser of this product (other than an end user) shall be entitled to any reimbursement for any loss suffered as a result of any suspension or cancellation of the registration for this product by the U.S. Environmental Protection Agency. Except, as expressly provided herein and to the extent consistent with applicable law, Control Solutions, Inc. makes no warranties, guarantees, or representations of any kind, either expressed or implied, or by usage of trade, statutory or otherwise, with regard to the product sold, including, but not limited to merchantability, fitness for a particular purpose, use or eligibility of the product for any particular trade usage. The exclusive remedy of any buyer or user of this product for any and all losses, injuries, or damage resulting from or in any way arising from the use, handling, or application of this product, whether in contract, warranty, tort, negligence, strict liability, or otherwise, shall be damages not exceeding the purchase price paid for this product or, at Control Solutions, Inc. election, the replacement of this product.

TAURUS™ SC

TERMITICIDE/INSECTICIDE

SECTION 1 – PRODUCT IDENTIFICATION

Product Name: Taurus™ SC EPA Reg. No.: 53883-279

Manufacturer: Control Solutions Inc. EPA Est. No.: 53883-TX-002
 5903 Genoa- Red Bluff
 Pasadena, TX 77507
 281-892-2500

SECTION 2 – CHEMICAL COMPOSITION

| Material | CAS # | % by Weight | OSHA PEL/ ACGIH TLV |
|-------------------|-------------|-------------|---------------------|
| Fipronil | 120068-37-3 | 9.1% | None Established |
| Inert Ingredients | - | 90.9% | None Established |

SECTION 3 – HAZARD IDENTIFICATION

Symptoms of Toxicity: May produce symptoms of CNS stimulation, tremors, convulsions.

Flammability: N/A

Reactivity: Stable under normal storage conditions.

Carcinogenicity: Fipronil: In long-term studies in rats the substance induced thyroid tumors. In long term studies in rodents exposed to high doses, a tumorigenic effect was found, however these results are thought to be due to a rodent-specific liver effect that is not relevant to humans.

SECTION 4 – FIRST AID

If Swallowed:

- Call a Poison Control Center or doctor immediately for treatment advice.
- Have person sip a glass of water if able to swallow.
- Do not induce vomiting unless told to do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person.

If on Skin or Clothing:

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15-20 minutes.
- Call a poison control center or doctor for treatment advice.

If Inhaled:

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible.
- Call a poison control center or doctor for treatment advice.

If in Eyes:

- Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

Notes/ Physician's Information: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. In severe cases of overexposure by oral ingestion, lethargy, muscle tremors, and in extreme cases, possibly convulsions may occur. You may also contact SafetyCall® International (866) 897-8050 for emergency medical treatment information.

SECTION 5 – FIRE AND EXPLOSION HAZARDS

Flash Point: >200°F Upper Flammability Limit: N/A

Extinguishing Media: Foam, CO₂, dry chemical, water fog Lower Flammability Limit: N/A

Special Procedures: Use SCBA and full protective (bunker) clothing.

Unusual Fire Hazards: Combustible. Will form flammable vapors when heated.

Reactivity/Stability: Products of combustion include cyanide, CO, and CO₂.

SECTION 6 – SPILL/RELEASE PROCEDURES

Absorbent: Universal or oil-only absorbent pads, vermiculite, absorbent booms, or clay granules.

Containment: Do not discharge into municipal wastewater or public storm drains. Eliminate runoff as much as possible.

Waste Disposal: Dispose of through municipal landfill or licensed TSDF. Open dumping is prohibited. Not an RCRA hazardous waste.

Reporting: Report all major spills and uncontrolled releases to proper local, state, and federal agencies.

Emergency Contact #: Chemtrec: 1-800-424-9300

SECTION 7 – STORAGE AND HANDLING INSTRUCTIONS

Do not contaminate water, food or feed by storage or disposal.

Storage
 Store unused product in original container only, out of reach of children and animals.

Pesticide Disposal
 Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Disposal
Nonrefillable Container: Do not reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

SECTION 7 – STORAGE AND HANDLING INSTRUCTIONS (continued)

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

In case of minor spills or leaks, soak up with sand, earth or other suitable material and dispose of as pesticide waste.

SECTION 8 – PROTECTIVE EQUIPMENT/ENGINEERING CONTROLS

Eye Protection: All pesticide handlers must wear protective eyewear (goggles, a faceshield, or safety glasses with front, brow, and temple protection) when working in a non-ventilated space, including but not limited to crawl-spaces and basements or when applying termiticide by rodding or sub-slab injection.

Respiratory Protection: All pesticide handlers must wear a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C), or a NIOSH approved respirator with any N, R, P or HE filter, when working in a non-ventilated space, including but not limited to crawl-spaces and basements.

Dermal Protection: All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical-resistant gloves.

Other Precautions: Clean water should be available to rinse eyes and skin in case of chemical exposure.

User Safety Recommendations

Users should wash hands thoroughly with soap and water before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove contaminated clothing. Then wash body thoroughly with soap and water and put on clean clothing. Wash clothing with detergent and hot water before reusing.

Remove PPE immediately after handling this product. Wash outside of gloves before removing. Wash PPE before reusing.

SECTION 9 – PHYSICAL DATA

| | | | |
|-----------------|----------------------------|-------------------|-------------------|
| Odor: | Negligible | Melting Point: | N/A |
| Physical State: | Liquid flowable suspension | Flash Point: | N/A (>200°F) |
| Color: | Beige | Specific Gravity: | 1.06 (g/ml) @22 C |
| Bulk Density: | 8.83 (lbs/gal) | pH: | 5.0 – 7.0 |
| Vapor Pressure: | N/A | Water Solubility: | Dispersible |
| Viscosity: | N/A | Refractive Index: | N/A |

SECTION 10 – TOXICITY

| | | | |
|---------------------------|---|-------------------------------|-------------|
| EPA Toxicity Category: | “Caution” label required | Oral LD ₅₀ : | 1999 mg/kg |
| Skin Contact: | Slight Irritant | Dermal LD ₅₀ : | >2000 mg/kg |
| Eye Contact: | Irritant | Inhalation LC ₅₀ : | >1.7 mg/l |
| HMIS/NFPA Classification: | Fire - 1 Reactivity - 0 | Health - 1 Special - none | |
| Other Comments: | Avoid cross contamination. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse. | | |

SECTION 11 – ECOLOGICAL DATA

| | |
|------------------|---|
| Aquatic: | Daphnia pulex/EC50 (48 h): 0. 2 ug/L |
| Avian: | Bobwhite quail: LD ₅₀ >2000 mg/kg |
| Bioaccumulation: | Not readily biodegradable (by OECD criteria). |
| Summary: | This pesticide is toxic to birds, fish, and aquatic invertebrates |

SECTION 12 – TRANSPORTATION

| | |
|-------|--|
| DOT: | Not regulated |
| IATA: | Not regulated |
| IMDG: | Environmentally hazardous substance, liquid, n.o.s. (9.1% fipronil), UN3082, PG III, marine pollutant. |

SECTION 13 – REGULATORY

| | |
|--|--|
| Section 302/TPQ: (emergency planning) | Contains no components listed under section 302. |
| Section 304/EHS RQ: (release notification) | Contains no components listed under section 304. |
| CERCLA RQ: (release notification) | Not regulated by CERCLA. |
| Section 311/Tier II: (MSDS submission) | Health hazard: immediate. |
| Section 313/TRI Chemicals: | Contains no Section 313 chemicals. |
| RCRA Haz-Waste Code(s): | None |
| CAA TQ: (air emissions) | None |

SECTION 14 – OTHER

NFPA and HMIS ratings assigned to this product are based on the hazards of its ingredient (s). Because the customer is most aware of the application of the product, he must ensure that the proper personal protective equipment (PPE) is provided consistent with information contained in the product MSDS.

The information provided on this Material Safety Data Sheet is furnished without warranty, expressed or implied, except that it is accurate to the best knowledge of Control Solutions, Inc. The data on this sheet relates only to the specific material designated herein. Control Solutions, Inc. assumes no legal responsibility for the accuracy or completeness of this data, nor for use or reliance upon this data.

NOTES

NOTES



5903 Genoa-Red Bluff
Pasadena, TX 77507

220909KRB02B-Specimen label for Flight Control Plus goose repellent, EPA Reg.#69969-1

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for use carefully before applying.

USE RESTRICTIONS:

This product may be used to repel geese, including Canada geese.

For Professional Application to Lawns.

- Repels geese from terrestrial areas at or near airports.
- Repels geese from grassy areas at commercial sites, industrial sites, municipal sites or in developed urban areas.
- Repels geese from golf courses, ornamental nurseries and conifer nurseries.
- Repels geese from landfills and dumpsites.

FOR THE STATE OF NEW YORK USE THE FOLLOWING DIRECTIONS:

For Professional Application to Repel Geese at the Following Sites Only:

- Terrestrial areas at or near airports.
- Grassy areas at commercial sites and industrial sites.
- Golf courses, landfills and dumpsites.

GENERAL INFORMATION

To prevent contamination of the dilute solution of Flight Control® Plus by other chemical residues, be sure that the equipment is thoroughly clean before use or used dedicated equipment.

Apply this product using properly calibrated and maintained spray equipment. Do not apply when surface to be treated is wet or when rain is expected. **For best results, allow product to dry on turf grass surface prior to rainfall.** Mowing treated areas will remove product and reduce product effectiveness.

For application by professional applicators only. Do not apply this product in a way that will contact workers or other persons, either directly or through drift.

MIXING DIRECTIONS:

Thoroughly shake or stir Flight Control® Plus prior to diluting with water.

APPLICATION DIRECTIONS:

When geese have begun to flock in one area and are problematic, apply Flight Control® Plus according to the following rates to grassy turf or forage areas where geese are expected to feed/roost. To determine if the geese are problematic, conduct a visual inspection (bird count) by responsible officials/parties before application.

Grassy or Turf Areas, Landfills, Dumpsites:

- In most cases dilute Flight Control® Plus with 50 gallons of water and apply per acre of grass, turf or land surface. (1.5 oz. Flight Control® Plus per 1000 sq. feet). You might need to use as much as one gallon diluted in 50 gallons of water per acre for extreme bird pressure. Your supplier will provide individualized assistance on concentrations to be used under existing conditions.

- Mix with water based on spray equipment specifications and recommendations.
- Apply using a fine spray pattern to evenly distribute over the entire surface to be treated.
- Allow material to dry before permitting human activity in the treated area.
- Spray at weekly intervals or as required by geese activity and anticipated seasonal migrations.
- When applying to turf, cutting of the lawn will reduce amount of repellent available.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning equipment.

Pesticide Storage:

Do not allow containers to freeze. After prolonged storage product may separate. If this occurs, resuspend with agitation.

Pesticide Disposal:

Pesticide wastes are toxic. Improper disposal of excess pesticide or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance. ARKION® LIFE SCIENCES LLC also can be contacted for guidance on the disposal of pesticide wastes.

GENERAL: CONSULT FEDERAL, STATE OR LOCAL DISPOSAL AUTHORITIES FOR ALTERNATIVE PROCEDURES.

Container Handling:

For plastic bag-in-box: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or reconditioning, or puncture and dispose of in a sanitary landfill, or if allowed by state and local authorities, by burning. If burned, stay out

FIRST AID

| | |
|------------------------|--|
| If inhaled | <ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a Poison Control Center or Doctor for further treatment advice. |
| If on skin or clothing | <ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a Poison Control Center or Doctor for treatment advice. |
| If in eyes: | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a Poison Control Center or Doctor for treatment advice. |
| If swallowed: | <ul style="list-style-type: none"> • Call Poison Control Center or Doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by the Poison Control Center or Doctor. • Do not give anything by mouth to an unconscious person. |

FOR MEDICAL EMERGENCIES INVOLVING THIS PRODUCT, CALL INFOTRAC AT 1-800-535-5033. HAVE THE PRODUCT CONTAINER OR LABEL AVAILABLE WHEN SEEKING TREATMENT ADVICE.

of smoke.

For Box: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or reconditioning, or puncture and dispose of in a sanitary landfill, or if allowed by state and local authorities, by burning. If burned stay out of smoke. **For Plastic Container:** Nonrefillable container. Do not reuse or refill this container. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or mix tank, or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Offer for recycling, if available, or reconditioning, or puncture and dispose of in a sanitary landfill or if allowed by state and local authorities, by burning. If burned stay out of smoke.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed. Harmful if absorbed through skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling. Harmful if inhaled. Avoid breathing vapor or spray mist. Remove contaminated clothing and wash clothing before reuse. Causes moderate eye irritation. Avoid contact with eyes or clothing.

PERSONAL PROTECTIVE EQUIPMENT

When handling Flight Control Plus use long-sleeved shirt and long pants, socks shoes and chemical resistant gloves.

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA. Do not contaminate water by cleaning of equipment or disposal of waste. Apply this product only as specified on this label.

Flight Control® Plus

For Geese Repellency

Active Ingredient:
9,10-anthraquinone50%
Other ingredients.....50%
Total100%

For best results: Keep from freezing. Product may separate if allowed to sit. Resuspend with agitation.

Keep Out of Reach of Children

CAUTION

Refer to inside of label booklet for additional precautionary information and Directions for Use.

Notice: Read the entire label before using. Use only according to label directions.

Before buying or using the product read "Conditions of sale and Warranty" on label.

In case of emergency endangering health or the environment involving this product, call INFOTRAC at 1-800-535-5053.

EPA REG. NO. 69969-1 EPA EST. NO. 62171-MS-1 Net Contents: 2.5 Gallons



Arkion®
LIFE SCIENCES, LLC
551 Mew's Drive, Suite J, News Castle, DE 19720

"Providing Tomorrow's Innovative Solutions Today"
Flight Control, Stop the Drop, and Arkion are Registered Trademarks



CONDITIONS OF SALE AND WARRANTY

Arkion® Life Sciences LLC warrants that the product conforms to its chemical description and is reasonably fit for the purpose stated on the label only when used in accordance with label directions under normal conditions of use. Since timing, method of application, weather and ground conditions, mixture with other chemicals, and other factors affecting the use of this product are beyond our control, no warranty is given concerning the use of this product contrary to label directions, or under conditions which are abnormal or not reasonably foreseeable.

ARKION® LIFE SCIENCES LLC MAKES NO OTHER WARRANTIES EITHER EXPRESS OR IMPLIED WARRANTIES INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE.

Handling, storage and use of the product by Buyer or User are beyond the control of Arkion® and Seller. Risks such as ineffectiveness or other directions will be assumed by the Buyer or User.

IN NO CASE WILL ARKION® LIFE SCIENCES LLC OR SELLER BE HELD LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE HANDLING, STORAGE OR USE OF THIS PRODUCT, NOR HELD RESPONSIBLE FOR INJURY OR LOSS AS A RESULT OF THE HANDLING OR USE OF THIS PRODUCT.

Flight Control®, Stop the Drop® and Arkion® are registered trademarks of Arkion® Life Sciences LLC

Gerry Raymond's Responses to Critical Pesticide Control Area Questions From BPC

(Q). Chapter 60, Sec. 2 (B) – The request asks for a “total ban on the use of pesticide and herbicide within this area.” For clarification, is the intent to ban the use of all pesticide chemistries including minimal risk pesticides that are exempt from EPA registration (FIFRA, Section 25b).

Chapter 60, Sec. 2 (D) – The map provided depicts the 200-Day and 2,500-Day Travel Zones. Please clarify if the proposed control area is the 200-Day Travel Zone, 2,500-Day Travel Zone or the 300-foot radius well recharge zone.

(A). We want the proposed zone to cover the 500 ft radius of the well recharge zone.

Justification:

- The purpose of extending the 300 ft radius to 500 ft radius is to cover the entire residential infrastructure which could effect our well recharge zone.
- For reference the recharge zone wells are shallow gravel pack (approx. 40 ft. deep).
- It is unknown if the half-life for the products utilized would allow contaminants it to leach into the well's recharge zone.
- In this sensitive area, it is impossible to monitor pesticide/herbicide application activities.
- Residents or applicators are not forthcoming in notifying our organization when they will occur.
- Applicators do not voluntarily supply SDS (MSDS) information prior to application for our approval.
- Normally, we only witness applicators after they have applied products.
- One of the residents has a perimeter drain around foundation that discharges in the well recharge zone. It is unknown if contaminants are being discharged into the well recharge zone.
- If this pesticide/herbicide restriction is not approved, the Maine Drinking Water Program will require us to conduct pesticide monitoring/sampling.
 - This would be very costly for our organization and would not guarantee contamination to our wells/groundwater.
 - It is more significantly more expensive after contamination than prevention (moving wells or cleanup).
 - Potential for legal action from contamination or sickness in the future.
 - This preventative measure would better protect the town citizens/customers from contamination.

(Q). Chapter 60, Sec. 2 (E) – The request acknowledges abutting landowners use of herbicides and pesticides. Can you elaborate on the purpose for the use of those pesticides, i.e. lawncare, tick & mosquito control, structural pest control, etc.?

(A). The purposes for the applications were for infrastructure pest control (ants/earwigs), herbicide lawncare (weeds), invasive wildlife control (Canada Geese).

Further information:

- We will provide the SDS' for products we were provided and what we know was applied
- It is unknown if further applications are conducted besides the activities witnessed, we are not voluntarily provided with this information.

(Q). Chapter 60, Sec. 2 (G) – The request provides evidence establishing the impacts of “agricultural” pesticides on ground and surface waters and potential risks to human health. Can information be provided regarding the use of pesticides in “residential” settings and their potential impact on ground and surface waters and the potential for adverse effects on human health?

(A). Commercial agriculture is not conducted in the zone and no residential agriculture has been witnessed

- If residential agricultural (gardens) activities are conducted, there is potential for herbicide/pesticide application in these zones.

(Q). Chapter 60, Sec. 2 (J) –Please provide a more detailed description of the proposed restrictions on the use of pesticide(s) within the proposed critical area.

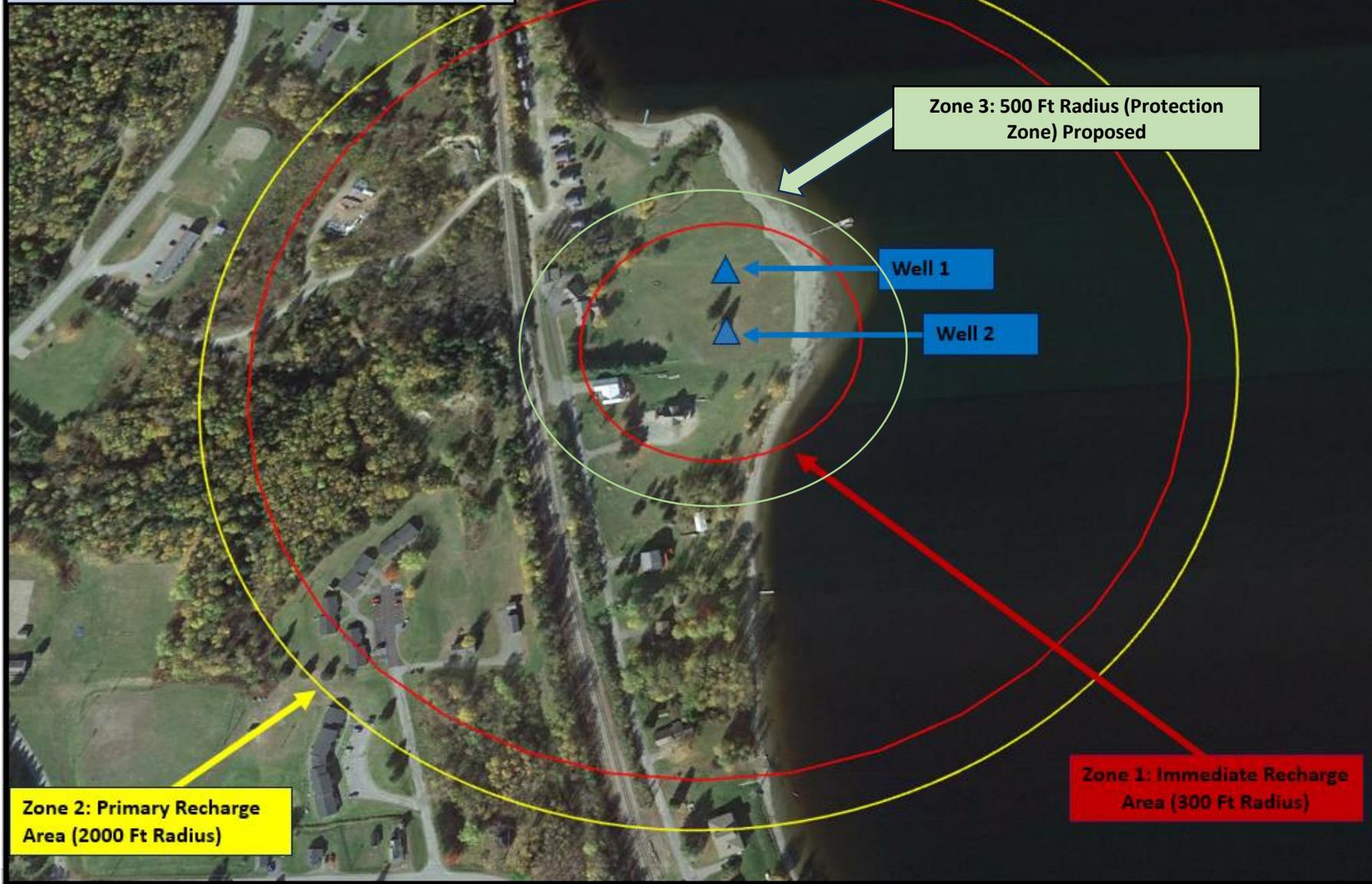
(A). We are requesting that no pesticide or herbicides be applied in the 500 ft radius of our well recharge area. Also, we are requesting that no intentional activities or infrastructure be allowed to be discharged in this zone (i.e. stormwater drains, industrial activities, agricultural activities, construction activities, fueling activities, unnecessary vehicle traffic, equipment fueling, residential drainage, etc.)

Please feel free to reach out with any questions regarding this request. Staff does plan to include the pesticide use inspection report completed in September of 2022 with your request for consideration by the Board.

Clarification is requested by the close of business on Tuesday, March 26, 2024, for proper submission to the Board. A copy of Chapter 60 has been attached.

We look forward to working with you on this matter.

Wellhead Protection Area
Eagle Lake Water District
Leboeuf Wells



01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

SUMMARY: These regulations describe the types of records and reports which commercial applicators, commercial agricultural producers, limited/restricted use pesticide dealers, spray contracting firms and monitors must maintain and submit to the Board.

Section 1. Records

A. Pesticide Application Records

- I. Commercial agricultural producers and commercial applicators shall maintain pesticide application records consistent with paragraph II. below for a period of two years from the date of application. Such records shall be kept current by recording all the required information on the same day the application is performed. These records shall be maintained at the primary place of business and available for inspection by representatives of the Board at reasonable times, upon request.
- II. Pesticide application records shall include, at a minimum:
 - a. Site information including town and location, crop or site treated, target organism, customer and customer address_(where applicable); and
 - i. for broadcast applications, size of treated area (when completed);
 - ii. for volumetric applications as described on the label, the volume treated;
 - iii. for non-broadcast applications (such as spot treatments, crack and crevice or stump treatments) a practical description of the scope or extent of the application (such as number of trees, stumps or rooms treated).
 - b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

- c. **Rate information.** For each distinct site, application rate information must be maintained as follows:
 - i. **Restricted Use Pesticides.** For restricted use pesticides, applicators shall record the total amount of pesticide applied (undiluted).
 - ii. **General Use Pesticides.** For general use pesticides, applicators shall record:
 - (1) rate information as described in (i.) above; or
 - (2) the mix ratio and the total mix applied; or
 - (3) the mix ratio and the mix per unit area applied.
- d. For outdoor applications, except those listed below, weather conditions including wind speed and direction, air temperature and sky conditions recorded such as sunny, partly cloudy, overcast, foggy or rainy. No weather condition records need be kept for outdoor applications involving:
 - i. pesticides placed in bait stations;
 - ii. pesticide-impregnated devices placed on animals, such as ear tags; or
 - iii. pesticides injected into trees or utility poles.
- e. For TBT applications to marine vessels, applicators must also record the vessel identification and size, and the disposition of TBT wastes including chips/dust removed prior to application and empty containers.

B. Limited Use/Restricted Use Pesticide Sales Records

- I. Licensed pesticide dealers shall maintain records of each sale of a restricted/limited use pesticide on their sales slips and the customer's name, and license number must be recorded on every invoice or electronic record involving that individual. Licensed pesticide dealers must also maintain records to verify that sales of restricted/limited use pesticides to unlicensed purchasers are only made where a licensed applicator is employed to supervise the use of the restricted/limited use products. These records must include the name, address, license number, issuing agency, expiration date, and categories of certification (if applicable) of each person to whom the restricted use pesticide was distributed or sold. These records are to be available for inspection by representatives of the Board at reasonable times, upon request, and are to be maintained for two calendar years from the date of sale.
- II. Pesticide dealer records shall also include the signature of purchaser or his/her agent, the product name, the EPA registration number, state special local need registration (SLN) number (if applicable), the quantity and size of containers purchased, and the date of purchase.

- III. Any pesticide dealer who discontinues the sales of restricted/limited use pesticides shall notify the Board in writing and shall provide the Board, upon request, with all required records including a final sales report up to the date of discontinuance.

Section 2. Reports

- A. **Annual Summary Reports by Commercial Applicators.** Annual summary reports must be electronically submitted for each calendar year by January 31 of the following year through a board-approved software solution. In the event a required report is not received by the due date, the person's license may be temporarily suspended until the proper report is received or until a decision is tendered at a formal hearing as described in 22 M.R.S.A. §1471-D(7). The report filed with the Board by or on behalf of commercial applicators shall contain the following information for each site or crop treated: quantity of each pesticide used, EPA registration number and total area treated (where applicable) for each pesticide.
- B. **Annual Pesticide Sales Reports.** Pesticide dealers licensed to sell limited and restricted use pesticides must provide the Board with a calendar year-end report of total sales of all limited, restricted and general use pesticides electronically through a board-approved software solution before their pesticide dealer license can be renewed. The Board will furnish report forms.
- C. **Transition to Electronic Submission of Sales and Use Reports.**
- I. The 2024 amendments to Section 2 shall not affect the licensing status of applicators or dealers until reports for 2025 are due on January 31, 2026. At that time, reports will be required to be submitted in an electronic format through a board-approved software solution unless the submitter has received an electronic reporting waiver.
- II. The 2024 amendments to this chapter which will transition annual summary reports by commercial applicators and annual pesticide sales reports to an electronic format shall be phased in over two years. Phase one shall include promotion of the electronic portal and education for commercial applicators and dealers on how to utilize the electronic submission portal for reporting year 2024. Phase two shall include requiring commercial applicators and dealers to use the electronic submission portal for reporting year 2025, unless the submitter has received an electronic reporting waiver.
- D. **Waivers**
- I. If commercial applicators or dealers do not have access to an electronic device capable of submitting electronic reports, they may seek an electronic reporting waiver. Waiver applications must include the following:
- a. The name, address and telephone number of the applicant;

- b. The license number of the applicant;
 - c. The intended format for submitting reports; and
 - c. Testimonial or proof that the submitter is unable to complete the electronic submission process outlined in Section 1.
- II. Within 30 days after a complete application is submitted, the Board or its staff shall issue a waiver if:
 - a. The waiver application is received prior to December 31 of the reporting year;
 - b. The applicant possesses a valid pesticide applicator or dealer license issued by the State; and
 - c. The applicant agrees to submit physical copies of the annual reports required in Section 1 no later than January 31 of the following year.

The Board may place conditions on any such waiver, and the applicant shall comply with such conditions. Except as required by the waiver, the applicant shall undertake the reporting in accordance with all of the conditions described in their request and all other applicable legal standards. Waivers issued by the Board under this section shall not be transferable or assignable except with further written approval of the Board and shall be valid only for the period specified in the permit.

The contents of this section will be effective for the reporting year 2024.

€E. Spray Incident Reports

- I. Commercial agricultural producers, commercial applicators, spray contracting firms and licensed pesticide dealers shall be responsible for telephoning a spray incident report to the Board as soon as practicable after emergency health care has been obtained for injured parties and efforts have been initiated to contain any spills.
- II. A reportable spray incident is any significant misapplication or accidental discharge of a pesticide. Such incidents shall include: fires involving pesticides; vehicle and aircraft accidents resulting in a spill or human contamination; failure to turn off spray booms or other spray equipment resulting in application to sensitive areas (such as water bodies, accidentally applying pesticides to the wrong site or places of human habitation) when such application is a violation of label instructions or other law; overfilling of spray equipment resulting in risk of contamination of water; and any other equipment breakage or malfunction or pesticide handling activity which causes a pesticide release which may result in a threat to human health or the environment.

STATUTORY AUTHORITY: Title 22 M.R.S. Chapter 258-A §1471-G, M and R

EFFECTIVE DATE:

July 6, 1979 - as "Reporting Requirements," filing 79-338

AMENDED:

August 12, 1985 - filing 85-275

REPEALED AND REPLACED:

April 5, 1995 - as "Record Keeping and Reporting Requirements," filing 95-149

AMENDED:

October 2, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

AMENDED:

November 11, 2001 - filing 2001-483

March 5, 2003 - filing 2003-61

January 4, 2005 – filing 2004-606 affecting Section 1.A.I.

December 23, 2012 – filing 2012-348 affecting Section 1.B.II.

CORRECTIONS:

February, 2014 – agency names, formatting

AMENDED:

July 23, 2019 – filing 2019-133



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

JANET T. MILLS
 GOVERNOR

AMANDA E. BEAL
 COMMISSIONER

To: Board Members
 From: Staff
 Re: Certification and Training Plan Rulemaking
 Date: April 5, 2024

The Certification and Training Plan (C&T) was updated and accepted by EPA on August 18, 2023, pending rulemaking changes to align Maine’s rules with federal regulations. The table below outlines these changes and includes numbers that reference where the changes have been made in Chapter 31 and Chapter 32. These changes were outlined in Section 13 of the approved Certification and Training Plan.

| # | Chapter and Section | Change | Reason for change |
|---|-----------------------------------|---|---|
| 1 | Chapter 31, 1(A)(3) | Addition of 40 CFR 171.201. | Additional federal standards for direct supervision of non-certified applicators supervised by commercial applicators. |
| 2 | Chapter 31, 2(A)(I)(b) Option III | Addition of the word “soil”. | Aligns Maine’s category with the “Agricultural Crop Pest Control” federal category, clarifies that this category is for soil fumigation. |
| 3 | Chapter 31, 2(A)(VI) | Addition of “Maintenance of public roads”. | Clarifies that category VI A and B are also for maintenance of public roads. |
| 4 | Chapter 31, 3(B)(I)(b) | Addition of 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1 through 10) (2023). | Additional federal standards for Maine’s 1B Option III – Agricultural Soil Fumigation category related to soil fumigation. |
| 5 | Chapter 31, 3(B)(I)(VII)(b) | Addition of 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1 through 10) (2023). | Additional federal standards for Maine’s 7B category, Industrial, Institutional, Structural and Health Related Pest – Fumigation category related to non-soil fumigation. |

ALEXANDER PEACOCK, DIRECTOR
 90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
 WWW.THINKFIRSTSPRAYLAST.ORG

| | | | |
|---|---------------------------|---|--|
| 6 | Chapter 31, 3(B)(I)(XI) | Addition of 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1 through 10) (2023). | Additional federal standards for Maine's 11 category, Aerial Pest Control related to aerial application of pesticides. |
| 7 | Chapter 32, 1(A) | Addition of 40 CFR 171.201 and 40 CFR 171.105(a) (1 through 11). | Additional federal standards for direct supervision of non-certified applicators supervised by private applicators. |
| 8 | Chapter 32, 2(B)(4) a - c | Addition of 40 CFR 171.195(d) (2023) to (a) Soil Fumigation, 40 CFR 171.195(e) (2023) to (b) Non-Soil Fumigation, and 40 CFR 171.195(f) (2023) to (c) Aerial. | Additional federal standards for supplemental certification of private applicators in these categories. This will require an update to the C & T Plan that will need to be submitted to EPA. |
| 9 | Chapter 32 (5) a - c | Update to the EPA standards | Updating the date for federal standards referenced. This will require an update to the C & T Plan that will need to be submitted to EPA. |

Already Completed:

- Chapter 32, Address the minimum age requirements for noncertified applicators who are a minimum of 16 years old and who may apply restricted use pesticides under the direct supervision of a private applicator who is an immediate family member. 40 CFR 171.201(b) (2)(i through iii) will be adopted by reference. State Plan Section 7.
- Chapter 32, Address 40 CFR 171.201(2) (1 to 4), the direct supervision of non-certified applicators. State Plan Section 7.

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

SUMMARY: These regulations describe the requirements for certification and licensing of commercial applicators.

1. Individual Certification and Company/Agency Licensing Requirements

- A. Any commercial applicator must be either:
- I. licensed as a commercial applicator/master; or
 - II. licensed as a commercial applicator/operator; or
 - III. supervised on-site by either a licensed commercial applicator/master or a commercial applicator/operator who is physically present on the property of the client the entire time it takes to complete an application conducted by an unlicensed applicator. This supervision must include visual and voice contact. Visual contact must be continuous except when topography obstructs visual observation for less than five minutes. Video contact does not constitute visual observation. The voice contact requirement may be satisfied by real time radio or telephone contact. In lawn care and other situations where both the licensed and unlicensed applicator are operating off the same application equipment, the licensed applicator may move to an adjoining property on the same side of the street and start another application so long as he or she is able to maintain continuous visual and voice contact with the unlicensed applicator. Applicators must also follow the standards outlined in 40 CFR 171.201.
- B. All commercial applicators responsible for the supervision of noncertified applicators of restricted use pesticides must ensure compliance with training, record keeping, and all other requirements as indicated in 40 CFR 171.201(c) "Supervision of Noncertified Applicators" (2017).
- C. All commercial applicator licenses shall be affiliated with a company/agency and shall terminate when the employee leaves the employment of that company or agency.
- D. Individuals certified as commercial applicators are eligible to license with one or more companies/agencies upon submission of the application and fee as described in Section 6 of this regulation. The individual's certification remains in force for the duration of the certification period as described in Section 5 of this regulation.
- E. Each branch office of any company, agency, organization or self-employed individual ("employing entity") required to have personnel licensed commercially under state

pesticide law shall have in its employment at least one master applicator. This Master must be licensed in all categories which the branch office of the company or agency performs applications and any Operators must also be licensed in the categories in which they perform or supervise pesticide applications. This master applicator must actively supervise persons applying pesticides within such employing entity and have the ability to be on site to assist such persons within six (6) hours driving time. Whenever an out-of-state employing entity is conducting a major application project they must have a master applicator within the state.

F. Exemptions

- I. Persons applying pesticides to household pets and other non agricultural domestic animals are exempt from commercial applicator licensing.
- II. Swimming pool and spa operators that are certified by the National Swimming Pool Foundation, National Spa and Pool Institute or other organization approved by the Board are exempt from commercial applicator licensing. However, these persons must still comply with all provisions of C.M.R. 10-144, Chapter 202 – *Rules Relating to Public Swimming Pools and Spas*, administered by the Maine Department of Health and Human Services, Division of Environmental Health..
- III. Certified or licensed Wastewater or Drinking Water Operators applying registered disinfectants to waste or drinking water as part of their employment.
- VI. Adults applying repellents to children with the consent of parents/guardians.
- VII. Persons installing antimicrobial metal hardware.

2. Categories of Commercial Applicators

- A. All commercial applicators shall be categorized according to the type of work performed as outlined below:
 - I. **Agricultural Animal and Plant Pest Control**
 - a. **Agricultural Animal** - This subcategory includes commercial applicators using or supervising the use of pesticides on animals and to places on or in which animals are confined. Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire as pesticide applicators are included in this subcategory; however, those persons applying pesticides as drugs or medication during the course of their normal practice are not included.
 - b. **Agricultural Plant** - This subcategory includes commercial applicators using or supervising the use of pesticides in the production of crops including blueberries, orchard fruit, potatoes, vegetables, forage, grain and industrial or non-food crops.

2

Option I - Limited Commercial Blueberry - This option includes commercial applicators using or supervising the use of pesticides in the production of blueberries only.

Option II - Chemigation - This option includes commercial applicators using or supervising the use of pesticides applied through irrigation equipment in the production of crops.

Option III - Agricultural Soil Fumigation - This option includes commercial applicators using or supervising the use of soil fumigant pesticides in the production of crops.

Option IV - Post Harvest Treatment - This option includes commercial applicators using or supervising the use of pesticides in the post harvest treatment of food crops.

II. **Forest Pest Management**

This category includes commercial applicators using or supervising the use of pesticides in forests, forest nurseries, Christmas trees, and forest seed producing areas.

III. **Ornamental and Turf Pest Control**

- a. **Outdoor Ornamentals** - This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of outdoor ornamental trees, shrubs and flowers.
- b. **Turf** - This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of turf, such as at turf farms, golf courses, parks, cemeteries, athletic fields and lawns.
- c. **Indoor Ornamentals** - This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of live plants in shopping malls, businesses, residences and institutions.

IV. **Seed Treatment**

This category includes commercial applicators using or supervising the use of pesticides on seeds.

V. **Aquatic Pest Control**

- a. **General Aquatic** - This subcategory includes commercial applicators using or supervising the use of pesticides applied directly to surface water, including but not limited to outdoor application to public drinking water supplies, golf course ponds, rivers, streams and wetlands.

Excluding applicators engaged in public health related activities included in categories VII(e) and VIII below.

- b. **Sewer Root Control** - This subcategory includes commercial applicators using or supervising the use of pesticides applied to sewers to control root growth in sewer pipes.

VI. **Vegetation Management**

- a. **Rights-of-Way Vegetation Management** - This subcategory includes commercial applicators using or supervising the use of pesticides in the management of vegetation on utility, roadside, maintenance of public roads, and railroad rights-of-way.
- b. **General Vegetation Management** - This subcategory includes commercial applicators using or supervising the use of pesticides in the management of vegetation (including invasive plants) on sites not included in category VI a including, but not limited to, municipal and other publicly owned properties, maintenance of public roads, industrial or commercial plants and buildings, lumber yards, airports, tank farms, storage areas, parking lots, sidewalks, and trails.

VII. **Industrial, Institutional, Structural and Health Related Pest Control**

- a. **General** - This subcategory includes commercial applicators using or supervising the use of pesticides in, on or around human dwellings, office buildings, institutions such as schools and hospitals, stores, restaurants, industrial establishments (other than in Category 6) including factories, warehouses, food processing plants, food or feed transportation facilities and other structures, vehicles, railroad cars, ships, aircraft and adjacent areas; and for the protection of stored, processed or manufactured products. This subcategory also includes commercial applicators using or supervising the use of pesticides to control rodents on refuse areas and to control other pests, including but not limited to birds and mammals.
- b. **Fumigation** - This subcategory includes commercial applicators using or supervising the use of fumigants or fumigation techniques in any type of structure or transportation device.
- c. **Disinfectant and Biocide** - This subcategory includes commercial applicators using or supervising the use of pesticides to treat mold or microbial growth problems, to treat water in manufacturing, industrial cooling towers, public drinking water treatment plants, sewers, air conditioning systems, and in swimming pools and spas.
- d. **Wood Preserving** - This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to treat lumber, poles, railroad ties and other types of wooden structures including bridges, shops and homes. It also includes commercial applicators applying general use pesticides for remedial treatment to utility poles.

- e. **Biting Fly & other Arthropod Vectors** - This subcategory includes commercial applicators and non-public health governmental officials using or supervising the use of pesticides in management and control of biting flies & other arthropod vectors of public health and public nuisance importance including, but not limited to, ticks, mosquitoes, black flies, midges, and members of the horsefly family.
- f. **Termite Pests** - This subcategory includes commercial applicators using or supervising the use of pesticides to control termites.

VIII. **Public Health Pest Control**

- a. **Biting Fly Pests** - This subcategory includes governmental officials using pesticides in management and control of potential disease vectors or other pests having medical and public health importance including, but not limited to, mosquitoes, black flies, midges, and members of the horsefly family.
- b. **Other Pests** - This subcategory includes governmental officials using pesticides in programs for controlling other pests of concern to public health including, but not limited to, ticks and birds and mammal vectors of human disease.

IX. **Regulatory Pest Control**

This category includes governmental employees using pesticides in the control of pests regulated by the U.S. Animal and Plant Health Inspection Service or some other governmental agency.

X. **Demonstration and Research Pest Control**

This category includes all individuals who (1) demonstrate to the public the proper use and techniques of application of pesticides or supervise such demonstration, (2) conduct field research with pesticides, and in doing so, use or supervise the use of pesticides. Individuals who conduct only laboratory-type research are not included. Applicants seeking certification in this category must also become certified in whatever category/subcategory they plan to make applications under; e.g., Categories I - IX.

XI. **Aerial Pest Control**

This category includes commercial applicators, including pilots and co-pilots, applying or supervising the application of pesticides by means of any aircraft. Applicants seeking certification in this category must also become certified in whatever category/subcategory they plan to make applications under; e.g., Categories I - IX.

3. Competency Standards for Certification of Commercial Applicators

- A. Applicants seeking commercial certification must establish competency in the general principles of safe pest control by demonstrating knowledge of basic subjects including, but not limited to, pesticide labeling, safety, environmental concerns, pest organisms, pesticides, equipment, application techniques and applicable laws and regulations. (Core Exam).
- B. Applicants seeking commercial certification must demonstrate competency in each applicable category or subcategory. (Category Exam). Competency in the applicable category or subcategory shall be established as follows:

I. Agricultural Animal and Plant Pest Control

- a. **Agricultural Animals.** Applicants seeking certification in the subcategory of Animal Pest Control as described in Section 2(A)(I)(a) must demonstrate knowledge of animals, their associated pests, and methods of pest control. Areas of practical knowledge shall include specific toxicity, residue potential, relative hazards of different formulations, application techniques, and hazards associated with age of animals, stress, and extent of treatment.
- b. **Agricultural Plant.** Applicants seeking certification in the subcategory of Plant Pest Control as described in Section 2(A)(I)(b) Options I - IV must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Areas of such practical knowledge shall include soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, potential for environmental contamination, non-target injury, and community problems related to pesticide use in certain areas. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. For option III, applicants must demonstrate practical knowledge of agricultural soil fumigation as outlined in 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1 through 10) (2023).

II. Forest Pest Management

Applicants seeking certification in the category of Forest Pest Management as described in Section 2(A)(II) must demonstrate practical knowledge of forest vegetation management, forest tree biology and associated pests. Such required knowledge shall include population dynamics of pest species, pesticide-organism interactions, integration of pesticide use with other pest control methods, environmental contamination, pesticide effects on non-target organisms, and use of specialized equipment. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

III. **Ornamental and Turf Pest Control**

- a. **Outdoor Ornamentals.** Applicants seeking certification in the Outdoor Ornamental subcategory as defined in Section 2(A)(III)(a) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of trees, shrubs and floral plantings. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- b. **Turf.** Applicants seeking certification in the Turf subcategory as described in Section 2(A)(III)(b) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of turf. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- c. **Indoor Ornamentals.** Applicants seeking certification in the Indoor Ornamental subcategory described in Section 2(A)(III)(c) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of indoor ornamental plantings. Such knowledge shall include pest recognition, proper pesticide selection, undue pesticide persistence, and application methods with particular reference to techniques used in proximity to human presence.

IV. **Seed Treatment**

Applicants seeking certification in the category of Seed Treatment as described in Section 2(A)(IV) must demonstrate practical knowledge of seed types and problems requiring chemical treatment. Such knowledge shall include seed coloring agents, carriers and binders which may affect germination, hazards associated with handling, sorting, and mixing in the treatment process, hazards of introduction of treated seed into food and feed channels, and proper disposal of unused treated seeds.

V. **Aquatic Pest Control**

- a. **General Aquatic** - Applicants seeking certification in the subcategory of General Aquatic as described in Section 2(A)(V)(a) must demonstrate practical knowledge of proper methods of aquatic pesticide application, application to limited area, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include basic factors contributing to the

development of nuisance aquatic plant growth such as algal blooms, understanding of various water use situations and potential downstream effects from pesticide use, and potential effects of various aquatic pesticides on plants, fish, birds, insects and other organisms associated with the aquatic environment. Also required shall be an understanding of the Department of Environmental Protection laws and regulations pertaining to aquatic discharges and aquatic weed control and a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

- b. **Sewer Root Control** - Applicants seeking certification in the subcategory of Sewer Root Control as described in Section 2(A)(V)(b) must demonstrate practical knowledge of proper methods of sewer root control pesticide application, application to pipes, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include potential effects on water treatment plants, movement of pesticides into off target pipes or buildings and the hazards of sewer gases.

