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**MAINE BOARD OF PESTICIDES CONTROL
POLICY RELATING TO SPRAY CONTRACTING FIRM LICENSE
REQUIREMENTS**

ADOPTED MARCH 28, 2008

This issue first surfaced at the January 25, 2008 meeting during a discussion about who is responsible for verifiable authorization when a landscape contractor subcontracts lawn care application services. That discussion led to the definition of a spray contracting firm, which Mark Randlett interpreted -- based on the current definition in regulation and statute -- would require that both the landscape contractor and the lawn care company would need to be licensed as spray contracting firms.

Because we were concerned that a strict interpretation of the statute and rule was not practical, we met with Mark on February 7 to discuss potential options for clarifying the requirement through policy to make it more workable. Our conclusion was that the degree of control over the application process is a better standard for determining whether or not a person is a spray contracting firm.

At the February 29, 2008 meeting the Board discussed the issue and asked that the staff bring back a draft policy for Board discussion and adoption. That draft policy follows:

This policy clarifies the requirements set forth in 22 M.R.S.A. § 1471-C, 23-B and C.M.R 01-026 Chapter 10, Section 2 DDD.

In situations where a person contracting for a pesticide application does not maintain control over which pesticides must be used, or how or when they must be applied, the person contracting for the pesticide application shall not be considered a spray contracting firm.