

MAINE BOARD OF PESTICIDES CONTROL
POLICY CONCERNING DEFINITION OF DISTRIBUTE

Adopted June 13, 2003

The Board listened to a concern raised by staff who had received an inquiry from a manufacturer seeking registration of a new insect repellent and asking if it was okay to give samples to friends to try the product while awaiting a final registration decision by the U.S. Environmental Protection Agency. The staff pointed out that they had always interpreted the definition of distribute to be an all encompassing term related to any transfer of a pesticide from one person to another. However, the Assistant Attorney General advised that the statutory definition was not specific with respect to the provision of free samples, and suggested that the Board may be able to clarify its application as a matter of policy. The staff brought this matter to the attention of the Board and it responded at the June 13, 2003 meeting by adopting the following statement as an interim compliance policy until such time as the Board may make a housekeeping amendment to add the following expanded definition of distribute to Chapter 10 - Definitions.

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. This term also includes the offering of samples of unregistered pesticides to any person except for the explicit purposes of conducting supervised experiments to generate data in support of product registration.