VI. **Vegetation Management**

Applicants seeking certification in the subcategories under Vegetation Management as described in Section 2(A)(VI) (a-b) must demonstrate practical knowledge of the impact of pesticide use on a wide variety of environments. Such knowledge shall include an ability to recognize target organisms and circumstances specific to the subcategory, awareness of problems of runoff, root pickup and aesthetic considerations associated with excessive foliage destruction and "brown-out", and an understanding of the mode of action of herbicides, and reasons for the choice of particular chemicals for particular problems, importance of the assessment of potential impact of spraying on adjacent public and private properties and activities, and effects of spraying on fish and wildlife species and their habitat. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

VII. **Industrial, Institutional, Structural and Health Related Pest**

- a. **General.** Applicants seeking certification in the subcategory of General Pest Control as described in Section 2(A)(VII)(a) must demonstrate a practical knowledge of a wide variety of pests and methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, formulations appropriate for various indoor and outdoor uses, methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.

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- b. **Fumigation.** Applicants seeking certification in the subcategory Fumigation as described in Section 2(A)(VII)(b) must demonstrate a practical knowledge of wide variety of pests and fumigation methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, fumigant formulations, methods to avoid contamination of food and damage to structures and furnishings, and avoidance of risks to employees and customers. Applicants must also demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1 through 10) (2023).
- c. **Disinfectant and Biocide.** Applicants seeking certification in the subcategory of Disinfectant and Biocide as described in Section 2(A)(VII)(c) must demonstrate practical knowledge of water organisms and their life cycles, pool and spa design systems, drinking water treatment plant designs, cooling water system designs, mold and problematic microbial organisms, labels, hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
- d. **Wood Preserving.** Applicants seeking certification in the Wood Preserving Subcategory described in Section 2(A)(VII)(d) must demonstrate practical knowledge in wood destroying organisms and their life cycles, nonchemical control methods, pesticides appropriate for wood preservation, hazards associated with their use, proper handling of the finished product, proper disposal of waste preservatives, and proper application techniques to assure adequate control while minimizing exposure to humans, livestock and the environment.
- e. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest control as described in Section 2(A)(VII)(e) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- f. **Termite Pests.** Applicants seeking certification in this subcategory must demonstrate a practical knowledge of Termite pests and methods for their control. Such knowledge shall include identification of termites and knowledge of life cycles, formulations appropriate for various indoor and outdoor uses, methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.

VIII. Public Health Pest Control

- a. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest Control as described in Section 2(A)(VIII)(a) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- b. **Other Pests.** Applicants seeking certification in the subcategory of Other Pest Control as described in Section 2(A)(VIII)(b) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

IX. Regulatory Pest Control

Applicants seeking certification in the category of Regulatory Pest Control as described in Section 2(A)(IX) must demonstrate practical knowledge of regulated pests and applicable laws relating to quarantine and other regulations of pests. Such knowledge shall also include environmental impact of pesticide use in eradication and suppression programs, and factors influencing introduction, spread, and population dynamics of relevant pests. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

X. Demonstration and Research Pest Control

Applicants seeking certification in the category of Demonstration and Research Pest Control as described in Section 2(A)(X) must demonstrate practical knowledge in the broad spectrum of activities involved in advising other applicators and the public as to the safe and effective use of pesticides. Persons involved specifically in demonstration activities will be required to demonstrate knowledge of pesticide-organism interactions, the importance of integrating chemical and non-chemical control methods, and a grasp of the pests, life cycles

and problems appropriate to the particular demonstration situation. Field researchers will be required to demonstrate general knowledge of pesticides and pesticide safety, as well as a familiarity with the specific standards of this Section which apply to their particular areas of experimentation. All individuals certified in this category must also be certified in one or more of the previous categories or subcategories which represent at least 80% of their practice. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

XI. **Aerial Pest Control**

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Applicants seeking certification in the category of Aerial Pest Control as described in Section 2(A)(XI) must demonstrate at least a practical knowledge of problems which are of special significance in aerial application of pesticides, including chemical dispersal equipment, tank, pump and plumbing arrangements; nozzle selection and location; ultra-low volume systems; aircraft calibration; field flight patterns; droplet size considerations; flagging methods; and loading procedures. Applicants must also demonstrate competency in the specific category or subcategory in which applications will be made, as described in paragraphs I, II, VI and VIII herein. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. Applicants must also demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1 through 10) (2023).

4. **Competency Standards for Certification of Commercial Applicator/Master**

- A. **Regulations Exam.** An applicant seeking certification as a commercial applicator/master must successfully complete a closed book exam on the appropriate chapters of the Board's regulations. The passing grade shall be 80%. An applicant must successfully complete the regulations exam before being allowed to proceed to the master exam. The staff may waive the requirements for the closed book regulation exam if it determines that a pest management emergency exists necessitating the issuance of a nonresident license pursuant to Section 6 B. of this chapter, provided that the staff verbally reviews the pertinent regulations with the applicant prior to issuing a nonresident license.
- B. **Master Exam.** An applicant seeking certification as a commercial applicator/master must also demonstrate practical knowledge in ecological and environmental concerns, pesticide container and rinsate disposal, spill and accident mitigation, pesticide storage and on site security, employee safety and training, potential chronic effects of exposure to pesticides, pesticide registration and special review, the potential for groundwater contamination, principles of pesticide drift and measures to reduce drift, protection of public health, minimizing public exposure and use of non pesticide control methods. In addition, applicant must demonstrate the ability to interact with a concerned public.

5. Certification Procedures for Commercial Applicators

A. **Initial Certification.** Individuals attempting to certify as a commercial applicator must be at least 18 years of age.

I. **Application for Exams.** Individuals applying to take exams must submit a completed application and associated fees. All fees are waived for governmental employees.

- a. Information shall include name, home address, company address, name and telephone number of supervisor and categories for which certification is desired.
- b. A non-refundable fee of \$10.00 for each core, category or subcategory exam shall accompany the application.
- c. Study materials for other than the regulations exam are available through the University of Maine Cooperative Extension Pest Management Office for a fee.
- d. A non-refundable fee of \$10.00 for the regulations exam and \$40.00 for the Master exam shall accompany the application for Master exams. Study material for the regulations exam will be sent to the applicant upon receipt of their application and the required fees.

II. Appointment for Exams

- a. Exams will be scheduled by Board staff. It is the responsibility of the applicant to reschedule if necessary.
- b. All exam fees shall be forfeited if an applicant fails to notify the Board that he/she cannot sit for the exams on the scheduled date at least 24 hours in advance of the scheduled exam. Applicants who cancel their exam appointment two times in a row shall also forfeit their exam fees. Re-application shall require an additional \$15.00 fee.
- c. Exams will be available year-round on an appointment basis at the Board's office in Augusta.
- d. Exams may also be offered at other locations designated by the Board staff. Appointments for these exams should be arranged by application with the Board's office in Augusta.

III. Exams

- a. Applicants shall take a closed book core exam plus a closed book category technical exam on each applicable category or subcategory for which they anticipate making pesticide applications.
- b. In addition to the exams described above in sections (a), applicants for commercial applicator/master certification must complete a closed book

written regulations exam as well as a master exam. Applicants for commercial applicator/master must successfully complete the core and at least one category exam or the combined exam before being eligible to take the master exams. Applicants must also successfully complete the regulations exam before being allowed to commence on the master exam.

IV. **Examination Procedures.** All applicants shall comply with these rules or forfeit their opportunity to complete the exams at a specified appointment.

- a. Applicant shall present a government issued identification to the moderator prior to commencement of exams.
- b. Applicants should be present and ready to take the exams at the appointed time.
- c. Applicants shall not talk during the examination period.
- d. Applicants shall not be allowed to bring any books, papers, cellular telephones, calculators or electronically stored data into the examining room. Pencils and work sheets will be provided and all papers shall be collected at the end of the period.
- e. Applicants shall not make notes of the exams and shall not leave the table during an exam unless authorized by the staff.

V. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on each exam.

- a. An applicant who fails the core exam must re-apply and pay all required fees and may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 6 more days before retaking again.
- b. An applicant who fails a category exam must re-apply and pay all required fees and may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 6 more days before retaking again.
- c. An applicant who passes the core and one category exam shall be considered eligible for operator level licensing in that particular category so long as that person will be working under the supervision of a Master applicator. If at a later date the applicant wishes to add another category, only the appropriate category exam shall be required.
- d. An applicant who fails a master exam must re-apply and pay all required fees and may not retake the examination prior to 6 days after the date of such failed examination.

- e. Any applicant must pass both the core and at least one category exam by December 31 of the third year from the date on which the first exam was passed.
- f. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retaking.

VI. **Expiration.** Certification under this Section will expire on December 31st of the third year after the date of successful completion of required exams and on December 31st of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.

VII. An applicant's original certification period shall not be extended due to the applicant qualifying for another category or upgrading to the master level.

B. **Recertification of Applicators**

I. Persons with current valid certification may renew that certification by either providing documentation from a substantially equivalent professional certification program approved by the board or by accumulating recertification credits during the certification period described in Section 5(A)VI according to the following schedule:

- a. **Master level** - 9 credit hours in subject areas applicable to the categories/subcategories in which the licensee is certified.
- b. **Operator level** - 6 credit hours in subject areas applicable to the categories/subcategories in which the licensee is certified.

II. Recertification credits will be available through Board-approved meetings including but not limited to industry and trade organization seminars, workshops where pesticide topics are presented and approved home study courses.

- a. Board staff will review program agendas and monitor programs as time permits.

III. Credit will be allowed for topics including, but not limited to:

- a. Applicable laws and regulations.
- b. Environmental hazards.
- c. Calibration and new application techniques.
- d. Label review.
- e. Applicator safety.
- f. Storage and disposal.

- g. Pest identification and control.
 - h. Integrated pest management.
- IV. Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting with details of the agenda. Board staff will review program agendas and assign credit values.
- a. One credit will be assigned for each 1 hour of presentation on appropriate topics.
 - b. An individual who conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each 1 hour of presentation on appropriate topics.
 - c. An individual who organizes a meeting shall be required to maintain a sign up sheet and supervise the signing of the sheet by all applicators attending the program. That individual shall submit the signup sheet to the Board at the same time the verification attendance forms are collected and submitted to the Board.
- V. For in state programs, applicants must submit verification of attendance at approved programs to the Board. For out of state programs, applicators must submit verification of attendance; they may also be asked to provide documentation such as an agenda or descriptions of the presentations attended.
- VI. A person who fails to accumulate the necessary credits during their first three year certification period will have to retake and pass all exam(s) required for initial certification. If a person fails to accumulate the necessary credits again that person must retake and pass all exam(s) required for initial certification and within one year thereafter, obtain the balance of the recertification credits which that person failed to accumulate during the previous certification period. If that person does not obtain the balance of credits needed, the Board will not renew their license until the make- up credits are accrued.
- VII. Applicants must attend the entire approved program(s) for which recertification credit is sought. No other person may complete or sign a verification form on another applicator's behalf. Any form that is completed or signed by a person other than the applicator will be deemed a fraudulent report and will not be approved by the Board for recertification credit(s). Any credit(s) approved by the Board pursuant to an attendance verification form which is subsequently determined by the Board to have been completed or signed by a person other than the applicator shall be void and may not be counted towards the applicator's recertification requirements; and any recertification issued on the basis of such credits shall be void.

6. Licensing

- A. All Commercial Applicators required to be certified under this chapter and state pesticide law shall be licensed before using or supervising the use of pesticides as described in Section 1(A).
- B. **Nonresident licenses.** When the staff determines that a pest management emergency exists which necessitates the use of aerial application and for which there are not sufficient qualified Maine licensees, it may issue a license without examination to nonresidents who are licensed or certified by another state or the Federal Government substantially in accordance with the provisions of this chapter. Nonresident licenses issued pursuant to this section are effective until December 31 of the year in which they are issued.
- C. **Application.** Application for a commercial applicator license shall be on forms provided by the Board.
- I. The completed application must include the name of the company or agency employing the applicant.
- II. Unless the applicant is the owner of a company, the completed application must be signed by both the applicant and that person's supervisor to verify the applicant is an employee of the company/agency.
- D. **Fee.** At the time of application, the applicant must tender the appropriate fee as follows:
- I. For a commercial applicator license - \$105.00 per person.
- E. Commercial applicators who apply pesticides for hire (custom applicators) and operate a company that is incorporated or which employs more than one applicator (licensed or unlicensed) must comply with Chapter 35, *Certification & Licensing Provisions/Spray Contracting Firms* which requires an additional Spray Contracting Firm License.
- F. **Insurance.** Commercial applicators who spray for hire (custom applicators) shall be required to have liability insurance in force at any time they make a pesticide application.
- I. Applicators shall submit a completed and signed form provided by the Board at the time they apply for their license which attests that they will have the required amounts of insurance coverage in effect when they make pesticide treatments. The information submitted on the form must be true and correct.
- II. Insurance coverage must meet or exceed the following minimum levels of liability:
- a. **Ground applicators**
- | | |
|------------------|--|
| Public liability | \$100,000 each person \$300,000 each occurrence |
| Property damage | \$100,000 each occurrence |
- b. **Aircraft applicators**
- | | |
|------------------|--|
| Public liability | \$100,000 each person \$300,000 each occurrence |
|------------------|--|

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CORRECTIONS:

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01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

SUMMARY: These regulations describe the requirements for certification and licensing of private applicators.

1. Competency Standards for Certification - Private Applicator

- 7
- A. No person shall be certified as a private applicator unless he has fulfilled requirements demonstrating his knowledge of basic subjects including pesticide label comprehension, ability to read and understand pesticide labeling, safety, environmental concerns, stewardship, pest organisms, pesticides, equipment, application techniques, responsibilities for supervisors of non-certified applicators, and applicable laws and regulations. Also required shall be knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans (core exam). Applicators must also follow the standards outlined in 40 CFR 171.201 and 40 CFR 171.105(a) (1 through 11).
 - B. No person shall be certified as a private applicator unless he has demonstrated knowledge of the general principles of pest control for his major commodity, including specific pests of the crop, their life cycle, and proper timing of control measures to be efficacious (Commodity Exam).

2. Certification Procedures for Private Applicators

A. Initial Certification

- 1. Any person attempting to certify as a private applicator must be at least 18 years of age.
- 2. Any person seeking to be certified as a private applicator must pass a written core exam and a written exam in the area of his primary commodity. Both exams shall be closed book.
- 3. Exams may be taken at cooperating County University of Maine Cooperative Extension offices. Exams may also be offered at other locations designated by the Board staff or available on an appointment basis at the office of the Board.
- 4. **Examination Procedures.** All applicants shall comply with these rules or forfeit their opportunity to complete the exams at a specified appointment.

- a. Applicant shall present a government issued identification to the moderator prior to commencement of exams.
 - b. Applicants should be present and ready to take the exams at the appointed time.
 - c. Applicants shall not talk during the examination period.
 - d. Applicants shall not be allowed to bring any books, papers, calculators or electronically stored data into the examining room. Pencils and work sheets will be provided and all papers shall be collected at the end of the period.
 - e. Applicants shall not make notes of the exams and shall not leave the table during an exam unless authorized by the staff.
5. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on each exam.
- a. An applicant who fails the core exam may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must wait 6 more days before retaking the exam again.
 - b. An applicant who fails the exam in the area of his primary commodity may not retake the that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must wait 6 more days before retaking the exam again.
 - c. Any applicant must pass both the core and at least one commodity exam within 12 months before qualifying for certification.
 - d. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retesting.
6. Certification under this section will expire on October 31st of the third year after the date of successful completion of the exams and on October 31st of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.
- B. **Supplemental Certification.** Private applicators who are certified as described in Section 2(A), and intend to conduct soil fumigation, non-soil fumigation or aerial applications must be certified in the appropriate supplemental category. Certification is obtained by passing a written exam with a minimum score of 80.
1. Supplemental category exams shall be closed book.
 2. Supplemental category exams will be available year-round on an appointment basis at the Board's office in Augusta.

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3. Examination and qualification requirements described in Section 2(A)(4-6) pertain to supplemental certification.
4. **Categories for Supplemental Certification of Private Applicators**
 - a. **Soil Fumigation.** This category includes private applicators using or supervising the use of pesticides to fumigate crops in production including blueberries, orchard fruit, potatoes, vegetables, forage, grain and industrial or non-food crops as outlined in 40 CFR 171.195(d) (2023).
 - b. **Non-soil Fumigation.** This category includes private applicators using or supervising the use of fumigant pesticides or fumigation techniques in any type of structure or transportation device as outlined in 40 CFR 171.195(e) (2023).
 - c. **Aerial.** This category includes private applicators, including pilots and co-pilots, applying pesticides by means of any aircraft as outlined in 40 CFR 171.195(f) (2023).
5. **Competency Standards for Supplemental Certification of Private Applicators**

Applicants seeking supplemental private certification must demonstrate competency in each applicable category (Category Exam). Competency in the applicable category shall be established as follows:

- a. **Soil Fumigation.** Applicants seeking supplemental certification in the category of Soil Fumigation as described in Section 2(B)(4)(a) must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Areas of such practical knowledge shall include soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, potential for environmental contamination, non-target injury, and community problems related to pesticide use in certain areas. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. In addition to the above competencies, private applicators obtaining supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (d) (~~2017~~2023).
- b. **Non-soil Fumigation.** Applicants seeking supplemental certification in the category of Structural Fumigation as described in Section 2(B)(4)(b) must demonstrate a practical knowledge of a wide variety of pests and fumigation methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, fumigant formulations, methods to avoid contamination of food and damage to structures and furnishings, and avoidance of risks to employees. In addition to the above competencies, private applicators obtaining

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supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (e) (~~2017~~2023).

- c. **Aerial Pest Control.** Applicants seeking supplemental certification in the category of Aerial Pest Control as described in Section 2(B)(4)(c) must demonstrate at least a practical knowledge of problems which are of special significance in aerial application of pesticides, including chemical dispersal equipment, tank, pump and plumbing arrangements; nozzle selection and location; ultra-low volume systems; aircraft calibration; field flight patterns; droplet size considerations; flagging methods; and loading procedures. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. In addition to the above competencies, private applicators obtaining supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (f) (~~2017~~2023).

- C. **Requirements for Noncertified Applicators.** A certified applicator directly supervising a noncertified applicator to use restricted use pesticides must follow the provisions in 40 CFR 171.201 (2023).

D. **Recertification**

1. Any person with current valid certification may renew that certification by accumulating 6 recertification credits during the certification period described in Section 2(A)6.
2. Recertification credits will be available through Board-approved meetings including but not limited to industry and trade organization seminars, workshops where pesticide topics are presented and approved home study courses.
3. Credit will be allowed for topics including, but not limited to:
 - a. Applicable laws and regulations.
 - b. Environmental hazards.
 - c. Calibration and new application techniques.
 - d. Label review.
 - e. Applicator safety.
 - f. Storage and disposal.
 - g. Pest identification and control.
 - h. Integrated pest management.

4. Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting and submit details of the pesticide topics, including titles and length of time devoted to them. Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.
 - a. A minimum credit of one hour shall be assigned for each one hour of presentation on appropriate topics.
 - b. An individual conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each 1 hour of presentation on appropriate topics.
5. For in state programs, each participant will complete a form to verify attendance at each program for which credit is allowed at the site. For out of state programs, applicators must notify the Board about attendance and send a registration receipt or other proof of attendance and a copy of the agenda or other description of the presentations attended. The agenda must show the length of each presentation and describe what was covered.
6. A person who fails to accumulate the necessary credits will have to re-apply to take the exams required for initial certification.

3. Licensing

- A. **Application.** Application for a private applicator license, shall be on forms provided by the Board. Information shall include name; Social Security number; mailing address; farm name, location and telephone number; and major crop(s).
- B. **Fee.** At the time of application, the applicant must tender the appropriate fee as follows:
 1. For a private applicator license - \$15.00 per person.
 2. For replacement or alteration - \$5.00.
- C. **Expiration.** Private applicator licenses are issued on a three-year period and will expire on October 31st of the third year. Any person who has accumulated the required number of recertification credits must apply for license renewal within one year of the expiration date of the license or the recertification credits are forfeited and that person must retake and pass both the core and commodity exams to again be eligible for licensing.
- D. **Decision.** Within 60 days of receipt of application by the Board, unless the applicant agrees to a longer period of time, the Director shall issue, renew or deny the license. The Director's decision shall be considered final agency action for purposes of 5 M.R.S.A. §11001 *et seq.*

- E. **License Issued.** Licenses issued under this rule will include the following information:
- I. Full name of applicator
 - II. License number
 - III. Commodities and categories
 - IV. Expiration date
 - V. Maine statute under which license is issued
-

STATUTORY AUTHORITY: 22 M.R.S. §1471-D

EFFECTIVE DATE:

January 1, 1983

AMENDMENT EFFECTIVE:

December 6, 1987

August 17, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 1, 1997

AMENDED:

August 25, 1997 – fees

January 4, 2005 – filing 2004-605, Section 3.C.

CORRECTIONS:

February, 2014 – agency names, formatting

AMENDED:

December 9, 2014 – Section 2(A)(4)(a, b), filing 2014-281

July 23, 2019 – filing 2019-132

**Maine Department of Agriculture, Conservation
and Forestry**

Board of Pesticides Control

State of Maine Certification Plan

**United States Environmental Protection Agency
Federal Regulations 40 CFR Part 171**

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INTRODUCTION

This State Plan is in response to the Environmental Protection Agency (EPA) federal revision to the Code of Federal Regulations (CFR), Certification of Pesticide Applicators 40 CFR 171 as outlined in the Federal Register, Vol. 82, No. 2, dated January 4, 2017 (82 FR 952). The final rule became effective on March 6, 2017. This State Plan compares Maine's regulations and policies to the CFR to identify actions that the State of Maine must take to comply with federal standards. These actions include revisions in regulations.

On September 28, 1976, notice was published in the Federal Register (41 FR 42698) of the intent of the Regional Administrator, EPA Region 1, to approve on a contingency basis, the Maine State Plan for Certification of Pesticide Applicators. (Maine State Plan). Contingent approval was requested by the State of Maine pending promulgation of regulations necessary to permit Maine to carry out FIFRA responsibilities. On August 12, 1977, the EPA granted final approval to the Maine State Plan.

This State Plan was drafted by the Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (BPC). The BPC is Maine's lead agency for pesticide oversight. The BPC is attached to the Maine Department of Agriculture, Conservation and Forestry for administrative and staffing purposes. Policy decisions are made by a seven-member, public board. The seven members of the public board must include: three persons knowledgeable about pesticides in agriculture, forestry, or commercial applications; one person with medical background; and one who holds a faculty position at the University of Maine with expertise in Integrated Pest Management. The two remaining members are chosen to represent the public and must come from different geographic areas of the state. All members are nominated by the Governor and approved by the Legislature. The Board of Pesticides Control has pesticide rule-making authority.

As required for states that allow the use of restricted use pesticides, the plan includes descriptions of requirements for individuals handling such pesticides. Restricted Use Pesticides (RUPs) require a certification to purchase and apply. RUPs are defined by federal regulation as a “...*pesticide that is classified for restricted use under the provisions of section 3(d) of FIFRA and 40 CFR part 152, subpart I.*” The State of Maine adopts all federally restricted use pesticides as state-restricted, and can also establish greater use restrictions on pesticides than federal requirements.

SECTION 1. CERTIFICATION PLAN ADMINISTRATION

(a) STATE LEAD AGENCY DESIGNATION (GOVERNOR LETTER) AND POINT OF CONTACT

CFR 40 §171.303(b)(6)(i)

The state plan must include a written statement from the Governor designating the lead agency as responsible for administering the state plan. The plan must identify the State Lead Agency (SLA) that will have primary responsibility for submission and implementation of the state certification plan and for coordination with all other agencies or organizations that are involved in administering portions of the C&T Plan in the state. Provide the name, job title, email address, mailing address and phone number for the primary contact for the SLA for the certification plan.

State Response: The Board of Pesticides Control (BPC) is the lead agency for the regulation of all pesticides in Maine. The BPC is affiliated with the Maine Department of Agriculture, Conservation and Forestry for administrative and staffing purposes.



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

November 12, 2021

Deb Szaro, Acting Regional Administrator/Deputy Regional Administrator
United States Environmental Protection Agency Region 1
5 Post Office Square
Mail Code ORA 01-4
Boston, MA 02109

Nancy Barmakian, Director
Land, Chemicals, and Redevelopment Division
United States Environmental Protection Agency Region 1
5 Post Office Square
Mail Code LCRD 07-5
Boston, MA 02109

Dear Ms. Szaro and Ms. Barmakian:

Pursuant to CFR 40 §171.303(b)(6)(i), I hereby designate the Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control as the lead agency responsible for administering the state certification plan and for the regulation of pesticides, including the certification and training of those who use and apply restricted use pesticides in the State of Maine.

Sincerely,



Janet T. Mills
Governor



PRINTED ON RECYCLED PAPER

PHONE: (207) 287-3531 (Voice)

TTY USERS CALL 711
www.maine.gov

FAX: (207) 287-1034

State of Maine State Lead Agency (SLA)

SLA name: Board of Pesticides Control (BPC)
SLA primary contact name: Megan Patterson
SLA primary contact title: Division Director
Email address for SLA primary contact: megan.l.patterson@maine.gov
Phone number for SLA primary contact: (207) 287-2731
Mailing address for SLA primary contact: Maine Department of Agriculture,
Conservation and Forestry (MDACF)
Board of Pesticides Control
28 State House Station
Augusta, Maine 04333

OTHER AGENCIES AND CONTACTS

Cooperating agency name: University of Maine Cooperative Extension
Cooperating agency role: Pesticide Safety Education, applicator manual development, preparation, and review; educational sessions support, conduct pesticide exam training

Name of Primary Contact: Hannah Carter
Title of Primary Contact: Dean
Email address for primary contact: hcarter@maine.edu
Phone number for primary contact: (207) 581-3238
Mailing address for primary contact: University of Maine
Maine Cooperative Extension
5741 Libby Hall Room 102
Orono, Maine 04469-5741

Explanation of agency coordination process: The BPC (SLA), and the cooperating agency, University of Maine Cooperative Extension (UMCE), work closely together to develop programs for pesticide license recertification credits, conduct pesticide exam training, and to write, edit, and select appropriate pesticide applicator exam study manuals and other related materials.

(c) QUALIFIED PERSONNEL

40 CFR §171.303(b)(6)(iii)

The state plan must provide a list of qualified personnel including number of staff, job titles and job functions of the SLA staff involved in the applicator certification program, and the staff of all cooperating agencies or organizations involved in the applicator certification program.

State Response: Table 1 is the BPC Staffing Summary. A complete list of 2022 State of Maine BPC staff currently holding these positions is found in Attachment 1C1; 2022 Board of Pesticides Control Staff. The 2022 Public Board Members is found in Attachment 1C2.

Table 1. Staffing Summary, Board of Pesticides Control
SLA Personnel Dedicated to the Certification Program

| Position Title | Function | Full Time Employees |
|--------------------------------------|--|---------------------|
| Director | Rulemaking, Special Projects, Legislation, General Information, Board Meetings, Variances | 0.5 |
| Manager of Compliance | Complaints/Incidents, Enforcement, Pesticide Disposal | 0.25 |
| Manager of Pesticide Programs | Licensing, Recertification Programs, Exams, Federal Grants, Pesticide Use | 1 |
| Toxicologist | Food Safety, Health Issues, Pesticide Labels, Pesticide Risks and Human Health | 0.25 |
| Registrar | Pesticide Registrations, Pesticide Labeling, Emergency Registration, Special Local Needs Registration, Experimental Use Permits, Limited Use Permits | 0 |
| Water Quality Specialist | Water Quality, Endangered Species. | 0 |
| Policy & Regulations Specialist | Rulemaking, BPC Portal, BPC Website, Got Pest Website, Yardscaping, School IPM | 0.5 |
| Certification & Licensing Specialist | Licensing, Recertification Programs, Exams, Manuals Worker Protection Standards, Pesticide Use | 1 |
| Office Manager | General Information, Licensing Information, Exam Scheduling, Accounts, Applicator Licenses | 0.75 |
| Licensing Clerk | Applicator/Dealer Licenses, Recertification Credits, Pesticide Sales and Use Data, Exam Scheduling | 1 |
| Inspector | District 2, Central Coastal Maine | 0.25 |
| Inspector | District 1, Southern Maine | 0.25 |
| Inspector | District 3, Downeast Maine | 0.25 |
| Inspector | District 4, Central Inland Maine | 0.25 |
| Inspector | District 5, Northern Maine | 0.25 |

| Table 2. Staffing Summary, University of Maine Cooperative Extension Contributors | | |
|---|---|---------------------|
| Position Title | Function | Full Time Employees |
| Dean | Maine Cooperative Extension | 1 |
| Pesticide Safety Education Professional and Manual Writer | Worker Protection Standards, Manual Writing, and Review, Educational Programs | 1 |
| IPM Coordinator University of Maine | IPM in Crops, Schools, Pests | 1 |

| Table 3. Department of Agriculture, Conservation and Forestry Contributors | | |
|--|--|-------------------------------|
| Position Title | Function | Number of Full Time Employees |
| IPM Coordinator | Maine Department of Agriculture, Conservation and Forestry IPM Coordinator, Educational Programs | 1 |
| State Apiarist | Pollinator Protection, Hive Protection | 1 |
| Plant Health Entomologist | Insect Identification | 1 |
| Horticulturist | Hemp, Invasive Species, Educational Programs | 1 |
| Plant Health Specialist | Plant Health Specialist, Educational Programs | 1 |
| Forest Entomologist | Forest Health, Insect Identification, Educational Programs | 1 |

(d) SUFFICIENT RESOURCES

40 CFR §171.303(b)(6)(iv)

The state plan must include a statement affirming the commitment of the lead agency and cooperating agencies/organizations to ensure they'll have sufficient resources to carry out the program as outlined in their plan.

State Response: The State of Maine has sufficient federal and state resources to carry out the program.

State Affirmation Statement - The State of Maine is committed to ensuring there are sufficient resources available to carry out the applicator certification program as detailed in this State Certification Plan. The state statutes and regulations below describe the state's regulatory commitment; particularly the establishment of regulations to manage restricted use pesticides, regulations establishing the Board of Pesticides Control, rulemaking authority, enforcement authority, and state product registration. Title 7: Chapter 103, Subchapter 2-A, §607.

(e) JURISDICTION

40 CFR §171.301(a)

A certification issued under the EPA-approved [SLA] certification plan is valid within [state/tribal] legal boundaries, excluding areas of Indian country as defined at 18 U.S. Code § 1151 and 40 CFR 171.3.

State Response: Maine has environmental regulatory authority and jurisdiction statewide, including in Indian country, for all environmental regulatory purposes, including for the purposes of carrying out all functions of the State of Maine Certification Plan prepared for the United States Environmental Protection Agency in accordance with 40 C.F.R. § 171.303.

§6204. Laws of the State to apply to Indian Lands

Except as otherwise provided in this Act, all Indians, Indian nations, and tribes and bands of Indians in the State and any lands or other natural resources owned by them, held in trust for them by the United States or by any other person or entity shall be subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State to the same extent as any other person or lands or other natural resources therein. [PL 1979, c. 732, §§ 1, 31 (NEW).]

SECTION 2. LEGAL AUTHORITIES

(a) WRITTEN OPINION - Attorney General

40 CFR §171.303(b)(6)(iv)

The state plan must include a written opinion from the state attorney general or from the legal counsel of the SLA that states that the lead agency and other cooperating agencies have the legal authority necessary to carry out the state certification plan.

State Response: A written statement from the State of Maine Assistant Attorney General designating the BPC as the lead agency in the State of Maine for the regulation of pesticides. The powers given the Board by those statutes include, *inter alia*, broad authority including legal authority necessary to carry out the state certification plan.

AARON M. FREY
ATTORNEY GENERAL



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November 1, 2019

Megan Patterson, Director
Maine Board of Pesticides Control
28 State House Station
Augusta, Maine 04333-0028

Re: **Legal authority of the Board of Pesticides Control**

Dear Director Patterson:

You have requested that I provide a written opinion that the Maine Board of Pesticides Control has the legal authority to carry out all of the functions of the State of Maine Certification Plan prepared for the United States Environmental Protection Agency in accordance with 7 C.F.R. § 171.303. I am pleased to give such an opinion based on my review of the State Plan, as well as my knowledge and review of Maine pesticide statutes and regulations.

Pursuant to 7 M.R.S. Chapter 103, subchapter 2-A and 22 M.R.S. Chapter 258-A, the Board is established as the lead agency in the State of Maine for the regulation of pesticides. The powers given to the Board by those statutes include, *inter alia*, broad authority to: establish and enforce standards for the certification of pesticide applicators; establish standards for the issuance and renewal of licenses of pesticide dealers; register pesticides for use in this State; place limitations, conditions and restrictions on the use of pesticides in this State; impose reporting requirements; enforce violations of pesticide laws; adopt such rules as are necessary to carry out its statutory powers; to suspend or revoke the certification of any applicator for violations of the pesticide laws; and to impose penalties for pesticide law violations either through administrative consent agreements or by court order. Exercising its authority, the Board has adopted extensive rules to fully implement the pesticide laws, specifically tailoring those rules to comply with federal pesticide standards where necessary.

Therefore, it is my opinion that the Maine Board of Pesticides Control has the requisite legal authority to carry out the State Certification Plan.

Please let me know if you need anything else from me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Randlett", written over a horizontal line.

Mark A. Randlett
Assistant Attorney General

(b) LAWS AND REGULATIONS – State of Maine Statutes and Rules

40 CFR §171.303(b)(7)

The state plan must include a complete copy of all state laws and regulations relevant to the certification plan.

State Response:

A copy of all the state laws and regulations relevant to the certification plan are as follows:

- Attachment 2B1, (Title 7 M.R.S., Chapter 103, subchapter 2-A)
- Attachment 2B2, (Title 22 M.R.S., Chapter 258-A) and
- Attachment 2B3, (22 M.R.S.A., Chapter 258-A, Chapter 10 Definitions, and Terms).

Link to Title 7: <http://www.mainelegislature.org/legis/statutes/7/title7sec601.html>

Link to Title 22: <http://www.mainelegislature.org/legis/statutes/22/title22ch0sec0.html>

Link to Regulations: <https://www.maine.gov/dacf/php/pesticides/laws.shtml>

| Abbreviation | Definition |
|--------------|-----------------------|
| aff | affected |
| amd | amended |
| cor | corrected |
| new | enacted |
| ral | reallocated |
| rnu | renumbered |
| rp | repealed |
| rpr | repealed and replaced |
| RR | Revisor's Report |

(c) PROVISIONS FOR GROUNDS FOR DENYING, SUSPENDING, OR REVOKING A CERTIFICATION

40 CFR § 171.303(b)(7)(i)

The state plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for and listing of the acts which would constitute grounds for denying, suspending, or revoking a certification. At a minimum, include misuse of a pesticide, falsifications of records required to be maintained by the certified applicator, a criminal conviction under section 14(b) of FIFRA, a final order imposing civil penalty under section 14(a) of FIFRA, and conclusion of a State enforcement action for violations of State laws or regulations relevant to the State Certification Plan.

State Response: The citation is 22 M.R.S. §1471-D.

22 M.R.S. §1471-D (7). Certification and licenses

7. Suspension

- A. If the board determines that there may be grounds for revocation of a license or certificate, it may temporarily suspend said license or certificate pending inquiry and opportunity for hearing, provided that such suspension shall not extend for a period longer than 45 days. [1975, c. 397, §2 (NEW).]
- B. The board shall notify the licensee or certificate holder of the temporary suspension, indicating the basis therefor and informing the licensee or certificate holder of the right to request a public hearing. [1983, c. 819, Pt. A, §47 (AMD).]
- C. If the licensee or certificate holder fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee or certificate holder requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee or certificate holder and to appropriate federal and state agencies. In addition, public notice shall be given by publication in a newspaper of general circulation in the State and such other publications as the board deems appropriate. [1983, c. 819, Pt. A, §48 (AMD).]
- D. This subsection is not governed by the provisions of Title 4, chapter 5 or Title 5, chapter 375. [1999, c. 547, Pt. B, §39 (AMD); 1999, c. 547, Pt. B, §80 (AFF).] [1999, c. 547, Pt. B, §39 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

Maine Rules-Suspension

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL

APPLICATORS, Section 6, G,

Reports. Annual Summary Reports described in Chapter 50, Section 2(A) must be submitted for each calendar year by January 31 of the following year. In the event a required report is not received by the due date, the person's license is temporarily suspended until the proper report is received or until a decision is rendered at a formal hearing as described in 22 MRSA §1471-D (7)

APPLICATORS, Section 6, H, Expiration

III. Also, all licenses within a company/agency are suspended if the licensed Master is terminated from employment or dies.

Chapter 34: CERTIFICATION AND LICENSING PROVISIONS/PESTICIDE

DEALERS, Section 5, A,

Each dealer shall be responsible for the acts of those people in his/her employ and the dealer's license shall be subject to denial, suspension or revocation for any violation of the statute or regulations, whether committed by the dealer, his/her office, agent, employee, or other person acting in concert or participation with him/her.

Chapter 35: CERTIFICATION AND LICENSING PROVISIONS / SPRAY

CONTRACTING FIRMS, Section 3, D

Reports. Annual Summary Reports described in Chapter 50, Section 2(A) must be submitted for each calendar year by January 31 of the following year. In the event a required report is not received by the due date, the person's license is temporarily suspended until the proper report is received or until a decision is rendered at a formal hearing as described in 22 MRSA §1471-D (7).

Chapter 35: CERTIFICATION AND LICENSING PROVISIONS / SPRAY
CONTRACTING FIRMS, Section 3, F

Refusal to Renew. The Board may refuse to renew a license if it is not in accordance with any of the requirements hereof or if the Board makes, as to the licensee, any of the findings set forth in 22 M.R.S.A. §1471-D (8), which describe the bases for a decision by the Administrative Court to suspend or revoke a license. If the Board determines that there is evidence sufficient to refuse to renew a license, it shall give notice and an opportunity for a hearing before the Board prior to making that determination final.

Chapter 35: CERTIFICATION AND LICENSING PROVISIONS / SPRAY
CONTRACTING FIRMS, Section 4, B

Each spray contracting firm shall be responsible for the acts of those people in its employ and its license shall be subject to denial, refusal to renew, suspension, or revocation, and such firm shall otherwise be punishable under the law, for any violation of the statutes or regulations, whether committed by the owner, chief officer, agent, employee or other person acting in concert or participation with it.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS, Section 2, A

Annual Summary Reports by Commercial Applicators. Annual summary reports must be submitted for each calendar year by January 31 of the following year. In the event a required report is not received by the due date, the person's license may be temporarily suspended until the proper report is received or until a decision is tendered at a formal hearing as described in 22 M.R.S.A. §1471-D(7). The report filed with the Board by or on behalf of commercial applicators shall contain the following information for each site or crop treated: quantity of each pesticide used, EPA registration number and total area treated (where applicable) for each pesticide.

Chapter 70: ADJUDICATORY PROCEEDINGS, Section 2, A, 5

The continuation of a temporary suspension of a license, certification or permit pursuant to 22 M.R.S.A. §1471-D(7)(C).

Maine Rules-Revocation

22 M.R.S. §1471-D (8). Certification and licenses

8. Revocation. The District Court may suspend or revoke the certification or license of a licensee or certificate holder upon a finding that the applicant:

- A. Is no longer qualified; [1975, c. 397, §2 (NEW).]
- B. Has engaged in fraudulent business practices in the application or distribution of pesticides; [1975, c. 397, §2 (NEW).]
- C. Used or supervised the use of pesticides applied in a careless, negligent, or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment; [1975, c. 397, §2 (NEW).]
- D. Has stored, transported, or otherwise distributed pesticides in a careless, faulty, or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety, or welfare; [1975, c. 397, §2 (NEW).]
- E. Has violated the provisions of this chapter or the rules and regulations issued hereunder; [1975, c. 397, §2 (NEW).]

- F. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board; [1975, c. 397, §2 (NEW).]
- G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; [1981, c. 470, Pt. A, §67 (AMD).]
- H. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or [1981, c. 470, Pt. A, §67 (AMD).]
- I. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority. [1977, c. 694, §341 (NEW).]
 - i. [1983, c. 819, Pt. A, §49 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

Maine Rules- Revocation

Chapter 35: CERTIFICATION AND LICENSING PROVISIONS / SPRAY CONTRACTING FIRMS, Section 3, F

Refusal to Renew. The Board may refuse to renew a license if it is not in accordance with any of the requirements hereof or if the Board makes, as to the licensee, any of the findings set forth in 22 M.R.S.A. §1471-D (8), which describe the bases for a decision by the Administrative Court to suspend or revoke a license. If the Board determines that there is evidence sufficient to refuse to renew a license, it shall give notice and an opportunity for a hearing before the Board prior to making that determination final.

Chapter 70: ADJUDICATORY PROCEEDINGS, Section 18, B, 4

Failure to comply with a subpoena lawfully issued in the name of the Board and not revoked or modified by the Board as provided in this section shall be punishable by a fine of not less than \$500 and not more than \$5,000, or by imprisonment not to exceed 30 days, or both.

(d) PROVISIONS FOR REVIEWING, SUSPENDING, OR REVOKING A CERTIFICATION

40 CFR § 171.303(b)(7)(ii)

The state plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for reviewing and where appropriate, suspending or revoking an applicator's certification based on the grounds listed in the plan (for denying, suspending, and revoking certification of applicators) or a criminal conviction under section 14(b) of FIFRA, a final order imposing civil penalty under section 14(a) of FIFRA, or conclusion of a State enforcement action for violations of State laws or regulations relevant to the State Certification Plan.

State Response: The citation is 22 M.R.S. §1471-D. 8. Revocation, Letter Q.

8. Revocation. The District Court may suspend or revoke the certification or license of a licensee or certificate holder upon a finding that the applicant:

- J. Is no longer qualified; [1975, c. 397, §2 (NEW).]
- K. Has engaged in fraudulent business practices in the application or distribution of pesticides; [1975, c. 397, §2 (NEW).]
- L. Used or supervised the use of pesticides applied in a careless, negligent, or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment; [1975, c. 397, §2 (NEW).]
- M. Has stored, transported, or otherwise distributed pesticides in a careless, faulty, or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety, or welfare; [1975, c. 397, §2 (NEW).]
- N. Has violated the provisions of this chapter or the rules and regulations issued hereunder; [1975, c. 397, §2 (NEW).]
- O. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board; [1975, c. 397, §2 (NEW).]
- P. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; [1981, c. 470, Pt. A, §67 (AMD).]
- Q. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or [1981, c. 470, Pt. A, §67 (AMD).]**
- R. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority. [1977, c. 694, §341 (NEW).]

[1983, c. 819, Pt. A, §49 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

(e) PROVISIONS FOR ASSESSING CIVIL AND CRIMINAL PENALTIES

40 CFR § 171.303(b)(7)(iii)

The state plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for assessing criminal and civil penalties for violations of the laws and regulations relevant to the Certification Plan.

State Response: The complete citation is located in Attachment 2E1; 22 M.R.S. §1471-J 7 M.R.S. §616-A. Penalties

22 M.R.S. §1471-J. PENALTIES

A person who violates any provision of this chapter or any order, rule, decision, certificate or license issued by the board or commits any act constituting a ground for revocation, except acts punishable under section 1471-D, subsection 8, paragraphs A and H, commits a civil violation subject to the penalties established in Title 7, section 616-A. [1989, c. 841, §8 (AMD)

SECTION HISTORY 1975, c. 397, §2 (NEW). 1975, c. 623, §26A (AMD). 1975, c. 770, §§91,92 (RPR). 1989, c. 841, §8 (AMD).

7 M.R.S. §616-A. Penalties

2-A. Criminal violation A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section 1604, subsection 1 and sections 1704 and 1705, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under this subsection is separate from an action brought pursuant to subsection 2.

[PL 2019, c. 113, Pt. C, §1 (AMD).]

(f) PROVISIONS FOR RIGHT OF ENTRY FOR INSPECTIONS

40 CFR § 171.303(b)(7)(iv)

The state plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for right of entry by consent or warrant by State officials at reasonable times for sampling, inspection, and observation purposes.

State Response: The citation is 22 M.R.S. §1471-H.

22 M.R.S. §1471-H. INSPECTION

Upon presentation of appropriate credentials, the chair or any member of the board or any authorized employee or consultant of the board may enter upon any public or private premises at reasonable times for the purpose of inspecting any equipment, device or apparatus used in applying pesticides; inspecting storage and disposal areas; inspecting or investigating complaints of injury to persons or land from pesticides; observing the use and application of pesticides; sampling pesticides in use or storage; and sampling pesticide residues on crops, foliage, soil, water or elsewhere in the environment. Upon denial of access to the board or its agents, the board or its agents may seek an appropriate search warrant in a court of competent jurisdiction.

Notwithstanding other provisions of this section, a board member or any authorized employee or consultant of the board may enter public or private premises without notification if an emergency exists. The need to take a residue sample in a timely manner constitutes an emergency under this section. [1989, c. 841, §7 (AMD).]

