



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BOARD OF PESTICIDES CONTROL
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**MAINE BOARD OF PESTICIDES CONTROL POLICY ON
EMERGENCY PERMITTING FOR NEONICOTINOIDS
EXEMPTION**

Adopted August 5, 2022

BACKGROUND

On August 5, 2021, the Board adopted Section 6 of Chapter 41 which limits the use of dinotefuran, clothianidin, imidacloprid, or thiamethoxam in outdoor residential landscapes to only certified private or commercial applicators. Further, these active ingredients may only be used for the management of emerging invasive invertebrate pests on ornamental vegetation or in emergency situations with an approved permit obtained from the Board. On February 18, 2022, the Board recommended compiling a list of approved emerging invasive invertebrate pests that meet this definition and to allow for permitting for use of neonicotinoids in emergency situations as outlined in CMR01-26 Chapter 51(VII)(B)(1).

POLICY

Any person who seeks a variance from rules in Chapter 41 Section 6 may only do so for emergency situations as outlined in CMR01-26 Chapter 51(VII)(B)(1).

An emergency situation exists if it:

- Involves the introduction or dissemination of a pest new to or not theretofore known to be widely prevalent or distributed within or throughout the United States and its territories; or
- Will present significant risks to human health; or
- Will present significant risks to threatened or endangered species, beneficial organisms, unique ecosystems or the environment; or
- Will cause significant economic loss due to:
 - an outbreak or an expected outbreak of a pest; or
 - a change in plant growth or development caused by unusual environmental conditions where such change can be rectified by the use of a pesticide(s).

Once an emergency situation is identified, applicators who wish to use neonicotinoids in residential landscapes must submit an emergency use permit to

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

- The name, address and telephone number of the applicant;
- The brand name of the pesticides to be applied;
- The area(s) where pesticides will be applied;
- The purpose for which the pesticide application(s) will be made;
- The approximate application date(s);
- The type(s) of application equipment to be employed;
- The approved pest species for which the application is being made as defined in policy or by the Board; and
- The particular reasons why the applicant seeks a variance from the requirements of this section, including a detailed description of the techniques to be employed to assure that a reasonably equivalent degree of protection of surrounding nontarget vegetation will be obtained.

Within 30 days after a complete application is submitted, the Board or its staff shall issue a permit if it finds that the application meets requirements of CMR01-26 Chapter 41 Section 6 (E). 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 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.