



STATE OF MAINE
 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
 BOARD OF PESTICIDES CONTROL
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 AUGUSTA, MAINE 04333

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**MAINE BOARD OF PESTICIDES CONTROL INTERIM POLICY RELATING TO
 CHLORPYRIFOS TEMPORARY PERMITS FOR USE BY APPLICATORS
 INTENDING TO USE EXISTING STOCKS OF CHLORPYRIFOS, PURCHASED
 BEFORE JANUARY 1, 2022**

BACKGROUND

On June 8, 2021 LD 316 was signed into Maine law. This law prohibits, beginning January 1, 2022, the distribution of pesticides containing chlorpyrifos as an active ingredient. The law allows the Board to grant temporary permits from January 1, 2022 to December 31, 2022 authorizing licensed pesticide applicators to use pesticides containing chlorpyrifos, as long as the product was in the State and in the possession of the applicator before January 1, 2022. The law directs the Board to post on its website a list of the temporary permits issued.

In 2021, the Board initiated rulemaking related to the use of chlorpyrifos. Proposed rules clarified statutory prohibitions on the distribution of chlorpyrifos and Board issuance of permits for use of existing stocks of chlorpyrifos purchased before January 1, 2022. Due to delays in the rulemaking process, applicators in possession of chlorpyrifos are seeking guidance on how to pursue a Board permit that will allow them to use up existing products.

Staff recommends the following interim policy which incorporates the related proposed amendment to Chapter 41:

POLICY

The Board delegates the authority to BPC staff to approve requests for temporary permits for use as established in Title 7 Section 4, authorizing a pesticides applicator licensed by the State to use or apply a pesticide containing chlorpyrifos as an active ingredient, as long as that licensed applicator possessed the pesticide in the State before January 1, 2022.

The permit application must be submitted on forms provided by the Board and must include:

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- The name, address and telephone number of the applicant;
- The brand name of the pesticides to be applied;
- The date on which the pesticides were purchased;
- The approximate quantity of the pesticides possessed;
- The purpose for which the pesticide application(s) will be made; and
- The duration for which the applications will take place or until the product is gone.

Within 30 days after a complete application is submitted, the Board or its staff shall issue a permit if:

- The permit application is received prior to December 31, 2022;
- The applicant possesses a valid pesticide applicator license issued by the State;
- The pesticides proposed for use were purchased prior to January 1, 2022;

The Board may place conditions on any such permit, and the applicant shall comply with such conditions. Except as required by the permit, the applicant shall undertake the application in accordance with all of the conditions described in their request and all other applicable legal standards. Permits issued by the Board 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.