(g) PROVISIONS FOR MAKING IT UNLAWFUL TO APPLY RUPs UNLESS CERTIFIED

40 CFR § 171.303(b)(7)(v)

The state plan must include the citation to the specific state laws and regulations that demonstrate specific legal authority for provisions for making it unlawful for persons to use RUPs other than certified or noncertified applicators working under the supervision of a certified applicator.

State Response: The citation is 22 M.R.S. §1471-D.

22 M.R.S. §1471-D. CERTIFICATION AND LICENSES

1. Certification required; commercial applicators and spray contracting firms. Certification is required for commercial applicators and spray contracting firms as follows.

- A. No commercial applicator may use or supervise the use of any pesticide within the State without prior certification from the board, provided that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator; and [1983, c. 819, Pt. A, §42 (NEW).]
- B. No spray contracting firm may use or supervise the use of any pesticide within the State without prior certification from the board [1985, c. 122, §2 (AMD)]. [1985, c. 122, §2 (AMD) .]

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

1. Individual Certification and Company/Agency Licensing Requirements

- B. All commercial applicators responsible for the supervision of noncertified applicators of restricted use pesticides must ensure compliance with training, record keeping, and all other requirements as indicated in 40 CFR 171.201(c) “Supervision of Noncertified Applicators” (2017).

2. Certification required, private applicators. No private applicator shall use or supervise the use of any limited or restricted use pesticide without prior certification from the board, provided, that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator [1975, c. 397, §2 (NEW) .]

(h) PROVISIONS FOR COMMERCIAL APPLICATOR RECORDKEEPING

40 CFR § 171.303(b)(7)(vi)

Provisions requiring certified commercial applicators to record and maintain for the period of at least two years routine operational records containing information on types, amounts, uses, dates, and places of application of restricted use pesticides and for ensuring that such records will be available to appropriate State officials. Such provisions must require commercial applicators to record and maintain, at a minimum, all of the following:

- (A) The name and address of the person for whom the restricted use pesticide was applied.*
- (B) The location of the restricted use pesticide application.*
- (C) The size of the area treated.*
- (D) The crop, commodity, stored product, or site to which the restricted use pesticide was applied.*
- (E) The time and date of the restricted use pesticide application.*
- (F) The brand or product name of the restricted use pesticide applied.*
- (G) The EPA registration number of the restricted use pesticide applied.*
- (H) The total amount of the restricted use pesticide applied per location per application.*
- (I) The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.*

State Response: The citation is: 22 M.R.S. §1471-G, and in Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

22 M.R.S. §1471-G. REPORTS

2. Applicators and firms to maintain certain records. All commercial applicators and spray contracting firms shall maintain, for a period of at least 2 years, records indicating the type and amount of pesticide used, the area of use and such other information as the board may require. Said applicators and firms shall provide such information, notification and reports as the board, by regulation, may require. [PL 1983, c. 819, Pt. A, §50 (AMD).] SECTION HISTORY PL 1975, c. 397, §2 (NEW). PL 1983, c. 819, §A50 (AMD).

- (A) The name and address of the person for whom the restricted-use pesticide was applied.*

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

- II. Pesticide application records shall include, at a minimum:
 - a. Site information including town and location, crop or site treated, target organism, customer and customer address_(where applicable);

(B) The location of the restricted use pesticide application.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

- II. Pesticide application records shall include, at a minimum:
 - a. Site information including town and location, crop or site treated, target organism, customer and customer address_(where applicable); and
 - i. for broadcast applications, size of treated area (when completed);
 - ii. for volumetric applications as described on the label, the volume treated;
 - iii. for non-broadcast applications (such as spot treatments, crack and crevice or stump treatments) a practical description of the scope or extent of the application (such as number of trees, stumps or rooms treated).
 - b. Application information. For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

(C) The size of the area treated.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

- II. Pesticide application records shall include, at a minimum:
 - a. Site information including town and location, crop or site treated, target organism, customer and customer address_(where applicable); and

- i. for broadcast applications, size of treated area (when completed);
- ii. for volumetric applications as described on the label, the volume treated;
- iii. for non-broadcast applications (such as spot treatments, crack and crevice or stump treatments) a practical description of the scope or extent of the application (such as number of trees, stumps or rooms treated).

(D) *The crop, commodity, stored product, or site to which the restricted use pesticide was applied.*

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

II. Pesticide application records shall include, at a minimum:

- a. Site information including town and location, crop or site treated, target organism, customer and customer address (where applicable); and

(E) *The time and date of the restricted use pesticide application.*

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

II.

- b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

(F) *The brand or product name of the restricted use pesticide applied.*

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

(G) The EPA registration number of the restricted use pesticide applied.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

(H) The total amount of the restricted use pesticide applied per location per application.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

c. **Rate information.** For each distinct site, application rate information must be maintained as follows:

i. **Restricted Use Pesticides.** For restricted use pesticides, applicators shall record the total amount of pesticide applied (undiluted).

ii. **General Use Pesticides.** For general use pesticides, applicators shall record:

(1) rate information as described in (i.) above; or

(2) the mix ratio and the total mix applied; or

(3) the mix ratio and the mix per unit area applied.

(I) The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

Section 1. Records

A. Pesticide Application Records

b. **Application information.** For each distinct site, records must include date and time of application(s), brand name of pesticide(s) applied, EPA registration number(s), active ingredient(s), restricted entry interval(s) and/or ventilation period(s) (where applicable), method of application (type of equipment), dilution agent(s) (other than water), the licensed applicator's name and certification number, the name of any noncertified applicator that made the application (where applicable), and spray contracting firm (where applicable).

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

1. Individual Certification and Company/Agency Licensing Requirements

B. All commercial applicators responsible for the supervision of noncertified applicators of restricted use pesticides must ensure compliance with training, record keeping, and all other requirements as indicated in 40 CFR 171.201(c) "Supervision of Noncertified Applicators" (2017)

(i) PROVISIONS FOR RUP DEALER RECORDKEEPING.

40 CFR § 171.303(b)(7)(vii)

Provisions requiring restricted use pesticide retail dealers to record and maintain at each individual dealership, for the period of at least two years, records of each transaction where a restricted use pesticide is distributed or sold to any person, excluding transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities. Records of each such transaction must include all of the following information:

- (A) Name and address of the residence or principal place of business of each certified applicator to whom the restricted use pesticide was distributed or sold, or if applicable, the name and address of the residence or principal place of business of each noncertified person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.*
- (B) The certification number on the certification document presented to the seller evidencing the valid certification of the certified applicator authorized to purchase the restricted use pesticide, the State, Tribe, or Federal agency that issued the certification document, the expiration date of the certified applicator's certification, and the category(ies) in which the applicator is certified relevant to the pesticide(s) sold.*
- (C) The product name and EPA registration number of the restricted use pesticide(s) distributed or sold in the transaction including any applicable emergency exemption or State special local need registration number.*
- (D) The quantity of the restricted use pesticide(s) distributed or sold in the transaction.*
- (E) The date of the transaction.*

State Response: The citations are: 22 MRS §1471-D. and 22 M.R.S. §1471-G, and in Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

22 M.R.S. §1471-D. Certification and licenses

No person shall be certified as a pesticide dealer unless that person has demonstrated knowledge of pesticide classifications, formulations, labeling, safety, storage and applicable laws and regulations. Also required shall be knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

22 M.R.S. §1471-G. REPORTS

- 1. Pesticide dealers to maintain certain records.** All pesticide dealers shall maintain records of pesticide distribution for a period of at least 2 years and shall provide such reports and information as the board may, by regulation, require. [1975, c. 397, §2 (NEW) .]

(A) Name and address of the residence or principal place of business of each certified applicator to whom the restricted use pesticide was distributed or sold, or if applicable, the name and address of the residence or principal place of business of each noncertified person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

B. Limited Use/Restricted Use Pesticide Sales Records

I. Licensed pesticide dealers shall maintain records of each sale of a restricted/limited use pesticide on their sales slips and the customer's name, and license number must be recorded on every invoice or electronic record involving that individual. Licensed pesticide dealers must also maintain records to verify that sales of restricted/limited use pesticides to unlicensed purchasers are only made where a licensed applicator is employed to supervise the use of the restricted/limited use products. These records must include the name, address, license number, issuing agency, expiration date, and categories of certification (if applicable) of each person to whom the restricted use pesticide was distributed or sold. These records are to be available for inspection by representatives of the Board at reasonable times, upon request, and are to be maintained for two calendar years from the date of sale.

(B) The certification number on the certification document presented to the seller evidencing the valid certification of the certified applicator authorized to purchase the restricted use pesticide, the State, Tribe, or Federal agency that issued the certification document, the expiration date of the certified applicator's certification, and the category(ies) in which the applicator is certified relevant to the pesticide(s) sold.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

B. Limited Use/Restricted Use Pesticide Sales Records

I. Licensed pesticide dealers shall maintain records of each sale of a restricted/limited use pesticide on their sales slips and the customer's name, and license number must be recorded on every invoice or electronic record involving that individual. Licensed pesticide dealers must also maintain records to verify that sales of restricted/limited use pesticides to unlicensed purchasers are only made where a licensed applicator is employed to supervise the use of the restricted/limited use products. These records must include the name, address, license number, issuing agency, expiration date, and categories of certification (if applicable) of each person to whom the restricted use pesticide was distributed or sold. These records are to be available for inspection by representatives of the Board at reasonable times, upon request, and are to be maintained for two calendar years from the date of sale.

(C) The product name and EPA registration number of the restricted use pesticide(s) distributed or sold in the transaction including any applicable emergency exemption or State special local need registration number.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

B. Limited Use/Restricted Use Pesticide Sales Records

II. Pesticide dealer records shall also include the signature of purchaser or his/her agent, the product name, the EPA registration number, state special local need registration (SLN) number (if applicable), the quantity and size of containers purchased, and the date of purchase.

(D) The quantity of the restricted use pesticide(s) distributed or sold in the transaction.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

B. Limited Use/Restricted Use Pesticide Sales Records

II. Pesticide dealer records shall also include the signature of purchaser or his/her agent, the product name, the EPA registration number, state special local need registration (SLN) number (if applicable), the quantity and size of containers purchased, and the date of purchase.

(E) The date of the transaction.

Chapter 50: RECORD KEEPING & REPORTING REQUIREMENTS

B. Limited Use/Restricted Use Pesticide Sales Records

II. Pesticide dealer records shall also include the signature of purchaser or his/her agent, the product name, the EPA registration number, state special local need registration (SLN) number (if applicable), the quantity and size of containers purchased, and the date of purchase.

SECTION 3. COMMERCIAL APPLICATOR CERTIFICATION CATEGORIES [§ 171.101]

(a) OPTION 2 : STATE ADOPTS ITS OWN COMMERCIAL APPLICATOR CATEGORIES AND STANDARDS.

49 CFR § 171.101

OPTION 2: STATE ADOPTS ITS OWN COMMERCIAL APPLICATOR CATEGORIES AND

STANDARDS. If the state had adopted its own categories and standards, then the state must provide a statement that the state has adopted its own standards (that meet or exceed federal standards at § 171.101 and 171.103) and provide all of the following:

- A list and detailed description of all categories and subcategories and the citations for the State laws and/or regulations. States must provide the list of state categories/subcategories in the table below, along with the category/subcategory description and an indication of the closest comparable EPA Federal category.***
- A list and detailed description of the category standards for certification adopted by the State and the citations for the State laws and/or regulations.***

State Response: The citation is 22 M.R.S.A., Section 1471-D and Chapter 31.

State Affirmation Statement: All commercial applicators using or supervising the use of pesticides and operating in Maine are required to be certified in one or more commercial applicator categories that are applicable to their business operations. The state has adopted its own commercial applicator categories and standards. The State of Maine's standards for commercial applicator certifications meet or exceed EPA's standards. Successful completion of certification requirements will qualify an applicator to use or supervise the use of any pesticides, including those classified by EPA as "restricted use".

| Table 5 Maine Categories and Associated Federal Categories | | |
|---|--|--|
| Category/Subcategory Name & Category Number | Maine BPC Category/Subcategory Description | Closet Comparable EPA Federal Category |
| Agricultural – Animal Maine: 1A | This subcategory includes commercial applicators using or supervising the use of pesticides on animals and to places on or in which animals are confined. Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire as pesticide applicators are included in this subcategory; however, those persons applying pesticides as drugs or medication during the course of their normal practice are not included. | Agricultural - Livestock |
| Agricultural – Plant Maine: 1B | This subcategory includes commercial applicators using or supervising the use of pesticides in the production of crops including blueberries, orchard fruit, potatoes, vegetables, forage, grain and industrial or non-food crops | Agricultural – Crop Pest Control |
| Agricultural - Plant Option 1 Limited Commercial Blueberry Maine: 1B | This option includes commercial applicators using or supervising the use of pesticides in the production of blueberries only. | Agricultural – Crop Pest Control |
| Agricultural - Plant Option 2 Chemigation Maine: 1B | This option includes commercial applicators using or supervising the use of pesticides applied through irrigation equipment in the production of crops | Agricultural – Crop Pest Control |
| Agricultural - Plant Option 3 Agricultural Soil Fumigation Maine: 1B | This option includes commercial applicators using or supervising the use of soil fumigant pesticides in the production of crops.*** | Agricultural – Crop Pest Control |
| Agricultural - Plant Option 4 Post-Harvest Treatment Maine: 1B | This option includes commercial applicators using or supervising the use of pesticides in the post-harvest treatment of food crops. | Agricultural – Crop Pest Control |
| Forest Pest Management Maine: 2 | This category includes commercial applicators using or supervising the use of pesticides in forests, forest nurseries, Christmas trees, and forest seed producing areas. | Forest Pest Control |
| Ornamental and Turf Pest Control -Outdoor Ornamentals Maine: 3A | This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of outdoor ornamental trees, shrubs and flowers. | Ornamental and Turf Pest Control |
| Ornamental and Turf Pest Control -Turf Maine: 3B | This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of turf, such as at turf farms, golf courses, parks, cemeteries, athletic fields and lawns. | Ornamental and Turf Pest Control |

| | | |
|---|--|---|
| Ornamental and Turf Pest Control -Indoor Ornamentals Maine: 3C | This subcategory includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of live plants in shopping malls, businesses, residences and institutions | Ornamental and Turf Pest Control |
| Seed Treatment Maine: 4 | This category includes commercial applicators using or supervising the use of pesticides on seeds. | Seed Treatment |
| Aquatic Pest Control - General Aquatic Maine: 5A | This subcategory includes commercial applicators using or supervising the use of pesticides applied directly to surface water, including but not limited to outdoor application to public drinking water supplies, golf course ponds, rivers, streams and wetlands. | Aquatic Pest Control |
| Aquatic Pest Control - Sewer Root Control Maine: 5B | This subcategory includes commercial applicators using or supervising the use of pesticides applied to sewers to control root growth in sewer pipes | Aquatic Pest Control |
| Vegetation Management - Rights-of-Way Vegetation Management Maine: 6A | This subcategory includes commercial applicators using or supervising the use of pesticides in the management of vegetation on utility, roadside and railroad rights-of-way. | Right-of Way Pest Control: maintenance of Public Roads |
| Vegetation Management - General Vegetation Management Maine: 6B | This subcategory includes commercial applicators using or supervising the use of pesticides in the management of vegetation (including invasive plants) on sites not included in category VI a including, but not limited to, municipal and other publicly owned properties, industrial or commercial plants and buildings, lumber yards, airports, tank farms, storage areas, parking lots, sidewalks, and trails. | Right-of Way Pest Control: maintenance of Public Roads |
| Industrial, Institutional, Structural and Health Related Pest Control- General Maine: 7A | This subcategory includes commercial applicators using or supervising the use of pesticides in, on or around human dwellings, office buildings, institutions such as schools and hospitals, stores, restaurants, industrial establishments (other than in Category 6) including factories, warehouses, food processing plants, food or feed transportation facilities and other structures, vehicles, railroad cars, ships, aircraft and adjacent areas; and for the protection of stored, processed or manufactured products. This subcategory also includes commercial applicators using or supervising the use of pesticides to control rodents on refuse areas and to control other pests, including but not limited to birds and mammals. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Fumigation Maine: 7B | This subcategory includes commercial applicators using or supervising the use of fumigants or fumigation techniques in any type of structure or transportation device. | Industrial, Institutional, Structural and Health-Related Pest Control |

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| Industrial, Institutional, Structural and Health Related Pest Control- Disinfectant and Biocide - 1. Disinfectant and Biocide Treatments Maine: 7C1 | This subcategory includes commercial applicators using or supervising the use of pesticides to treat water in manufacturing, industrial cooling towers, public drinking water treatment plants, sewers, and air conditioning systems. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Disinfectant and Biocide - 2. Swimming Pool and Spa Maine: 7C2 | This subcategory includes commercial applicators using or supervising the use of pesticides to treat water in swimming pools and spas. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Disinfectant and Biocide - 3. Mold Remediation Maine: 7C3 | This subcategory includes commercial applicators using or supervising the use of pesticides to treat mold or microbial growth problems. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Wood Preserving Maine: 7D | This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to treat lumber, poles, railroad ties and other types of wooden structures including bridges, shops and homes. It also includes commercial applicators applying general use pesticides for remedial treatment to utility poles. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Biting Fly Pests and Other Arthropod Vectors Maine: 7E | This subcategory includes commercial applicators and non-public health governmental officials using or supervising the use of pesticides in management and control of biting flies & other arthropod vectors of public health and public nuisance importance including, but not limited to, ticks, mosquitoes, black flies, midges, and members of the horsefly family. | Industrial, Institutional, Structural and Health-Related Pest Control |
| Industrial, Institutional, Structural and Health Related Pest Control- Termite Pests Maine: 7F | This subcategory includes commercial applicators using or supervising the use of pesticides to control termites | Industrial, Institutional, Structural and Health-Related Pest Control |
| Public Health Pest Control - Biting Fly Pests Maine: 8A (a) (a) For government officials only | This subcategory includes governmental officials using pesticides in management and control of potential disease vectors or other pests having medical and public health importance including, but not limited to, mosquitoes, black flies, midges, and members of the horsefly family. | Public Health Pest Control |
| Public Health Pest Control - Other Pests Maine: 8B (a) (a) For government officials only | This subcategory includes governmental officials using pesticides in programs for controlling other pests of concern to public health including, but not limited to, ticks and birds and mammal vectors of human disease. | Public Health Pest Control |

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| Regulatory Pest Control Maine: 9 (a) (a) For government officials only | This category includes governmental employees using pesticides in the control of pests regulated by the U.S. Animal and Plant Health Inspection Service or some other governmental agency. | Regulatory Pest Control |
| Demonstration and Research Pest Control Maine: 10 (b) (a) Requires another certification category | This category includes all individuals who (1) demonstrate to the public the proper use and techniques of application of pesticides or supervise such demonstration, (2) conduct field research with pesticides, and in doing so, use or supervise the use of pesticides. Individuals who conduct only laboratory-type research are not included. Applicants seeking certification in this category must also become certified in whatever category/subcategory they plan to make applications under. | Demonstration and Research Pest Control |
| Aerial Pest Control Maine: 11(b) (a) Requires another certification category | This category includes commercial applicators, including pilots and co-pilots, applying or supervising the application of pesticides by means of any aircraft. Applicants seeking certification in this category must also become certified in whatever category/subcategory they plan to make applications under | Aerial |

**** To Clarify: To distinguish the Agricultural Plant Option 3 Agricultural Fumigation category from the 7B Structural Fumigation category, the word “soil” will be added. The revised title will be: “Agricultural Plant Option 3 Agricultural Soil Fumigation.”*

The “Agricultural Plant Option 3 Agricultural Soil Fumigation” description will read: “This option includes commercial applicators using or supervising the use of soil fumigant pesticides in the production of crops.”

Citation and list/detailed description of Maine category standards for commercial certification.

Citation: Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

3. Competency Standards for Certification of Commercial Applicators

- A. Applicants seeking commercial certification must establish competency in the general principles of safe pest control by demonstrating knowledge of basic subjects including, but not limited to, pesticide labeling, safety, environmental concerns, pest organisms, pesticides, equipment, application techniques and applicable laws and regulations. (Core Exam).
- B. Applicants seeking commercial certification must demonstrate competency in each applicable category or subcategory. (Category Exam). Competency in the applicable category or subcategory shall be established as follows:

List and detailed description of Maine category standards for commercial certification

I. Agricultural Animal and Plant Pest Control

- a. **Agricultural Animals.** Applicants seeking certification in the subcategory of Animal Pest Control as described in Section 2(A)(I)(a) must demonstrate knowledge of animals, their associated pests, and methods of pest control. Areas of practical knowledge shall include specific toxicity, residue potential, relative hazards of different formulations, application techniques, and hazards associated with age of animals, stress, and extent of treatment.
- b. **Agricultural Plant.** Applicants seeking certification in the subcategory of Plant Pest Control as described in Section 2(A)(I)(b) Options I - IV must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Areas of such practical knowledge shall include soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, potential for environmental contamination, non-target injury, and community problems related to pesticide use in certain areas. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

Category Standards will be added to Maine Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

- *Federal Category: "Agricultural Plant"*
 - *Agricultural Plant 1B-Option 1: Limited Commercial Blueberry*
 - *Agricultural Plant 1B-Option 2: Chemigation*
 - *Agricultural Plant 1B-Option 3: Agricultural Soil Fumigation Maine will adopt 40 CFR 171.103(13) Soil Fumigation by reference.*
 - *Agricultural Plant 1B-Option 4: Post Harvest Treatment*

II. Forest Pest Management

Applicants seeking certification in the category of Forest Pest Management as described in Section 2(A)(II) must demonstrate practical knowledge of forest vegetation management, forest tree biology and associated pests. Such required knowledge shall include population dynamics of pest species, pesticide-organism interactions, integration of pesticide use with other pest control methods, environmental contamination, pesticide effects on non-target organisms, and use of specialized equipment. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

III. **Ornamental and Turf Pest Control**

- a. **Outdoor Ornamentals.** Applicants seeking certification in the Outdoor Ornamental subcategory as defined in Section 2(A)(III)(a) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of trees, shrubs and floral plantings. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- b. **Turf.** Applicants seeking certification in the Turf subcategory as described in Section 2(A)(III)(b) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of turf. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- c. **Indoor Ornamentals.** Applicants seeking certification in the Indoor Ornamental subcategory described in Section 2(A)(III)(c) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of indoor ornamental plantings. Such knowledge shall include pest recognition, proper pesticide selection, undue pesticide persistence, and application methods with particular reference to techniques used in proximity to human presence.

IV. **Seed Treatment**

Applicants seeking certification in the category of Seed Treatment as described in Section 2(A)(IV) must demonstrate practical knowledge of seed types and problems requiring chemical treatment. Such knowledge shall include seed coloring agents, carriers and binders which may affect germination, hazards associated with handling, sorting, and mixing in the treatment process, hazards of introduction of treated seed into food and feed channels, and proper disposal of unused treated seeds.

V. **Aquatic Pest Control**

- a. **General Aquatic** - Applicants seeking certification in the subcategory of General Aquatic as described in Section 2(A)(V)(a) must demonstrate practical knowledge of proper methods of aquatic pesticide application, application to limited area, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include basic factors contributing to the development of nuisance aquatic plant growth such as algal blooms, understanding of various water use situations and

potential downstream effects from pesticide use, and potential effects of various aquatic pesticides on plants, fish, birds, insects and other organisms associated with the aquatic environment. Also required shall be an understanding of the Department of Environmental Protection laws and regulations pertaining to aquatic discharges and aquatic weed control and a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

- b. **Sewer Root Control** - Applicants seeking certification in the subcategory of Sewer Root Control as described in Section 2(A)(V)(b) must demonstrate practical knowledge of proper methods of sewer root control pesticide application, application to pipes, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include potential effects on water treatment plants, movement of pesticides into off target pipes or buildings and the hazards of sewer gases.

VI. **Vegetation Management**

Applicants seeking certification in the subcategories under Vegetation Management as described in Section 2(A)(VI) (a-b) must demonstrate practical knowledge of the impact of pesticide use on a wide variety of environments. Such knowledge shall include an ability to recognize target organisms and circumstances specific to the subcategory, awareness of problems of runoff, root pickup and aesthetic considerations associated with excessive foliage destruction and "brown-out", and an understanding of the mode of action of herbicides, and reasons for the choice of particular chemicals for particular problems, importance of the assessment of potential impact of spraying on adjacent public and private properties and activities, and effects of spraying on fish and wildlife species and their habitat. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

Category Standards will be added to Maine Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

- *Federal Category: "Right of Way Pest Control:*
 - *Maintenance of Public Roads to Maine Vegetation Management-Rights of Way Vegetation Management and,*
 - *Maine Vegetation Management-General Vegetation Management*

VII. **Industrial, Institutional, Structural and Health Related Pest**

- a. **General.** Applicants seeking certification in the subcategory of General Pest Control as described in Section 2(A)(VII)(a) must demonstrate a practical knowledge of a wide variety of pests and methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, formulations appropriate for various indoor and outdoor uses,

methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.

- b. **Fumigation.** Applicants seeking certification in the subcategory Fumigation as described in Section 2(A)(VII)(b) must demonstrate a practical knowledge of a wide variety of pests and fumigation methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, fumigant formulations, methods to avoid contamination of food and damage to structures and furnishings, and avoidance of risks to employees and customers.

Category Standards will be added to Maine Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

- *Federal Category: Non Soil Fumigation; Maine will maintain the term “Fumigation” for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(14).*

c. **Disinfectant and Biocide Treatments.**

1. **Disinfectant and Biocide Treatments.** Applicants seeking certification in the subcategory of Disinfectant and Biocide Treatments as described in Section 2(A)(VII)(c)(1) must demonstrate practical knowledge of water organisms and their life cycles, drinking water treatment plant designs, cooling water system designs, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
2. **Swimming Pool & Spa.** Applicants seeking certification in the subcategory of Swimming Pool & Spa as described in Section 2(A)(VII)(c)(2) must demonstrate practical knowledge of water organisms and their life cycles, pool and spa design systems, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
3. **Mold Remediation.** Applicants seeking certification in the subcategory of Mold Remediation as described in Section 2(A)(VII)(c)(3) must demonstrate practical knowledge of mold and problematic microbial organisms, their life cycles, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.

- d. **Wood Preserving.** Applicants seeking certification in the Wood Preserving Subcategory described in Section 2(A)(VII)(d) must demonstrate practical knowledge in wood destroying organisms and their life cycles, nonchemical control methods, pesticides appropriate for wood preservation, hazards

associated with their use, proper handling of the finished product, proper disposal of waste preservatives, and proper application techniques to assure adequate control while minimizing exposure to humans, livestock and the environment.

- e. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest control as described in Section 2(A)(VII)(e) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- f. **Termite Pests.** Applicants seeking certification in this subcategory must demonstrate a practical knowledge of Termite pests and methods for their control. Such knowledge shall include identification of termites and knowledge of life cycles, formulations appropriate for various indoor and outdoor uses, methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.

VIII. **Public Health Pest Control**

- a. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest Control as described in Section 2(A)(VIII)(a) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.
- b. **Other Pests.** Applicants seeking certification in the subcategory of Other Pest Control as described in Section 2(A)(VIII)(b) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall

be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

IX. Regulatory Pest Control

Applicants seeking certification in the category of Regulatory Pest Control as described in Section 2(A)(IX) must demonstrate practical knowledge of regulated pests and applicable laws relating to quarantine and other regulations of pests. Such knowledge shall also include environmental impact of pesticide use in eradication and suppression programs, and factors influencing introduction, spread, and population dynamics of relevant pests. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

X. Demonstration and Research Pest Control

Applicants seeking certification in the category of Demonstration and Research Pest Control as described in Section 2(A)(X) must demonstrate practical knowledge in the broad spectrum of activities involved in advising other applicators and the public as to the safe and effective use of pesticides. Persons involved specifically in demonstration activities will be required to demonstrate knowledge of pesticide-organism interactions, the importance of integrating chemical and non-chemical control methods, and a grasp of the pests, life cycles and problems appropriate to the particular demonstration situation. Field researchers will be required to demonstrate general knowledge of pesticides and pesticide safety, as well as a familiarity with the specific standards of this Section which apply to their particular areas of experimentation. All individuals certified in this category must also be certified in one or more of the previous categories or subcategories which represent at least 80% of their practice. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

XI. Aerial Pest Control

Applicants seeking certification in the category of Aerial Pest Control as described in Section 2(A)(XI) must demonstrate at least a practical knowledge of problems which are of special significance in aerial application of pesticides, including chemical dispersal equipment, tank, pump and plumbing arrangements; nozzle selection and location; ultra-low volume systems; aircraft calibration; field flight patterns; droplet size considerations; flagging methods; and loading procedures. Applicants must also demonstrate competency in the specific category or subcategory in which applications will be made, as described in paragraphs I, II, VI and VIII herein. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans.

Category Standards will be added to Maine Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

- *Federal Category: Aerial; Maine will maintain the term Aerial for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(15).*

SECTION 4. PRIVATE APPLICATOR CERTIFICATION CATEGORIES [§ 171. 105]

(a) OPTION 2: STATE ADOPTS ITS OWN PRIVATE APPLICATOR CATEGORIES AND STANDARDS.

40 CFR § 171.105

OPTION 2: STATE ADOPTS ITS OWN PRIVATE APPLICATOR CATEGORIES AND STANDARDS.

If the state had adopted its own categories and standards for private applicators, then the state must provide a statement that the state has adopted its own standards (that meet or exceed federal standards at § 171.105) and provide all the following:

- A list and detailed description of all private applicator categories and subcategories and the citations for the State laws and/or regulations. States must provide the list of state categories/subcategories in the table below, along with the category/ subcategory description and an indication of the closest comparable EPA Federal category.***
- A list and detailed description of the category standards for certification adopted by the State and the citations for the State laws and/or regulations.***

State Response: MRS Title 22 §1471-D. Certification and licenses

2. Certification required, private applicators. No private applicator shall use or supervise the use of any limited or restricted use pesticide without prior certification from the board, provided, that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator.

Maine has Private Applicator competency standards in **Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS**

1. Competency Standards for Certification - Private Applicator

- A. No person shall be certified as a private applicator unless he has fulfilled requirements demonstrating his knowledge of basic subjects including pesticide label comprehension, ability to read and understand pesticide labeling, safety, environmental concerns, stewardship, pest organisms, pesticides, equipment, application techniques, responsibilities for supervisors of non-certified applicators, and applicable laws and regulations. Also required shall be knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans (core exam).

Maine will adopt 40 CFR 171.105 (a) (1 through 11) Competency Standards into Chapter 32 by reference.

Maine Private Categories and Associated Federal Categories

| Maine Category/Subcategory Name | Statutory Authority | Closet Comparable EPA Federal Category |
|---------------------------------|---------------------|--|
| Animal | 22 M.R.S. §1471-D | Agricultural Pest Control-Livestock Pest Control |
| Blueberry | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Cranberry | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Forage | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Forestry | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Greenhouse | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Nursery | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Orchard Fruit | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Potatoes | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Small Fruit | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Vegetables | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |
| Turf | 22 M.R.S. §1471-D | Agricultural Pest Control-Crop Pest Control |

Federal Private Applicator Categories-Adopted by the State of Maine

Table 7. Federal Private Applicator Categories Adopted by the State of Maine.

| Federal Categories Adopted | Adopted Federal Standards (Y/N) | State Law/Reg Citation |
|----------------------------|---------------------------------|------------------------|
|----------------------------|---------------------------------|------------------------|

| | | |
|---------------------|---|------------|
| Soil Fumigation | Y | Chapter 32 |
| Non-Soil Fumigation | Y | Chapter 32 |
| Aerial Pest Control | Y | Chapter 32 |

The Federal Private Applicator categories adopted in Chapter 32 are Supplemental Certification Categories. Applicants seeking supplemental private certification must demonstrate competency in each applicable category (Category Exam).

Competency Standards: Chapter 32

1. Competency Standards for Certification - Private Applicator

- B. No person shall be certified as a private applicator unless he has demonstrated knowledge of the general principles of pest control for his major commodity, including specific pests of the crop, their life cycle, and proper timing of control measures to be efficacious (Commodity Exam).

The Federal Private Applicator categories adopted in Chapter 32 are Supplemental Certification Categories.

**Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS;
(2)(B)(4)**

(b) Categories for Supplemental Certification of Private Applicators.

- a. **Soil Fumigation.** This category includes private applicators using or supervising the use of pesticides to fumigate crops in production including blueberries, orchard fruit, potatoes, vegetables, forage, grain and industrial or non-food crops.
- b. **Non-soil Fumigation.** This category includes private applicators using or supervising the use of fumigant pesticides or fumigation techniques in any type of structure or transportation device.
- c. **Aerial.** This category includes private applicators, including pilots and co-pilots, applying pesticides by means of any aircraft.

Category Standards will be added to Maine Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

Competency Standards:

- o *Soil Fumigation Competency Standards at 40 CFR 171.103(d)(13); adopted by reference in Chapter 32.*
- o *Non-Soil Fumigation Competency Standards at 40 CFR 171.103(d)(14); adopted by reference in Chapter 32.*
- o *Aerial Pest Control Competency Standards at 40 CFR 171.103(d)(15); adopted by reference in Chapter 32.*

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS;

5. Competency Standards for Supplemental Certification of Private Applicators

Applicants seeking supplemental private certification must demonstrate competency in each applicable category (Category Exam). Competency in the applicable category shall be established as follows:

- b. Soil Fumigation. Applicants seeking supplemental certification in the category of Soil Fumigation as described in Section 2(B)(4)(a) must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Areas of such practical knowledge shall include soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, potential for environmental contamination, non-target injury, and community problems related to pesticide use in certain areas. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. In addition to the above competencies, private applicators obtaining supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (d) (2017).
- c. Non-soil Fumigation. Applicants seeking supplemental certification in the category of Structural Fumigation as described in Section 2(B)(4)(b) must demonstrate a practical knowledge of a wide variety of pests and fumigation methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, fumigant formulations, methods to avoid contamination of food and damage to structures and furnishings, and avoidance of risks to employees. In addition to the above competencies, private applicators obtaining supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (e) (2017).
- d. Aerial Pest Control. Applicants seeking supplemental certification in the category of Aerial Pest Control as described in Section 2(B)(4)(c) must demonstrate at least a practical knowledge of problems which are of special significance in aerial application of pesticides, including chemical dispersal equipment, tank, pump and plumbing arrangements; nozzle selection and location; ultra-low volume systems; aircraft calibration; field flight patterns; droplet size considerations; flagging methods; and loading procedures. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans. In addition to the above competencies, private applicators obtaining supplemental certification in this category must demonstrate practical knowledge of topics indicated in 40 CFR 171.105 (f) (2017).

SECTION 5. LIMITED USE CERTIFICATION CATEGORIES [IF APPLICABLE]. [§ 171. 303(a)(4), § 171. 303(b)(2) and § 171. 303(b)(2)(ii)(A)] States must provide a list of all limited use categories the state has adopted for commercial applicators and the standards of competency for any such categories.

Not applicable.

Limited use pesticides may be purchased and used only by applicators licensed by the Board provided in Chapters 31 and 32 and holding a permit from the Board as provided in subsections E and F below.

Chapter 40: MAINE RESTRICTED AND LIMITED USE PESTICIDES

Section 2. PROHIBITED AND LIMITED USE PESTICIDES

- A. All products containing the following active ingredients shall be classified as limited use pesticides in Maine:
- | | |
|------------|---|
| Aldrin | Methyl Parathion (Microencapsulated forms only) |
| Chlordane | |
| Heptachlor | Sodium monofluoroacetate (Compound 1080) |
| Lindane | Toxaphene |
- B. Limited use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- C. Limited use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32 and holding a permit from the Board as provided in subsections E and F below.
- D. An application to use any limited use pesticides shall be made to the Board in writing on such forms as may be provided by the Board. Applications shall include, at a minimum,

the chemical to be used, the pest or pests which are the target of such chemical application, the vegetation to which it will be applied, the location and detailed description of the application site, and the amount of land to be covered by such application. When, in the opinion of the Board, any bona fide emergency prevents a written application to the Board, such application may be made orally to any member or employee of the Board. Failure of any applicator to exercise due diligence or to reasonably anticipate any situation which would create the need for the use of any limited use pesticide shall not be considered an emergency within the scope of this section.

- E. The Board may grant such applicant permission to use or apply any limited use pesticide if the Board determines that (1) the pesticide applicator is appropriately licensed, (2) an unusually heavy infestation of insects or other pests creates the prospect of a significant economic loss to the applicant or any other person or creates a public health hazard, (3) no suitable chemical, biological or other method is available to prevent or reduce the impact of such infestation to an acceptable level, (4) the use of such limited use pesticide will not create an undue risk to human life nor cause significant detrimental effects upon the environment, and (5) such use is in compliance with FIFRA and the rules and regulations promulgated thereunder. Permission to use such limited use pesticide may be granted upon such reasonable terms and conditions as the Board deems necessary to protect the health, safety and general welfare of the environment and the people of the State of Maine and to achieve the purpose of the statute. Permission to use any limited use pesticide during any bona fide emergency situation may be granted upon the oral consent of a majority of the Board given to the director or chairman of the Board or such other member of the Board who received the oral application. Such oral consent shall thereafter be confirmed in writing by such members to the director within ten (10) days.
- F. The outdoor use or application of benzene hexachloride (including lindane) for the purpose of controlling mosquitoes and other biting flies is hereby prohibited in the State of Maine

SECTION 6. STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS.
[§ 171. 101 and 171.103]

OPTION 2: STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS

State Response: The citation is 22 M.R.S.A., Section 1471-D and Chapter 31.

State Affirmation Statement: The state has adopted its own standards for certification of Commercial Applicators. The State of Maine's standards for commercial applicator certifications

40 CFR § 171.101 OPTION 2: STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF COMMERCIAL APPLICATORS. *If the state had adopted its own standards for commercial applicator certification, then the state must provide a statement that the state has adopted its own standards that meet or exceed federal standards at § 171.101 and 171.103 and provide all of the following:*

(a) **MINIMUM AGE REQUIREMENT.** [§171. 103(a)(1)] *[Must be in state laws or regulations.] Documentation that the state has adopted a minimum age requirement for commercial applicator certification of at least 18 years old. The documentation must include the citation and copy of the specific provisions for adoption of the state minimum age requirements and should be included with the plan as Attachment 6-A.*

(b) **CORE STANDARDS OF COMPETENCY.** [§171. 103(c)] *[Must be in state laws or regulations.] Documentation that the state has adopted core standards of competency that meet or exceed federal standards at § 171 .101 and 171 .103 . The documentation must include the citation and copy of the specific provisions that document that the state has adopted core standards of competency that meet or exceed federal standards and should be included with the plan as Attachment 6 -B.*

(c) **EXAMINATION STANDARDS.** [§171. 103(a)(2)] *[Not required to be in state laws or regulations.] A detailed description of the State's certification examination standards for commercial applicators and an explanation and documentation of how they meet/ exceed federal exam administration standards at §171 .103 (a)(2) (and listed in Appendix A), including a description of any alternative identification that a State will authorize for qualification for certification in addition to a valid, government-issued photo identification. The documentation should explain the specific provisions that document that the state has adopted examination standards that meet or exceed federal standards and should be included with the plan as Attachment 6 -C.*

(d) **STANDARDS FOR LIMITED USE CATEGORY CERTIFICATION, IF APPLICABLE.** [§171. 103(a)(4), §171.103(a)(4)(iii) and §171. 103(a)(4)(v)] *[Must be in state laws or regulations i f state has one or more.] States must provide all the following documentation if they have established any limited use category certifications:*

- *Documentation that the state has adopted core standards of competency that meet or exceed federal standards at § 171.101 and 171.103 and a requirement that candidates for certification in a limited use category pass the written examination covering the core standards at § 171 .103 (c) and demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of restricted use pesticide(s) covered by the limited use category. States must provide a detailed description of the core standards of competency if they are different than those used for all other commercial applicator categories.*

- *A detailed description of the process by which applicators must demonstrate practical knowledge of the principles and practices of pest control and proper and effective use of the restricted use pesticides authorized under the limited use category based on the competency standards identified in Section 5 of the plan. [NOTE: This does not have to be accomplished by a written examination.] The documentation must include the citation and copy of the specific provisions that document that the state has adopted standards for limited use category certification that meet or exceed federal standards and should be included with the plan as Attachment 6 - D.*

(e) **EXCEPTIONS, IF APPLICABLE.** [§171. 103(e)] *[Must be in state laws or regulations if the state has this exception. State can exceed federal regulations – meaning state is not required to have this exception.] States must provide a detailed description and documentation of any exceptions to the state certification requirements for commercial applicators (e. g., persons conducting laboratory research involving restricted use pesticides and/ or Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of the ordinary practice of those professions). The documentation must include the citation and copy of the specific provisions that document that the state has adopted the exceptions to certification for commercial applicators and should be included with the plan as Attachment 6- E.*

meet or exceed EPA's standards.

(a)) **MINIMUM AGE REQUIREMENT.** [§171.103(a)(1)] Documentation that the state has adopted a minimum age requirement for commercial applicator certification of at least 18 years old. The documentation must include the citation and copy of the specific provisions for adoption of the state minimum age

requirements.

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

1. Certification Procedures for Commercial Applicators

A. **Initial Certification.** Individuals attempting to certify as a commercial applicator must be at least 18 years of age.

(b) **CORE STANDARDS OF COMPETENCY.** [§171.103(c)] The documentation must include the citation and copy of the specific provisions that document that the state has adopted core standards of competency that meet or exceed federal standards.

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS (4)

2. Competency Standards for Certification of Commercial Applicators

A. Applicants seeking commercial certification must establish competency in the general principles of safe pest control by demonstrating knowledge of basic subjects including, but not limited to, pesticide labeling, safety, environmental concerns, pest organisms, pesticides, equipment, application techniques and applicable laws and regulations. (Core Exam).

The State of Maine will adopt 40 CFR 171.103 (c) into Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS by reference.

B. Applicants seeking commercial certification must demonstrate competency in each applicable category or subcategory. (Category Exam). Competency in the applicable category or subcategory shall be established as follows:

I. Agricultural Animal and Plant Pest Control

a. **Agricultural Animals.** Applicants seeking certification in the subcategory of Animal Pest Control as described in Section 2(A)(I)(a) must demonstrate knowledge of animals, their associated pests, and methods of pest control. Areas of practical knowledge shall include specific toxicity, residue potential, relative hazards of different formulations, application techniques, and hazards associated with age of animals, stress, and extent of treatment.

b. **Agricultural Plant.** Applicants seeking certification in the subcategory of Plant Pest Control as described in Section 2(A)(I)(b) Options I - IV must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Areas of such practical knowledge shall include soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, potential for environmental contamination, non-target injury, and community problems related to pesticide use in certain areas. Also required shall be a knowledge

of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

Federal Category: “Agricultural Plant” Category Standards will be added for:

- *Agricultural Plant 1B-Option 1: Limited Commercial Blueberry*
- *Agricultural Plant 1B-Option 2: Chemigation*
- *Agricultural Plant 1B-Option 3: Agricultural Soil Fumigation Maine will adopt 40 CFR 171.103(13) Soil Fumigation.*
- *Agricultural Plant 1B-Option 4: Post Harvest Treatment*

II. **Forest Pest Management**

Applicants seeking certification in the category of Forest Pest Management as described in Section 2(A)(II) must demonstrate practical knowledge of forest vegetation management, forest tree biology and associated pests. Such required knowledge shall include population dynamics of pest species, pesticide-organism interactions, integration of pesticide use with other pest control methods, environmental contamination, pesticide effects on non-target organisms, and use of specialized equipment. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

III. **Ornamental and Turf Pest Control**

- a. **Outdoor Ornamentals.** Applicants seeking certification in the Outdoor Ornamental subcategory as defined in Section 2(A)(III)(a) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of trees, shrubs, and floral plantings. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.
- b. **Turf.** Applicants seeking certification in the Turf subcategory as described in Section 2(A)(III)(b) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of turf. Such knowledge shall include potential phytotoxicity, undue pesticide persistence, and application methods, with particular reference to techniques used in proximity to human habitations. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

- c. **Indoor Ornamentals.** Applicants seeking certification in the Indoor Ornamental subcategory described in Section 2(A)(III)(c) must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of indoor ornamental plantings. Such knowledge shall include pest recognition, proper pesticide selection, undue pesticide persistence, and application methods with particular reference to techniques used in proximity to human presence.

IV. **Seed Treatment**

Applicants seeking certification in the category of Seed Treatment as described in Section 2(A)(IV) must demonstrate practical knowledge of seed types and problems requiring chemical treatment. Such knowledge shall include seed coloring agents, carriers and binders which may affect germination, hazards associated with handling, sorting, and mixing in the treatment process, hazards of introduction of treated seed into food and feed channels, and proper disposal of unused treated seeds.

