



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BOARD OF PESTICIDES CONTROL  
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**Memorandum**

To: Board of Pesticides Control  
From: John T. Pietroski | Acting director  
Subject: Distribution of Adjuvants Products

July 21, 2023

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**Summary:**

LD 2019 “An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances”(PL 2022 c.673) was approved by the 130<sup>th</sup> Maine Legislature in 2022. Under this law, adjuvants were added to the definition of pesticides and must be properly registered with BPC. The regular session of the 130<sup>th</sup> Maine Legislature closed on May 9, 2022. Ninety days from May 9, 2022, was August 8, 2022, which was when the LD became law. Dealers and growers have approached staff regarding the ability to use adjuvant products that were in their possession prior to or after the effective date of August 8, 2022 through the product registration period. Typically, renewal registrations are received by December 31<sup>st</sup> the year prior, however, the 2023 registration year was postponed to February 28<sup>th</sup>, 2023 for most products and to March 21, 2023 for those where the company had requested and received written approval for a registration extension.

**Previously Purchased Product:**

The Board can develop an adjuvant registration implementation plan to allow for the transition of product registrations. Staff propose developing a policy so that adjuvant products can be legally distributed and used within Maine similarly to how pesticides that are no longer registered are allowed for distribution and use by end users in Chapter 20, Section 1(D).

This policy will reduce the burden on dealers that have unsold products and growers that previously relied on these adjuvants to treat their sites effectively. Additionally, it will reduce the amount of waste from these products if they are allowed use on labeled sites. Adjuvant products in this regulatory classification are not required to be registered by EPA as pesticides due to their reduced risk profile. Adjuvants are regulated by EPA and must still meet Federal Food, Drug,

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and Cosmetics Act ( FFDCa) requirements for tolerance or tolerance exemption when used on food commodities.

**Draft Proposed Policy:**

Adjuvant products that were in the possession of dealers, distributors, and end users when PL 2022 c. 673 became effective on August 8, 2022 will be included as “pesticides no longer registered in Maine” under Chapter 20, Section 1(D).

**Chapter 20, Section 1. D.**

*Retailers and end users of pesticides no longer registered in Maine may continue to sell and use those items provided they were properly registered when obtained and such distribution and use is not prohibited by FIFRA or other Federal law.*