

Board of Pesticides Control

CRITERIA FOR CONSIDERING PESTICIDE PRODUCTS FOR STATE RESTRICTED USE STATUS

The Board has established the following criteria as policy for considering placement of pesticides on the state restricted use list. Since the criteria are adopted as policy and not regulation, the Board may amend them as the need arises at future meetings.

1. Products that are classified by EPA as Federally Restricted Use.
2. Products that the Board determines have a high potential for exposure in the hands of a non-certified individual. For example, a product that has been reviewed by the Board and a determination made that personal protective equipment such as respirator, goggles, impermeable gloves is necessary to reduce exposure and long term risks.
3. Products that the Board determines have a history of misuse or accidents.
4. Products the Board determines have significant acute toxicity or chronic health effects identified at reasonably expected use patterns.
5. Products that the Board determines (a) have been confirmed at levels of concern or are widespread in ground and surface water as a result of routine uses or (b) have a high potential for leaching or surface runoff under normal expected use patterns.
6. Products that the Board determines are toxic to fish or wildlife or have other adverse environmental effects under normal expected use patterns.
7. Pesticide products which are no longer federally registered will not be included on the state restricted use list.

Chapter 40: MAINE RESTRICTED AND LIMITED USE PESTICIDES

SUMMARY: These regulations list the pesticides classified by the Board as restricted use or limited use and describe procedures governing their sale and use:

Section 1. RESTRICTED USE PESTICIDES

The products described under Section A and B below shall be classified as restricted use pesticides for the purposes of this chapter.

- A. All products classified for restricted use by the U.S. Environmental Protection Agency shall automatically be restricted use pesticides under this chapter.
- B. In addition, all products containing the following active ingredients and meeting the listed criteria shall be classified as restricted use pesticides in Maine:

arsenic compounds (above 2%)	fenthion (Baytex)
azinphos-methyl (Guthion)	fonophos (Dyfonate, above 15%)
<u>brodifacoum</u>	formetanate hydrochloride (Carzol)
<u>bromadiolone</u>	mercury compounds
chlorfenvinphos (4072)	methomyl (Lannate-all uses except bait formulations less than 2% methomyl)
daminozide	nicotine alkaloid (above 40% expressed as alkaloid)
dichlorvos (Vapona, DDVP, above 25%)	oxamyl (Vydate)
<u>difenacoum</u>	paraquat (above 0.2%)
<u>difethialone</u>	phosphorus (white and yellow)
**disulfoton (Disyston, above 1%)	strychnine
DNOC (Sinox, above 2%)	<u>tebuthiuron</u>
***EBDC fungicides (Maneb, Mancozeb	trichlorfon
Dithane, Polyram, Metiram, etc)	
except dry flowable and liquid formulations	
endosulfan (Thiodan, above 10%)	
endothall	
ethion (above 40%)	

**Granular formulations of 10% and above are restricted.

***All dusts and wettable powder formulations restricted, regardless of concentration.

- C. Restricted use pesticides may be sold only by restricted use pesticide dealers licensed by the Board as provided in Chapter 34.
- D. Restricted use pesticides may be purchased and used only by applicators licensed by the Board as provided in Chapters 31 and 32.

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	Sodium monofluoroacetate (Compound 1080)
Heptachlor	Toxaphene
Lindane	

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 on or after September 1, 1970.

STATUTORY AUTHORITY: Title 22 M.R.S.A., Chapter 258-A and 7 M.R.S.A., Chapter 103

EFFECTIVE DATE:

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Corrections:

February, 2014 - agency names, formatting