V. **Aquatic Pest Control**

- a. **General Aquatic** - Applicants seeking certification in the subcategory of General Aquatic as described in Section 2(A)(V)(a) must demonstrate practical knowledge of proper methods of aquatic pesticide application, application to limited area, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include basic factors contributing to the development of nuisance aquatic plant growth such as algal blooms, understanding of various water use situations and potential downstream effects from pesticide use, and potential effects of various aquatic pesticides on plants, fish, birds, insects, and other organisms associated with the aquatic environment. Also required shall be an understanding of the Department of Environmental Protection laws and regulations pertaining to aquatic discharges and aquatic weed control and a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.
- b. **Sewer Root Control** - Applicants seeking certification in the subcategory of Sewer Root Control as described in Section 2(A)(V)(b) must demonstrate practical knowledge of proper methods of sewer root control pesticide application, application to pipes, and a recognition of the adverse effects which can be caused by improper techniques, dosage rates, and formulations. Such knowledge shall include potential effects on water treatment plants, movement of pesticides into off target pipes or buildings and the hazards of sewer gases.

VI. **Vegetation Management**

Applicants seeking certification in the subcategories under Vegetation Management as described in Section 2(A)(VI) (a-b) must demonstrate practical knowledge of the impact of pesticide use on a wide variety of environments. Such knowledge shall include an ability to recognize target organisms and circumstances specific to the subcategory, awareness of problems of runoff, root pickup and aesthetic considerations associated with excessive foliage destruction and "brown-out", and an understanding of the mode of action of herbicides, and reasons for the choice of particular chemicals for particular problems, importance of the assessment of potential impact of spraying on adjacent public and private properties and activities, and effects of spraying on fish and wildlife species and their habitat. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

Federal Category: "Right of Way Pest Control: Category Standards will be added for:

- *Maintenance of Public Roads to Maine Vegetation Management-Rights of Way Vegetation Management and,*
- *Maine Vegetation Management-General Vegetation Management*

VII. Industrial, Institutional, Structural and Health Related Pest

- a. **General.** Applicants seeking certification in the subcategory of General Pest Control as described in Section 2(A)(VII)(a) must demonstrate a practical knowledge of a wide variety of pests and methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, formulations appropriate for various indoor and outdoor uses, methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.
- b. **Fumigation.** Applicants seeking certification in the subcategory Fumigation as described in Section 2(A)(VII)(b) must demonstrate a practical knowledge of a wide variety of pests and fumigation methods for their control. Such knowledge shall include identification of pests and knowledge of life cycles, fumigant formulations, methods to avoid contamination of food and damage to structures and furnishings, and avoidance of risks to employees and customers.

Federal Category: Non Soil Fumigation; Maine will maintain the term "Fumigation" for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(14).

- c. **Disinfectant and Biocide Treatments.**

1. **Disinfectant and Biocide Treatments.** Applicants seeking certification in the subcategory of Disinfectant and Biocide Treatments as described in Section 2(A)(VII)(c)(1) must demonstrate practical knowledge of water organisms and their life cycles, drinking water treatment plant designs, cooling water system designs, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
 2. **Swimming Pool & Spa.** Applicants seeking certification in the subcategory of Swimming Pool & Spa as described in Section 2(A)(VII)(c)(2) must demonstrate practical knowledge of water organisms and their life cycles, pool and spa design systems, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
 3. **Mold Remediation.** Applicants seeking certification in the subcategory of Mold Remediation as described in Section 2(A)(VII)(c)(3) must demonstrate practical knowledge of mold and problematic microbial organisms, their life cycles, labels, and hazards of disinfectants and biocides and proper application techniques to ensure adequate control while minimizing exposure to humans and the environment.
- d. **Wood Preserving.** Applicants seeking certification in the Wood Preserving Subcategory described in Section 2(A)(VII)(d) must demonstrate practical knowledge in wood destroying organisms and their life cycles, nonchemical control methods, pesticides appropriate for wood preservation, hazards associated with their use, proper handling of the finished product, proper disposal of waste preservatives, and proper application techniques to assure adequate control while minimizing exposure to humans, livestock and the environment.
 - e. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest control as described in Section 2(A)(VII)(e) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.
 - f. **Termite Pests.** Applicants seeking certification in this subcategory must demonstrate a practical knowledge of Termite pests and methods for their control. Such knowledge shall include identification of termites and knowledge of life cycles, formulations appropriate for various indoor and

outdoor uses, methods to avoid contamination of food and feed, and damage to structures and furnishings, avoidance of risk to humans, domestic animals, and non-target organisms and risks to the environment associated with structural pesticide use.

VIII. **Public Health Pest Control**

- a. **Biting Fly and Other Arthropod Vector Pests.** Applicants seeking certification in the subcategory of Biting Fly and Other Arthropod Vector Pest Control as described in Section 2(A)(VIII)(a) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

- c. **Other Pests.** Applicants seeking certification in the subcategory of Other Pest Control as described in Section 2(A)(VIII)(b) must demonstrate a practical knowledge of the species involved, their potential roles in disease transmission, and the use of pesticides in their control. Such knowledge shall include identification of and familiarity with life cycles and habitat requirements, special environmental hazards associated with the use of pesticides in control programs, and knowledge of the importance of integrating chemical and non-chemical control methods. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

IX. **Regulatory Pest Control**

Applicants seeking certification in the category of Regulatory Pest Control as described in Section 2(A)(IX) must demonstrate practical knowledge of regulated pests and applicable laws relating to quarantine and other regulations of pests. Such knowledge shall also include environmental impact of pesticide use in eradication and suppression programs, and factors influencing introduction, spread, and population dynamics of relevant pests. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

X. **Demonstration and Research Pest Control**

Applicants seeking certification in the category of Demonstration and Research Pest Control as described in Section 2(A)(X) must demonstrate practical knowledge in the broad spectrum of activities involved in advising other applicators and the public as to the safe and effective use of pesticides. Persons

involved specifically in demonstration activities will be required to demonstrate knowledge of pesticide-organism interactions, the importance of integrating chemical and non-chemical control methods, and a grasp of the pests, life cycles and problems appropriate to the particular demonstration situation. Field researchers will be required to demonstrate general knowledge of pesticides and pesticide safety, as well as a familiarity with the specific standards of this Section which apply to their particular areas of experimentation. All individuals certified in this category must also be certified in one or more of the previous categories or subcategories which represent at least 80% of their practice. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

XI. Aerial Pest Control

Applicants seeking certification in the category of Aerial Pest Control as described in Section 2(A)(XI) must demonstrate at least a practical knowledge of problems which are of special significance in aerial application of pesticides, including chemical dispersal equipment, tank, pump and plumbing arrangements; nozzle selection and location; ultra-low volume systems; aircraft calibration; field flight patterns; droplet size considerations; flagging methods; and loading procedures. Applicants must also demonstrate competency in the specific category or subcategory in which applications will be made, as described in paragraphs I, II, VI and VIII herein. Also required shall be a knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals, or humans.

Federal Category: Aerial; Maine will maintain the term Aerial for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(15).

4. Competency Standards for Certification of Commercial Applicator/Master

A. Regulations Exam. An applicant seeking certification as a commercial applicator/master must successfully complete a closed book exam on the appropriate chapters of the Board's regulations. The passing grade shall be 80%. An applicant must successfully complete the regulations exam before being allowed to proceed to the master exam. The staff may waive the requirements for the closed book regulation exam if it determines that a pest management emergency exists necessitating the issuance of a nonresident license pursuant to Section 6 B. of this chapter, provided that the staff verbally reviews the pertinent regulations with the applicant prior to issuing a nonresident license.

(c) EXAMINATION STANDARDS. [§171.103(a)(2)] The State of Maine's certification examination standards for commercial applicators meet or exceed

federal exam administration standards at §171 .103 (a)(2).

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

5. Certification Procedures for Commercial Applicators

A. **Initial Certification.** Individuals attempting to certify as a commercial applicator must be at least 18 years of age.

I. **Application for Exams.** Individuals applying to take exams must submit a completed application and associated fees. All fees are waived for governmental employees.

a. Information shall include name, home address, company address, name and telephone number of supervisor and categories for which certification is desired.

b. A non-refundable fee of \$10.00 for each core, category or subcategory exam shall accompany the application.

c. Study materials for other than the regulations exam are available through the University of Maine Cooperative Extension Pest Management Office for a fee.

d. A non-refundable fee of \$10.00 for the regulations exam and \$40.00 for the Master exam shall accompany the application for Master exams. Study material for the regulations exam will be sent to the applicant upon receipt of their application and the required fees.

II. Appointment for Exams

a. Exams will be scheduled by Board staff. It is the responsibility of the applicant to reschedule if necessary.

b. All exam fees shall be forfeited if an applicant fails to notify the Board that he/she cannot sit for the exams on the scheduled date at least 24 hours in advance of the scheduled exam. Applicants who cancel their exam appointment two times in a row shall also forfeit their exam fees. Re-application shall require an additional \$15.00 fee.

c. Exams will be available year-round on an appointment basis at the Board's office in Augusta.

d. Exams may also be offered at other locations designated by the Board staff. Appointments for these exams should be arranged by application with the Board's office in Augusta.

III. Exams

- a. Applicants shall take a closed book core exam plus a closed book category technical exam on each applicable category or subcategory for which they anticipate making pesticide applications.
- b. In addition to the exams described above in sections (a), applicants for commercial applicator/master certification must complete a closed book written regulations exam as well as a master exam. Applicants for commercial applicator/master must successfully complete the core and at least one category exam or the combined exam before being eligible to take the master exams. Applicants must also successfully complete the regulations exam before being allowed to commence on the master exam.

IV. Examination Procedures. All applicants shall comply with these rules or forfeit their opportunity to complete the exams at a specified appointment.

- a. Applicant shall present a valid government issued identification to the moderator prior to commencement of exams.
- b. Applicants should be present and ready to take the exams at the appointed time.
- c. Applicants shall not talk during the examination period.
- d. Applicants shall not be allowed to bring any books, papers, cellular telephones, calculators or electronically stored data into the examining room. Pencils and work sheets will be provided and all papers shall be collected at the end of the period.
- e. Applicants shall not make notes of the exams and shall not leave the table during an exam unless authorized by the staff.

V. Qualification Requirements. An applicant must achieve a passing score of 80 percent on each exam.

- a. An applicant who fails the core exam must re-apply and pay all required fees and may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 6 more days before retaking again.
- b. An applicant who fails a category exam must re-apply and pay all required fees and may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 6 more days before retaking again.
- c. An applicant who passes the core and one category exam shall be considered eligible for operator level licensing in that particular category so long as that person will be working under the supervision of a Master

applicator. If at a later date the applicant wishes to add another category, only the appropriate category exam shall be required.

d. An applicant who fails a master exam must re-apply and pay all required fees and may not retake the examination prior to 6 days after the date of such failed examination.

e. Any applicant must pass both the core and at least one category exam by December 31 of the third year from the date on which the first exam was passed.

f. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retaking.

VI. **Expiration.** Certification under this Section will expire on December 31st of the third year after the date of successful completion of required exams and on December 31st of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.

VII. An applicant's original certification period shall not be extended due to the applicant qualifying for another category or upgrading to the master level.

STATE OF MAINE EXAMINATION PROCESS:

Learning Materials:

The State of Maine provides for certification by examination only. Learning materials needed for examination preparation are identified in the certification process. The learning materials can be purchased through the University of Maine Cooperative Extension.

The State of Maine uses "core" learning materials developed by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry.

Learning materials for category examination preparation have been selected or developed by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry, supported with EPA OPP/Worker Safety Branch funds.

Learning materials are carefully reviewed, vetted for applicability, and evaluated for quality and accuracy to determine compliance with federal requirements before being incorporated into the state program.

State specific materials such as state laws and regulations are also part of the learning materials used for examination preparation.

Learning materials undergo periodic review by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry, to determine whether the materials are relevant, practical, meet the needs of applicators and address pesticide use and safety.

The State of Maine does not allow for use of reference materials during the examination.

Examinations:

The State of Maine Department of Agriculture, Conservation and Forestry offers two options to take the commercial exams.

Option 1: Applicants may elect to take the core and category exams at the MDACF office in Augusta, Maine. The exams provided in Augusta are offered once per month.

Option 2: Take the exams at testing centers located across the State of Maine.

Exams are proctored electronically and by testing center staff if the exam is taken at a State of Maine testing center.

Exams given in person are proctored by designated BPC staff who is not seeking certification at any examination he/she/they are proctoring.

Examination questions are designed and constructed using professional practices developed by the staff trained in testing techniques. Questions are evaluated for difficulty, fairness, bias, and other factors before being included in any exam.

The questions reflect the content of the educational materials. The goal is to determine the candidate's ability to apply the knowledge gained from examination preparation.

Types of questions include true/false, or multiple choice. The exams include a pesticide label with five to ten related questions.

The response options to examination questions are developed to ensure they reflect the questions and promote knowledge and comprehension.

Examination questions left unanswered are counted as incorrect.

The State of Maine uses a passing score of 80 percent for commercial certification as the measure of demonstrated competency. Based on certification program historical data and analytics, established passing scores have proven to be sufficient to ensure a minimum standard of competency.

The passing score for all examinations is communicated at the outset of the exam as well as in examination informational materials.

Exam passing rates vary by category. The number of exam questions varies by category, ranging from 25 questions to 50 questions.

Individual scores are sent to exam candidates via email/US Mail in 10 days.

Oral Examinations:

An oral examination is part of the State of Maine commercial master certification process. The manual is provided by the Department of Agriculture, Conservation and Forestry.

Oral examinations are administered only once the candidate has received a passing score of 80 percent on the written regulations examination.

The oral exam is given by a designated Maine Department of Agriculture, Conservation and Forestry staff member who is not seeking certification at any examination he/she/they are proctoring.

Oral examinations are scored on a pass/fail basis.

The score for the oral exam is provided to the candidate at the close of the exam session.

A candidate for commercial certification must pass both the written exam and the oral examination to become certified.

Examination Data:

In preparation for the FIFRA Cooperative Agreement Annual End of Year reporting, the State of Maine reviews pesticide violations to determine if any areas related to federal requirements may need additional emphasis (e.g., label violations, use information, etc.). Insights gained from this exercise may be incorporated into examination reviews or continuing education sessions. Much of this information is included in CPARD as well as the FIFRA Cooperative Agreement Template.

SUMMARY:

In summary, the Maine SLA reviews examination test questions, exam preparation materials and the number and types of questions included in the examination to maintain a rigorous program that assures competence of applicators and measures performance.

(d) STANDARDS FOR LIMITED USE CATEGORY CERTIFICATION, IF APPLICABLE. [§171.103(a)(4), §171.103(a)(4)(iii) and §171.103(a)(4)(v)] The specific provisions that document that this state has adopted standards for limited use category certification that meet or exceed federal standards.

Not Applicable.

(e) EXCEPTIONS, IF APPLICABLE. [§171.103(e)] The documentation must include the citation and copy of the specific provisions that document that the state has adopted the exceptions to certification for commercial applicators.

Section 3. HEXAZINONE (VELPAR, PRONONE)

The registration of hexazinone is subject to the following limitations and conditions.

A. Licenses Required

No person shall use or supervise the use of any pesticide containing the active ingredient hexazinone unless they have obtained an applicators license in accordance with 22 M.R.S. §1471-D.

Section 4. AQUATIC HERBICIDES

The registration of pesticides for which there is an aquatic herbicide use on the product label shall be subject to the following limitations and conditions.

B. Licenses Required

I. Unless exempted under Chapter 41, Section 4 (B) (III), no person shall purchase, use or supervise the use of any aquatic herbicides identified on the Board's annual listing unless they have obtained a private or commercial pesticide applicator's license from the Board.

II. No person shall:

- a. Distribute any aquatic herbicides identified on the Board's annual listing without a restricted use pesticide dealer's license from the Board; or
- b. Unless exempted under Chapter 41, Section 4 (B) (III), distribute any aquatic herbicides identified on the Board's annual listing to any person who is not licensed as a private or commercial applicator by the Board.

SECTION 7 . STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS. [§ 171. 105]

(a) OPTION 2: STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS

40 CFR § 171.101 OPTION 2 : STATE ADOPTS ITS OWN STANDARDS FOR CERTIFICATION OF PRIVATE APPLICATORS.

If the state had adopted its own standards for private applicator certification, then the state must provide a statement that the state has adopted its own standards that meet or exceed federal standards at §171.105 and provide all the following:

(a) MINIMUM AGE REQUIREMENT. [§171. 105 (g)] [Must be in state laws or regulations.]

(b) CORE STANDARDS OF COMPETENCY. [§171. 105(a)] [Must be in state laws or regulations.]

(c) DETERMINATION OF COMPETENCY AND EXAMINATION STANDARDS. [§171. 105 (h)] [Not required to be in state laws or regulations.]

State Response: The citation is 22 M.R.S.A., Section 1471-D and Chapter 32.

State Affirmation Statement: The state has adopted its own standards for certification of Private Applicators. The State of Maine’s standards for private applicator certifications meet or exceed EPA’s standards.

(a) MINIMUM AGE REQUIREMENT. [§171.105(g)] The documentation must include the citation and copy of the specific provisions that document adoption of the state minimum age requirements.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

2. Certification Procedures for Private Applicators

A. Initial Certification

- 1. Any person attempting to certify as a private applicator must be at least 18 years of age.**

A noncertified applicator must be at least 18 years old, except for a noncertified applicator who must be at least 16 years old when using restricted use pesticides under the direct supervision of an immediate family member. 40 CFR 171.201(2) (i through iii) will be adopted by reference.

(b) CORE STANDARDS OF COMPETENCY. [§171.105(a)] The State of Maine has general core standards of competency for private applicators that meet or exceed federal standards in Chapter 32.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

1. Competency Standards for Certification - Private Applicator

A. No person shall be certified as a private applicator unless he has fulfilled requirements demonstrating his knowledge of basic subjects including pesticide label comprehension, ability to read and understand pesticide labeling, safety, environmental concerns, stewardship, pest organisms, pesticides, equipment, application techniques, responsibilities for supervisors of non-certified applicators, and applicable laws and regulations. Also required shall be knowledge of current methodology and technology for the control of pesticide drift to non-target areas, the proper meteorological conditions for the application of pesticides, and the potential adverse effect of pesticides on plants, animals or humans (core exam).

The State of Maine will adopt 40 CFR 171.105 (a) (1 through 11) into Chapter 32, Competency Standards by reference.

(c) DETERMINATION OF COMPETENCY AND EXAMINATION STANDARDS. [§171.105(h)] the State of Maine has adopted examination standards or alternative determinations of competency that meet or exceed federal standards and are included.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

2. Certification Procedures for Private Applicators

A. Initial Certification

1. Any person attempting to certify as a private applicator must be at least 18 years of age.
2. Any person seeking to be certified as a private applicator must pass a written core exam and a written exam in the area of his primary commodity. Both exams shall be closed book.
3. Exams may be taken at cooperating county University of Maine Cooperative Extension offices. Exams may also be offered at other locations designated by the Board staff or available on an appointment basis at the office of the Board.
4. **Examination Procedures.** All applicants shall comply with these rules or forfeit their opportunity to complete the exams at a specified appointment.
 - a. Applicant shall present a government issued identification to the moderator prior to commencement of exams.

- b. Applicants should be present and ready to take the exams at the appointed time.
- c. Applicants shall not talk during the examination period.
- d. Applicants shall not be allowed to bring any books, papers, calculators or electronically stored data into the examining room. Pencils and work sheets will be provided and all papers shall be collected at the end of the period.
- e. Applicants shall not make notes of the exams and shall not leave the table during an exam unless authorized by the staff.

5. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on each exam.

- a. An applicant who fails the core exam may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must wait 6 more days before retaking the exam again.
- b. An applicant who fails the exam in the area of his primary commodity may not retake that examination prior to 6 days after the date of such failed examination. If an applicant fails again the applicant must wait 6 more days before retaking the exam again.
- c. Any applicant must pass both the core and at least one commodity exam within 12 months before qualifying for certification.
- d. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retesting.

6. Certification under this section will expire on October 31st of the third year after the date of successful completion of the exams and on October 31st of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.

(d) EXCEPTIONS, IF APPLICABLE. [§171.105(i)]

Not Applicable.

STATE OF MAINE EXAMS PROCESS:

Learning Materials:

The State of Maine provides for certification by examination only. Learning materials needed for examination preparation are identified in the examination. The learning materials can be purchased through the University of Maine Cooperative Extension

The State of Maine uses “core” learning materials developed by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry.

Learning materials for the commodity examination preparation have been developed by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry supported with EPA OPP/Worker Safety Branch funds.

Learning materials are carefully reviewed, vetted for applicability, and evaluated for quality and accuracy to determine compliance with federal requirements before being incorporated into the state program.

State-specific materials such as state laws and regulations are also part of the learning materials used for examination preparation.

Learning materials undergo periodic review by the University of Maine Cooperative Extension and the State of Maine Department of Agriculture, Conservation and Forestry, to determine whether the materials are relevant, practical, meet the needs of applicators and address pesticide use and safety.

The State of Maine does not allow for use of reference materials during the examination.

Examinations:

The State of Maine Department of Agriculture, Conservation and Forestry (MDACF) offers three different options to take the private exams.

Option 1: Applicants may elect to take the exams at the MDACF office in Augusta, Maine. The exams in Augusta are offered once per month.

Option 2: Take the exam at testing centers located across the State of Maine.

Option 3: Applicants may take the exam at a local University of Maine Cooperative Extension office. All exam options are proctored by designated BPC staff who are not seeking certification at an exam he/she/they are proctoring.

Examination questions are designed and constructed using professional practices developed by staff who are trained in testing techniques. Questions are evaluated for difficulty, fairness, bias, and other factors before being included in any exam.

The questions reflect the content of the educational materials. The goal is to determine the ability of the candidate’s ability to apply the knowledge gained from examination preparation.

Types of questions include true/false and multiple choice. The exams include a pesticide label with five to ten related questions.

The response options to examination questions are developed to ensure they reflect the questions and promote knowledge and comprehension.

Examination questions left unanswered are counted as incorrect.

The State of Maine uses a passing score of 80% for private certification as the measure of demonstrated competency. Based on certification program historical data and analytics,

established passing scores have proven to be sufficient to ensure a minimum standard of competency.

The passing score for all examinations is communicated at the outset of the exam as well as in examination informational materials.

Exam passing rates vary by category. The number of exam questions varies by category, ranging from 25 questions to 100 questions.

Exam candidates are notified via email/US Mail of their score within 10 days of exam completion.

Examination Data:

In preparation for the FIFRA Cooperative Agreement Annual End of Year reporting, the State of Maine reviews pesticide violations to determine if any areas related to federal requirements may need additional emphasis (e.g., label violations, use information, etc.). Insights gained from this exercise may be incorporated into examination reviews or continuing education sessions. Much of this information is included in CPARD as well as the FIFRA Cooperative Agreement Template.

SUMMARY:

In summary, the Maine SLA reviews examination test questions, exam preparation materials and the number and types of questions included in the examination to maintain a rigorous program that assures competence of applicators and measures performance.

SECTION 8. RECERTIFICATION STANDARDS. [§ 171. 107]

(a) State of Maine standards for recertification for applicators of restricted use pesticides meets or exceeds standards set forth by the EPA

40 CFR § 171.107

States must provide documentation that the state standards for the recertification of applicators of restricted use pesticides meet or exceed those standards prescribed by the Agency under § 171.107 (and listed in Appendix B). Such documentation must include a statement that the state has adopted its own standards that meet or exceed the standards for recertification prescribed by the Agency under § 171.107 and a detailed description of all of the State standards for recertification of private and commercial applicators, including all the following:

- *The certification period, which may not exceed five years.*
- *If recertification is based upon written examination, a description of the state's process for reviewing, and updating as necessary, the written examination(s) to ensure that the written examination(s) evaluates whether a certified applicator demonstrates the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.*
- *If recertification is based upon continuing education, an explanation of how the quantity, content, and quality of the State's continuing education program ensures that a certified applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators, including but not limited to:*
 - o *(A) The quantity of continuing education required to maintain certification.*
 - o *(B) The content that is covered by the continuing education program and how the state ensures the required content is covered.*
 - o *(C) The process the state uses to approve continuing education courses or events, including information about how the state ensures that any continuing education courses or events verify the applicator's successful completion of the course or event.*
 - o *(D) How the state ensures the ongoing quality of the continuing education program.*
- *If the state has adopted use of limited use category certifications, then the state must provide a detailed description of the recertification standards for the limited use category and how those standards meet or exceed the standards prescribed by the Agency under § 171.107.*

State Response: The specific provisions that accomplish the adoption of the Federal standards are in Chapter 31 for Commercial Applicators and Chapter 32 for Private Applicators.

State Affirmation Statement: The state has adopted the standards for recertification that meet or exceed the Federal standards for recertification § 171 .107.

(A) The quantity of continuing education required to maintain certification

The certification period is three years for both commercial and private applicators.
Chapter 31(Commercial) and Chapter 32 (Private)

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

5. Certification Procedures for Commercial Applicators

VI. **Expiration.** Certification under this Section will expire on December 31st of the third year after the date of successful completion of required exams and on December 31st of every third year thereafter unless a special restricted certification period is assigned by the Board or Board staff.

VII. An applicant's original certification period shall not be extended due to the applicant qualifying for another category or upgrading to the master level.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

C. **Expiration.** Private applicator licenses are issued on a three-year period and will expire on October 31st of the third year. Any person who has accumulated the required number of recertification credits must apply for license renewal within one year of the expiration date of the license or the recertification credits are forfeited and that person must retake and pass both the core and commodity exams to again be eligible for licensing.

(B) The content that is covered by the continuing education program and how the state ensures the required content is covered

Recertification is based on continuing education credits. Recertification credits are awarded based on the subject matter, including but not limited to; applicable laws and regulations, environmental hazards, calibration, new application techniques, label review, applicator safety, storage and disposal, pest identification and control, and integrated pest management.

For courses that are held in the state and are in person, BPC staff attend when feasible to monitor audience attendance, course content, delivery and awarding of credits. For virtual courses, the program sponsor provides a link for a BPC staff to participate and monitor. For courses BPC staff cannot attend, a MDACF person is assigned the duty to verify that the applicators were in attendance and monitor course content. For online courses, the program administrator provides attendees with a quiz to ensure attendees participated in the entire program and understand the fundamental content. The quiz is graded and those achieving a score of 80 % or greater will receive the credit.

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

5. Certification Procedures for Commercial Applicators

B. Recertification of Applicators

I. Persons with current valid certification may renew that certification by either providing documentation from a substantially equivalent professional certification program approved by the board or by accumulating recertification credits during the certification period described in Section 5(A)VI according to the following schedule:

- a. **Master level** - 9 credit hours in subject areas applicable to the categories/subcategories in which the licensee is certified.
 - b. **Operator level** - 6 credit hours in subject areas applicable to the categories/subcategories in which the licensee is certified.
- II. Recertification credits will be available through Board-approved meetings including but not limited to industry and trade organization seminars, workshops where pesticide topics are presented and approved home study courses.
- a. Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.
- III. Credit will be allowed for topics including, but not limited to:
- a. Applicable laws and regulations.
 - b. Environmental hazards.
 - c. Calibration and new application techniques.
 - d. Label review.
 - e. Applicator safety.
 - f. Storage and disposal.
 - g. Pest identification and control.
 - h. Integrated pest management.
- IV. Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting with details of the agenda. Board staff will review program agendas and assign credit values.
- a. One credit will be assigned for each 1 hour of presentation on appropriate topics.
 - b. An individual who conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each 1 hour of presentation on appropriate topics.
 - c. An individual who organizes a meeting shall be required to maintain a sign-up sheet and supervise the signing of the sheet by all applicators attending the program. That individual shall submit the signup sheet to the Board at the same time the verification attendance forms are collected and submitted to the Board.
- V. For in state programs, applicants must submit verification of attendance at approved programs to the Board. For out of state programs, applicators must submit verification of attendance; a copy of the agenda or other description of the

presentations attended. The agenda must show the length of each presentation and describe what was covered.

- VI. A person who fails to accumulate the necessary credits during their first three- year certification period will have to retake and pass all exam(s) required for initial certification. If a person fails to accumulate the necessary credits again that person must retake and pass all exam(s) required for initial certification and within one year thereafter, obtain the balance of the recertification credits which that person failed to accumulate during the previous certification period. If that person does not obtain the balance of credits needed, the Board will not renew their license until the make-up credits are accrued.
- VII. Applicants must attend the entire approved program(s) for which recertification credit is sought. No other person may complete or sign a verification form on another applicator's behalf. Any form that is completed or signed by a person other than the applicator will be deemed a fraudulent report and will not be approved by the Board for recertification credit(s). Any credit(s) approved by the Board pursuant to an attendance verification form which is subsequently determined by the Board to have been completed or signed by a person other than the applicator shall be void and may not be counted towards the applicator's recertification requirements; and any recertification issued on the basis of such credits shall be void.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

1. Recertification for Private Applicators.

1. Any person with current valid certification may renew that certification by accumulating 6 recertification credits during the certification period described in Chapter 32; Section 2(A)6.
2. Recertification credits will be available through Board-approved meetings including but not limited to industry and trade organization seminars, workshops where pesticide topics are presented and approved home study courses.
3. Credit will be allowed for topics including, but not limited to:
 - a. Applicable laws and regulations.
 - b. Environmental hazards.
 - c. Calibration and new application techniques.
 - d. Label review.
 - e. Applicator safety.
 - f. Storage and disposal.
 - g. Pest identification and control.
 - h. Integrated pest management.
4. Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting and submit details of the pesticide topics, including titles and length of time devoted to them. Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.

- a. A minimum credit of one hour shall be assigned for each one hour of presentation on appropriate topics.
 - b. An individual conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each 1 hour of presentation on appropriate topics.
5. For in state programs, each participant will complete a form to verify attendance at each program for which credit is allowed at the site. For out of state programs, applicators must notify the Board about attendance and send a registration receipt or other proof of attendance and a copy of the agenda or other description of the presentations attended. The agenda must show the length of each presentation and describe what was covered.
 6. A person who fails to accumulate the necessary credits will have to re-apply to take the exams required for initial certification.

(C)The process the state uses to approve continuing education courses or events, including information about how the state ensures that any continuing education courses or events verify the applicator's successful completion of the course or event.

The criteria for approving courses are in both Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS, and Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS.

Recertification credits will be available through Board-approved meetings including but not limited to industry and trade organization seminars, workshops where pesticide topics are presented and approved home study courses.

Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.

Persons organizing meetings for which they want credits awarded must contact the Board in writing at least 15 days in advance of the meeting and submit details of the pesticide topics, including titles and length of time devoted to them. Board staff will review program agendas and assign credit values. Board staff will monitor programs as time permits.

For in state programs, each participant will complete a form to verify attendance at each program for which credit is allowed at the site. For out of state programs, applicators must notify the Board about attendance and send a registration receipt or other proof of attendance and a copy of the agenda or other description of the presentations attended. The agenda must show the length of each presentation and describe what was covered.

Applicants must attend the entire approved program(s) for which recertification credit is sought. No other person may complete or sign a verification form on another applicator's behalf. Any form that is completed or signed by a person other than the applicator will be deemed a fraudulent report and will not be approved by the Board for recertification credit(s). Any credit(s) approved by the Board pursuant to an attendance verification form which is subsequently determined by the Board to have been completed or signed by a person other than the applicator shall be void and may not be counted towards the

applicator's recertification requirements; and any recertification issued on the basis of such credits shall be void.

The recertification course information sent in for approval should include the agenda, program description, speaker bio(s), time frame(s) for topics, and other program information. A recertification course will receive one credit for each hour of presentation on the appropriate topics. For courses that are held in the state and are in person, BPC staff attend as feasible to determine attendance and to ensure coverage of course content. For courses that BPC cannot attend, an MDACF staff is assigned the duty to verify that the applicators were in attendance. For online courses, the program administrator provides applicators with a "final" quiz to ensure that the applicators watched the entire program. The quiz is graded and those achieving a score of 80% or greater receive credit.

The Maine Department of Agriculture, Conservation, and Forestry allows applicators to participate in virtual recertification programs to earn credits. The same standards must be met as outlined in the in- person criteria.

(D) How the state ensures the ongoing quality of the continuing education program.

BPC staff annually review recertification course criteria. If a course does not meet the established criteria, credits are not issued.

For courses that are held in the state and are in person, BPC staff attend when feasible to monitor audience attendance, course content, delivery and awarding of credits. For virtual courses, the program sponsor provides a link for a BPC staff to participate and monitor. For courses BPC staff cannot attend, a MDACF person is assigned the duty to verify that the applicators were in attendance and monitor course content. For online courses, the program administrator provides attendees with a quiz to ensure attendees participated in the entire program and understand the fundamental content. The quiz is graded and those achieving a score of 80 % or greater will receive the credit.

SUMMARY

A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's State of Maine's approved certification plan.

- The Board of Pesticides Control ensures that the quantity, content, and quality of a continuing education program to maintain applicator certification and demonstrates the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.
- Any continuing education course or event relied upon for applicator recertification must be approved by the Board of Pesticides Control as being suitable for its purpose in the certifying authority's recertification process.
- The Board of Pesticides Control ensures that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.

Guidelines for In-Person, Virtual, Taped Video Courses and On-Line Courses that Charge a Fee.

The Board of Pesticides Control (BPC) has established a list of guidelines to help trade organizations, agencies, companies, and educational institutions who are developing and submitting recertification programs. This will include programs that are in person, virtual, taped video presentations, and on-line courses that charge a fee.

The BPC already has standard operating procedures in place that must be followed for programs seeking credit approval. That documentation can be found in Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS and Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS.

STANDARD OPERATING PROCEDURES FOR ALL RECERTIFICATION PROGRAMS

1. All recertification programs must be approved by BPC staff at least 15 days in advance of the program. The details of the program, including an agenda, must be submitted to the BPC in writing, by email, or through the BPC portal (MePERLS). When the BPC approves a program, an individual “CR Number” is assigned to each individual program and sent to the program sponsor for all future correspondence.
2. One credit will be assigned for each hour of presentation on appropriate topics. Appropriate topics are listed in number 5 below.
3. An individual who conducts a meeting for which the Board does assign recertification credits will be eligible for two credits for each one hour of presentation on approved topics.
4. An individual who organizes a meeting shall be required to maintain a sign-up sheet and supervise the signing of the sheet by all applicators attending the program. That individual shall submit that sign-up at the same time as the verification forms are collected in person. If the recertification program is virtual, the sponsor will provide a copy of the applicators signed up for the program to the BPC. The sign-up sheet will be sent to the BPC either in writing, by email, or on the BPC Portal (MePERLS) within two weeks after the program date. The information on the sign-up sheet must include the applicator’s legal name, license number, and email address.
5. Credit will be allowed for topics including, but not limited to:
 - a. Applicable laws and regulations.
 - b. Environmental hazards.
 - c. Calibration and new application techniques.
 - d. Label review.
 - e. Applicator safety.
 - f. Storage and disposal.
 - g. Pest identification and control.
 - h. Integrated pest management.
6. A BPC staff member will not be charged any fee to attend a credit program whether it be in person or virtual.

Applicators must attend the entire approved program(s) for which recertification credit is sought. No other person may complete or sign a verification form on another applicator’s behalf. Any form that is completed or signed by a person other than the applicator will be deemed a fraudulent report and will not be approved by the Board for recertification credit(s). Any credit(s) approved by the Board pursuant to an attendance verification form which is subsequently determined by the Board to have been completed or signed by a person other than the applicator shall be void and may not be counted towards the applicator’s recertification requirements; and any recertification issued on the basis of such credits shall be void.

Additionally, there are specific requirements for each type of recertification program.

IN-PERSON

1. An individual who organizes a meeting shall be required to maintain a sign-up sheet and supervise the signing of the sheet by all applicators attending the program.
2. The sign-up sheet and verification attendance forms will be collected at the end of the program by a BPC staff member or designated individual approved by the BPC. That individual shall submit that sign-up at the same time as the verification forms are collected in person. The sign-up sheet will be sent to the BPC either in writing, by email, or through the BPC portal (MePERLS) within two weeks after the program date. The information on the sign-up sheet must include the applicator's full legal name, license number, and email address.

VIRTUAL

1. At least 15 days before the program, the individual who organizes a meeting must provide the virtual program link for applicators to register for meetings open to the public. This link will be posted on the BPC credit calendar. If the program is not open to the public, a link is still required to allow BPC staff to monitor the program.
2. The individual must be able to verify that the applicators seeking credits watched the entire program by one or both of the following methods:
 1. Offering a quiz after the presentation for which passing score must be 80 percent or greater; OR
 2. Offering poll questions during the presentation. For this verification approach:
 - a. the sponsor will digitally record the answers to the poll questions,
 - b. poll questions will be displayed at least every 15 minutes, and
 - c. attendees seeking credit must answer 75 percent of the poll questions.
3. The individual must provide the BPC with a verified list of applicators which includes each applicator's full legal name, Maine license number(s), and email address of the applicator within two weeks from the program date.

TAPED VIDEOS

1. The individual who organizes a training must provide a copy of the video and a relevant quiz to the BPC for review at least 15 days in advance of offering the training to the public via the BPC credit calendar or to specific trade organizations, agencies, companies, and educational institutions.
2. The individual must be able to verify the applicators seeking credit by requiring completion of a quiz after the video for which the passing score must be 80 percent or greater.
3. An individual who organizes a meeting must maintain a sign-up sheet and must supervise and verify the signing of the sheet by all applicators attending the program. The individual must, within two weeks after the program date, provide the BPC with a sign-up sheet which includes each applicator's full legal name, Maine license number(s), and email address.

4. That individual shall, at the same time, collect and submit the sign-up sheet and completed quizzes* to the BPC.
5. *Where BPC staff members are attending in-person, the required quiz may be replaced with verification attendance forms.

ONLINE COURSES THAT CHARGE A FEE

The Board of Pesticides Control (BPC) offers numerous pre-approved online recertification credit programs. These programs charge a fee which is paid for by the attendee. A list of these programs can be found at: https://www.maine.gov/dacf/php/pesticides/credit_calendar.shtml

1. The persons organizing such trainings must provide, for BPC review, a copy of the video or link to the video and a quiz.
2. The persons organizing the training must be able to verify the applicators seeking credit by offering a quiz after the video for which the passing score needs to be 80 percent or greater
3. The persons organizing the training must provide the BPC with the applicator's full legal name, Maine license number(s), and email address within two weeks of program completion.
4. The organization must provide the date on which the applicator purchased the training video as well as the date on which the applicator successfully completed the quiz.

SECTION 9 . STANDARDS FOR THE DIRECT SUPERVISION OF NONCERTIFIED APPLICATORS. [§ 171. 201]

(a) Option 2: State adopts EPA’s federal standards for direct supervision

40 CFR § 171.201

States must provide documentation that their state standards for the direct supervision of noncertified applicators by certified private and commercial applicators of restricted use pesticides meet or exceed those standards prescribed by the Agency under § 171.201 (and listed in Appendix C). If the state has adopted the Federal standards for direct supervision of noncertified applicators by certified private and/or commercial applicators prescribed by the Agency under § 171.201, then the state must provide a statement that the state has adopted the standards for direct supervision of noncertified applicators by certified private and/or commercial applicators prescribed by the Agency under § 171.201 and a citation of the specific state laws and/or regulations demonstrating that the State has adopted such standards.

State Response: The citation of the specific provisions demonstrating that the state has adopted Federal standards for direct supervision is Chapter 31 for Commercial Applicators and Chapter 32 for Private Applicators.

State Affirmation Statement: The state has adopted the standards for direct supervision of noncertified applicators by certified private and/ or commercial applicators prescribed by the Agency under 40 CFR § 171 .201.

The reference is documented in Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS and, Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS.

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

1. Individual Certification and Company/Agency Licensing Requirements

- B All commercial applicators responsible for the supervision of noncertified applicators of restricted use pesticides must ensure compliance with training, record keeping, and all other requirements as indicated in 40 CFR 171.201(c) “Supervision of Noncertified Applicators” (2017).

To address the direct supervision of non-certified applicators, The State of Maine will adopt 40 CFR 171.201 by reference to Chapter 31.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

To address the direct supervision of non-certified applicators, The State of Maine will adopt 40 CFR 171.201 by reference to Chapter 32.

SECTION 10. CREDENTIALS. [§ 171. 303]

40 CFR§ 171.303

States must provide a description below of the credentials or documents the State certifying authority will issue to each certified applicator verifying certification. If applicable, states must also describe below the limited use certification credential. The limited use credential must clearly state that the applicator is only authorized to purchase and use the specific restricted use pesticide(s) identified in that credential.

State Response: State certification sample of Commercial License is Attachment 10 A.
A sample Private License is located Attachment 10 B.

Chapter 31: CERTIFICATION AND LICENSING PROVISIONS FOR COMMERCIAL APPLICATORS

- J. **Credentials Contact.** Licenses issued under this rule will include the following information:
- I. Full name of applicator
 - II. License number
 - III. Categories
 - IV. Expiration date
 - V. Maine statute under which license is issued.

Chapter 32: CERTIFICATION AND LICENSING PROVISIONS FOR PRIVATE APPLICATORS

3. Licensing

- E. License Issued. Licenses issued under this rule will include the following information.
- Attachment 10B, Sample of Private License
 - I. Full name of applicator
 - II. License number
 - III. Commodities and categories
 - IV. Expiration date
 - II. Maine statute under which license is issued

SECTION 11. RECIPROCITY. [40 CFR § 171.303(a)(9)]

§ 171.303(a)(9)

[Not required to be in state laws or regulations.] A State may waive any or all the procedures specified in §171.103, §171.105, and §171.107 when certifying applicators in reliance on valid current certifications issued by another State, Tribal, or Federal agency under an EPA-approved certification plan. The State must provide an explanation below of whether, and if so, under what circumstances, the State will certify applicators based in whole or in part on their holding a valid current certification issued by another State, Tribe or Federal agency.

States must also provide documentation below with their explanation to demonstrate that reciprocal certifications are subject to all the following conditions:

- A State may rely only on valid current certifications that are issued under an approved State, Tribal or Federal agency certification plan.*
- The State has examined the standards of competency used by the State, Tribe, or Federal agency that originally certified the applicator and has determined that, for each category of certification that will be accepted, they are comparable to its own standards.*
- Any State that chooses to certify applicators based, in whole or in part, on the applicator having been certified by another State, Tribe, or Federal agency, must include in its plan a mechanism that allows the State to terminate an applicator's certification upon notification that the applicator's original certification terminates because the certificate holder has been convicted under section 14(b) of FIFRA or has been subject to a final order imposing a civil penalty under section 14(a) of FIFRA.*
- The State issuing a certification based in whole or in part on the applicator holding a valid current certification issued by another State, Tribe or Federal agency must issue an appropriate State credential or document to the applicator.*

State Response: The State of Maine, Board of Pesticides Control reserves the right to grant reciprocity.

State Affirmation Statement: If the Board of Pesticides Control determines that there is an immediate need, an applicator could be reviewed for reciprocity.

Reciprocity Review

An applicator's current license will need to be evaluated for the following criteria.

1. The license is valid for the state in which it was awarded.
2. The applicator is in good standing with the state where the license was awarded.
3. The competency standards meet or exceed the State of Maine standards for the specific category as outlined in Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS.
4. The certified applicators' reciprocal license is only valid for the calendar year.
5. The applicator is 18 years old or older.
6. The applicator has the appropriate insurance coverage.
7. The specific need for their services is immediate as determined by the BPC, thus, not allowing the applicator time to follow the proper procedures for licensure in Maine.
8. The applicator must abide by all laws and rules of the State of Maine.
9. The applicator will be required to file all of the appropriate reports as required by the BPC.
10. The applicator must pay appropriate licensing fees.
11. The applicator will be provided a copy of the written regulations manual.

In the event that the BPC decides to grant reciprocity, enforcement actions relative to the applicators' certification will be covered at the bi-annual FIFRA meetings with the other New England states. If a certifying authority revokes or terminates a certification, the BPC would review the reason and, if determined necessary, move toward adjudicative process to revoke or terminate the applicator's certification for Maine.

The State of Maine has the right to terminate a reciprocal based on conviction under FIFRA 14(b)/civil order (a). Title 22 M.R.A. Chapter 258-A: BOARD OF PESTICIDES CONTROL

8. Revocation. The District Court may suspend or revoke the certification or license of a licensee or certificate holder upon a finding that the applicant:

A. Is no longer qualified; [PL 1975, c. 397, §2 (NEW).]

B. Has engaged in fraudulent business practices in the application or distribution of pesticides; [PL 1975, c. 397, §2 (NEW).]

C. Used or supervised the use of pesticides applied in a careless, negligent or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment; [PL 1975, c. 397, §2 (NEW).]

D. Has stored, transported or otherwise distributed pesticides in a careless, faulty or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety or welfare; [PL 1975, c. 397, §2 (NEW).]

E. Has violated the provisions of this chapter or the rules and regulations issued hereunder; [PL 1975, c. 397, §2 (NEW).]

F. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board; [PL 1975, c. 397, §2 (NEW).]

G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; [PL 1981, c. 470, Pt. A, §67 (AMD).]

H. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or [PL 1981, c. 470, Pt. A, §67 (AMD).]

I. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority. [PL 1977, c. 694, §341 (NEW).]

[PL 1983, c. 819, Pt. A, §49 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION 12. REPORTS TO EPA. [40 CFR § 171.303(c)]

§ 171.303(c)

Requirement to submit reports to the Agency. The State must agree to submit the following reports to the Agency in a manner and containing the information that the Agency requires:

- (1) An annual report to be submitted by the State lead agency to the Agency by the date established by the Agency that includes all of the following information:***
 - (i) The number of new general private applicator certifications and recertifications issued during the last 12 month reporting period, and total number of applicators holding a valid general private applicator certification at the end of the last 12 month reporting period.***
 - (ii) For each private applicator category specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12 month reporting period, and the total number holding valid certifications in each category at the end of the last 12 month reporting period.***
 - (iii) The numbers of new commercial applicator certifications and recertifications issued during the last 12 month reporting period, and the total number of applicators certified in at least one commercial applicator certification category at the end of the last 12 month reporting period.***
 - (iv) For each commercial applicator certification category or subcategory specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12 month reporting period, and the total number of commercial applicators holding a valid certification in each category or subcategory at the end of the last 12 month reporting period.***

State Affirmation Statement: The State of Maine will submit the required annual reports to the EPA that the Agency requires. At the time of completion of this plan reports were submitted by BPC through EPA’s Certification Plan and Reporting Database (CPARD) system. The State of Maine will submit “Any other reports reasonably required by the Agency in its oversight of restricted use pesticides” as outlined in 171.303(c)(2).

The Director of the BPC will prepare and submit to the EPA administrator an annual report by January 30th detailing the activities of the previous federal fiscal year. The report will contain the following information:

- The number of new general private applicator certifications and recertifications issued during the last 12-month reporting period, and total number of applicators holding a valid general private applicator certification at the end of the last 12-month reporting period.
- For each private applicator category specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12-month reporting period, and the total number holding valid certifications in each category at the end of the last 12-month reporting period.
- The numbers of new commercial applicator certifications and recertifications issued during the last 12-month reporting period,

and the total number of applicators certified in at least one commercial applicator certification category at the end of the last 12-month reporting period.

- For each commercial applicator certification category or subcategory specified in the certification plan, the numbers of new certifications and recertifications issued during the last 12-month reporting period, and the total number of commercial applicators holding a valid certification in each category or subcategory at the end of the last 12-month reporting period.
- A description of any modifications made to the approved certification plan during the last 12-month reporting period that have not been previously evaluated by the Agency under § 171.309(a)(3).
- A description of any proposed changes to the certification plan that the State anticipates making during the next reporting period that may affect the certification program.
- A summary of enforcement activities related to the use of restricted use pesticides during the last 12-month reporting period.

SECTION 13. IMPLEMENTATION TIMEFRAME. [40 CFR § 171. 303(b)(6)(v)]

SUMMARY: Below is a detailed estimate of full implementation of the Maine Certification and Training Plan recognizing the three -year recertification period. The estimated completion of Learning Materials, Exams, & Continuing Education is December 31, 2026. Since all commercial applicator credentials expire on December 31st, conservative estimate for full implementation under the new standards is December 31, 2029.

Full implementation will be December 31, 2029.

Preliminary Actions:

March 3, 2020. Maine’s Certification and Training Plan was submitted to the US Region 1 EPA for initial review and comment.

October 4, 2021. Detailed review of Maine’s revised plan for certification and training was received.

July 1, 2021. Maine’s Certification and Training Plan was submitted to the US Region 1 EPA for review and comment.

September 14, 2022. Reviewed Maine Certification and Training Plan with Andrea Szylvian, EPA Region 1 Project Manager

December 16, 2022. Reviewed Maine Certification and Training Plan with Andrea Szylvian, EPA Region 1 Project Manager and Robert Koethe

May 10, 2023. Reviewed Maine Certification and Training Plan with Andrea Szylvian, EPA Region 1 Project Manager and Robert Koethe

May 15, 2023. Reviewed Maine Certification and Training Plan with Andrea Szylvian, EPA Region 1 Project Manager

Regulatory/Legislative Actions:

Winter, 2024: To address 40 CFR 171.201(b) (2)(i through iii), the State of Maine, Board of Pesticides Control will initiate rulemaking to Chapter 32: CERTIFICATION AND LICENSING PROVISIONS PRIVATE APPLICATORS to address the minimum age requirements for noncertified applicators who are a minimum of 16 years old and who may apply restricted use pesticides under the direct supervision of a private applicator who is an immediate family member. 40 CFR 171.201(b) (2)(i through iii) will be adopted by reference.

State Plan Section 7.

Winter, 2024: To address 40 CFR 171.201(2) (1 to 4), the State of Maine, Board of Pesticides Control will initiate rulemaking to Chapter 32: CERTIFICATION AND LICENSING PROVISIONS PRIVATE APPLICATORS to address the direct supervision of non-certified applicators.

State Plan Section 7.

Winter, 2024: The State of Maine, Board of Pesticides Control will initiate rulemaking to Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS

To distinguish Agricultural Plant Option 3 Agricultural Fumigation category from the 7B Structural Fumigation category, the word “soil” will be added; “Agricultural Plant Option 3 Agricultural Soil Fumigation.”

The Agricultural Plant Option 3 Agricultural Soil Fumigation description will read: “This option includes commercial applicators using or supervising the use of soil fumigant pesticides in the production of crops.”

State Plan Section 3.

Winter, 2024: The State of Maine, Board of Pesticides Control will initiate rulemaking to Chapter 31: Category Standards will be added to Maine Chapter 31:

- Federal Category: “Agricultural Plant”
 - Agricultural Plant 1B-Option 1: Limited Commercial Blueberry
 - Agricultural Plant 1B-Option 2: Chemigation
 - Agricultural Plant 1B-Option 3: Agricultural Soil Fumigation Maine will adopt 40 CFR 171.103(d)(13) Soil Fumigation.
 - Agricultural Plant 1B-Option 4: Post Harvest TreatmentState Plan Sections 3 and 6.
- Federal Category: “Right of Way Pest Control:
 - Maintenance of Public Roads to Maine Vegetation Management-Rights of Way Vegetation Management and,
 - Maine Vegetation Management-General Vegetation ManagementState Plan Sections 3 and 6.
- Federal Category: Non Soil Fumigation; Maine will maintain the term “Fumigation” for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(14).
State Plan Sections 3 and 6.
- Federal Category: Aerial; Maine will maintain the term Aerial for the category name. In addition to the stated competencies, commercial applicators obtaining certification in the category must demonstrate practical knowledge of topics indicated in 40 CFR 171.103(d)(15).
State Plan Sections 3 and 6.

Winter, 2024: The State of Maine, Board of Pesticides Control will initiate rulemaking to Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS, Competency Standards of Certification of Commercial Applicators, to adopt 40 CFR 171.103(c) (1 through 10).

State Plan Section 6.

Winter, 2024: The State of Maine Board of Pesticides Control will initiate rulemaking to Chapter 32: CERTIFICATION AND LICENSING PROVISIONS PRIVATE APPLICATORS to adopt:

Competency Standards:

- *Soil Fumigation Competency Standards at 40 CFR 171.105(d); adopted by reference in Chapter 32.*
- *Non-Soil Fumigation Competency Standards at 40 CFR 171.105(e); adopted by reference in Chapter 32.*
- *Aerial Pest Control Competency Standards at 40 CFR 171.105(f); adopted by reference in Chapter 32.*

State Plan Section 4

Winter, 2024: The State of Maine Board of Pesticides Control will initiate rulemaking to Chapter 32: CERTIFICATION AND LICENSING PROVISIONS PRIVATE APPLICATORS, Competency Standards for Certification, to adopt 40 CFR 171.105(a) (1 through 11) by reference.

State Plan Sections 4 and 7.

Winter, 2024: The State of Maine Board of Pesticides Control will initiate rulemaking to Chapter 31: CERTIFICATION AND LICENSING PROVISIONS/COMMERCIAL APPLICATORS Standards for Direct Supervision, to adopt 40 CFR 171.201 by reference.

State Plan Section 9.

Winter, 2024: The State of Maine Board of Pesticides Control will initiate rulemaking to Chapter 32: CERTIFICATION AND LICENSING PROVISIONS PRIVATE APPLICATORS, Standards for Direct Supervision, to adopt 40 CFR 171.201 by reference.

State Plan Section 9.

Learning Materials, Exams, & Continuing Education:

Years 2024-2026: Review and as necessary revise University of Maine Cooperative Extension Core Manual, other category manuals and learning materials.

Years 2024-2026: Review and as necessary revise exams.

Attachments

Attachment 1C1; 2023 Board of Pesticides Control Staff

| 2022 Board of Pesticides Control Staff SLA Personnel | | |
|---|--|---------------------|
| Position Title | Function | Full Time Employees |
| Acting Director <i>John Pietroski</i> | Rulemaking, Special Projects, Legislation, General Information, Board Meetings, Variances | 1 |
| Manager of Compliance <i>Alex Peacock</i> | Complaints/Incidents, Enforcement, Pesticide Disposal | 1 |
| Manager of Pesticide Programs <i>John Pietroski</i> | Licensing, Recertification Programs, Exams, Federal Grants, Pesticide Use | 1 |
| Toxicologist <i>Pam Bryer</i> | Food Safety, Health Issues, Pesticide Labels, Pesticide Risks and Human Health | 1 |
| Registrar <i>Mary Tomlinson</i> | Pesticide Registrations, Pesticide Labeling, Emergency Registration, Special Local Needs Registration, Experimental Use Permits, Limited Use Permits | 0.5 |
| Water Quality Specialist <i>Mary Tomlinson</i> | Water Quality, Endangered Species. | 0.5 |
| Policy & Regulations Specialist <i>Karla Boyd</i> | Rulemaking, BPC Portal, BPC Website, Got Pest Website, Yardscaping, School IPM | 1 |
| Certification & Licensing Specialist <i>Amanda Couture</i> | Licensing, Recertification Programs, Exams, Manuals Worker Protection Standards, Pesticide Use | 1 |
| Office Manager <i>Peggy Lamb</i> | General Information, Licensing Information, Exam Scheduling, Accounts, Applicator Licenses | 1 |
| Licensing Clerk <i>Jan Betts</i> | Applicator/Dealer Licenses, Recertification Credits, Pesticide Sales and Use Data, Exam Scheduling | 1 |
| Inspector <i>Lucien Saucier</i> | District 2 – Central and Midcoast Maine | 1 |
| Inspector <i>Jennie Poisson</i> | District 1 – Southern Maine | 0.75 |
| Inspector <i>Heidi Nelson</i> | District 3 – Downeast Maine | 0.75 |
| Inspector <i>Shannon Gustafson</i> | District 4 – Northern Central Maine and | 0.75 |
| Inspector <i>Keith Brown</i> | District 5 – Northern Maine | 0.75 |

Attachment 1C2; 2023 Board of Pesticides Control – Public Board of Directors

- **Curtis C. Bohlen**, Director, Casco Bay Estuary Partnership, University of Southern Maine, Muskie School of Public Service, Portland (*public member*)
- **Dominic LaJoie**, Van Buren (*agricultural expertise*)
- **Robert Carlton**, Kingfield (*forestry expertise*)
- **John M. Jemison, Jr.**, water quality and soil specialist, University of Maine Cooperative Extension, Orono (*water quality and soil specialist*)
- **Patricia Ianni**, Falmouth (*public member*)
- **Dave Adams**, commercial applicator, Dasco Inc, Presque Isle (*commercial applicator expertise*)
- **Dr. Mark Neavyn**, Medical

CHAPTER 103

SUBCHAPTER 2-A

MAINE PESTICIDE CONTROL ACT OF 1975

§601. Title

This subchapter may be known and cited as the "Maine Pesticide Control Act of 1975." [PL 2005, c. 620, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 2005, c. 620, §1 (AMD).

§602. Enforcing official

This subchapter is administered by the Board of Pesticides Control, referred to in this subchapter as the "board," established in Title 5, section 12004-D, subsection 3 and further described in Title 22, chapter 258-A. [PL 2005, c. 620, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1979, c. 731, §19 (AMD). PL 1989, c. 841, §1 (AMD). PL 1989, c. 878, §E1 (AMD). PL 1993, c. 349, §22 (RPR). PL 2005, c. 620, §2 (AMD).

§603. Declaration of purpose

(REPEALED)

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 2005, c. 382, §A4 (RP).

§604. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2005, c. 620, §3 (AMD).]

1. Active ingredient. "Active ingredient" means any ingredient that will prevent, destroy, repel, control or mitigate pests or that will act as a plant regulator, defoliant or desiccant.

[PL 2005, c. 620, §3 (AMD).]

2. Adulterated. "Adulterated," as applied to a pesticide, means that:

A. The pesticide's strength or purity falls below the standard of quality as expressed on the labeling under which it is sold; [PL 2005, c. 620, §3 (NEW).]

B. A substance has been substituted wholly or in part for the pesticide; or [PL 2005, c. 620, §3 (NEW).]

C. A valuable constituent of the pesticide has been wholly or in part abstracted. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

3. Animal. "Animal" means all vertebrate and invertebrate species, including but not limited to humans and other mammals, birds, fish and shellfish.

[PL 2005, c. 620, §3 (AMD).]

4. Beneficial insects. "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests or are otherwise beneficial.

[PL 2005, c. 620, §3 (AMD).]

5. Commissioner.

[PL 2005, c. 620, §3 (RP).]

6. Defoliant. "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

[PL 1975, c. 382, §3 (NEW).]

7. Desiccant. "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

[PL 1975, c. 382, §3 (NEW).]

8. Device. "Device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling or mitigating any pest or any other form of plant or animal life, other than a human being and other than a bacterium, virus or other microorganism on or in a living human being or other living animal. "Device" does not include equipment used for the application of pesticides when sold separately from pesticides.

[PL 2005, c. 620, §3 (AMD).]

9. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State.

[PL 2005, c. 620, §3 (AMD).]

10. Environment. "Environment" includes water, air and land and all plants and human beings and other animals living therein and the interrelationships that exist among these.

[PL 2005, c. 620, §3 (AMD).]

11. EPA. "EPA" means the United States Environmental Protection Agency.

[PL 1975, c. 382, §3 (NEW).]

12. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.

[PL 1975, c. 382, §3 (NEW).]

13. Fungi. "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts, including but not limited to rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living human beings or other living animals, and except those in or on processed food, beverages or pharmaceuticals.

[PL 2005, c. 620, §3 (AMD).]

14. Highly toxic pesticide. "Highly toxic pesticide" means any pesticide determined to be a highly toxic pesticide under FIFRA, Section 25(c)(2) or by the board under section 610, subsection 1, paragraph B.

[PL 2005, c. 620, §3 (AMD).]

15. Imminent hazard. "Imminent hazard" means a situation that exists when the continued use of a pesticide during the time required for cancellation proceedings pursuant to section 609 would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the United States Secretary of the Interior under United States Public Law 91-135.

[PL 2005, c. 620, §3 (AMD).]

16. Inert ingredient. "Inert ingredient" means an ingredient that is not an active ingredient.

[PL 2005, c. 620, §3 (AMD).]

17. Ingredient statement. "Ingredient statement" means a statement of the following:

A. The name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide; and [PL 2005, c. 620, §3 (NEW).]

B. If the pesticide contains arsenic in any form, the percentages of total and water-soluble arsenic, each calculated as elemental arsenic. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

18. Insect. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising 6-legged, usually winged forms, including but not limited to beetles, bugs, bees and flies, and to other allied classes or arthropods whose members are wingless and usually have more than 6 legs, including but not limited to spiders, mites, ticks, centipedes and wood lice.

[PL 2005, c. 620, §3 (AMD).]

19. Label. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

[PL 1975, c. 382, §3 (NEW).]

20. Labeling. "Labeling" means the label and all other written, printed or graphic matter:

A. Accompanying the pesticide or device at any time; or [PL 2005, c. 620, §3 (NEW).]

B. To which reference is made on the label or in literature accompanying the pesticide or device, except current official publications of EPA, the United States Department of Agriculture, the United States Department of the Interior, the United States Department of Health and Human Services, a state experiment station, a state agricultural college or other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

21. Land. "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

[PL 1975, c. 382, §3 (NEW).]

22. Nematode. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; nematodes may also be called nemas or eelworms.

[PL 2005, c. 620, §3 (AMD).]

23. Person. "Person" means any individual, partnership, association, fiduciary, corporation or any organized group of persons whether incorporated or not.

[PL 1975, c. 382, §3 (NEW).]

24. Pest. "Pest" means any insects, rodents, nematodes, fungi, weeds, and other forms of terrestrial or aquatic plant or animal life or viruses, bacteria or other microorganisms, except viruses, bacteria or other microorganisms on or in living human beings or other living animals, that the commissioner declares to be a pest under section 610, subsection 1, paragraph A.

[PL 2005, c. 620, §3 (AMD).]

25. Pesticide. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. "Pesticide" includes "highly toxic pesticide."

[PL 2005, c. 620, §3 (AMD).]

25-A. Plant-incorporated protectant. "Plant-incorporated protectant" means a pesticidal substance that is produced and used in a living plant through genetic engineering and the genetic material necessary for the production of the pesticidal substance.

[PL 2007, c. 484, §1 (NEW).]

26. Plant regulator. "Plant regulator" means any substance or mixture of substances intended through physiological action for accelerating or retarding the rate of growth or rate of maturation or for otherwise altering the behavior of plants or the produce thereof. "Plant regulator" does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

[PL 2005, c. 620, §3 (AMD).]

27. Protect health and the environment. "Protect health and the environment" means to protect against any unreasonable adverse effects on the environment.

[PL 2005, c. 620, §3 (AMD).]

28. Registrant. "Registrant" means a person who has registered any pesticide pursuant to the provisions of this subchapter.

[PL 1975, c. 382, §3 (NEW).]

29. Registration. "Registration" includes reregistration.

[PL 2005, c. 620, §3 (AMD).]

30. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for restricted use by the EPA Administrator.

[PL 2005, c. 620, §3 (AMD).]

31. Rodent. "Rodent" means any member of the animal group of the order rodentia, including but not limited to rats, mice, gophers, porcupines and squirrels.

[PL 2005, c. 620, §3 (AMD).]

32. Unreasonable adverse effects on the environment. "Unreasonable adverse effects on the environment" means any unreasonable risk to human beings or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

[PL 2005, c. 620, §3 (AMD).]

33. Weed. "Weed" means any plant that grows where it is not wanted.

[PL 2005, c. 620, §3 (AMD).]

34. Wildlife. "Wildlife" means all living things that are neither human, domesticated nor, as defined in this subchapter, pests, including but not limited to mammals, birds and aquatic life.

[PL 1975, c. 382, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1979, c. 731, §19 (AMD). PL 1989, c. 878, §E2 (AMD). PL 2005, c. 620, §3 (AMD). PL 2007, c. 484, §1 (AMD).

§605. Misbranded

The term "misbranded": [PL 2005, c. 620, §4 (AMD).]

1. False, misleading or inconspicuous labeling. As applied to any pesticide subject to this subchapter means that:

A. Its labeling bears any statement, design or graphic representation relative to the pesticide or to its ingredients that is false or misleading in any particular; [PL 2005, c. 620, §4 (AMD).]

B. It is an imitation of or is distributed under the name of another pesticide; or [PL 2005, c. 620, §4 (AMD).]

C. Any word, statement or other information required to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or graphic matter, in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or [PL 2005, c. 620, §4 (AMD).]

[PL 2005, c. 620, §4 (AMD).]

2. Lack of certain information. As applied to any pesticide means that:

A. The labeling does not contain a statement of the use classification under which the product is registered; [PL 2005, c. 620, §4 (AMD).]

B. The labeling accompanying it does not contain directions for use that are necessary for effecting the purpose for which the product is intended and that, if complied with, together with any requirements imposed under FIFRA, Section 3(d), are adequate to protect health and the environment; [PL 2005, c. 620, §4 (AMD).]

B-1. The label does not contain a warning or caution statement that may be necessary and that, if complied with, together with any requirements imposed under FIFRA, Section 3(d), would be adequate to protect the health and environment; [PL 2005, c. 620, §4 (NEW).]

B-2. The label does not bear an ingredient statement on that part of the immediate container, and on the outside container and wrapper of the retail package, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or displayed under customary conditions of purchase. The pesticide is not misbranded if the ingredient statement appears prominently on another part of the container as permitted pursuant to FIFRA, Section 2(q)(2)(A) if the size or form of the container makes it impracticable to place it on the part of the retail package that is presented or displayed under customary conditions of purchase; [PL 2005, c. 620, §4 (NEW).]

C. There is not affixed to its container, and to the outside container or wrapper of the retail package, if there is one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(1) The name, brand or trademark under which the pesticide is sold;

(4) The net weight or measure of the content;

(5) The name and address of the manufacturer, registrant or person for whom manufactured; and

(6) The EPA registration number assigned to each establishment in which it was produced and the EPA registration number assigned to the pesticide, if required by regulations under FIFRA; [PL 2005, c. 620, §4 (AMD).]

D. The pesticide contains any substance or substances in quantities highly toxic to human beings unless the label bears, in addition to other label requirements:

(1) The skull and crossbones;

(2) The word "POISON" in red prominently displayed on a background of distinctly contrasting color; and

(3) A statement of a practical treatment, including first aid or otherwise, in case of poisoning by the pesticide; or [PL 2005, c. 620, §4 (AMD).]

E. The pesticide container does not bear a registered label or the label does not contain all the information required by this subchapter or the rules adopted under this subchapter. [PL 2005, c. 620, §4 (AMD).]

[PL 2005, c. 620, §4 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 2005, c. 620, §4 (AMD).

§606. Prohibited acts

1. Unlawful distribution. A person may not distribute in the State any of the following:

A. A pesticide that has not been registered pursuant to the provisions of this subchapter; [PL 2005, c. 620, §5 (AMD).]

B. A pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration; a change in the labeling or formulation of a pesticide may be made within a registration period without requiring reregistration of the product if the registration is amended to reflect that change and if that change will not violate any provision of FIFRA or this subchapter; [PL 2005, c. 620, §5 (AMD).]

C. A pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to the container, and to the outside container or wrapper of the retail package, if there is one, through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this subchapter and rules adopted under this subchapter; [PL 2005, c. 620, §5 (AMD).]

D. A pesticide that has not been colored or discolored pursuant to section 610, subsection 1, paragraph D; [PL 2005, c. 620, §5 (AMD).]

E. A pesticide that is adulterated or misbranded or any device that is misbranded; [PL 2021, c. 105, §1 (AMD).]

F. A pesticide in containers that are unsafe due to damage; or [PL 2021, c. 105, §2 (AMD).]

G. Beginning January 1, 2022, a pesticide containing chlorpyrifos as an active ingredient. [PL 2021, c. 105, §3 (NEW).]

[PL 2021, c. 105, §§1-3 (AMD).]

2. Unlawful alteration, misuse, divulging of formulas, transportation, disposal and noncompliance. A person may not:

A. Detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this subchapter or rules adopted under this subchapter; [PL 2005, c. 620, §5 (AMD).]

A-1. Add any substance to or take any substance from a pesticide in a manner that may defeat the purpose of this subchapter or rules adopted under this subchapter; [PL 2005, c. 620, §5 (NEW).]

B. Use or cause to be used any pesticide in a manner inconsistent with its labeling or with rules of the board, if those rules further restrict the uses provided on the labeling; [PL 2005, c. 620, §5 (AMD).]

C. Use for that person's own advantage or reveal, other than to the board or proper officials or employees of the state or federal executive agencies, to the courts of this State or of the United States in response to a subpoena, to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 607 or any information judged by the board to contain or relate to trade secrets or commercial or financial information obtained by authority of this subchapter and marked as privileged or confidential by the registrant; [PL 2005, c. 620, §5 (AMD).]

D. Handle, transport, store, display or distribute pesticides in such a manner as to endanger human beings or their environment or to endanger food, feed or any other products that may be transported, stored, displayed or distributed with such pesticides; [PL 2005, c. 620, §5 (AMD).]

E. Dispose of, discard or store any pesticides or pesticide containers in such a manner as may cause injury to humans, vegetation, crops, livestock, wildlife or beneficial insects or pollute any water supply or waterway; [PL 2005, c. 620, §5 (AMD).]

F. Refuse or otherwise fail to comply with the provisions of this subchapter, the rules adopted under this subchapter, or any lawful order of the board; or [PL 2005, c. 620, §5 (AMD).]

G. Apply pesticides in a manner inconsistent with rules for pesticide application adopted by the board. [PL 2005, c. 620, §5 (AMD).]

[PL 2005, c. 620, §5 (AMD).]

3. Unlawful use. A person may not apply glyphosate or dicamba within 75 feet of school grounds. This subsection does not apply to residential property or land used for commercial farming.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings:

A. "Commercial farming" has the same meaning as in section 52, subsection 3; [PL 2021, c. 197, §1 (NEW).]

B. "Residential property" means real property located in this State that is used for residential dwelling purposes; [PL 2021, c. 197, §1 (NEW).]

C. "School" means any public, private or tribally funded elementary school as defined in Title 20-A, section 1, subsection 10, secondary school as defined in Title 20-A, section 1, subsection 32 or a nursery school that is part of an elementary or secondary school; and [PL 2021, c. 197, §1 (NEW).]

D. "School grounds" means:

(1) Land associated with a school building including playgrounds and athletic fields used by students or staff of a school. "School grounds" does not include land used for a school farm; and

(2) Any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly used for school activities by students and staff but not including land used primarily for nonschool activities, such as golf courses, farms and museums. [PL 2021, c. 197, §1 (NEW).]

[PL 2021, c. 197, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1983, c. 558, §§1,2 (AMD). PL 1983, c. 761, §§1,2 (AMD). PL 1985, c. 506, §A6 (AMD). PL 1989, c. 878, §§E3,4 (AMD). PL 2005, c. 620, §5 (AMD). PL 2021, c. 105, §§1-3 (AMD). PL 2021, c. 197, §1 (AMD).

§607. Registration

1. Conditions requiring registration. A pesticide may not be distributed in this State unless it is registered with the board in accordance with the provisions of this subchapter, except that registration is not required if:

A. A pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and is used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under the provisions of this subchapter; or [PL 2005, c. 620, §6 (NEW).]

B. A pesticide is distributed under the provisions of an experimental use permit issued by EPA. [PL 2005, c. 620, §6 (NEW).]

[PL 2005, c. 620, §6 (AMD).]

2. Contents of statement made by applicant. The applicant for registration shall file a statement with the board, which must include:

A. The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than applicant's; [PL 1975, c. 382, §3 (NEW).]

B. The name of the pesticide; [PL 1975, c. 382, §3 (NEW).]

C. Other necessary information required by the board; and [PL 2005, c. 620, §6 (AMD).]

D. A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA. [PL 1975, c. 382, §3 (NEW).]

[PL 2005, c. 620, §6 (AMD).]

3. Submission of formula. The board, when it determines it necessary in the administration of this subchapter, may require the submission of the complete formula of any pesticide, including the active and inert ingredients.

[PL 2005, c. 620, §6 (AMD).]

4. Test results. The board may require a full description of all tests made and the results of those tests on any pesticide not registered pursuant to FIFRA, Section 3 or on any pesticide on which restrictions are being considered by the board. In the case of renewal of registration, the board may require a statement only with respect to test result information that is different from that furnished when the pesticide was registered or last reregistered.

[PL 2005, c. 620, §6 (AMD).]

5. Power to require other information. The board may by rules adopted under section 610 require the submission of other necessary information.

[PL 2005, c. 620, §6 (AMD).]

5-A. Confidentiality. Notwithstanding Title 1, section 402, data submitted pursuant to subsections 3, 4 and 5 that have been determined confidential by the Administrator of the United States Environmental Protection Agency in accordance with 7 United States Code, Section 136h (2007) are confidential and may not be available for public inspection.

[PL 2007, c. 597, §8 (AMD).]

6. Registration fee; programs funded. The applicant desiring to register a pesticide must pay an annual registration fee of \$160 for each pesticide registered for that applicant. Annual registration periods expire on December 31st or in a manner consistent with Title 5, section 10002, whichever is later.

The board shall monitor fee revenue and expenditures under this subsection to ensure that adequate funds are available to fund board and related department programs and, to the extent funds are available, to provide grants to support stewardship programs. The board shall use funds received under this subsection to provide:

A. An annual grant of no less than \$135,000 to the University of Maine Cooperative Extension, on or about April 1st, for development and implementation of integrated pest management programs; [PL 2019, c. 243, §1 (AMD).]

B. Funding for public health-related mosquito monitoring programs or other pesticide stewardship and integrated pest management programs, if designated at the discretion of the board, as funds allow after expenditures under paragraph A. The board may seek the advice of the Integrated Pest Management Council established in section 2404 in determining the most beneficial use of the funds, if available, under this subsection; and [PL 2019, c. 243, §1 (AMD).]

C. An annual grant of not less than \$65,000 to the University of Maine Cooperative Extension, on or about April 1st, for the development and revision of training manuals for applicator certification, licensing and recertification and to perform other aspects of pesticide education programs. The University of Maine Cooperative Extension may seek the advice of the board in establishing the pesticide education programs and shall submit an annual report on the use of the funds under this paragraph, no later than January 15th,

to the board and the joint standing committee of the Legislature having jurisdiction over pesticide education and certification matters. [PL 2019, c. 243, §1 (NEW).]

The University of Maine may not charge overhead costs against grants under this subsection.

By February 15th annually, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the grants funded by the fee under this subsection. The annual report must include a recommendation by the board as to whether the amount of the fee is adequate to fund the programs described in this subsection. The joint standing committee may report out a bill to the Legislature based on the board's recommendations.

[PL 2019, c. 243, §1 (AMD).]

7. Renewal of registration. Registrations must be renewed annually prior to January 1st. The board shall mail forms for reregistration to registrants at least 30 days prior to the due date.

[PL 2005, c. 620, §6 (AMD).]

8. Approval of application for registration.

[PL 2005, c. 620, §6 (RP).]

8-A. Approval of application for registration. The processing of an application for registration is governed by this subsection.

A. The board shall consider the required information set forth under subsections 2, 3, 4 and 5 and shall register a pesticide if it determines that:

- (1) Its composition warrants the proposed claims for it;
- (2) Its labeling and other material required to be submitted comply with the requirements of this subchapter;
- (3) It will perform its intended function without unreasonable adverse effects on the environment;
- (4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment; and
- (5) A need for the pesticide exists. [PL 2005, c. 620, §6 (NEW).]

B. If, within 180 days from the date the completed application for registration is submitted, the board fails to act upon an application for registration of a pesticide that has been certified by EPA, the pesticide is deemed registered under this chapter unless the board issues a written statement containing the reasons for the failure to act upon the application. The statement of the board is deemed a refusal to register pursuant to section 609. [PL 2005, c. 620, §6 (NEW).]

C. Paragraphs A and B do not apply if the registrant fails to provide any information required to be submitted under this subchapter or does not provide other information requested by the board in order to determine whether the pesticide should be registered.

Nothing in this paragraph affects the rights of the board to make further inquiry regarding the registration of a pesticide or to refuse reregistration, to suspend or revoke registration or to otherwise restrict or condition the use of pesticides in order to protect public health and the environment. [PL 2005, c. 620, §6 (NEW).]

D. Prior to registering a pesticide for a special local need, the board shall classify the uses of the pesticide for general or restricted use in conformity with FIFRA, Section 3(d). The board may not make any lack of essentiality a criterion for denying registration of any pesticide. When 2 pesticides meet the requirements of this paragraph, the board may not register one in preference to the other. [PL 2005, c. 620, §6 (NEW).]

E. The board may establish such other requirements by rule in accordance with section 610 as are necessary to carry out the provisions of this subsection. [PL 2005, c. 620, §6 (NEW).]

[PL 2005, c. 620, §6 (NEW).]

9. Adverse environmental effects. If, at any time after the registration of a pesticide, the registrant has additional factual information regarding unreasonable adverse effects of a pesticide on the environment, the registrant shall submit that information to the board.

[PL 2005, c. 620, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§52-55 (AMD). PL 1979, c. 644, §1 (AMD). PL 1981, c. 9 (AMD). PL 1983, c. 568, §1 (AMD). PL 1985, c. 592 (AMD). PL 1985, c. 627, §1 (AMD). PL 1987, c. 310, §1 (AMD). PL 1987, c. 723, §1 (AMD). PL 1989, c. 878, §E5 (AMD). PL 1993, c. 410, §S1 (AMD). PL 2001, c. 498, §1 (AMD). PL 2003, c. 282, §1 (AMD). PL 2005, c. 585, §1 (AMD). PL 2005, c. 620, §6 (AMD). PL 2007, c. 466, Pt. A, §25 (AMD). PL 2007, c. 597, §8 (AMD). PL 2013, c. 290, §1 (AMD). PL 2013, c. 290, §4 (AFF). PL 2019, c. 243, §1 (AMD).

§607-A. Review or reregistration

1. Review required. The board shall review chemical pesticides used in this State in accordance with the requirements of this section. The board shall select 2 pesticides for review each year with priority given to pesticides that have patterns of use in this State that differ from prevalent use patterns nationally or regionally. The board may select additional pesticides for review as the board determines need and as resources allow.

[PL 2005, c. 620, §7 (AMD).]

2. Review process. In cooperation with technical personnel of the Department of Environmental Protection; the Department of Inland Fisheries and Wildlife; the Department of Health and Human Services; the Department of Marine Resources; and the Department of Agriculture, Conservation and Forestry, specifically the Maine Forest Service, the board shall conduct a review consisting of the following or portions of the following as the board determines relevant:

A. An environmental risk assessment to determine the effects of pesticides on the ecosystem. This assessment is to be based on available literature. The board shall request data that it determines necessary to carry out the purpose of this chapter; or [PL 2005, c. 620, §7 (AMD).]

B. A health risk assessment, based on a literature search of laboratory, clinical and epidemiological data available within and without the State. The board shall request data it determines necessary to carry out the purpose of this chapter. [PL 2005, c. 620, §7 (AMD).]

C. [PL 2005, c. 620, §7 (RP).]

[PL 2005, c. 620, §7 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2-A. Water residue surveys. The board shall conduct a water residue survey at least once every 6 years to establish a representative sample of a number of wells or bodies of water, selected at random, in areas of possible contamination or at other locations to be described by the board, for the purpose of testing these waters and preparing a profile of the kinds and amounts of pesticides present.

[PL 2005, c. 620, §7 (NEW).]

3. Effect of review on reregistration. If the reviews in this section demonstrate that the impact of the pesticide on the ecosystem warrants additional health or environmental safeguards, the board shall require implementation of those safeguards prior to reregistration. The board may not refuse to renew a pesticides registration based solely on its inability to conduct a review in accordance with this section.

[PL 2005, c. 620, §7 (AMD).]

SECTION HISTORY

PL 1983, c. 558, §3 (NEW). PL 1989, c. 878, §E6 (AMD). RR 1997, c. 2, §26 (COR). PL 2003, c. 689, §B6 (REV). PL 2005, c. 620, §7 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§608. Experimental use permits

(REPEALED)

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§56-58 (AMD). PL 1989, c. 878, §E7 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2005, c. 620, §8 (RP).

§609. Refusal to register; cancellation; suspension; legal recourse

1. Procedure. The following provisions govern the board when refusing to register a pesticide, refusing to renew a pesticide registration, canceling a pesticide registration or suspending a pesticide registration.

A. If it does not appear to the board that a pesticide warrants the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this subchapter or rules adopted under this subchapter, the board shall notify the applicant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of this subchapter so as to afford the applicant an opportunity to make the necessary corrections. [RR 2005, c. 2, §7 (COR).]

B. When the board determines that a pesticide or its labeling does not comply with the provisions of this subchapter or rules adopted under this subchapter, the board may cancel or refuse to renew the registration of a pesticide or change its classification, after notice and opportunity for hearing has been provided in a manner consistent with the Maine Administrative Procedure Act. [PL 2005, c. 620, §9 (AMD).]

C. When the board determines that there is an imminent hazard, it may, on its own motion, suspend the registration of a pesticide in accordance with Title 5, section 10004. [PL 2005, c. 620, §9 (AMD).]

D. When the board becomes cognizant of any possible hazard or violation involving a registered product, it shall cause notice of the possible hazard or violation to be delivered by registered mail, return receipt requested, to the registrant and may cancel or refuse to renew the registration of the pesticide or change its classification after notice and opportunity for hearing has been provided in a manner consistent with the Maine Administrative Procedure Act. [PL 2005, c. 620, §9 (AMD).]

E. [PL 2005, c. 620, §9 (RP).]

[RR 2005, c. 2, §7 (COR).]

2. Federally registered pesticides. If the board determines that any federally registered pesticide, with respect to the use of such pesticide within this State, does not warrant the claims for it, or might cause unreasonable adverse effects on the environment, the board may refuse to register the pesticide as required in section 607 or, if the pesticide is registered under section 607, may cancel or suspend the registration in accordance with subsection 1. If the board believes the pesticide does not comply with the provisions of FIFRA or the regulations adopted by EPA pursuant to FIFRA, it shall advise EPA of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of FIFRA and suggest necessary corrections.

[PL 2005, c. 620, §9 (AMD).]

3. Person adversely affected by board action. Any person adversely affected by a final action of the board under this section may obtain judicial review thereof by filing in the District Court, within 60 days after the entry of that final action, a petition praying that the action be set aside in whole or in part. A copy of the petition must be forthwith transmitted by the clerk of the court to the board and upon receipt the board shall file in the court the record of the proceedings on which it based its final action. The court has

jurisdiction to affirm or set aside the final action complained of in whole or in part. The findings of the board with respect to questions of fact must be sustained if supported by substantial evidence when considered on the record as a whole. Upon application, the court may remand the matter to the board to take further testimony if there are reasonable grounds for the failure to adduce the evidence in the prior hearing. The board may modify its findings and final action by reason of the additional evidence and shall file the additional record and any modification of the findings or final action with the clerk of the court.

[PL 2005, c. 620, §9 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§59-61 (AMD). PL 1989, c. 878, §E8 (AMD). RR 2005, c. 2, §7 (COR). PL 2005, c. 620, §9 (AMD).

§610. Determinations; rules; restricted use pesticides; uniformity

1. Determinations. The board may by rule:

A. Declare as a pest any form of plant or animal life, except viruses, bacteria or other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment; [RR 2005, c. 2, §8 (COR).]

B. Determine whether pesticides registered under the authority of FIFRA, Section 24(c) are highly toxic to human beings. [PL 2005, c. 620, §10 (AMD).]

C. Determine whether pesticides or quantities of substances contained in pesticides are injurious to the environment. The board must be guided by EPA regulations in this determination; and [PL 2005, c. 620, §10 (AMD).]

D. Require any pesticide to be colored or discolored if it determines that such a requirement is feasible and is necessary for the protection of health and the environment. [PL 2005, c. 620, §10 (AMD).]

[RR 2005, c. 2, §8 (COR).]

2. Rule-making powers. The board may adopt other rules that it determines necessary to carry out the provisions of this subchapter. The board's rule-making authority includes, but is not limited to, rules:

A. Providing for the collection, examination and reporting of samples of pesticides or devices; [PL 2005, c. 620, §10 (AMD).]

B. Providing for the safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers; [PL 2005, c. 620, §10 (AMD).]

C. Establishing requirements of all pesticides required to be registered under provisions of this subchapter, provided that such rules do not impose any requirements for federally registered labels in addition to or different from those required pursuant to FIFRA; [PL 2005, c. 620, §10 (AMD).]

D. Specifying classes of devices that are subject to the provisions of section 605, subsection 1; [PL 2005, c. 620, §10 (AMD).]

E. Governing pesticide application, including, but not limited to, rules:

(1) Designed to minimize pesticide drift to the maximum extent practicable under currently available technology;

(2) Prescribing procedures to be used for the application of pesticides, including the time, place, manner and method of that application;

(3) Restricting or prohibiting the use of pesticides in designated areas or during specified periods of time; and

(4) Prescribing tolerance levels for pesticide residues in off-target areas; [PL 2005, c. 620, §10 (NEW).]

F. Prescribing the submission of information necessary for the board to undertake its responsibilities under this subchapter; [PL 2005, c. 620, §10 (NEW).]

G. Prescribing requirements as necessary to carry out the provisions of section 607; [PL 2005, c. 620, §10 (NEW).]

H. Governing the registration and the cancellation and suspension of registration of pesticides pursuant to section 609; and [PL 2005, c. 620, §10 (NEW).]

I. For the purpose of achieving uniformity of requirements between the states and the Federal Government, provided the rules are in conformity with the primary pesticide standards, particularly as to labeling, registration requirements and criteria for classifying pesticides for restricted use, as established by EPA or other federal or state agencies. [PL 2005, c. 620, §10 (NEW).]

[PL 2005, c. 620, §10 (AMD).]

3. Uniformity of requirements; restricted uses.

[PL 2005, c. 620, §10 (RP).]

4. Designation of rules. Rules adopted under this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A unless otherwise specified or designated in accordance with subsection 5.

[PL 2005, c. 620, §10 (NEW).]

5. Review of regulatory agenda; designation as major substantive rules. Notwithstanding Title 5, section 8060, subsection 2, the due date for the submission of a regulatory agenda by the board under section 8060 is January 15th. The board shall annually submit a regulatory agenda complying with Title 5, section 8060, subsection 1 to the joint standing committee of the Legislature having jurisdiction over pesticides regulation. The legislative committee of jurisdiction shall complete its review of the board's regulatory agenda no later than February 15th of each year. The committee may report out legislation no later than February 20th to designate any rule on the board's regulatory agenda as a major substantive rule subject to legislative review under Title 5, chapter 375, subchapter 2-A.

[PL 2005, c. 620, §10 (NEW).]

6. Major substantive rules. Rules proposed for adoption by the board after July 1, 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that pertain to topics specified in paragraphs A to E continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed and approved prior to final adoption in accordance with Title 5, section 8072. Rules proposed for adoption by the board after March 1, 2008 that pertain to topics specified in paragraphs F and G are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on March 1, 2008 that pertain to topics specified in paragraph G continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed and approved prior to final adoption in accordance with Title 5, section 8072. Topics governed by this subsection are:

A. Drift from outside spraying; [PL 2007, c. 145, §1 (NEW).]

B. Notification requirements for outside spraying; [PL 2007, c. 145, §1 (NEW).]

C. Pesticides applications in occupied buildings; [PL 2007, c. 145, §1 (NEW).]

D. A notification registry for indoor applications of pesticides; [PL 2007, c. 484, §2 (AMD).]

E. Buffers from shorelines for broadcast applications of pesticides; [PL 2007, c. 484, §2 (AMD).]

F. Use of organophosphate pesticides adjacent to occupied areas; and [PL 2007, c. 484, §2 (NEW).]

G. Distribution and use of plant-incorporated protectants. [PL 2007, c. 484, §2 (NEW).]

[PL 2007, c. 484, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §§62,63 (AMD). PL 1989, c. 878, §E9 (AMD). RR 2005, c. 2, §8 (COR). PL 2005, c. 620, §10 (AMD). PL 2007, c. 145, §1 (AMD). PL 2007, c. 484, §2 (AMD).

§611. Enforcement

1. Board powers. Notwithstanding any other provision of law, the sampling and examination of pesticides or devices for the purpose of determining whether they comply with the requirements of this subchapter must be done under the direction of the board. The board may, upon presentation of proper identification, enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to labeled pesticides or devices packaged for distribution, may open any case, package or other container and may, upon tendering the market price, take samples for analysis. If it appears from such an examination that a pesticide or device fails to comply with the provisions of this subchapter or rules adopted under this subchapter, and the board contemplates instituting criminal proceedings against any person, the board shall cause appropriate notice to be given to that person in a manner consistent with the Maine Administrative Procedure Act. The board shall provide any person so notified an opportunity for a hearing in a manner consistent with the Maine Administrative Procedure Act's provisions governing adjudicatory proceedings. If in the opinion of the board it appears that the provisions of this subchapter or rules adopted under this subchapter have been violated by that person, the board shall refer a copy of the results of the analysis or the examination of such pesticide or device to the attorney for the district in which the violation occurred.

[RR 2005, c. 2, §9 (COR).]

2. Minor violations. Nothing in this subchapter may be construed as requiring the board to report minor violations of this subchapter for prosecution or for the institution of condemnation proceedings when the board believes that the public interest will be served best by a suitable notice of warning in writing.

[PL 2005, c. 620, §11 (AMD).]

3. Repeated violations. The board shall record all violations of this subchapter and Title 22, chapter 258-A, including the name of the owner of the land on which the pesticides were intended to be applied, the name of the licensed pesticides applicator and the name of the person who contracted the pesticide application services. The board shall identify persons who repeatedly violate provisions relating to pesticide use and recommend to the Attorney General methods to prevent further violations by those persons.

[PL 2005, c. 620, §11 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §64 (AMD). PL 1983, c. 558, §4 (AMD). PL 1989, c. 878, §E10 (AMD). RR 2005, c. 2, §9 (COR). PL 2005, c. 620, §11 (AMD).

§612. "Stop sale, use or removal" order

When the board has reasonable cause to believe a pesticide or device is being distributed, stored, transported or used in violation of any of the provisions of this subchapter or of any of the rules adopted pursuant to this subchapter, it may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of that pesticide or device. If the owner or custodian is not available for service of the order, the board may attach the order to the pesticide or device and notify the owner or custodian and the registrant. The pesticide or device may not be sold, used or removed until the provisions of this subchapter have been complied with and the pesticide or device has been released in writing under conditions specified by the board or the violation has been otherwise disposed of as provided in this subchapter by a court of competent jurisdiction. The issuance of such an order is not a licensing or an

adjudicatory proceeding as defined by the Maine Administrative Procedure Act. [PL 2005, c. 620, §12 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §65 (AMD). PL 1989, c. 878, §E11 (AMD). PL 2005, c. 620, §12 (AMD).

§613. Judicial action after "stop sale, use or removal" order

The following provisions govern judicial actions concerning a "stop sale, use or removal" order by the board. [PL 2005, c. 620, §13 (NEW).]

1. Filing action; adjudication. After service of a "stop sale, use or removal" order is made upon any person, either that person, the registrant or the board may file an action in a court of competent jurisdiction in the district in which the violation is alleged to have occurred for an adjudication of the alleged violation. The court may issue temporary or permanent injunctions, mandatory or restraining, and any intermediate orders it determines necessary or advisable. The court may order condemnation of any pesticide or device that does not meet the requirements of this subchapter or rules adopted under this subchapter.

[PL 2005, c. 620, §13 (AMD).]

2. Disposition of condemned pesticide; costs and fees. If the court orders that a pesticide or device is condemned, the court shall direct that the pesticide or device be disposed of by destruction or sale. If the pesticide or device is directed to be sold, the proceeds less costs, including legal costs, must be paid to the Treasurer of State as provided in section 621. A pesticide or device may not be sold contrary to the provisions of this subchapter or rules adopted under this subchapter. When a decree of condemnation is entered against a pesticide or device, the court shall charge court costs, fees, storage and other proper expenses against the person, if any, appearing as claimant of the pesticide. The court may direct that the pesticide or device be delivered to the owner, upon payment of costs and execution and delivery of a good and sufficient bond conditioned on the pesticide or device not being disposed of unlawfully, for relabeling, reprocessing or otherwise bringing the product into compliance.

[PL 2005, c. 620, §13 (AMD).]

3. Award of court costs and fees.

[PL 2005, c. 620, §13 (RP).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E12 (AMD). PL 2005, c. 620, §13 (AMD).

§614. Denial, suspension, revocation of license

(REPEALED)

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 694, §66 (AMD). PL 1989, c. 878, §E13 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2005, c. 620, §14 (RP).

§615. Subpoenas

The board may issue subpoenas to compel the attendance of witnesses and the production of books, documents and records in the State in any hearing affecting the authority or privilege granted by a license, registration or permit issued under the provisions of this subchapter. [PL 1989, c. 878, Pt. E, §14 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E14 (AMD).

§616. Penalties

(REPEALED)

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 696, §65 (AMD). PL 1989, c. 841, §2 (RP). PL 1989, c. 878, §E15 (AMD). PL 2005, c. 620, §15 (RP).

§616-A. Penalties

1. Informal hearing. When the staff of the board proposes that the board take action on a possible violation, the board shall notify the alleged violator before discussing the alleged violation. The alleged violator may choose to address the board and may also choose to be represented by legal counsel. This requirement does not constitute and is not subject to the same procedures as an adjudicatory hearing under the Maine Administrative Procedure Act.

[PL 2005, c. 620, §16 (AMD).]

2. Civil violations. The following violations are civil violations.

A. A person may not violate this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A. Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 may be adjudged. [PL 2003, c. 452, Pt. B, §6 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [PL 2011, c. 510, §1 (AMD).]

[PL 2011, c. 510, §1 (AMD).]

2-A. Criminal violation. A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section 1604, subsection 1 and sections 1704 and 1705, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under this subsection is separate from an action brought pursuant to subsection 2.

[PL 2019, c. 113, Pt. C, §1 (AMD).]

3. Continuation. Each day that the violation continues is considered a separate offense.

[PL 1989, c. 841, §3 (NEW).]

4. Exceptions.

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Criminal violations.

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Other relief. Notwithstanding Title 22, section 1471-D, subsections 6 to 8 and in addition to other sanctions provided under this section, the court may order that a violator obtain recertification credits through board-approved meetings or courses as a condition of retaining, maintaining or renewing a certification or license required under Title 22, chapter 258-A.

[PL 1989, c. 841, §3 (NEW).]

7. Considerations. In setting a penalty under this section, the court shall consider, without limitation:

A. Prior violations by the same party; [PL 1989, c. 841, §3 (NEW).]

B. The degree of harm to the public and the environment; [PL 1989, c. 841, §3 (NEW).]

C. The degree of environmental damage that has not been abated or corrected; [PL 1989, c. 841, §3 (NEW).]

D. The extent to which the violation continued following the board's notice to the violator; [PL 1989, c. 841, §3 (NEW).]

E. The importance of deterring the same person or others from future violations; and [PL 1989, c. 841, §3 (NEW).]

F. The cause and circumstances of the violation, including:

(1) The foreseeability of the violation;

(2) The standard of care exercised by the violator; and

(3) Whether or not the violator reported the incident to the board. [PL 1989, c. 841, §3 (NEW).]

[PL 1989, c. 841, §3 (NEW).]

8. Injunction. The board may bring an action to enjoin the violation or threatened violation of any provision of this subchapter or any rule made pursuant to this subchapter in a court of competent jurisdiction of the district in which the violation occurs or is about to occur.

[PL 1989, c. 841, §3 (NEW).]

9. No damages from administrative action if probable cause exists. A court may not allow the recovery of damages from administrative action taken, or for a stop sale, use or removal order, if the court finds that there was probable cause for the administrative action.

[PL 1989, c. 841, §3 (NEW).]

10. Sunset.

[PL 1991, c. 829, §1 (RP).]

SECTION HISTORY

PL 1989, c. 841, §3 (NEW). PL 1991, c. 829, §1 (AMD). PL 2003, c. 452, §§B6-8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 620, §16 (AMD). PL 2011, c. 510, §1 (AMD). PL 2019, c. 113, Pt. C, §1 (AMD).

§617. Exemptions

1. Exemptions from penalties. The penalties provided for violations of section 606, subsection 1, paragraphs A, B, C, D and E do not apply to:

A. Any carrier while lawfully engaged in transporting a pesticide within this State if the carrier, upon request, permits the board to copy all records showing the transactions in and movement of the pesticides or devices; [PL 2005, c. 620, §17 (AMD).]

B. Public officials of this State and the Federal Government while engaged in the performance of their official duties in administering state or federal pesticide laws or regulations; [PL 1975, c. 382, §3 (NEW).]

C. The manufacturer, shipper or other distributor of a pesticide for experimental use only, provided that person holds or is covered by a valid experimental use permit issued by EPA, and provided further that the permit covers the conduct in question; or [PL 2005, c. 620, §17 (AMD).]

D. Any person who ships a substance or mixture of substances being put through tests the purpose of which is only to determine the value of the substance or mixture for pesticide purposes or to determine its toxicity or other properties and from the use of which the user does not expect to receive any benefit in pest control. [PL 2005, c. 620, §17 (AMD).]

[PL 2005, c. 620, §17 (AMD).]

2. Exemption from this subchapter; pesticides for export. A pesticide or device may not be found to be in violation of this subchapter if the pesticide or device is intended solely for export to a foreign country and is prepared or packed according to the specifications or directions of the purchaser. If the pesticide or device is not so exported, all the provisions of this subchapter apply.

[PL 2005, c. 620, §17 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E16 (AMD). PL 2005, c. 620, §17 (AMD).

§618. Publication of information

The board may publish, at least annually and in such form as it determines proper, results of analyses based on official samples as compared with the guaranteed analyses and information concerning the distribution of pesticides. The board may not publish individual distribution information, and that information is not a public record under Title 1, section 402. [PL 2005, c. 620, §18 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E17 (AMD). PL 2005, c. 620, §18 (AMD).

§619. Delegation of duties

All authority vested in the board under this subchapter may, with like force and effort, be executed by employees of the board to whom the board from time to time delegates such authority. [PL 2005, c. 620, §19 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E18 (AMD). PL 2005, c. 620, §19 (AMD).

§620. Cooperation

The board may cooperate with, receive grants-in-aid from and enter into cooperative agreements with any agency of the Federal Government or of this State or its subdivisions, or with any agency of another state, in order to implement this subchapter, including but not limited to taking such actions to: [PL 2005, c. 620, §20 (AMD).]

1. Uniformity. Secure uniformity of regulations;

[PL 1975, c. 382, §3 (NEW).]

2. Cooperative agreements with EPA. Prepare and submit state plans and enter into cooperative agreements with EPA to register pesticides under the authority of this subchapter and FIFRA;

[PL 1975, c. 382, §3 (NEW).]

3. Use of state and federal facilities. Cooperate in the enforcement of the federal pesticide control laws through the use of state or federal personnel, or both, and facilities and to implement cooperative enforcement programs including, but not limited to, the registration and inspection of establishments;

[PL 1975, c. 382, §3 (NEW).]

4. Contracts for monitoring pesticides. Enter into contracts for monitoring pesticides for the national plan; and

[PL 1975, c. 382, §3 (NEW).]

5. Preparation of state plans. Prepare and submit state plans to meet federal certification standards for issuing experimental use permits.

[PL 1975, c. 382, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1989, c. 878, §E19 (AMD). PL 2005, c. 620, §20 (AMD).

§621. Disposition of funds

All money received by the board under this subchapter must be deposited in the State Treasury to the credit of a special fund to be used for carrying out the provisions of this subchapter and Title 22, chapter 258-A, Board of Pesticides Control, and for such other expenses related to insect and pest management as provided by law. Positions that are allocated to the fund but that do not perform functions specifically assigned to the board in this subchapter and Title 22, chapter 258-A remain under supervision and management of the Department of Agriculture, Conservation and Forestry. [PL 2005, c. 620, §21 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The State Controller is authorized to advance up to \$500,000 from the Board of Pesticides Control account to the Animal Welfare Fund during any state fiscal year if requested in writing by the commissioner. The funds must be used to meet expenditures of the animal welfare program within the department. The funds must be returned to the account before the close of the state fiscal year in which the advance was made. [PL 2007, c. 702, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1979, c. 644, §§2,8 (AMD). PL 1989, c. 878, §E20 (AMD). PL 1993, c. 410, §S2 (AMD). PL 2005, c. 620, §21 (AMD). PL 2007, c. 702, §1 (AMD). PL 2011, c. 657, Pt. W, §5 (REV).

§622. Separability

(REPEALED)

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 2005, c. 620, §22 (RP).

§623. Prior liability

The enactment of this subchapter does not have the effect of terminating or in any way modifying any liability, civil or criminal, in existence on October 1, 1975. [PL 2005, c. 620, §23 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1977, c. 78, §25 (AMD). PL 2005, c. 620, §23 (AMD).

§624. Repealers

Jurisdiction in all matters pertaining to the registration, distribution and disposal of pesticides and devices is by this subchapter vested exclusively in the board. [PL 1989, c. 878, Pt. E, §21 (AMD).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1975, c. 623, §§5-A (AMD). PL 1989, c. 878, §E21 (AMD).

§625. Right-of-way spraying; no-spray agreements

Any public utility, or the Department of Transportation, that maintains a right-of-way through a municipality shall offer a no-spray agreement, with reasonable provisions, for the municipality to consider

if it desires. Any agreement negotiated may include, but is not limited to, the responsibilities of the parties, the allocation of costs and the rights and remedies of the parties in the event of default and may apply to all or any part of the right-of-way within the municipality. Any agreement reached under this section must be negotiated in good faith, written and signed by all parties. As part of the no-spray agreement, the municipality may either perform the vegetation control work to standards as provided in the agreement or contract with the public utility or the Department of Transportation to conduct the work. [PL 2005, c. 620, §24 (AMD).]

If a reasonable no-spray agreement is offered to a municipality and an agreement is not reached within 90 days after the date of the offer, the public utility or the Department of Transportation at its own option may apply pesticides in its right-of-way or use other methods to control the vegetation. If the municipality agrees to perform vegetation control work but does not perform it by the agreed-upon date, the public utility or the Department of Transportation, after 90 days' written notice to the municipality, at its own option may apply pesticides in its right-of-way or use other methods to control the vegetation. [PL 2005, c. 620, §24 (AMD).]

It is the intent of the Legislature that this section make available to municipalities an alternative to right-of-way maintenance procedures that use pesticides. This section does not affect municipal authority to enact ordinances nor the authority of public utilities or the Department of Transportation to maintain its right-of-way clear of unwanted vegetation in the absence of an agreement. [PL 2005, c. 620, §24 (AMD).]

SECTION HISTORY

PL 1987, c. 702, §1 (NEW). PL 2005, c. 620, §24 (AMD).

CHAPTER 258-A

BOARD OF PESTICIDES CONTROL

§1471-A. Purpose and policy

For the purpose of assuring to the public the benefits to be derived from the safe, scientific and proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the further purpose of protecting natural resources of the State, it is declared to be the policy of the State of Maine to regulate the sale and application of chemical insecticides, fungicides, herbicides and other chemical pesticides. [PL 2011, c. 510, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1983, c. 542, §§1,3 (AMD). PL 2011, c. 510, §2 (AMD).

§1471-B. Board of Pesticides Control

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004-D, subsection 3, within the Department of Agriculture, Conservation and Forestry. Except as provided in this chapter, the board must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Senate. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person with practical experience and knowledge regarding the agricultural use of chemicals; one person who has practical experience and knowledge regarding the use of chemicals in forest management; one person from the medical community; a scientist from the University of Maine System specializing in agronomy, entomology or plant pathology having practical experience and expertise in integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. The 2 members appointed to represent the public must have a demonstrated interest in environmental protection. A member appointed to represent the public may not have a financial interest in activities regulated by the board and may not be an individual who has been or is licensed, certified or given a permit in this State or any other state for activities regulated by the board. The term must be for 4 years, except that of the initial appointees, 2 serve 4-year terms, 2 serve 3-year terms, 2 serve 2-year terms and one serves a one-year term. Any vacancy must be filled by an appointment for the remainder of the unexpired term. [PL 2021, c. 179, §1 (AMD).]

2. Organization of the board. The board shall elect a chair and any other officers it determines necessary from among the membership. The board shall meet at the call of the chair or at the request of any 3 members. Four members constitute a quorum and, except as otherwise provided in this subsection, any action requires the affirmative vote of the greater of either a majority of those present and voting or at least 2 members. Any action by the board requesting that the Attorney General pursue a court action against an alleged violator of any law or rule requires an affirmative vote by 3 members or a majority of those present and voting, whichever is greater. The chair and any other officers shall serve in those capacities for a period of one year following their elections.

[PL 1989, c. 841, §4 (AMD).]

3. Compensation of the board. Each public member shall be compensated according to the provisions of Title 5, chapter 379.

[PL 1983, c. 812, §120 (RPR).]

4. Director. The commissioner shall appoint a director, with the approval of the board. The director shall be the principal administrative, operational and executive employee of the board. The director shall attend and participate in all meetings of the board, but may not vote. The director, with the approval of the commissioner and the board, may hire whatever competent professional personnel and other staff he deems necessary. All employees of the board shall be subject to Title 5, Part 2. The director may obtain office space, goods and services as required.

[PL 1979, c. 644, §3 (NEW).]

5. Staff. The board must establish standards for the delegation of its authority to the director and staff. Any person aggrieved by a decision of the director and staff has a right to a review of the decision by the board. The Commissioner of Agriculture, Conservation and Forestry shall provide the board with administrative services of the department, including assistance in the preparation of the board's budget. The commissioner may require the board to reimburse the department for these services.

[PL 1989, c. 841, §5 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

6. Registration of pesticides.

[PL 1981, c. 112, §1 (RP).]

7. State contracts. Notwithstanding any other provisions of law, members of the board are eligible to contract with the State when the contracts are awarded in accordance with normal bidding procedures of the Department of Administrative and Financial Services. Members also are eligible to receive grants when grants are awarded in accordance with normal state procedures. A member may not vote on the award of a contract or grant for which that member has submitted a bid or proposal.

[PL 2007, c. 466, Pt. A, §40 (RPR).]

8. Meetings. The board shall periodically meet in various geographic regions of the State. When considering an enforcement action, the board shall attempt to meet in the geographic region where the alleged violation occurred.

[PL 1989, c. 841, §6 (NEW).]

SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 1975, c. 397, §2 (NEW). PL 1977, c. 696, §181 (AMD). PL 1979, c. 644, §3 (RPR). PL 1979, c. 731, §19 (AMD). PL 1981, c. 112, §1 (AMD). PL 1981, c. 470, §A66 (AMD). PL 1981, c. 632, §§1,2 (AMD). PL 1983, c. 309 (AMD). PL 1983, c. 812, §§119,120 (AMD). PL 1985, c. 779, §60 (AMD). PL 1985, c. 785, §A95 (AMD). PL 1987, c. 702, §2 (AMD). PL 1989, c. 503, §B83 (AMD). PL 1989, c. 841, §§4-6 (AMD). PL 1991, c. 376, §45 (AMD). PL 2007, c. 466, Pt. A, §40 (AMD). PL 2007, c. 466, Pt. B, §17 (AMD). PL 2011, c. 119, §1 (AMD). PL 2011, c. 119, §2 (AFF). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2019, c. 192, §1 (AMD). PL 2021, c. 179, §1 (AMD).

§1471-C. Definitions

As used in this chapter, the following words have the following meanings. [PL 1983, c. 819, Pt. A, §40 (NEW).]

1. Agricultural commodity. "Agricultural commodity" means any plant, or part thereof, or animal or animal product produced by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters or other comparable persons, primarily for sale, consumption, propagation or other use by humans or animals.

[PL 1975, c. 397, §2 (NEW).]

2. Aircraft. "Aircraft" means any machine or device used or designed for navigation of, or flight in, the air.

[PL 1975, c. 397, §2 (NEW).]

3. Board. "Board" means the Board of Pesticides Control as established in section 1471-B.

[RR 2019, c. 1, Pt. A, §20 (COR).]

4. Certified applicator. "Certified applicator" means any person who is certified pursuant to section 1471-D and authorized to use or supervise the use of any pesticides.

[PL 1975, c. 644, §1 (AMD).]

5. Commercial applicator. "Commercial applicator" means any person, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments.

[PL 2015, c. 58, §2 (AMD).]

5-A. Custom application. "Custom application" means an application of a pesticide:

A. Under contract or for which compensation is received; [PL 2007, c. 245, §2 (NEW).]

B. To a property open to use by the public; or [PL 2007, c. 245, §2 (NEW).]

C. In a food establishment licensed under chapter 551 or an eating establishment licensed under chapter 562, except that "custom application" does not include a pesticides application at a licensed food or eating establishment when:

(1) The establishment is ancillary to the production of an agricultural commodity;

(2) The owner or an employee of that establishment is certified as a private applicator under section 1471-D, subsection 2; and

(3) The property is not open to the public. [PL 2007, c. 245, §2 (NEW).]

[PL 2007, c. 245, §2 (AMD).]

6. Defoliant. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

[PL 1975, c. 397, §2 (NEW).]

7. Desiccant. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

[PL 1975, c. 397, §2 (NEW).]

8. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State.

[PL 1975, c. 397, §2 (NEW).]

9. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135 et seq., PL 92-516.

[PL 1975, c. 397, §2 (NEW).]

10. Fungi. "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants, of a lower order than mosses and liverworts, including but not limited to rusts, smuts, mildews and molds, except those on or in living man or other animals or those on or in processed food, beverages or pharmaceuticals.

[PL 1975, c. 397, §2 (NEW).]

11. Fungicide. "Fungicide" means any substance or mixture of substances intended for destroying or repelling any fungi or mitigating or preventing damage by any fungi.

[PL 1975, c. 397, §2 (NEW).]

11-A. Government pesticide supervisor.

[PL 2015, c. 58, §3 (RP).]

11-B. General use pesticide. "General use pesticide" means any pesticide that is required to be registered by the board pursuant to Title 7, chapter 103, subchapter 2-A and that is not a restricted use or limited use pesticide, as defined in this section. Pesticides restricted or limited by the board are listed by the board.

[PL 2017, c. 59, §1 (AMD).]

11-C. General use pesticide dealer. "General use pesticide dealer" means any person who distributes general use pesticides.

[PL 1987, c. 723, §2 (NEW).]

12. Ground equipment. "Ground equipment" means any machine or device, other than aircraft, for use on land or water, designed for, or adaptable to, use in applying pesticides as sprays, dusts, aerosols, fogs, or in other forms.

[PL 1975, c. 397, §2 (NEW).]

13. Herbicides. "Herbicides" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed.

[PL 1975, c. 397, §2 (NEW).]

13-A. Household use pesticide product. "Household use pesticide product" means any general use pesticide product that contains no more than 3% active ingredients and that is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section 1471-W, subsection 5, petroleum solvents are not considered active ingredients.

[PL 2017, c. 475, Pt. A, §28 (AMD).]

14. Insect. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising 6-legged, usually winged forms, including but not limited to beetles, bugs, bees, flies and other allied classes of arthropods whose members are wingless and usually have more than 6 legs, including but not limited to mites, ticks, centipedes and wood lice.

[PL 1975, c. 397, §2 (NEW).]

15. Insecticide. "Insecticide" means any substance or mixture of substances intended for destroying or repelling any insect, or mitigating or preventing damage by any insects.

[PL 1975, c. 397, §2 (NEW).]

16. Limited use pesticide. "Limited use pesticide" means any pesticide or pesticide use classified for limited use by the board.

[PL 1975, c. 397, §2 (NEW).]

16-A. Major forest insect aerial spray application. "Major forest insect aerial spray application" means a project to apply pesticides against a forest insect pest by aerial application over an area containing at least 1,000 acres in the aggregate.

[PL 1983, c. 819, Pt. A, §41 (NEW).]

16-B. Minor forest insect aerial spray application. "Minor forest insect aerial spray application" means a project to apply pesticides against a forest insect pest by aerial application over an area containing less than 1,000 acres in the aggregate.

[PL 1983, c. 819, Pt. A, §41 (NEW).]

16-C. Monitor.

[PL 2015, c. 58, §4 (RP).]

17. Person. "Person" means any individual, partnership, association, fiduciary, corporation, governmental entity or any organized group of persons whether incorporated or not.

[PL 1975, c. 397, §2 (NEW).]

18. Pest. The term "pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism, except viruses, bacteria or other micro-organisms on or in living man or other living animals, which the commissioner declares to be a pest.

[PL 1975, c. 397, §2 (NEW).]

19. Pesticide. The term "pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

[PL 1975, c. 397, §2 (NEW).]

20. Pesticide dealer. "Pesticide dealer" means any person who distributes limited or restricted use pesticides.

[PL 1975, c. 397, §2 (NEW).]

21. Plant regulator. The term "plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments. Also, the term "plant regulator" shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants, and as are not for pest destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

[PL 1975, c. 397, §2 (NEW).]

22. Private applicator. "Private applicator" means any person who uses or supervises the use of any pesticide which is classified for restricted or limited use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

[PL 1975, c. 644, §3 (AMD).]

22-A. Private applicator of general use pesticides. "Private applicator of general use pesticides" means a person who uses or supervises the use of general use pesticides for purposes of producing agricultural commodities on property owned or rented by that person or that person's employer when:

A. The agricultural commodities produced are plants or plant products intended for human consumption as food; and [PL 2011, c. 169, §1 (NEW).]

B. The person applying the pesticides or the employer of the person applying the pesticides derives \$1,000 or more in annual income from the sale of those commodities. [PL 2011, c. 169, §1 (NEW).]

[PL 2011, c. 169, §1 (NEW).]

23. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for use only by or under the direct supervision of a certified applicator by the Administrator of the United States Environmental Protection Agency or by the Commissioner of Agriculture, Conservation and Forestry.

[PL 1979, c. 731, §19 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

23-A. Spotter.

[PL 2015, c. 58, §4 (RP).]

23-B. Spray contracting firm. "Spray contracting firm" means a person, as defined in this section, employed or contracted to conduct a public or private pesticide application. This term does not include the owner or lessee of land to be sprayed, employees of that landowner or lessee, the Bureau of Forestry, the employees of the Bureau of Forestry or individuals who are certified as commercial applicators.

[PL 1985, c. 122, §1 (AMD); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

23-C. Spray period.

[PL 2015, c. 58, §4 (RP).]

24. Under the direct supervision of a certified applicator. "Under the direct supervision of a certified applicator," unless otherwise prescribed by its labeling, means the act or process by which a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available, if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. In the case of an application made by a commercial applicator, the certified applicator must be physically present at the time and on the site of the application.

[PL 1987, c. 243, §3 (AMD).]

25. Weed. "Weed" means any plant which grows where not wanted.

[PL 1975, c. 397, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1975, c. 644, §§1-3 (AMD). PL 1977, c. 20, §§1, 2 (AMD). PL 1979, c. 731, §19 (AMD). PL 1981, c. 374, §§1, 2 (AMD). PL 1983, c. 819, Pt. A, §§40, 41 (AMD). PL 1985, c. 122, §1 (AMD). PL 1987, c. 243, §§1-3 (AMD). PL 1987, c. 723, §§2, 3 (AMD). PL 2007, c. 245, §§1, 2 (AMD). PL 2011, c. 169, §1 (AMD). PL 2011, c. 657, Pt. W, §§6, 7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 58, §§2-4 (AMD). PL 2017, c. 59, §1 (AMD). PL 2017, c. 475, Pt. A, §28 (AMD). RR 2019, c. 1, Pt. A, §20 (COR).

§1471-D. Certification and licenses

1. Certification required; commercial applicators and spray contracting firms. Certification is required for commercial applicators and spray contracting firms as follows.

A. No commercial applicator may use or supervise the use of any pesticide within the State without prior certification from the board, provided that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator; and [PL 1983, c. 819, Pt. A, §42 (NEW).]

B. No spray contracting firm may use or supervise the use of any pesticide within the State without prior certification from the board. [PL 1985, c. 122, §2 (AMD).]

[PL 1985, c. 122, §2 (AMD).]

2. Certification required, private applicators. No private applicator shall use or supervise the use of any limited or restricted use pesticide without prior certification from the board, provided, that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator.

[PL 1975, c. 397, §2 (NEW).]

2-A. Certification required; government pesticide supervisor.

[PL 2015, c. 58, §5 (RP).]

2-B. Certification required; spotters and monitors.

[PL 2015, c. 58, §6 (RP).]

2-C. Exemptions or reduced licensing requirements for certain commercial or custom applications. The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or nonpowered equipment if the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Notwithstanding Title 7, section 610, subsection 6, rules adopted pursuant to this section to provide exemptions from licensing or reduced licensing requirements are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 245, §3 (NEW).]

2-D. Certification required; private applicator of general use pesticides for food production. A private applicator of general use pesticides may not use or supervise the use of general use pesticides for food production without prior certification from the board, except that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator. Additional certification under this section is not required for a person certified as a commercial applicator or a private applicator under subsection 1 or 2, respectively.

[PL 2011, c. 169, §2 (NEW); PL 2011, c. 169, §6 (AFF).]

3. License required, pesticide dealers. No pesticide dealer shall:

A. Distribute any limited or restricted use pesticide without a distributor's license from the board; or [PL 1975, c. 397, §2 (NEW).]

B. Distribute limited or restricted use pesticides to any person who is not licensed or certified by the board. [PL 1975, c. 397, §2 (NEW).]

[PL 1975, c. 397, §2 (NEW).]

4. Application. Application for licenses or certification shall be accompanied by such a reasonable fee as the board may establish by regulation. The applicant shall provide such information regarding the applicant's qualifications and proposed operations and other relevant matters as required by the board. Commercial applicators and spray contracting firms shall be required by the board to provide proof of financial responsibility in custom application as to such amounts as the board may, by regulation, designate; private applicators may also be required to provide such proof. All applicants to the board for certification or licensing shall be required to comply with such standards of competency as are established by the board concerning adequate knowledge of pesticide distribution or use and the related dangers and necessary precautions; provided that, in the case of applicants for commercial certification and pesticide dealers' licenses, such compliance shall be demonstrated by written examination in addition to such other criteria, including performance testing, as the board may establish.

[PL 1983, c. 819, Pt. A, §44 (AMD).]

5. Issuance. A license or certification may not be issued by the board unless the board determines that the standards for licensing and certification have been met as to those categories for which the applicant has applied and qualified. If a license or certification is not issued as applied for, the board shall provide written notice to the applicant of the reasons therefor. The license or certificate may be issued upon such terms and conditions as the board considers necessary for the protection of the public health, safety and welfare, and for enforcement and administration of this chapter and the rules adopted pursuant to this chapter.

[PL 2015, c. 58, §7 (AMD).]

6. Renewal. Licenses for commercial applicators, spray contracting firms, pesticide dealers and private applicators are valid for such period as prescribed by the board by rule. Application for renewal must be accompanied by such reasonable fee as the board may by rule require. The board

may, by rule, require that such renewal application include reexamination or other procedures designed to assure a continuing level of competence to distribute, use or supervise the use of pesticides safely and properly.

If the board fails to renew a license upon application of the licensee or certificate holder, it shall afford the licensee or certificate holder an opportunity for a hearing in conformity with Title 5, chapter 375, subchapter 4.

[PL 2015, c. 58, §8 (AMD).]

7. Suspension.

A. If the board determines that there may be grounds for revocation of a license or certificate, it may temporarily suspend said license or certificate pending inquiry and opportunity for hearing, provided that such suspension shall not extend for a period longer than 45 days. [PL 1975, c. 397, §2 (NEW).]

B. The board shall notify the licensee or certificate holder of the temporary suspension, indicating the basis therefor and informing the licensee or certificate holder of the right to request a public hearing. [PL 1983, c. 819, Pt. A, §47 (AMD).]

C. If the licensee or certificate holder fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee or certificate holder requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee or certificate holder and to appropriate federal and state agencies. In addition, public notice shall be given by publication in a newspaper of general circulation in the State and such other publications as the board deems appropriate. [PL 1983, c. 819, Pt. A, §48 (AMD).]

D. This subsection is not governed by the provisions of Title 4, chapter 5 or Title 5, chapter 375. [PL 1999, c. 547, Pt. B, §39 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

[PL 1999, c. 547, Pt. B, §39 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

8. Revocation. The District Court may suspend or revoke the certification or license of a licensee or certificate holder upon a finding that the applicant:

A. Is no longer qualified; [PL 1975, c. 397, §2 (NEW).]

B. Has engaged in fraudulent business practices in the application or distribution of pesticides; [PL 1975, c. 397, §2 (NEW).]

C. Used or supervised the use of pesticides applied in a careless, negligent or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment; [PL 1975, c. 397, §2 (NEW).]

D. Has stored, transported or otherwise distributed pesticides in a careless, faulty or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety or welfare; [PL 1975, c. 397, §2 (NEW).]

E. Has violated the provisions of this chapter or the rules and regulations issued hereunder; [PL 1975, c. 397, §2 (NEW).]

F. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board; [PL 1975, c. 397, §2 (NEW).]

G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; [PL 1981, c. 470, Pt. A, §67 (AMD).]

H. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or [PL 1981, c. 470, Pt. A, §67 (AMD).]

I. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority. [PL 1977, c. 694, §341 (NEW).]

[PL 1983, c. 819, Pt. A, §49 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

9. State, federal and local government employees. Individuals who apply pesticides in connection with their duties as officials or employees of federal, state or local governments are subject to the provisions of this chapter concerning licenses and certification, but are exempt from the payment of any fee.

[PL 1975, c. 397, §2 (NEW).]

10. Nonresident licenses. The board may issue a license or certificate without examination to nonresidents who are licensed or certified by another state or the Federal Government substantially in accordance with the provisions of this chapter. Licenses or certificates issued pursuant to this subsection may be suspended or revoked in the same manner and on the same grounds as other licenses or certificates issued pursuant to this chapter. Licenses and certificates issued pursuant to this subsection may be suspended or revoked pursuant to subsection 8, paragraph I.

[PL 1977, c. 694, §342 (AMD).]

11. Arborists. In the case of persons licensed under Title 7, chapter 404, subchapter II, the board may waive the application fee and may consider the arborist license as prima facie evidence of qualification to use pesticides in the categories of use provided by Title 7, chapter 404.

[PL 1999, c. 84, §4 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1977, c. 20, §3 (AMD). PL 1977, c. 694, §§338-342 (AMD). PL 1981, c. 374, §§3-7 (AMD). PL 1981, c. 470, §A67 (AMD). PL 1983, c. 819, §§A42-A49 (AMD). PL 1985, c. 122, §2 (AMD). PL 1997, c. 454, §8 (AMD). PL 1999, c. 84, §4 (AMD). PL 1999, c. 547, §§B39,78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 245, §3 (AMD). PL 2011, c. 169, §2 (AMD). PL 2011, c. 169, §6 (AFF). PL 2015, c. 58, §§5-8 (AMD).

§1471-E. Aquatic application, permit required

No person shall apply or cause to be applied a pesticide to the waters of the State without obtaining a waste discharge license from the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter I, Article 2. [PL 1979, c. 281, §1 (RPR).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1977, c. 20, §4 (AMD). PL 1979, c. 281, §1 (RPR).

§1471-F. Critical areas

No person shall apply pesticides to any area of the State which the board has determined to be a critical area, except to the extent such application is within the limits prescribed by the board in establishing the area. [PL 1975, c. 397, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW).

§1471-G. Reports

1. Pesticide dealers to maintain certain records. All pesticide dealers shall maintain records of pesticide distribution for a period of at least 2 years and shall provide such reports and information as the board may, by regulation, require.

[PL 1975, c. 397, §2 (NEW).]

2. Applicators and firms to maintain certain records. All commercial applicators and spray contracting firms shall maintain, for a period of at least 2 years, records indicating the type and amount of pesticide used, the area of use and such other information as the board may require. Said applicators and firms shall provide such information, notification and reports as the board, by regulation, may require.

[PL 1983, c. 819, Pt. A, §50 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1983, c. 819, §A50 (AMD).

§1471-H. Inspection

Upon presentation of appropriate credentials, the chair or any member of the board or any authorized employee or consultant of the board may enter upon any public or private premises at reasonable times for the purpose of inspecting any equipment, device or apparatus used in applying pesticides; inspecting storage and disposal areas; inspecting or investigating complaints of injury to persons or land from pesticides; observing the use and application of pesticides; sampling pesticides in use or storage; and sampling pesticide residues on crops, foliage, soil, water or elsewhere in the environment. Upon denial of access to the board or its agents, the board or its agents may seek an appropriate search warrant in a court of competent jurisdiction. Notwithstanding other provisions of this section, a board member or any authorized employee or consultant of the board may enter public or private premises without notification if an emergency exists. The need to take a residue sample in a timely manner constitutes an emergency under this section. [PL 1989, c. 841, §7 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1989, c. 841, §7 (AMD).

§1471-I. Enforcement

(REPEALED)

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1979, c. 644, §4 (RP).

§1471-J. Penalties

A person who violates any provision of this chapter or any order, rule, decision, certificate or license issued by the board or commits any act constituting a ground for revocation, except acts punishable under section 1471-D, subsection 8, paragraphs A and H, commits a civil violation subject to the penalties established in Title 7, section 616-A. [PL 1989, c. 841, §8 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1975, c. 623, §26A (AMD). PL 1975, c. 770, §§91,92 (RPR). PL 1989, c. 841, §8 (AMD).

§1471-K. Appeal

Any person aggrieved by any action of the board may obtain a review thereof by filing in the Superior Court, within 30 days of notice of the action, a written petition praying that the action of the board be set aside. A copy of such petition shall forthwith be delivered to the board, and within 30 days thereafter the board shall certify and file in the court a transcript of evidence received, whereupon the court shall have jurisdiction to affirm, set aside or modify the action of the board, except that the findings of the board as to the facts, if supported by substantial evidence, shall be conclusive. [PL 1975, c. 397, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW).

§1471-L. Subpoenas

The board may issue subpoenas to compel the attendance of witnesses and production of such books, documents and records anywhere in the State in any hearing affecting the authority or privilege granted by a license or permit issued under this chapter, as may be relevant to proceedings of the board. If any person refuses to obey a subpoena issued by the board under this section, the board may apply to any Justice of the Superior Court for an order compelling such person to comply with the requirements of the subpoena. Such justice may issue such order and may punish failure to obey the same as a contempt thereof. [PL 1975, c. 397, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW).

§1471-M. Powers of board

1. Establishment of categories and standards. The board shall, by regulation promulgated in conformity with Title 5, chapter 375, subchapter II:

A. Establish categories, and where applicable subcategories, of commercial pesticide applicators depending upon the nature and extent of the pesticide use, the type of pesticide equipment, the degree of knowledge or skill required in their application and such other factors as the board considers relevant, as long as such categories are consistent with, but not limited to, the categories established by the United States Environmental Protection Agency; [PL 2015, c. 58, §9 (AMD).]

B. Establish competency standards for the established categories for the certification and renewal of certification of commercial applicators. Such standards shall require, as a minimum, that the applicant demonstrate, by written examination and, as appropriate, performance testing, knowledge of pests, formulation and labelling of pesticides, equipment and application techniques, safety precautions, potential harmful effects on the environment, and applicable federal and state laws and regulations. [PL 1975, c. 397, §2 (NEW).]

C. Establish standards for the certification and renewal of certification of private applicators. Such standards shall require that the private applicator indicate satisfactory knowledge of pest problems and pest control practices, including as a minimum the ability to recognize common pests and the damage they cause, to understand the pesticide label, to apply pesticides in accordance with label instructions and warnings, to recognize local environmental situations that must be considered to avoid contamination, to recognize poisoning symptoms and corrective procedures, and to understand applicable federal and state laws and regulations. [PL 1975, c. 397, §2 (NEW).]

C-1. Establish standards for the certification and renewal of certification of private applicators of general use pesticides. Such standards must require that the private applicator of general use pesticides indicate satisfactory knowledge of pest problems and pest control practices, including as a minimum the ability to recognize common pests and the damage they cause, to understand the pesticide label and to apply pesticides in accordance with label instructions and warnings. [PL 2011, c. 169, §3 (NEW).]

D. Establish the standards for issuance and renewal of licenses of pesticide dealers. These standards shall include, but not be limited to, requirements concerning transportation of pesticides, the applicant's knowledge of applicable federal and state statutes and regulations, and the applicant's understanding of the dangers involved and the precautions necessary for the safe storage and distribution of pesticides; [PL 1983, c. 819, Pt. A, §51 (AMD).]

E. Establish guidelines and requirements for reporting of information by commercial applicators, pesticide dealers and spray contracting firms to the board; and [PL 2015, c. 58, §10 (AMD).]

F. [PL 2015, c. 58, §11 (RP).]

G. [PL 2015, c. 58, §12 (RP).]

H. Establish standards for the certification and renewal of certification of spray contracting firms. [PL 1983, c. 819, Pt. A, §53 (NEW).]

[PL 2015, c. 58, §§9-12 (AMD).]

2. Designation of critical areas; cooperation; promulgation of rules and regulations. The board may:

A. [PL 1987, c. 702, §3 (RP).]

B. Cooperate with any other agency of this State or its subdivisions, or with any agency of any other state or the Federal Government for the purpose of administering this chapter and of securing uniformity of regulations; [PL 1975, c. 397, §2 (NEW).]

C. On its own or in cooperation with other agencies or persons, publish such information as it deems appropriate, including information concerning injury which might result from improper application or handling of pesticides, and methods and precautions designed to prevent the injury; and [PL 1987, c. 702, §4 (AMD).]

D. Promulgate such other rules and regulations and take such other actions as it deems appropriate to control the use and distribution of pesticides within the State and to otherwise provide that the purposes and policies of this chapter are insured. [PL 1975, c. 397, §2 (NEW).]

[PL 1987, c. 702, §§3, 4 (AMD).]

3. Hazard communication and community right to know. The board shall assist the Director of the Bureau of Labor Standards in providing education and training to aid agricultural employers in complying with the federal Occupational Safety and Health Administration requirements for hazard communication and shall assist the responsible state agencies in providing education and training to aid agricultural employers in complying with the federal requirements for emergency and hazardous chemical inventory forms and community right-to-know reporting.

[PL 1999, c. 57, Pt. B, §2 (RPR).]

4. Designation of critical areas. The board may designate critical areas which shall include, but not be limited to, areas where pesticide use would jeopardize endangered species or critical wildlife habitat, present an unreasonable threat to quality of the water supply, be contrary to a master plan for the area where such area is held or managed by an agency of the State or Federal Government, or would otherwise result in unreasonable adverse effects on the public health, welfare or the environment of the area. The designation of a critical area may prohibit pesticide use or may include such limitations on such use as the board deems appropriate. The proceedings to designate a critical area under this section shall conform to Title 5, chapter 375, subchapter II.

The board, by rule, shall establish criteria for designation of critical areas by March 1, 1989.

In addition to the provisions of the Maine Administrative Procedure Act, Title 5, section 8001, any municipality and, for the purpose of representing unorganized territory, any county may petition the board for establishment of a critical area within their boundaries. If the board designates a critical area, the board shall develop a pesticide management plan for that area after receiving comments from the municipality or, for unorganized territory, the county; the volunteer medical advisory panel as established through the board; local applicators; owners of land within the critical area; and other interested parties and agencies.

[PL 1989, c. 502, Pt. A, §67 (AMD).]

5. Disclosure of rights. When issuing a license, the board shall provide to each licensee a written statement outlining the enforcement process and the process of negotiating agreements in lieu of court action that may occur in the event enforcement action is pursued. The Department of the Attorney General and the Department of Agriculture, Conservation and Forestry shall assist the board in developing an appropriate written statement. The board shall make this information available to all existing licensees within 30 days of the effective date of this section.

[PL 1989, c. 841, §9 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

6. Notification. Whenever the board or its staff investigates a complaint alleging a violation of rules adopted pursuant to Title 7, section 606, subsection 2, paragraph G, the staff shall make all reasonable efforts to notify the alleged violator, if identity is known, prior to collecting samples.

[PL 1989, c. 841, §9 (NEW).]

7. Data collection; report. The board shall implement a system of record keeping, reporting, data collection and analysis that provides information on the quantity of product and brand names of pesticides sold. The board, in cooperation with the University of Maine Cooperative Extension Service, shall study ways to improve pesticide information data bases and to optimize the useful analysis of reported information.

Before April 1, 2002, the board shall submit a report on pesticide activities during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over pesticide control matters. The report must contain sales information on quantities of pesticides sold listed by the common name of the active ingredient.

The board shall also include in the report aggregate data on pesticide use based on reports submitted to the board by commercial applicators and other persons required to submit reports under this chapter and rules adopted pursuant to this chapter. The board shall provide the data by sector of use whenever possible. The board shall provide the data by category of pesticide, including data for herbicides, insecticides, fungicides and other major categories. In addition, the board shall include in the report a summary of survey results or other information published by the University of Maine Cooperative Extension Service or the United States Department of Agriculture relating to pesticides use in the State.

The board shall develop a measure to estimate sales and types of pesticides commonly used by homeowners and track trends in the quantities and types of pesticides used by homeowners.

The board shall provide historical information on pesticide use and sales in the report when the information available is appropriate for comparison.

[PL 2001, c. 355, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 397, §2 (NEW). PL 1977, c. 694, §§343,344 (AMD). PL 1981, c. 374, §§8,9 (AMD). PL 1981, c. 470, §§A68,A69 (AMD). PL 1983, c. 568, §2 (AMD). PL 1983, c. 819, §§A51-A53 (AMD). PL 1987, c. 660, §1 (AMD). PL 1987, c. 702, §§3-5 (AMD). PL 1989, c. 502, §A67 (AMD). PL 1989, c. 841, §9 (AMD). PL 1997, c. 389, §1 (AMD). PL 1999, c. 57, §B2 (AMD). PL 1999, c. 724, §1 (AMD). PL 2001, c. 355, §1 (AMD). PL 2011, c. 169, §3 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2015, c. 58, §§9-12 (AMD).

§1471-N. Chemical control of vertebrate animals

(REPEALED)

SECTION HISTORY

PL 1977, c. 65 (NEW). PL 1979, c. 187 (AMD). PL 2009, c. 393, §8 (RP).

§1471-O. Exercise of powers by Board of Pesticides Control

The powers established under the Maine Pesticide Control Act of 1975, Title 7, chapter 103, subchapter II-A, shall be exercised by the Board of Pesticides Control established by section 1471-B. [PL 1981, c. 112, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 112, §2 (NEW).

§1471-P. Storage of illegal and obsolete pesticides

1. Board to accept illegal and obsolete pesticides. Within the limits of resources made available to it for the storage or disposal of illegal and obsolete pesticides purchased for use in Maine, the board shall accept, store and dispose of pesticides from persons who purchased them with the intent of applying them.

[PL 1981, c. 705, Pt. S, §1 (NEW).]

2. Board may adopt rules and fees. The board may adopt any rules necessary to implement this section, including rules limiting the quantity and nature of pesticides it accepts for storage or disposal. The board may adopt and charge fees for storage or disposal of pesticides presented to it where the amount of pesticides, or special treatments necessary for safe storage or disposal, will require a substantial cost to the board; provided, that the fees charged are close to the actual cost incurred by the board.

[PL 1981, c. 705, Pt. S, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 705, §S1 (NEW).

§1471-Q. Return and disposal of limited and restricted use pesticide containers
(REPEALED)

SECTION HISTORY

PL 1983, c. 542, §§2,3 (NEW). PL 1985, c. 54, §1 (AMD). PL 2011, c. 510, §3 (RP).

§1471-R. Notification and monitoring
(REPEALED)

SECTION HISTORY

PL 1983, c. 819, Pt. A, §54 (NEW). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV). PL 2015, c. 58, §13 (RP).

§1471-S. Requirement for spotters and monitors
(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A54 (NEW). PL 2015, c. 58, §14 (RP).

§1471-T. Exemption
(REPEALED)

SECTION HISTORY

PL 1983, c. 819, §A54 (NEW). PL 2015, c. 58, §14 (RP).

§1471-U. Municipal ordinances

1. Centralized listing. The Board of Pesticides Control shall maintain for informational purposes, for the entire State, a centralized listing of municipal ordinances that specifically apply to pesticide storage, distribution or use.

[PL 1989, c. 93, §1 (RPR).]

2. Existing ordinances. The clerk of any municipality which, on the effective date of this section, has an ordinance to be listed under subsection 1 shall file a copy of that ordinance with the board by December 31, 1988.

[PL 1989, c. 93, §1 (RPR).]

3. New ordinances. The clerk of the municipality shall provide the board with notice and a copy of any ordinance to be listed under subsection 1 at least 7 days prior to the meeting of the legislative body or the public hearing at which adoption of the ordinance will be considered. The clerk shall notify the board within 30 days after adoption of the ordinance.

[PL 1989, c. 93, §1 (RPR).]

4. Intent. It is the intent of this section to provide information on municipal ordinances. This section shall not affect municipal authority to enact ordinances.

[PL 1989, c. 93, §1 (RPR).]

5. Failure to file. For any ordinance which is not filed with the board, with notice given to the board in accordance with this section, which is otherwise valid under the laws of this State, any provision that specifically applies to storage, distribution or use of pesticides shall be considered void and of no effect after the deadline for filing and until the board is given proper notice and the ordinance is filed with the board.

[PL 1989, c. 93, §1 (RPR).]

SECTION HISTORY

PL 1987, c. 702, §6 (NEW). PL 1987, c. 723, §§4,6 (NEW). PL 1989, c. 93, §1 (RPR).

§1471-V. Local participation

1. Representation. When the board, under section 1471-M, considers the designation of a critical area or the establishment of a pesticide management plan for a critical area, the municipal officers of any affected municipality, or county commissioners in the case of unorganized territories, shall be given the opportunity to select a local representative to serve as an additional board member. For a given action, there shall be only one local representative who shall represent the affected municipality or unorganized territory.

[PL 1987, c. 702, §6 (NEW).]

2. Participation and voting procedure. A local representative appointed under this section may participate officially and vote in deliberations on the designation of a critical area or on the establishment of a pesticide management plan only for a critical area which is in the municipality or unorganized territory represented. A local representative may participate on the board until final designation of the critical area or final establishment of the pesticide management plan, including any administrative or judicial appeals. When the board considers a proposed critical area or pesticide management plan that affects more than one municipality, the board shall take separate action on the portion in each municipality.

[PL 1987, c. 702, §6 (NEW).]

3. Compensation. Local representatives shall be reimbursed only for expenses as regular board members during the period of their service, to be paid by the board.

[PL 1987, c. 702, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 702, §6 (NEW).

§1471-W. General use pesticide dealers

1. License required. Unless exempted under subsection 5, no person may distribute general use pesticides without a license.

[PL 1989, c. 93, §2 (NEW).]

2. Issuance of license. The Board of Pesticides Control shall issue a license to distribute general use pesticides to any person upon payment of a fee of \$20 for a calendar year or any part of a calendar year. The Board of Pesticide Control may issue a license for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Any person licensed to distribute restricted use pesticides is considered licensed to distribute general use pesticides without any additional fee. All fees collected under this section are deposited in the Board of Pesticides Control Special Fund.

[PL 1997, c. 454, §9 (AMD).]

3. Records; reporting. Any person who distributes general use pesticides to licensed general use pesticide dealers in the State shall keep and maintain records of these sales for annual reporting purposes. These annual reports must include the names of all licensed general use pesticide dealers to whom general use pesticides were distributed, the names of the pesticides, the United States Environmental Protection Agency registration number and the quantity sold. These records must be kept for 2 years after the end of the calendar year. For the purposes of this subsection, "distributes" means sells, ships or delivers general use pesticides to a licensed general use pesticide dealer engaged in retail sales. The board may adopt rules to further clarify who is responsible for reporting under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 139, §1 (RPR).]

4. Violations; penalty.

[PL 1989, c. 93, §2 (NEW); PL 1989, c. 841, §10 (RP).]

5. Exemptions. The following situations are exempt from the provisions of this section.

A. Any person may distribute the following products without a general use pesticide dealer license:

- (1) Household use pesticide products with no more than 3% active ingredients;
- (2) The following products, which have limited percentages of active ingredients:
 - (a) Dichlorovos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;
- (3) The following products with unlimited percentages of active ingredients:
 - (a) Pet supplies such as shampoos, tick and flea collars and dusts;
 - (b) Disinfectants, germicides, bactericides and virucides;
 - (c) Insect repellents;
 - (d) Indoor and outdoor animal repellents;
 - (e) Moth flakes, crystals, cakes and nuggets;
 - (f) Indoor aquarium supplies;
 - (g) Swimming pool supplies;
 - (h) Pediculocides and mange cure on man;
 - (i) Aerosol products; and
 - (j) General use paints, stains, and wood preservatives and sealants. [PL 1989, c. 93, §2 (NEW).]

B. The board may promulgate rules to exempt the sale of additional general use pesticide products from the dealer licensing provisions of this section. [PL 1989, c. 93, §2 (NEW).]

[PL 1989, c. 93, §2 (NEW).]

SECTION HISTORY

PL 1989, c. 93, §2 (NEW). PL 1989, c. 841, §10 (AMD). PL 1997, c. 139, §1 (AMD). PL 1997, c. 454, §9 (AMD).

§1471-X. State policy; public and private initiatives to minimize reliance on pesticides

It is the policy of the State to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application. The agencies of the State involved in the regulation or use of pesticides shall promote the principles and the implementation of integrated pest management and other science-based technology to minimize reliance on pesticides while recognizing that outbreaks of disease, insects and other pests will necessitate

fluctuations in pesticide use. These agencies, in cooperation with private interest groups, shall work to educate pesticide users and the general public in the proper use of pesticides and to determine other actions needed to accomplish the state policy. [PL 1997, c. 389, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 389, §2 (NEW).

§1471-Y. Notification of outdoor pesticides application using aircraft or air-carrier equipment (REPEALED)

SECTION HISTORY

PL 2009, c. 378, §1 (NEW). PL 2009, c. 584, §1 (RP).

§1471-Z. Registry of property requiring notification for pesticides applications (REPEALED)

SECTION HISTORY

PL 2009, c. 378, §2 (NEW). PL 2009, c. 584, §2 (AMD). PL 2011, c. 332, §1 (RP).

§1471-AA. Awareness of outdoor pesticides applications; role of the board (REPEALED)

SECTION HISTORY

PL 2009, c. 584, §3 (NEW). PL 2011, c. 332, §2 (RP).

§1471-BB. Refund of deposits (REPEALED)

SECTION HISTORY

PL 2011, c. 510, §4 (NEW). MRSA T. 22 §1471-BB (RP).

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01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

026 BOARD OF PESTICIDES CONTROL

Chapter 10: DEFINITIONS AND TERMS

SUMMARY: These definitions and terms are defined as they specifically relate to the use of pesticides, the certification and licensing of pesticide applicators and dealers, and other areas as regulated by the Board in succeeding chapters.

Section 1. Consistent with Statute

All terms used in these Chapters shall be defined as indicated in Title 22 M.R.S.A., Chapter 258-A unless specifically provided herein.

Section 2. Definitions

- A. "Aerial applicator" means all persons who dispense pesticides by means of any machine or device used or designed for navigation of or flight in the air.
- B. "Agricultural pesticide application" means any application of a pesticide upon an agricultural commodity which is performed by or for a commercial agricultural producer.
- C. "Air-carrier application equipment" means any application equipment that utilizes a mechanically generated airstream to propel the spray droplets.
- D. "Applicant" means a person or persons who apply for a certification, license, or permit authorized in 22 M.R.S.A. §1471-D or §1471-N.
- E. "Branch office" means:
 - 1. any home, store, or other business location where an employee of a spray contracting firm directly accepts requests for pest control services from clients through mail, telephone, or walk-in inquiries, and
 - 2. any government or university office where employees receive regular direction to apply pesticides in connection with their duties.
 - 3. It does not include the home of an employee who receives work assignments and directions from a branch office with a master applicator.
- F. "Calibration of equipment" means measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal, and droplet or particle size of a pesticide dispersed by the equipment.
- G. "Certification" means the recognition by the Board that an applicant has successfully fulfilled all the appropriate competency criteria as set forth in these Chapters.
- H. "Commercial agricultural producer" means, for the purposes of Chapter 50, any person who produces an agricultural commodity for commercial purposes.

- 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.
 4. The following classes of applicators are exempt from commercial certification/licensing requirements. Applications not listed below must be performed under the direct on-site supervision of a licensed commercial applicator Master and/or Operator.
 - a. Persons applying ready-to-use general use pesticides by hand or with non-powered equipment:
 - i. to control stinging insects when there is an urgent need to mitigate or eliminate a pest that is a threat to health or safety; or
 - ii. to repel biting insects on patients and other persons under their care or supervision who are unable to apply the material to themselves; or
 - iii. to repel biting insects on minors, such as students and campers, provided that a parent or legal guardian has authorized the application of insect repellents.
 - b. Persons applying general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings of buildings during the course of routine cleaning procedures.
 - c. Persons applying general use paints, stains or wood preservatives, except for the treatment of standing utility poles.
 - d. Persons installing hardware such as doorknobs and pushplates.
- J. "Commercial applicator/Master" means a commercial applicator who, unless exempted in Chapter 31, Section 1(Company/Agency Licensing Requirements), is responsible for the major pest control decisions including, but not limited to, identifying unusual pests and choosing the appropriate pest control strategies and techniques. This person is also responsible for establishing policies relating to the operating practices of others applying pesticides within the company or agency. Such practices may include equipment maintenance and calibration, employee training, safety and hygiene, pesticide and container disposal, accident mitigation and ensuring that applications are conducted in compliance with all state and federal laws and regulations.
- K. "Commercial applicator/Operator" means a commercial applicator who:
1. applies or directs the application of a pesticide according to the instructions of the master when a master is required according to Chapter 31, Section 1 (Company /Agency Licensing Requirements); or
 2. applies or directs the application of a pesticide and performs the function of the master applicator when a separate master is not required according to Chapter 31, Section 1(Company/Agency Licensing Requirements).

- L. "Compact urban line" means that delineation made by the Maine Department of Transportation which denotes a section of the highway where structures are nearer than 200 feet apart for a distance of one-quarter of a mile.
- M. "Compatibility" means that property of a pesticide that permits its use with other chemicals without undesirable results being caused by the combination.
- N. "Competent" means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.
- O. "Common exposure route" means a likely way (oral, dermal, respiratory) by which a pesticide may reach and/or enter an organism.
- P. "Custom application" means an application of a pesticide:
 - 1. Under contract or for which compensation is received;
 - a. For the purposes of this definition, "under contract" includes verbal or written agreements to provide services which include the use of any pesticide; i.e., private or commercial rental agreements, pest control service agreements, landscape maintenance agreements, etc.
 - b. For purposes of this definition, compensation is deemed to have been received for a pesticide application where any form of remuneration has been or will be exchanged, including payment of cash, rent, or other financial consideration, or by the exchange of goods and/or services. This also includes any agreements where crops grown on rented land will be sold to the landowner or are otherwise grown for the benefit of the land owner.
 - 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.
 - c. Examples of property not open to use by the public include without limitation: farms, forest lands, and private residential or commercial property which is not routinely operated or maintained for use by the public or otherwise held open to public use.
 - d. Notwithstanding this definition, property shall not be deemed to be open for use by the public in the following cases:

- i. where the property is devoted primarily to agricultural, forest, ornamental tree or plant production, but this exception shall not apply to campgrounds, leased inholdings or roads within such property which are open for use by the public;
 - ii. where the public has not been permitted upon the property at any time within seven days of when the property received a pesticide application;
 - iii. forestry rights of way where the property has been closed during the time of spraying or during the label restricted entry interval or re-entry period, whichever is greater.
 - iv. where the public has not been permitted on the treated portion of privately held recreational land within seven days of a pesticide application for vegetation management.
- 3. In a food establishment licensed under M.R.S. 22, Chapter 551, or an eating establishment licensed under M.R.S. 22, Chapter 562, except that “custom application” does not include a pesticide application at a licensed food or eating establishment when:
 - a. The establishment is ancillary to the production of an agricultural commodity;
 - b. The owner or an employee of that establishment is certified as a private applicator under section 1471-C, subsection 2; and
 - c. The property is not open to the public.
- 4. A pesticide application shall not be deemed a custom application where it is undertaken by a licensed private applicator on property owned or rented by him or his employer or in trade for personal agricultural services between producers of agricultural commodities.
- Q. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this state. This also means giving free samples of unregistered products to any person. Sales of hardware, such as doorknobs and pushplates, shall not be considered distribution for the purposes of this definition.
- R. “Environment” means water, air, land, and all plants and man and other animals living therein, and the interrelationships that exist among them.
- S. "Forest" means a concentration of trees and related vegetation managed primarily for the production of forest agricultural commodities such as timber, fiber or other wood products, including other similar areas managed for recreation or resource conservation.
- T. For the purposes of 22 M.R.S. §1471-D (9), “Government Employee” means a person who is employed full- or part-time as a regular employee of any governmental or quasi-governmental organization including federal, state, county and municipal governments and public universities.
- U. “Hazard” means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.
- V. “Host” means any plant or animal on or in which another lives for nourishment, development, or protection.

- W. "Integrated Pest Management" (IPM) means the selection, integration and implementation of pest damage prevention and control based on predicted socioeconomic and ecological consequences, including: (1) understanding the system in which the pest exists, (2) establishing dynamic economic or aesthetic injury thresholds and determining whether the organism or organism complex warrants control, (3) monitoring pests and natural enemies, (4) when needed, selecting the appropriate system of cultural, mechanical, genetic, including resistant cultivars, biological or chemical prevention techniques or controls for desired suppression, and (5) systematically evaluating the pest management approaches utilized.
- X. "Integrated Pest Management Coordinator" means the lead person in a school system or school who is knowledgeable about integrated pest management and is designated by each school to implement the school pest management policy.
- Y. "License" means a commercial applicator license, a private applicator certification, a dealer license, a permit to chemically control vertebrate animals, or a permit to apply limited use pesticides.
- Z. "Licensing" means the issuance by the Board of a document signifying that the applicant has been certified and has met all applicable employee, fee, insurance and reporting requirements.
- AA. "Major application project" means any pesticide application contract that requires the applicator to apply pesticides to more than 1000 acres in the aggregate within a given year. This does not include repeat applications to the same site.
- BB. "Major pesticide storage facility" means any fixed-site, totally enclosed building or portion of such building owned and/or operated by a pesticide distributor where pesticides are held in storage and which meets one of the following criteria:
1. contains at any one time an amount greater than or equal to 6,000 pounds of dry pesticide product, other than dry formulations of products listed in Chapter 24, Section 2, "Exempted Products," or
 2. contains at any one time an amount greater than or equal to 600 gallons of liquid pesticide product, other than liquid formulations of products listed in Chapter 24, Section 2, "Exempted Products," or
 3. contains liquid pesticides in containers that are thirty (30) gallons or greater in size, other than liquid formulations of products listed in Chapter 24, Section 2, "Exempted Products."
- CC. "Minor pesticide storage facility" means any fixed-site, totally enclosed building or portion of such building owned and/or operated by a pesticide distributor where pesticides are held in storage and which meets one of the following criteria:
1. contains at any one time an amount greater than 100 pounds but less than 6,000 pounds of dry pesticide product, other than dry formulations of products listed in Chapter 24, Section 2, "Exempted Products," or
 2. contains at any one time an amount greater than 50 gallons but less than 600 gallons of liquid pesticide, other than liquid formulations of products listed in Chapter 24, Section 2, "Exempted Products," or
 3. contains liquid pesticides in containers greater than three (3) gallons but less than thirty (30) gallons in size, other than liquid formulations of products listed in Chapter 24, Section 2, "Exempted Products."
- DD. "Non-agricultural pesticide application" means any application of a pesticide that is not an agricultural pesticide application.

- EE. "Non-powered equipment" means pesticide spray equipment which pumps and disperses pesticides without utilization of an electric, gasoline, wind-driven or other motorized power source. By way of example, non-powered equipment includes manual pump spray equipment and self-contained aerosol spray cans or bottles but does not include equipment which employs a motor, except one powered only by hand.
- FF. "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.
- GG. "Off-target direct discharge of pesticides" means the direct application of pesticides onto property beyond the boundaries of the target area intended to be treated. Presence of off-target direct discharge of pesticides may be determined by any evidence, through observation, residue samples or other techniques, that an off-target area has received substantially the same dose of pesticide as a target area.
- HH. "Off-target drift of pesticides" means the drifting of pesticides by air currents or diffusion with resulting deposition of pesticides onto property beyond the boundaries of the target area intended to be treated. The detection of pesticides beyond the boundaries of the target area intended to be treated shall be presumed to be as a result of off-target drift unless there is evidence of off-target direct discharge of pesticides.
- II. "Ornamental plant" means shrubs, trees and related vegetation in and around habitation generally, but not necessarily, located in urban and suburban areas, including residences, parks, streets, retail outlets, and industrial and institutional buildings.
- JJ. "Other forest pests" means forest pests, other than insects and include, but are not limited to, weeds, mites, nematodes, fungi, bacteria, and viruses.
- KK. "Owner" means sole proprietor, partner or stockholder.
- LL. "Person" means any individual, partnership, fiduciary, corporation, governmental entity, association or public or private organization of any character, other than the Board.
- MM. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency.
- NN. "Pesticide dealer" means any person who distributes limited or restricted-use pesticides, including but not limited to sales personnel in an outlet, field salesmen, and manufacturers' representatives selling pesticides directly to the consumer or who accept orders for pesticides.
- OO. "Pesticide distributor" means any person required to be licensed to distribute general, restricted or limited use pesticides.
- PP. "Pesticide storage facility" means any fixed-site, totally enclosed building or portion of such building where pesticides are held for storage.
- QQ. "Practical knowledge" means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations.
- RR. "Principal place of business" means the principal location, either residence or office, in the State in which an individual, partnership, or corporation applies pesticides.

- SS. "Private Applicator" means any person who uses or supervises the use of any pesticide which is classified for restricted or limited use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than the trading of personal services between producers of agricultural commodities, on the property of another person. In situations where the applicator is applying pesticides to crops on rented land, there must be a written contract showing that the grower/applicator retains control over the property as well as the disposition or sale of the harvested crop.
- TT. "Private domestic well" means any well used for drinking water other than one which serves a public water system.
- UU. "Project" means, for the purposes of Chapter 51, the aerial application of pesticides to control an individual forest insect pest complex provided by:
1. Any number of applicator businesses for a single person, or
 2. One applicator business on contiguous parcels of land.
- VV. "Public precautions" means those statements which appear on the pesticide label directed towards the non-applicator public. Public precautions may include, but are not limited to, re-entry intervals.
- WW. "Public water system" means any water supply system that provides water to at least 15 service connections or serves water to at least 25 individuals daily for at least 30 days a year.
- XX. "Regulated pest" means a specific organism considered by a State or Federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment.
- YY. "School" means any public or private elementary or secondary school, kindergarten or nursery school that is part of an elementary or secondary school or a tribally funded school.
- ZZ. "School Building" means any structure used or occupied by students or staff of any school.
- AAA. "School Grounds" means:
1. land associated with a school building including playgrounds, athletic fields and agricultural fields used by students or staff of a school, and
 2. any other outdoor area used by students or staff that is under the control of a school.
- BBB. "Self-service sales area" means any area within or immediately outside a retail or wholesale business in which members of the public have direct access to pesticide products. For the purposes of this chapter, self-service sales areas shall be limited to those pesticide products which require a pesticide dealer to be licensed under 22 M.R.S.A. §1471-W, "General Use Pesticide Dealers."
- CCC. "Sensitive area" means any of the following, except where the area involved is the intended target of the pesticide application:
1. Apiaries, the location of which is registered with the Department of Agriculture, Conservation and Forestry pursuant to 7 M.R.S.A. §2701;
 2. Critical areas designated by the Board pursuant to 22 M.R.S.A. §1471-M(2);
 3. Public wells, drinking water springs used by the public, and public water supply intake points, provided the location of the same is known or should reasonably be known to the pesticide applicator;

4. Private sources of drinking water, where the owner or legal user thereof has given prior notice of the location of such source to the landowner or lessee of the area which will be subject to a pesticide application;
5. Water bodies, including streams, brooks, rivers, ponds, lakes, estuaries and marine waters, provided that any such water body contains water at the time of the pesticide application and is known to the spray applicator or is reasonably detectable from visual observation, reasonably available maps or reasonable inquiry. This term shall not include: (a) in the case of forest aerial spray programs, streams and brooks that are neither shown on reasonably available maps nor visible from an aircraft operating at 1000 feet in elevation above ground level; and (b) waters that are confined and retained completely upon the property of the person conducting or contracting for spray services, and that do not drain into or connect with any other water body;
6. Wetlands of Special Significance.
7. Cleared areas where livestock are contained or pastured, cultivated land, cropland or gardens.
8. A "Sensitive Area Likely to Be Occupied" is an area where humans are likely to be present including the following:
 - a. Residential buildings, together with any associated maintained areas likely to be occupied by humans, such as lawns, gardens, recreational areas and livestock management and housing areas;
 - b. School buildings, together with any associated maintained areas that are areas likely to be occupied by humans, such as playgrounds, athletic fields or courts;
 - c. Commercial, institutional, or other structures likely to be occupied by humans, together with any associated maintained areas such as lawns, gardens, parking and recreational areas;
 - d. Maintained recreational areas likely to be occupied by humans including campgrounds, picnic areas, marked roadside rest areas, marked hiking trails, park and recreation facilities, athletic fields, and other areas for organized sports or recreation. This definition does not include trails located on privately owned lands which are used by permission of the landowner.

DDD. "Spray application" means, for the purposes of Chapter 51, the dispensing of pesticides in any manner from an aircraft.

EEE. "Spray contracting firm" means any person, including a corporation, employed or contracted to conduct a public or private custom application of one or more pesticides. This term does not include:

1. the owner or lessee of land to be sprayed and employees of that landowner or lessee,
2. the Division of Forestry and the employees of the Division of Forestry,
3. individuals who are certified as commercial applicators providing that individual does not have in his/her employment one or more others to undertake pesticide applications; or
4. persons who perform custom applications of pesticides solely on or within a premises which they own or lease.

5. persons and corporations that subcontract for pesticide applications, but do not maintain any control over the pesticide application including which pesticides are applied, when they are applied or how they are applied.
- FFF. "Spray period report" means a written description of the spray activity certifying the date and time, the area usually sprayed, the pesticide used, and including a description of the weather conditions during spray activity. The report must also include a map showing where spray booms were turned on and off, with notation of any non-target areas that were sprayed.
- GGG. "Standard" means the measure of knowledge and ability that must be demonstrated as a requirement for certification.
- HHH. "Storage" means holding pesticides for distribution in locations other than self-service sales areas.
- III. "Susceptibility" means the degree to which an organism is affected by a pesticide at a particular level of exposure.
- JJJ. "Toxicity" means the property of a pesticide to cause any adverse physiological effects.
- KKK. "Uncertified person" means any person who is not holding a currently valid certification document indicating that he is certified under section 4 of FIFRA in the category of the restricted use pesticide made available for use.
- LLL. "Wetlands of Special Significance" means all coastal wetlands and great ponds. In addition, certain freshwater wetlands are considered wetlands of special significance if they have one or more of the following characteristics.
1. **Critically imperiled or imperiled community.** The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program.
 2. **Significant wildlife habitat.** The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. §480-B(10).
 3. **Location near coastal wetland.** The freshwater wetland area is located within 250 feet of a coastal wetland.
 4. **Location near GPA great pond.** The freshwater wetland area is located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S.A. §465-A.
 5. **Aquatic vegetation, emergent marsh vegetation or open water.** The freshwater wetland contains under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, unless the 20,000 or more square foot area is the result of an artificial ponds or impoundment.
 6. **Wetlands subject to flooding.** The freshwater wetland area is inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information.
 7. **Peatlands.** The freshwater wetland is or contains peatlands, except that the Department of Environmental Protection may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance.

7. **River, stream or brook.** The freshwater wetland area is located within 25 feet of a river, stream or brook.

STATUTORY AUTHORITY: 22 M.R.S.A., Chapter 258-A

EFFECTIVE DATE:
July 6, 1979

AMENDED:
April 27, 1988
May 21, 1996
August 17, 1996
October 2, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):
March 1, 1997

AMENDED:
April 14, 1998 -inserted definitions for “Agricultural pesticide application” and “Non-agricultural pesticide application”; renumbered; converted to MS Word.
March 5, 2003

NON-SUBSTANTIVE CORRECTION:
February 17, 2004 - cross reference in Section 2.H

AMENDED:
January 4, 2005 – filing 2004-602
March 4, 2007 – Section 2(I)(4)(c), filing 2007-64
July 16, 2009 – filing 2009-251 (major substantive final adoption)
January 29, 2013 – filing 2013-014

CORRECTIONS:
February 2014 – agency names, formatting

AMENDED:
July 23, 2019 – Section 2(A), (P)(2)(d), filing 2019-130

1. Informal hearing. When the staff of the board proposes that the board take action on a possible violation, the board shall notify the alleged violator before discussing the alleged violation. The alleged violator may choose to address the board and may also choose to be represented by legal counsel. This requirement does not constitute and is not subject to the same procedures as an adjudicatory hearing under the Maine Administrative Procedure Act.

[PL 2005, c. 620, §16 (AMD).]

2. Civil violations. The following violations are civil violations.

A. A person may not violate this subchapter, or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A. Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 may be adjudged. [PL 2003, c. 452, Pt. B, §6 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 may be adjudged. [PL 2011, c. 510, §1 (AMD).]

[PL 2011, c. 510, §1 (AMD).]

2-A. Criminal violation. A person may not intentionally or knowingly violate this subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22, chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A person who violates this subsection commits a Class E crime. Notwithstanding Title 17-A, section 1604, subsection 1 and sections 1704 and 1705, the court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of imprisonment of not more than 30 days, or both, for each violation. Prosecution under this subsection is by summons and not by warrant. A prosecution under this subsection is separate from an action brought pursuant to subsection 2.

[PL 2019, c. 113, Pt. C, §1 (AMD).]

3. Continuation. Each day that the violation continues is considered a separate offense.

[PL 1989, c. 841, §3 (NEW).]

4. Exceptions.

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Criminal violations.

[PL 2003, c. 452, Pt. B, §8 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Other relief. Notwithstanding Title 22, section 1471-D, subsections 6 to 8 and in addition to other sanctions provided under this section, the court may order that a violator obtain recertification credits through board-approved meetings or courses as a condition of retaining, maintaining or renewing a certification or license required under Title 22, chapter 258-A.

[PL 1989, c. 841, §3 (NEW).]

7. Considerations. In setting a penalty under this section, the court shall consider, without limitation:

A. Prior violations by the same party; [PL 1989, c. 841, §3 (NEW).]

B. The degree of harm to the public and the environment; [PL 1989, c. 841, §3 (NEW).]

C. The degree of environmental damage that has not been abated or corrected; [PL 1989, c. 841, §3 (NEW).]

D. The extent to which the violation continued following the board's notice to the violator; [PL 1989, c. 841, §3 (NEW).]

E. The importance of deterring the same person or others from future violations; and [PL 1989, c. 841, §3 (NEW).]

F. The cause and circumstances of the violation, including:

(1) The foreseeability of the violation;

(2) The standard of care exercised by the violator; and

(3) Whether or not the violator reported the incident to the board. [PL 1989, c. 841, §3 (NEW).]

[PL 1989, c. 841, §3 (NEW).]

8. Injunction. The board may bring an action to enjoin the violation or threatened violation of any provision of this subchapter or any rule made pursuant to this subchapter in a court of competent jurisdiction of the district in which the violation occurs or is about to occur.

[PL 1989, c. 841, §3 (NEW).]

9. No damages from administrative action if probable cause exists. A court may not allow the recovery of damages from administrative action taken, or for a stop sale, use or removal order, if the court finds that there was probable cause for the administrative action.

[PL 1989, c. 841, §3 (NEW).]

10. Sunset.

[PL 1991, c. 829, §1 (RP).]

SECTION HISTORY

PL 1989, c. 841, §3 (NEW). PL 1991, c. 829, §1 (AMD). PL 2003, c. 452, §§B6-8 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 620, §16 (AMD). PL 2011, c. 510, §1 (AMD). PL 2019, c. 113, Pt. C, §1 (AMD).



State of Maine
Maine Department of Agriculture, Conservation and Forestry
BOARD OF PESTICIDES CONTROL

License Number: COA-7928
JOHN T PIETROSKI
DEPT OF ACF-BOARD OF PESTICIDES CONTROL
Has qualified as required by 22 MRSA Chapter 258-A as:
Commercial Operator
Categories: 2, 7E

ISSUE DATE: 6/3/2022 EXPIRATION DATE: 12/31/2024

| | |
|---|---|
| State of Maine Maine Department of Agriculture, Conservation and Forestry BOARD OF PESTICIDES CONTROL | BOARD OF PESTICIDES CONTROL 28 State House Station Augusta, Maine 04333-0028 www.thinkfirstspraylast.org 207-287-2731 |
| License Number: COA-7928 - (BPC#56056) JOHN T PIETROSKI 10 Stagecoach Rd Liberty, ME 04949 DEPT OF ACF-BOARD OF PESTICIDES CONTROL Commercial Operator Categories: 2, 7E EXPIRATION DATE: 12/31/2024 | EMERGENCY PHONE NUMBERS: Poison Center 1-800-222-1222 National Pesticides Info Center 1-800-858-7378 Board of Pesticides Control 1-207-287-2731 DEP Spill Response Number 1-800-482-0777 |



State of Maine
Maine Department of Agriculture, Conservation and Forestry
BOARD OF PESTICIDES CONTROL

License Number: PPA-334
JOHN T PIETROSKI

Has qualified as required by 22 MRSA Chapter 258-A as:
Private Applicator

ISSUE DATE: 3/19/2023 EXPIRATION DATE: 10/31/2025

| | | | | | | | | | |
|---|---|---------------|----------------|---------------------------------|----------------|-----------------------------|----------------|---------------------------|----------------|
| <p>State of Maine Maine Department of Agriculture, Conservation and Forestry BOARD OF PESTICIDES CONTROL</p> <p>License Number: PPA-334 JOHN T PIETROSKI 10 STAGECOACH RD. LIBERTY, ME 04949 BPC# 56056</p> <p>Private Applicator EXPIRATION DATE: 10/31/2025</p> | <p>BOARD OF PESTICIDES CONTROL 28 State House Station Augusta, Maine 04333-0028 www.thinkfirstspraylast.org 207-287-2731</p> <p>EMERGENCY PHONE NUMBERS:</p> <table><tr><td>Poison Center</td><td>1-800-222-1222</td></tr><tr><td>National Pesticides Info Center</td><td>1-800-858-7378</td></tr><tr><td>Board of Pesticides Control</td><td>1-207-287-2731</td></tr><tr><td>DEP Spill Response Number</td><td>1-800-482-0777</td></tr></table> | Poison Center | 1-800-222-1222 | National Pesticides Info Center | 1-800-858-7378 | Board of Pesticides Control | 1-207-287-2731 | DEP Spill Response Number | 1-800-482-0777 |
| Poison Center | 1-800-222-1222 | | | | | | | | |
| National Pesticides Info Center | 1-800-858-7378 | | | | | | | | |
| Board of Pesticides Control | 1-207-287-2731 | | | | | | | | |
| DEP Spill Response Number | 1-800-482-0777 | | | | | | | | |

Appendix

APPENDIX A

Examination standards at §171.103(a)(2)

Requirements of the certifying authority:

- All examinations will be presented and answered in writing.
- All persons serving as proctors will be prohibited from taking an examination for which they are proctoring if they are also seeking pesticide applicator certification.
- All persons seeking certification will be required to present at the time of examination a valid, government-issued photo identification.
- All proctors and certification authority personnel will be required to keep exams secure before, during and after the exam period so candidates have access to the exam only in the presence of a proctor.
- Prohibit the use of reference materials not approved by this certifying authority.
- Notify all candidates of his or her examination results.

Requirements for proctors:

- Give instructions on examination procedures to candidates before beginning examinations.
- Monitor examination candidates throughout examination periods.
- Prohibit any verbal or nonverbal communication between candidates and anyone other than the proctor during the examination period.
- Prohibit examination or reference materials from being copied or retained by any person not authorized by this certifying authority.
- Provide and collect certifying authority-approved reference materials for use during the examination.
- Examine reference materials after the examination is complete for portions that may have been removed, altered or destroyed.
- Report to the certifying authority any inconsistencies or irregularities such as cheating, use of unauthorized materials, and attempts to copy or retain materials.
- Conduct examination sessions in accordance with the following exam administration requirements required by this certifying authority: (Maine Board of Pesticides Control).

APPENDIX B
Recertification standards at §171.107

(a) Maintenance of continued competency.

- Each commercial and private applicator must recertify every five years or less from the date of certification.
- The recertification period for commercial applicators is:
- The recertification period for private applicators is:

(b) Process for recertification.

(1) By written examination.

- A certified applicator is found eligible for recertification upon passing a written examination designed to evaluate the level of competency that conforms to the examination standards in §171.103(a)(2).
- Examinations for commercial applicators demonstrate the level of competency required by §171.103.
- Examinations for private applicators demonstrate the level of competency required by §171.105.

(2) By continuing education programs.

- A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's EPA-approved certification plan.
 - The quantity, content, and quality of a continuing education program to maintain applicator certification must be sufficient to ensure the applicator continues to demonstrate the level of competency required by § 171.103 for commercial applicators or § 171.105 for private applicators.
 - (ii) Any continuing education course or event relied upon for applicator recertification must be approved by the certifying authority as being suitable for its purpose in the certifying authority's recertification process.
 - (iii) A certifying authority must ensure that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.

APPENDIX C
Standards for the Direct Supervision of Noncertified
Applicators at §171.201

(b) General requirements.

(1) Requirements for the certified applicator.

- (i) The certified applicator must have a practical knowledge of applicable Federal, State and Tribal supervisory requirements, including any requirements on the product label and labeling, regarding the use of restricted use pesticides by noncertified applicators.
- (ii) The certified applicator must be certified in each category applicable to the supervised pesticide use.

(2) Requirements for the noncertified applicator. The certified applicator must ensure that each noncertified applicator using a restricted use pesticide under his or her direct supervision meets all of the following requirements before using a restricted use pesticide:

- (i) The noncertified applicator has satisfied the qualification requirements under paragraph (c) of this section.
- (ii) The noncertified applicator has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides.
- (iii) The noncertified applicator has met the minimum age required to use restricted use pesticides under the supervision of a certified applicator.
 - o A noncertified applicator must be at least 18 years old, except that a noncertified applicator must be at least 16 years old if all of the following requirements are met:
 - (A) The noncertified applicator is using the restricted use pesticide under the direct supervision of a private applicator who is an immediate family member.
 - (B) The restricted use pesticide is not a fumigant, sodium cyanide, or sodium fluoroacetate.
 - (C) The noncertified applicator is not applying the restricted use pesticide aerially.

(3) Use-specific conditions that must be met in order for a noncertified applicator to use a restricted use pesticide. The certified applicator must ensure that all of the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under his or her direct supervision:

- (i) The certified applicator must ensure that the noncertified applicator has access to the applicable product labeling at all times during its use.
- (ii) Where the labeling of a pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the certified applicator must ensure that any noncertified applicator has clean, labeling-required personal protective equipment in proper operating condition and that the personal protective equipment is worn and used correctly for its intended purpose.
- (iii) The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand.
- (iv) The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment.

- (v) The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under his or her direct supervision.
- (vi) The certified applicator must be physically present at the site of the use being supervised when required by the product labeling.
- (vii) If the certified applicator is a commercial applicator, the certified applicator must create or verify the existence of the records required by paragraph (e) of this section.

(c) Noncertified applicator qualifications. Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the noncertified applicator has met at least one of the following qualifications:

- (1) The noncertified applicator has been trained in accordance with paragraph (d) [the “noncertified applicator training program” explained below] of this section within the last 12 months.
- (2) The noncertified applicator has met the training requirements for an agricultural handler under (Worker Protection Standard -WPS regulations) 40 CFR 170.501 of this title within the last 12 months.
- (3) The noncertified applicator has met the requirements established by a certifying authority that meet or exceed the standards in §171.201(c)(1) [The “noncertified applicator training program” explained below in (d)].
- (4) The noncertified applicator is currently a certified applicator but is not certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.

(d) Noncertified applicator training program.

- (1) General noncertified applicator training must be presented to noncertified applicators either orally from written materials or audio visually. The information must be presented in a manner that the noncertified applicators can understand, such as through a translator. The person conducting the training must be present during the entire training program and must respond to the noncertified applicators’ questions.
 - (2) The person who conducts the training must meet one of the following criteria:
 - (i) Be currently certified as an applicator of restricted use pesticides under this part.
 - (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by EPA, the certifying authority, or a State, Tribal, or Federal agency having jurisdiction.
 - (iii) Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers under (WPS) 40 CFR part 170.

(3) Content of noncertified applicator training

materials. (e) Recordkeeping.

(1) Commercial applicators must create or verify the existence of records documenting that each noncertified applicator has the qualifications required in paragraph (c) Training for noncertified applicators or WPS handler training within last 12 months, requirements of certifying authority, or certified applicator of this section. For each noncertified applicator, the records must contain the information appropriate to the method of qualification as provided in paragraphs (e)(1)(i) through (e)(1)(iv).

(i) If the noncertified applicator was trained in accordance with paragraph (c)(1) of this section, the record must contain the following information:

- (A) The noncertified applicator’s printed name and signature.
- (B) Date training requirement was met.
- (C) The name of the trainer.
- (D) The title or a description of the training provided.

(ii) If the noncertified applicator was trained as an agricultural handler under 40 CFR 170.501 in

accordance with paragraph (c)(2) of this section, the record must contain all of the information required at 40 CFR 170.501(d)(1).

- (iii) If the noncertified applicator qualified by satisfying the requirements established by the certifying authority, the record must contain the information required by the certifying authority.
- (iv) If the noncertified applicator is a certified applicator who is not certified to perform the type of application being conducted or not certified in the jurisdiction where the use will take place, as described in paragraph (c)(4) of this section, the record must include all of the following information:
 - (A) The noncertified applicator's name.
 - (B) The noncertified applicator's certification number.
 - (C) The expiration date of the noncertified applicator's certification.
 - (D) The certifying authority that issued the certification.

- (2) The commercial applicator supervisor must create or verify the existence of the record containing the information in paragraph (e)(1) [method of qualification, etc.] of this section before allowing the noncertified applicator to use restricted use pesticides under his or her direct supervision.
- (3) The commercial applicator supervisor must have access to records documenting the information required in paragraph (e)(1) of this section at the commercial applicator's principal place of business for two years from the date the noncertified applicator used the restricted use pesticide.

(f) Exceptions. The requirements in §171.201 do not apply to the following persons:

- (1) Persons conducting laboratory research involving restricted use pesticides.
- (2) Doctor of Medicine and Doctor of Veterinary Medicine applying restricted use pesticides to patients during the course of ordinary practice of those professions.

APPENDIX D
STATE PROCEDURES FOR RECIPROCITY at
§171.303(a)(9)

The certifying authority will:

- (i) rely only on valid current certifications that are issued under other approved State, Tribal or Federal agency certification plan.
- (ii) will examine the standards of competency used by the State, Tribe, or Federal agency that originally certified the applicator and will determine that, for each category of certification that will be accepted, they are comparable to its own standards.
- (iii) have a mechanism to terminate an applicator's certification upon notification that the applicator's original certification terminates because of a conviction under section 14(b) of FIFRA or was subject to a final order imposing a civil penalty under section 14(a) of FIFRA.
- (iv) issue an appropriate State credential or document to the applicator.

**Proposed Administrative Consent Agreement
Background Summary**

Subject: Ehrlich
23 Washington Ave. Unit 3
Scarborough, ME 04074

Date of Incident(s): July 7, 2021 & April 12, 2022

Background Narrative: On June 24, 2021, a licensed applicator for Ehrlich applied EcoVia EC Insecticide, EPA 25b exempt, to the residential properties located at 1 and 3 Oceanview Ave. in Kennebunkport, Maine for control of mosquitoes and ticks. The properties at 1 and 3 Oceanview Ave. are within 250 feet of a property listed on the Maine 2021 Pesticide Notification Registry. The 2021 Notification Registry participant informed Board staff that they had not been notified about the application. During the follow-up use inspection, a Company manager acknowledged not checking the 2021 Pesticide Notification Registry for participants and updating the company's notification routine accordingly.

On April 1, 2022, a licensed applicator for Ehrlich applied DeltaDust Insecticide, EPA Reg. No. 432-772, and Advion Insect Granules, EPA Reg. No. 100-1483, to the exterior of a residential home in Shapleigh, Maine for carpenter ant prevention. On April 11, 2022, the Board received a complaint from the homeowner in Shapleigh, reporting that they had not been in a contract with Ehrlich for several years and they currently contract with a different company for pesticide application services. During the course of the inspection, the Board inspector determined that the complainant had canceled the contract with Ehrlich in 2017. It was not possible to determine how a work order for a complainant's property was generated in 2022, but apparently not for the preceding years since the cancelation. Ehrlich representatives could not provide proof of authorization to apply pesticides at the property in Shapleigh in 2022.

Summary of Violations: CMR 01-026, ch. 28 § 2 (D) requires commercial applicators to provide advance notification of outdoor pesticide applications made within 250 feet of the property of any participant on the current year Notification Registry.

CMR 01-026 C.M.R. ch. 20 § 6(D) prohibits the application of pesticides to the property of another without prior authorization of resident and places the burden of confirmation and documentation for authorization of ongoing, periodic applications on the company making such applications.

Rationale for Settlement: Ehrlich has acknowledged their mistakes and are accepting responsibility for these violations by entering into this Proposed Consent Agreement with the BPC and the OAG.

Attachments: Proposed Consent Agreement

FEB - 7 2024

CK amount: \$2500

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL

CK Date: 2-6-24

CK # 358194

In the Matter of:) ADMINISTRATIVE CONSENT
Ehrlich) AGREEMENT
23 Washington Avenue, Unit 3) AND
Scarborough, Maine 04074) FINDINGS OF FACT

This Agreement by and between Ehrlich (hereinafter referred to as the "Company") and the State of Maine Board of Pesticides Control (hereinafter referred to as the "Board"), as approved by the Office of the Attorney General ("OAG"), is entered into pursuant to 22 M.R.S. § 1471-M(2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1. That Company provides a variety of pest control services, including commercial pesticide applications, across many states in the eastern United States, including Maine.
2. That on June 24, 2021, the Board received a complaint alleging that a 2021 Maine Notification Registry participant from Kennebunkport had not received prior notification about a pesticide application made by the Company to an adjacent residential property that was listed on the registry as a property that required advance notification to an adjacent residence.
3. That on July 7, 2021, a Board inspector conducted a follow-up inspection with Company branch office General Manager Brandon Hier and Service Manager Jim Connolly at the Ehrlich branch office at 12 Gray's Lane in Biddeford, Maine.
4. That during the of the inspection described in Paragraph 3, the Board inspector determined that Tyler Slack, a licensed commercial applicator for the Company, made an application of EcoVia EC, an EPA minimum risk pesticide exempt from federal registration requirements under 7 U.S.C. § 136w(b), to the lawn areas at 1 and 3 Oceanview Avenue in Kennebunkport.
5. That during the course of the inspection described in Paragraph 3, the Board inspector determined that both Company branch office General Manager Hier and Service Manager Connolly acknowledged that Ehrlich's notification routine had not been updated for 2021, and therefore no prior notification was provided to the registry participant described in Paragraph 2.
6. That 01-026 C.M.R. Ch. 28, § 2 requires commercial pesticide applicators to notify participants on the Maine Pesticide Notification registry when making non-agricultural applications to properties listed on the registry designated as being located within 250 feet of the participant's property.
7. That the Company failed to notify a registry participant when making the pesticide application described in Paragraph 4.
8. That the circumstances described in Paragraphs 1 through 7 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).
9. That on April 11, 2022, the Board received a complaint from a resident in Shapleigh, Maine, who reported that a Company employee had made an exterior pesticide application to the resident's property on April 1, 2022. The complainant further reported that the Company had not been under contract to apply pesticides to the

property for several years, and that a different company was currently servicing the property.

10. That in response to the complaint described in Paragraph 9, a Board inspector visited the complainant's home to review and document the details of the complaint.
11. That in response to the complaint described in Paragraph 9, the Board inspector also conducted a follow-up inspection with Company employees James Connolly, Operations Manager, and James Palmer, licensed commercial pesticide applicator on April 12, 2022.
12. That during the course of the inspection described Paragraph 11, the Board inspector determined that, on April 1, 2022, Palmer had applied DeltaDust Insecticide, EPA Reg. No. 432-772, and Advion Insect Granules, EPA Reg. No. 100-1483, along the perimeter of the home to prevent carpenter ants from entering the home.
13. That during the course of the inspection described Paragraph 11, the Board inspector also determined that Palmer had failed to post the pesticide application in accordance with 01-026 C.M.R. Ch. 28, § 3.
14. That during the course of the inspection described Paragraph 11, the Board inspector further determined that the complainant had canceled the contract with the Company in 2017. However, the cancellation was not properly completed through the Company's computer system. It was not possible to determine how a work order for a complainant's property was generated in 2022, but apparently not for the preceding years since the cancellation.
15. That 01-026 C.M.R. Ch. 20, § 6(D) prohibits the application of pesticides to the property of another without prior authorization of resident.
16. That 01-026 C.M.R. Ch. 20, § 6(D) also places the burden of confirmation and documentation for authorization of ongoing, periodic applications on the company making such applications.
17. That Company did not have authorization to conduct the pesticide application described in Paragraph 12.
18. That the circumstances described in Paragraphs 9 through 17 constitute a violation 01-026 C.M.R. Ch. 20, § 6(D).
19. That the Company expressly waives:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and
 - C. The making of any further findings of fact before the Board.
20. That this Agreement shall not become effective unless and until the Board accepts it.
21. That in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in Paragraphs 8 and 18, the Company agrees to pay a penalty to the State of Maine in the sum of \$2,500.00, due by February 28, 2024. (Please make checks payable to Treasurer, State of Maine.)
22. The Board and OAG grant a release of their causes of actions against the Company for the specific violations cited in the immediately preceding paragraph (Paragraph 21) on the express condition that all actions listed in Paragraph 21 of this Agreement are completed in accordance with the express terms and conditions of this

Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until the Company has completed its obligations pursuant to Paragraph 21.

- 23. Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 21 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes.
- 24. Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against the Company for any other violations other than those expressly listed in this Agreement.
- 25. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
- 26. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement of three pages.

EHRlich

By: Brandon Hier Date: 2/1/2024

Type or Print Name: Brandon Hier

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
John Pietroski, Acting Director

APPROVED:

By: _____ Date: _____
Carey Gustanski, Assistant Attorney General

Proposed Administrative Consent Agreement
Background Summary

Subject: Mainely Grass Holding LLC
288 South River Rd. Bldg A, Unit 3
Bedford, NH 03110

Date of Incident(s): April 29, 2020 - August 14, 2023

Background Narrative: On April 29, 2020, a licensed applicator for Mainely Grass applied Talstar P Insecticide, EPA Reg. No. 279-3206, to a residential property located in Kennebunk, ME for control of mosquitoes and ticks. During a certified applicator record check on August 6, 2020, following up on a complaint of failure to notify, a Board inspector documented the application made on April 29, 2020, was conducted during wind speed of 13 mph per the pesticide application record. The label for Talstar P states within the Mosquito Control directions for use, “Do not apply when speed exceeds 10 MPH.”

On August 20, 2020, the Board received a complaint regarding failure to notify a member of the 2020 Pesticide Notification Registry. A follow-up inspection conducted by a Board inspector indicated that the Company made pesticide applications at 1 & 3 Oceanview Ave. in Kennebunkport on August 18, 2020. Both 1 & 3 Oceanview Ave. are within 250 feet of a member of the Pesticide Notification Registry and were properly listed. The Company could not provide documentation of attempted notification for these applications. The Company also failed to notify this registrant prior to a pesticide application at 1 Oceanview Ave. on July 20, 2022.

On September 13, 2022, the Board received an email from a member of the 2022 Pesticide Notification Registry in York, stating that a pesticide application had been made at their neighbor’s property without proper notification. A follow-up inspection conducted by a Board inspector indicated that the Company made a pesticide application of Wisdom TC Flowable Insecticide, EPA Reg. No. 5481-520 to the yard at 3 Ash Lane in York to control ticks and mosquitoes on September 12, 2022. The property at 3 Ash Lane, York is within 250 feet of a member of the 2022 Pesticide Notification Registry. The Company did not make proper notification to the registrant. The Company also failed to notify this registrant prior to a pesticide application at 3 Ash Lane on April 20, 2023.

On April 20, 2023, the Board received a complaint from a resident in Kennebunk who was concerned about possible pesticide drift to their property from an application made at the neighboring property. On April 20, 2023, two Board inspectors visited the complainant’s property in Kennebunk and collected two foliage samples from the complainant’s property and one from the target property. A follow-up inspection with the Company applicator determined that an application of Bisect L Insecticide, EPA Reg. No. 34704-955, was made at 21 Ocean View Road in Kennebunk to control mosquitoes and ticks on April 19, 2023. The laboratory sample results

report for bifenthrin, the active ingredient in Bisect L Insecticide, showed residue concentrations of 73 parts per million on the target site and 27 parts per million on the complainant's property.

On July 13, 2023, the Board received a complaint alleging that the Company made a pesticide application to their property in Biddeford, Maine, without authorization. During the course of the inspection, the Board inspector ascertained that an application of Progaea TM Pro, an EPA minimum risk pesticide exempt from federal registration requirement to 15 Long Avenue in Biddeford to control mosquitoes and ticks on July 13, 2023. The inspection discovered that the application was intended and authorized to occur at 17 Long Avenue in Biddeford.

On July 28, 2023, the Board received a complaint from a participant in the 2023 Maine Pesticide Notification Registry alleging that the Company failed to provide prior notification about a pesticide application made to an adjacent residential property in Kennebunk on July 27, 2023. The Board inspector ascertained that an application of Talstar P, EPA Reg. No. 279-3206, occurred at 20 Sea Garden Circle in Kennebunk, Maine, to control mosquitoes and ticks on July 27, 2023. The property at 20 Sea Garden Circle is within 250 feet of the registry member's property. The Company failed to notify the registrant.

On August 14, 2023, the Board received a complaint from a resident in Saco who observed a pesticide application to an abutting property and was concerned about possible pesticide drift. A Board inspector visited the complainant's property and collected foliage samples from the complainant's property and the intended target area. The inspection determined that Talstar P Insecticide, EPA Reg. No. 279-3206, was applied at 1 Foley Avenue in Saco to control mosquitoes and ticks on August 14, 2023. The laboratory sample results report for bifenthrin, the active ingredient in Talstar P Insecticide, showed residue concentrations of 97 parts per million on the target site and 12 parts per million on the complainant's property.

Summary of Violations: CMR 01-026, Chapter 28, Section 2 (D) requires commercial applicators to provide advance notification of outdoor pesticide applications made within 250 feet of the property of any participant on the current year Notification Registry.

The violations described above are considered a second, third, fourth and fifth offense within a four-year period pursuant to 7 M.R.S. § 616-A (2) A (2).

7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use of a pesticide inconsistent with its label.

The label for Talstar P states within the Mosquito Control directions for use, "Do not apply when speed exceeds 10 MPH."

01-026 C.M.R. ch. 22, § 4(B)(II) provides that "off-target drift of pesticides from a nearby application that are 1% or greater of the residue in the target area are considered prima facie

evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable.”

01-026 C.M.R. ch. 20, § 6 requires that, “No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager or legal occupant of that property.”

Rationale for Settlement: Mainely Grass Holding LLC, accepts responsibility for these violations by entering into this proposed consent agreement. The Company has instituted new notification practices to comply with Chapter 28. The Company has worked with Board staff to have better understanding of these violations, how they have occurred and what practices and training can be implemented to avoid these incidents in the future.

Attachments: Proposed Consent Agreement

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL

MAR 13 2024

\$ 17500⁰⁰

| | | |
|---------------------------------|---|------------------------|
| In the Matter of: |) | ADMINISTRATIVE CONSENT |
| Mainely Grass Holding LLC |) | AGREEMENT |
| 288 South River Road, Bldg A, 3 |) | AND |
| Bedford, New Hampshire, 03110 |) | FINDINGS OF FACT |

2-26-24
CK 92

This Agreement by and between Mainely Grass Holding LLC (hereinafter referred to as the “Company”) and the State of Maine Board of Pesticides Control (hereinafter referred to as the “Board”), as approved by the Office of the Attorney General (“OAG”), is entered into pursuant to 22 M.R.S. § 1471-M(2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1. That the Company provides turf and outdoor pest control services, including commercial pesticide applications, in Maine, New Hampshire, and Massachusetts.
2. That on August 6, 2020, a Board inspector conducted a pesticide application records review with Company personnel in response to an inquiry the Board received by a concerned beekeeper. During the course of the records review, the inspector determined Thomas Wilkinson, a Company employee, made an application of Talstar P, EPA Reg. No. 279-3206, on April 29, 2020, for control of ticks and mosquitoes at a residence in Kennebunk, Maine. The application record indicated that the wind speeds were 13 miles per hour.
3. That the Talstar P label, under the directions for mosquito control, states—in part—“Do not apply when wind speed exceeds 10 MPH.”
4. That 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) prohibit the use or supervision of such use of a pesticide inconsistent with its label, and 22 M.R.S. § 1471-D(8)(F) provides for court action to seek suspension or revocation of an applicator’s license and/or certification for use or supervision of such use of a pesticide inconsistent with its label.
5. That the circumstances described in Paragraphs 2, 3, and 4 constitute a violation of 7 U.S.C. § 136j(a)(2)(G) and 7 M.R.S. § 606(2)(B) and would permit court action to seek suspension or revocation of an applicator’s license and/or certification pursuant to 22 M.R.S. § 1471-D(8)(F).
6. That on August 20, 2020, the Board received a complaint from a participant in the 2020 Pesticide Notification Registry in Kennebunkport, Maine. The complainant alleged that he had not received prior notification for two pesticide applications made by the Company on August 18, 2020, to properties that were within 250 feet of his property, and which were listed on the 2020 Pesticide Notification Registry as properties listed on the registry which required notification to an adjacent resident.
7. That on August 20, 2020, a Board inspector interviewed the complainant and confirmed that the properties which were sprayed were listed on the 2020 Registry and that the Registry participant should have been notified pursuant to 01-026 C.M.R. ch. 28, § 2(D).
8. That on September 2, 2020, the Board inspector conducted a follow-up inspection with William Plummer, an employee of Company. The inspector ascertained that Ian Clark, a licensed applicator employed by the Company, made applications of Mec Amine D Herbicide, EPA Reg. No. 34704-239, Q-Ball Herbicide, EPA Reg. No. 228-744, and Sedgehammer Herbicide, EPA Reg. No. 81880-24-10163, to the lawns at residences located at both 1 and 3 Oceanview Avenue in Kennebunkport. Both residences were listed on the 2020

Pesticide Notification Registry as properties listed on the registry which required notification to an adjacent resident.

9. That during the course of the follow-up inspection described in Paragraph 8, the inspector confirmed that the Company failed to provide prior notification to the participant on the 2020 Pesticide Notification Registry.
10. That the circumstances described in Paragraphs 6 through 9 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).
11. That on July 20, 2022, the Board received an email from a participant in the 2022 Maine Pesticide Notification Registry from Kennebunkport in which the participant stated that the Company had failed to provide advance notice for a pesticide application conducted to a property listed in the registry as requiring notification to an adjacent resident.
12. That on July 21, 2022, a Board inspector interviewed the registry participant and confirmed the relevant addresses and details.
13. That on July 21, 2022, a Board inspector conducted a follow-up inspection with Andrew Baxter, Branch Manager and licensed commercial master applicator for the Company at the branch office at 690 Stroudwater St. in Westbrook, Maine.
14. That during the course of the inspection described in Paragraph 13, on July 20, 2022, Charles Richards, Jr., a licensed applicator employed by the Company, made an application of Talstar 0.069% Plus Fertilizer, EPA Reg. No. 279-3216-82757, Q-Ball Herbicide, EPA Reg. No. 228-744, and MEC AMINE-D Herbicide, EPA Reg. No. 34704-239, to the lawn at 1 Oceanview Ave. in Kennebunkport.
15. That during the course of the inspection described in Paragraph 13, the inspector ascertained that all Company advance notification requests are implemented through the Company headquarters in New Hampshire. The inspector further ascertained that Company employee Gregory Ciotti had mistakenly placed the advance notice call to the customer instead of the Maine Pesticide Notification Registry participant.
16. That the application site described in Paragraph 14 is within 250 feet of the residential property for a 2022 Maine Pesticide Notification Registry Participant.
17. That the circumstances described in Paragraphs 11 through 16 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).
18. That on September 13, 2022, the Board received an email from a member of 2022 Maine Pesticide Notification Registry in York stating that a pesticide application placard was observed at a neighbor's property dated September 12, 2022. The email further stated that the registry participant was not contacted prior to application on September 12.
19. That on September 21, 2022, a Board inspector conducted a follow-up inspection at the Mainely Grass branch office in Westbrook, Maine. The inspector interviewed Branch Manager Andrew Baxter in person and licensed Company applicator Olivia Parents by phone. Ms. Parents is located in New Hampshire.
20. That based on the inspection described in Paragraph 19, the inspector determined that Parents made an application of Wisdom TC Flowable Insecticide, EPA Reg. No. 5481-520 to the yard at 3 Ash Lane in York to control ticks and mosquitoes on September 12, 2022.
21. That based on the inspection and interviews described in Paragraph 19, the inspector also determined that Parents had worked through her customer list for September 12, and consequently was able to add additional

customers to her day's work. Because the application described in Paragraph 20 was a last-minute addition, the Company failed to provide advance notice to the registry participant living adjacent to application site.

22. That the property and application site described in Paragraph 20 is within 250 feet of the residential property for a 2022 Maine Pesticide Notification Registry Participant.
23. That the circumstances described in Paragraphs 18 through 22 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).
24. That on April 20, 2023, the Board received a complaint from a resident in Kennebunk who was concerned about possible pesticide drift to the resident's property from a pesticide application made to an abutting residential property the previous day.
25. That on April 20, 2023, two Board inspectors visited the complainant's property in Kennebunk to interview the complainant and to follow up on the complaint. As part of their investigation, the Board inspectors collected two foliage samples from the complainant's property and one from the target property.
26. That on April 20, 2023, the Board inspectors conducted a follow-up inspection with licensed Company applicator Hollis Martin. As part of the follow-up inspection, Board inspectors ascertained the details relative to the April 19 application to the abutting residential property.
27. That the Board inspectors determined that Martin made an application of Bisect L Insecticide EPA Reg. No. 34704-955, Defendor Herbicide EPA Reg. No. 62719-560, and Fertilizer w/ Barricade 34-0-12 EPA Reg. No. 52287-6, to 21 Ocean View Road in Kennebunk to control mosquitoes, ticks, and crabgrass on April 19, 2023.
28. That the laboratory sample results report for bifenthrin, the active ingredient in Bisect L Insecticide, showed residue concentrations of 73 parts per million on the target site and 27 parts per million on the complainant's property.
29. That 01-026 C.M.R. ch. 22 applies to outdoor pesticide applications made with powered equipment.
30. That 01-026 C.M.R. ch. 22, § 4(B)(II) provides that "off-target drift of pesticides from a nearby application that are 1% or greater of the residue in the target area are considered prima facie evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable."
31. That the circumstances described in Paragraphs 24 through 30 constitute prima facie evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable.
32. That the circumstances described in Paragraphs 24 through 31 constitute a violation of 01-026 C.M.R. ch. 22, § 4(B)(I), which requires that "Pesticide applications shall be undertaken in a manner which minimizes pesticide drift to the maximum extent practicable, having due regard for prevailing weather conditions, toxicity and propensity to drift of the pesticide, presence of Sensitive Areas in the vicinity, type of application equipment and other pertinent factors."
33. On April 24, 2023, the Board received a complaint from a participant in the 2023 Maine Pesticide Notification Registry alleging that the Company failed to provide prior notification about a pesticide application made to an adjacent residential property on April 20, 2023.
34. That in response to the complaint described in Paragraph 33, a Board inspector conducted a follow-up inspection with Joshua Benning, the licensed Company applicator who performed the April 20 application.

35. That during the course of the inspection described in Paragraph 34, the Board inspector ascertained that Benning applied Talstar P, EPA Reg. No. 279-3206, to 3 Ash Lane in York to control mosquitoes and ticks on April 20.
36. That during the course of the inspection described in Paragraph 34, the Board inspector ascertained that Company had mistakenly notified its customer about the application instead of the registry participant.
37. That the circumstances described in Paragraphs 33 through 36 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).
38. That on July 13, 2023, the Board received a complaint alleging that the Company made a pesticide application to the complainant's property in Biddeford, Maine, without authorization.
39. That in response to the complaint described in Paragraph 38, a Board inspector conducted a follow-up inspection with licensed Company applicator Alexander Lancaster on July 26, 2023, at the Company branch office in Westbrook.
40. That during the course of the inspection described in Paragraph 39, the Board inspector ascertained that Lancaster made an application of Progaea TM Pro, an EPA minimum risk pesticide exempt from federal registration requirements under 7 U.S.C. § 136w(b), to 15 Long Avenue in Biddeford to control mosquitoes and ticks on July 13, 2023.
41. That during the course of inspection described in Paragraph 39, the Board inspector ascertained that the application described in Paragraph 40 was intended and authorized to occur at 17 Long Avenue in Biddeford.
42. That 01-026 C.M.R. ch. 20, § 6 requires that, "No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager or legal occupant of that property."
43. That the circumstances described in Paragraphs 38 through 42 constitute a violation of 01-026 C.M.R. ch. 20, § 6.
44. That on July 28, 2023, the Board received a complaint from a participant in the 2023 Maine Pesticide Notification Registry alleging that the Company failed to provide prior notification about a pesticide application made to an adjacent residential property in Kennebunk on July 27, 2023.
45. That on August 7, 2023, in response to the complaint described in Paragraph 44, a Board inspector conducted a follow-up inspection with Patrick Hudson, the licensed Company applicator who performed the July 27 application.
46. That during the course of the inspection described in Paragraph 45, the Board inspector ascertained that Hudson applied Talstar P, EPA Reg. No. 279-3206, to 20 Sea Garden Circle in Kennebunk, Maine, to control mosquitoes and ticks on July 27, 2023.
47. That during the course of the inspection described in Paragraph 45, the Board inspector ascertained that the Company had mistakenly notified its customer about the application instead of the registry participant.
48. That the circumstances described in Paragraphs 44 through 47 constitute a violation of 01-026 C.M.R. ch. 28, § 2(D).

49. That on August 14, 2023, the Board received a complaint from a resident in Saco who observed a pesticide application to an abutting property and was concerned about possible pesticide drift to the complainant's property based on observations of the manner in which application was made. The complainant stated she observed a Company applicator spraying toward the complainant's property.
50. That on August 14, 2023, a Board inspector visited the complainant's property, interviewed the complainant, reviewed videos provided by the complainant, and collected foliage samples from the complainant's property and the intended target area.
51. That on August 16, 2023, the Board inspector conducted a follow-up inspection with Aiden Ozment, a licensed applicator employed by the Company at the Company branch office in Westbrook.
52. That based on the inspection described in Paragraph 51, the inspector determined that Ozment applied Talstar P Insecticide, EPA Reg. No. 279-3206, to 1 Foley Avenue in Saco to control mosquitoes and ticks on August 14, 2023. Ozment further stated that August 14 was his first time applying to this property. He stated he did not view the property map prior to the application. The application records indicate that the treated area was 6000 square feet, while the property map shows a calculated spray area of 2481.4 square feet.
53. That the laboratory sample results report for bifenthrin, the active ingredient in Talstar P Insecticide, showed residue concentrations of 97 parts per million on the target site and 12 parts per million on the complainant's property.
54. That 01-026 C.M.R. ch. 22 applies to outdoor pesticide applications made with powered equipment.
55. That 01-026 C.M.R. ch. 22, § 4(B)(II) provides that "off-target drift of pesticides from a nearby application that are 1% or greater of the residue in the target area are considered prima facie evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable."
56. That the circumstances described in Paragraphs 49 through 55 constitute prima facie evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable.
57. That the circumstances described in Paragraphs 49 through 56 constitute a violation of 01-026 C.M.R. ch. 22, § 4(B)(I), which requires that "Pesticide applications shall be undertaken in a manner which minimizes pesticide drift to the maximum extent practicable, having due regard for prevailing weather conditions, toxicity and propensity to drift of the pesticide, presence of Sensitive Areas in the vicinity, type of application equipment and other pertinent factors."
58. That this agreement details nine separate complaints resulting in nine documented violations against the Company between August 6, 2020, and August 14, 2023.
59. That the violations described in Paragraphs 17, 23, 37, 48, and 57 are considered subsequent violation pursuant to 7 M.R.S. § 616-A(2)(A)(2).
60. That the Company expressly waives:
 - A. Notice of or opportunity for hearing;
 - B. Any and all further procedural steps before the Board; and
 - C. The making of any further findings of fact before the Board.

61. That this Agreement shall not become effective unless and until the Board accepts it.
62. That in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in Paragraphs 5, 10, 17, 23, 32, 37, 43, 48, and 57, the Company agrees to pay a penalty to the State of Maine in the sum of \$17,500.00, due by February 28, 2024. (Please make checks payable to Treasurer, State of Maine.)
63. The Board and OAG grant a release of their causes of actions against the Company for the specific violations cited in the immediately preceding paragraph (Paragraph 62) on the express condition that all actions listed in Paragraph 62 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until the Company has completed its obligations pursuant to Paragraph 62.
64. Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 62 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes.
65. Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against the Company for any other violations other than those expressly listed in this Agreement.
66. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.
67. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement of six pages.

MAINELY GRASS HOLDING LLC

By:  Date: 2/23/2024

Type or Print Name: Edward Coady

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
John Pietroski, Acting Director

APPROVED:

By: _____ Date: _____
Carey Gustanski, Assistant Attorney General

**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

- I. Donald Dubois (207) 316-8016
Name Telephone Number
- Dubois Contracting
Company Name
- 295 St John Rd Fort Kent ME 04743
Address City State Zip
- II. Donald Dubois CMA 44820/3A3B6A6B
Master Applicator (if applicable) License Number
- 295 St John Rd Fort Kent ME 04743
Address City State Zip
- III. **As part of your application, please send a revegetation plan and digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov**
- IV. Area(s) where pesticide will be applied:
Fort Kent Dike along the St John and Fish Rivers
- V. Pesticide(s) to be applied:(Including EPA Registration Number)
Roundup Custom, Milestone, LI 700, Blue Dye
- VI. Purpose of pesticide application:
Total elimination of all vegetation on the rocky portion of the dike on the river side per requirements of the Army Core of Engineers, Federal Gov.

- VII. Approximate dates of spray application:
June 1 to August 30, 2024 while vegetation is
active & river is at its lowest
- VIII. Application Equipment:
Partial Back Packing / Low Pressure mechanized
where distance from water is acceptable
- IX. Standard(s) to be varied from:
Allowable use of these products on a dry
Flood Plain use within 25' of high water mark
- X. Method to ensure equivalent protection:
Will incorporate use of low pressure backpack / low
pressure mechanized application to minimize leaching
of spray solution, Herbicide application of Round Up
Custom and Milestone will be made for complete control of
+ all vegetation growing in said area. (see Attachment)
- XI. Revegetation Plan (attach separately if necessary)
N/A

Signed: Donald E. [Signature] Date: 3/9/24

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**
OR E-mail to: pesticides@maine.gov

Attachment

X. Method to ensure equivalent protection

Will also use LI 700, a non ionic surfactant containing drift control + defoamer all in one. Will also use Blue dye to reduce any over application. Application date of June 1 to August 30 to assure river level is at its lowest, with no wind where temperature will allow for fastest drying time + no suspension of spray.







SPEED
LIMIT
5







STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

March 27, 2024

Mr. Donald J. Dubois
Dubois Contracting
295 St. John Road
Fort Kent, ME 04743

RE: Variance Permit for CMR 01-026, Chapters 29 for Vegetation Control on the Fort Kent Levee

Dear Mr. Dubois:

The Board of Pesticides Control considered your application for variance from Chapter 29. The variance is approved, with the condition that all products to be used are currently registered in the State of Maine or were registered at the time of purchase and any application is made above the high-water line.

The Board has authorized the issuance of two-year permits for Chapter 29. Therefore, this permit is valid until December 31, 2025, as long as applications are consistent with the information provided on the variance request. Please notify the Board, in advance, of significant changes, particularly if you plan to use a different product from those listed.

Please bear in mind that your permit is based upon your company adhering to the precautions listed in Section X of your application.

I will alert the Board at its next meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Alexander Peacock
Director

13b

Bob Barkalow
Damariscotta Mills Consulting, Inc.
25 Main Street
Nobleboro, ME 04555
bob@invasivepestcontrol.com
973-214-9458 (C)
207-458-3389 (O)

February 11, 2024

Board of Pesticides Control
28 State House Station
August, ME 04333-0028

To Whom it May Concern:

For your consideration, please find attached an application for variance of the 25-foot buffer requirement specified in CMR 01-026, Chapter 29 Section 6, as further clarified in a Policy Memorandum adopted March 5, 2010.

In summary, an infestation of Japanese knotweed is present in and around the historic alewife fish ladder in Damariscotta Mills. This invasive plant threatens the structural integrity of the fish ladder and also creates the risk of this problem weed spreading along the banks of the Damariscotta River. The proposed treatment is a manual cut-stump application of glyphosate to each plant stem. While tedious, this approach has been demonstrated at other sites to be successful, although repeated treatments for 3 – 5 years are required.

Due to the painstakingly careful application method, it is requested that the entire knotweed population be treated, rather than being limited to the policy's 20% area per year.

As a side note, this variance request is one of several steps being pursued for this project. Shoreland zoning permits will also be required, as well as approval from all landowners (two towns, KEI Power and 3 private owners). The Department of Marine Resources, as stewards of diadromous fish passages, will also be included.

Please let me know if anything is missing from the application or if additional information would be helpful. I would be happy to discuss this project by phone, video conference or in a face-face setting.

Thank you for your consideration,



Bob Barkalow

**BOARD OF PESTICIDES CONTROL
APPLICATION FOR VARIANCE PERMIT
(Pursuant to Chapter 29, Section 6 of the Board's Regulations)**

I. Robert Barkalow (bob.barkalow@gmail.com) O: 207-458-3389 C: 973-214-9458
Name Telephone Number

Damariscotta Mills Consulting, Inc.
Company Name

25 Main Street Nobleboro Maine 04555
Address City State Zip

II. Robert Barkalow CMA-6156
Master Applicator (if applicable) License Number

25 Main Street Nobleboro Maine 04555
Address City State Zip

III. **As part of your application, please send a revegetation plan and digital photos showing the target site and/or plants and the surrounding area, particularly showing proximity to wetlands and water bodies, to pesticides@maine.gov**

IV. Area(s) where pesticide will be applied:
Areas around the Damariscotta Mills Fish Ladder, located on the border between Nobleboro and Newcastle. There are several, mostly distinct, patches of knotweed throughout a roughly 0.5 acre area. See attached map for specific locations and approximate treatment area dimensions.

V. Pesticide(s) to be applied: (Including EPA Registration Number)
Round-Up Pro Concentrate, diluted to 5% active ingredient. EPA registration 524-529

VI. Purpose of pesticide application:
Knotweed is known to cause structural issues with stone foundations. Controlling it in and around the fish ladder area will help protect the masonry work that has been performed over the past several years as the fish ladder was reconstructed. Further, plant fragments may be carried downriver, spreading this invasive plant along the banks of the Damariscotta River.

- VII. Approximate dates of spray application:
Not applicable. Knotweed stems will be treated with a cut-stump application in late June or early July, with re-sprouts treated again in mid- to late-September. This will be repeated, as needed, for 3 – 5 years.
- VIII. Application Equipment:
Four ounce “buckthorn blaster” bottles equipped with wicking tops. No powered equipment will be used.
- IX. Standard(s) to be varied from:
Chapter 29 section 6 (A) – Buffer Requirement. The treatment will use non-powered equipment directed at the specific target pest (knotweed). However, due to the tenacity of knotweed, treatment will need to be repeated for 3 – 5 years as the plant roots re-sprout, therefore all plant stems will be treated. To facilitate this approach, a variance is requested from the 20% treatment limit per calendar year for plants growing within 25’ of the water.
Note that the total volume of pesticide applied will be well below the allowable maximum yearly amount.
- X. Method to ensure equivalent protection and Revegetation Plan:
The cut-stump application will be undertaken by a trained professional to ensure that all chemicals are applied directly to the target pest and not released directly into any water.
Glyphosate’s inherent quality for low-mobility in soil will further ensure the protection of water resources.
- XI. Revegetation Plan (attach separately if necessary)
Due to the small size of the knotweed patches, no re-planting will be necessary. Native plants will fill in around the treatment sites once the knotweed stops overshadowing the area.

Signed:  Date: 2/11/2024

Return completed form to: **Board of Pesticides Control, 28 State House Station, Augusta, ME 04333-0028**
OR E-mail to: pesticides@maine.gov

Damariscotta Mills Fish Ladder



Bob Barkalow
Damariscotta Mills Consulting, Inc.
February, 2024

Damariscotta Mills Fish Ladder

Knotweed Locations (approximate coverage)

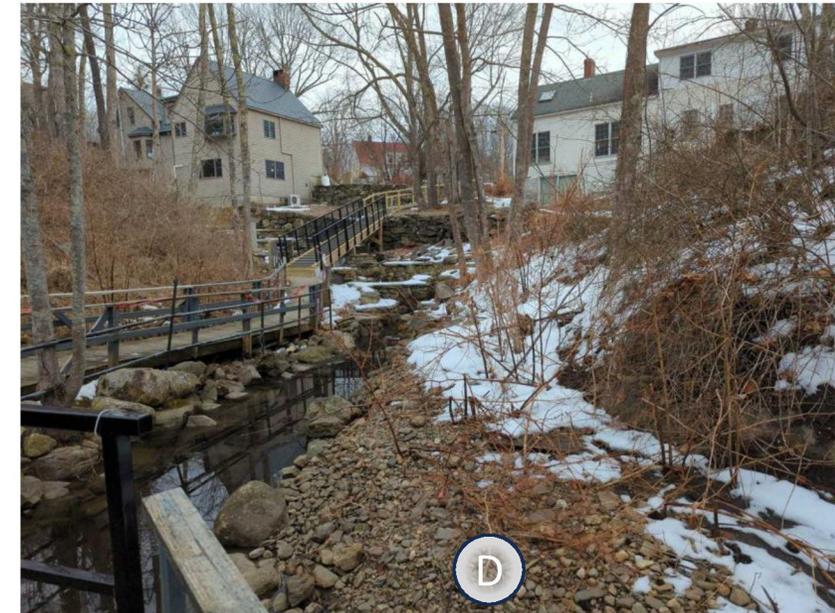
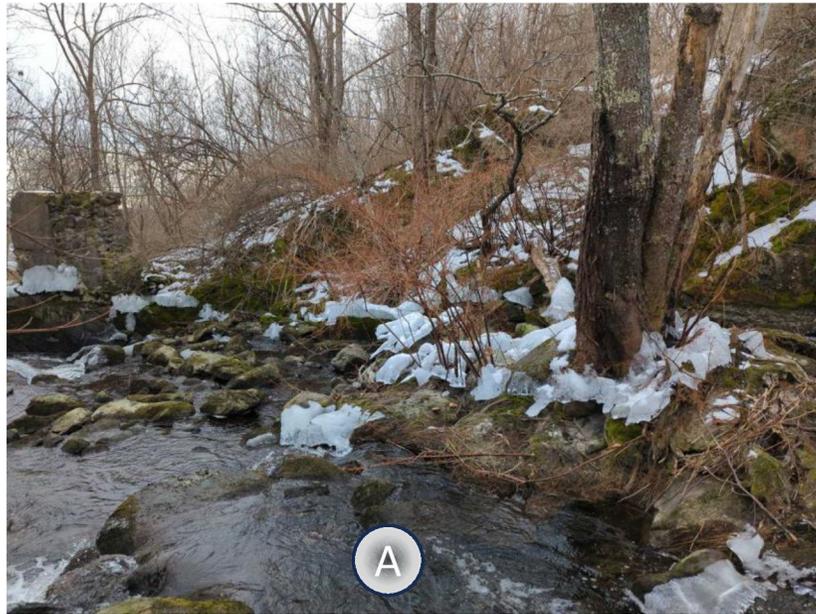
A - ~ 400 ft² – south side of middle stream, below dam

B - ~ 1,300 ft² – either side of middle pools, non-contiguous

C - ~ 675 ft² – west side of stream, by dippers

D - ~ 2,500 ft² – north wall, lower walkway, east side of lower pools, non-contiguous





Bob Barkalow
Damariscotta Mills Consulting, Inc.
February, 2024



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

March 27, 2024

Damariscotta Mills Consulting, Inc.
Robert Barkalow
25 Main St.
Nobleboro, ME 04555

RE: Variance permit for CMR 01-026 Chapter 29, Damariscotta Mills Consulting, Inc

Greetings,

The Board of Pesticides Control considered your application for variance from Chapter 29. The variance is approved, with the condition that all products to be used are currently registered in the State of Maine or were registered at the time of purchase and any application is made above the high-water line.

The Board authorizes the issuance of two-year permits for Chapter 29, therefore this permit is valid until December 31, 2025, as long as applications are consistent with the information provided on the variance request. Please notify the Board in advance of changes, particularly if you plan to use a different product from those listed.

Please bear in mind that your permit is based upon your company adhering to the precautions listed in Section X of your Chapter 29 variance request.

I will alert the Board at its next meeting that the variance permit has been issued. If you have any questions concerning this matter, please feel free to contact me at 287-2731.

Sincerely,

Alexander Peacock
Director

ALEXANDER PEACOCK, DIRECTOR
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731
THINKFIRSTSPRAYLAST.ORG



Direct Hire Career Opportunity Bulletin

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

28 State House Station, Augusta, ME 04333

*Offices Located at Harlow, Williams Pavilion and Deering Buildings - AMHI Complex, Augusta

TOXICOLOGIST

<http://www.maine.gov/dacf>

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|----------------|---------------------------|
| Public Service | Career Diversity |
| Retirement | Promotional Opportunities |
| Benefits | Over 10,000 Employees |
| Paid Holidays | Statewide Locations |
| Training | Seasonal Jobs |
| Full Time | Part Time |

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| Opening Date: March 21, 2024 | Closing Date: April 18, 2024 |
| Location: Augusta | Position #: 00500-0704 |
| Position Type: Permanent Full Time | Class Code: 4364 |
| Grade/Salary: 26 (\$20.44 - \$27.75/hr) | |

HOW TO APPLY: Interested applicants need to complete and submit a State of Maine Direct Hire Application, detailed Resume and cover letter to:

Natural Resources Service Center
Darryl Touchette, HR Manager
155 State House Station
Augusta, Maine 04333-0155
Phone: 207-624-6392 Fax: 207-287-2216

OR email your application material to:
NRSCdirecthireapplications@maine.gov

APPLICATIONS MUST BE RECEIVED BY:
5:00 pm, April 18, 2024

Direct Hire Application forms can be obtained by contacting the NRSC Personnel Office at 624-63 or 92 by accessing the NRSC website at <http://www.maine.gov/nrsc/jobs/application.shtml>

BENEFITS:

Value of State's share of Employee's Retirement: 15.12% of pay, **Employee Pays:** 7.65% of pay
Value of State-paid Dental Insurance: \$13.13 biweekly
Value of State-paid Health Insurance*:
Level 1: 100% State Contribution = \$427.57 biweekly (employee pays nothing)
Level 2: 95% State Contribution = \$406.19 biweekly (Employee pays: 5%)
Level 3: 90% State Contribution = \$384.81 biweekly (Employee pays: 10)
Level 4: 85% State Contribution = \$363.43 biweekly (Employee pays: 15%)
*The level of actual value of state paid Health Insurance will be based on employee's wage rate and status with regard to the health credit premium program.

BRIEF JOB DESCRIPTION: This position serves as the primary source of scientific and technical information about the risks and benefits of pesticide use in Maine for the Board of Pesticides Control (BPC), other state agencies, the medical community, and the general public. Pesticide literature is highly technical and frequently controversial. It includes the popular press, peer-reviewed scientific publications, registration and review documents generated by EPA and other federal agencies, and data packages from registrants. Evaluating the scientific validity and relevance to Maine of this vast and complex literature requires an equally complete and thorough degree of education and experience.

- The Toxicologist's expertise is applied through the BPC's standing and ad hoc technical committees.
- The Toxicologist also provides technical support to the Department of Agriculture, Conservation and Forestry and other state agencies, including the Maine Emergency Management Agency, the Maine DEP, the Maine DOT, the Department of Administrative and Financial Services and the Maine CDC.
- The position interacts daily with the BPC field and office staff and the general public; and maintains relationships with the pesticide manufacturing community, the medical community (including the Northern New England Poison Center) and the academic institutions in Maine and beyond.
- The toxicologist also assists the DACF Quality Assurance and Regulation Committee with food safety issues.
- Outreach and education are significant elements of this position. The Toxicologist will be expected to develop and present educational and training materials for the regulated community, the general public, and other interested parties, as well as respond to inquiries within their area of expertise.

For further information, call Megan Patterson, Director, Division of Animal and Plant Health at (207) 592-0911.

MINIMUM QUALIFICATIONS: A Bachelors Degree in Chemistry, Toxicology, Ecology or directly related field and four (4) years of experience in pharmacology, toxicology, analytical chemistry or a directly related field. Equivalent experience may be substituted for education on a year-for-year basis.

Preference will be given to candidates who have a Master's Degree in Environmental Toxicology or a related field, with experience in the evaluation of pesticides or contaminants in the environment.



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| Training | Seasonal Jobs |
| Full Time | Part Time |

HOW TO APPLY: Interested applicants need to complete and submit a State of Maine Direct Hire Online *Application*, along with a *Cover Letter*, and a detailed *Resume* at:

<https://www.maine.gov/nrsc/jobs/index.shtml#acf>

Direct Hire Application forms can be obtained at the NRSC website:

<https://www.maine.gov/nrsc/jobs/application.shtml>

If you are unable to apply online, please mail all application materials to:

Natural Resources Service Center
c/o Kristin McCamish
32 Blossom Lane
Marquardt Building
Augusta, ME 04333-0155

Applications must be received by:
April 19, 2024

Direct Hire Career Opportunity Bulletin

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

State House Station #28 *Offices Located at Harlow/Williams Pavilion/Deering Buildings – Augusta, ME 04330

ENVIRONMENTAL SPECIALIST IV

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|-----------------------|---|----------------------|----------------|
| Opening Date: | March 22, 2024 | Closing Date: | April 19, 2024 |
| Location: | Augusta | Position #: | 00500-0523 |
| Position Type: | Full Time | Class Code: | 9254 |
| Grade/Salary: | Grade 26 (Supervisory) - \$57,969.60 - \$78,852.80/Annually | | |

The Department of Agriculture, Conservation and Forestry (DACF) has a current fulltime vacancy for an Environmental Specialist IV.

BRIEF JOB DESCRIPTION: This is a professional services position and is responsible for scientific work in protecting the environment. The position is of a supervisory nature and includes program management and performing complex technical evaluations. Responsibilities include supervising subordinates engaged in monitoring, evaluating, and investigating environmental issues and assessing and disseminating information as it pertains to Department objectives. Work is performed under administrative direction.

This position oversees the compliance monitoring and regulatory enforcement functions for the Board of Pesticides Control. It supervises and trains the field inspection staff, conducts inspections on an as-needed basis, and is the point person for receiving complaints and other allegations of unlawful conduct. This position also coordinates complaint responses, develops Standard Operating Procedures, oversees sampling procedures, and reviews case files. The position also makes initial determinations relative to whether violations of Maine pesticide laws have occurred, and if so, works with the Office of the Attorney General to determine the appropriate enforcement response.

Travel and participation in nationwide conferences and training programs with other state pesticide regulatory officials is also a responsibility. Finally, the position is the enforcement liaison with the Federal EPA relative to the cooperative enforcement agreement that ensures Maine retains enforcement primacy.

There are possibilities for remote work within a structured work plan upon department approval.

For questions specific to the position, please contact Megan Patterson at Megan.L.Patterson@maine.gov or call (207) 592-0911.

MINIMUM QUALIFICATIONS: An eight (8) year combination of education and/or experience in environmental science or related area which includes at least two (2) years of supervisory or program management/administration experience. Qualifying education must include at least 15 credit hours of science or engineering coursework.

No matter where you work across Maine state government, you find employees who embody our state motto—"Dirigo" or "I lead"—as they provide essential services to Mainers every day. We believe in supporting our workforce's health and wellbeing with a valuable total compensation package, including:

- **Work-Life Balance** – Rest is essential. Take time for yourself using **13 paid holidays, 12 days of sick leave,** and **3+ weeks of vacation leave** annually. Vacation leave accrual increases with years of service, and overtime-exempt employees receive personal leave.
 - **Health Insurance Coverage**– The State of Maine pays **85%-100%** of employee-only premiums (\$9,893.52-\$11,057.52 annual value), depending on salary. Use this chart to find the [premium costs](#) for you and your family, including the percentage of dependent coverage paid by the State.
 - **Health Insurance Premium Credit** – Participation decreases employee-only premiums by 5%. Visit the Office of Employee Health and Wellness for more information about [program requirements](#).
 - **Dental Insurance**– The State of Maine pays 100% of employee-only dental premiums (\$350.40 annual value).
 - **Retirement Plan**– The State of Maine contributes at least **13.41% of pay** to the Maine Public Employees Retirement System (MainePERS), on behalf of the employee.
 - **Gym Membership Reimbursement**– Improve overall health with regular exercise and receive up to \$40 per month to offset this expense.
 - **Health and Dependent Care Flexible Spending Accounts**– Set aside money pre-tax to help pay for out-of-pocket health care expenses and/or daycare expenses.
 - **Public Service Student Loan Forgiveness**– The State of Maine is a qualified employer for this federal program. For more information, visit the [Federal Student Aid office](#).
 - **Living Resources Program** – Navigate challenging work and life situations with our employee assistance program.
 - **Parental leave** is one of the most important benefits for any working parent. All employees who are welcoming a child—including fathers and adoptive parents—receive **forty-two (42) consecutive calendar days of fully paid parental leave**. Additional, unpaid leave may also be available, under the [Family and Medical Leave Act](#).
 - **Voluntary Deferred Compensation**– Save additional pre-tax funds for retirement in a MaineSaves 457(b) account through payroll deductions.
- Learn about **additional wellness benefits** for State employees from the [Office of Employee Health and Wellness](#)

There's a job and then there's purposeful, transformative work. Our aim is to create a workplace where you can learn, grow, and continuously refine your skills. Applicants demonstrate job requirements in differing ways, and we appreciate that many skills and backgrounds can make people successful in this role.

As an Equal Opportunity employer, Maine State Government embraces a culture of respect and awareness. We are committed to creating a strong sense of belonging for all team members, and our process ensures an inclusive environment to applicants of all backgrounds including diverse race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, familial status or genetics.

If you're looking for a great next step, and want to feel good about what you do, we'd love to hear from you. Please note reasonable accommodations are provided to qualified individuals with disabilities upon request.

Thinking about applying?

Research shows that people from historically excluded communities tend to apply to jobs only when they check every box in the posting. If you're currently reading this and hesitating to apply for that reason, we encourage you to go for it! Let us know how your lived experience and passion set you apart.