

CHANGES TO BPC INSPECTION PROCESS

NEW FEDERAL Environmental Protection Agency (EPA) requirements mandate that states now verify that all non-compliance issues documented during a pesticide inspection are corrected.

What this new requirement means to pesticide users is that after an inspection you will receive a compliance checklist in the mail. It will list all non-compliance issues found during the inspection. The checklist will also list the corrective actions necessary to come into compliance. Enclosed with the checklist, will be a compliance verification statement form. The one-page, one-sentence statement will state that the non-compliance issues cited on the compliance checklist have been reviewed and that all required corrections have been made.

Those receiving checklist/verification forms will have 30 days to make corrections and return the signed verification form to the BPC. A postpaid, return envelope will be supplied for this purpose. By taking these steps the applicator avoids reinspection and/or possible penalties for continued non-compliance.



The reason for the new verification requirement comes from a congressional request that EPA now show that money spent on federal and state pesticide educational and enforcement programs is making a positive difference. Up until the congressional request, there was no requirement to document that known violations had been corrected.

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A Request from the Field

BPC field inspectors are finding that, for indoor applications, applicators are not recording the size or volume of the area treated when the directions on the pesticide label specify the product should be applied on an area or volume basis. Therefore, when a label specifies a

rate of application based on the square footage or room volume, the total area or volume treated must be also recorded, along with the quantity of pesticide used. Please keep this in mind when recording your applications. It will make things easier all around. *Thank you!*

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COMMERCIAL APPLICATOR EDITION

THE BULLETIN OF THE MAINE BOARD OF PESTICIDES CONTROL

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BOARD REQUIRES POSITIVE IDENTIFICATION OF CUSTOMERS' PROPERTIES

EVERY YEAR THE BPC receives complaints from property owners who arrive home to find an invoice stating their property was just treated with pesticides. Unfortunately, they never requested or authorized the treatment. Worse yet, the property owner may be an organic gardener or have chemical sensitivities. Treatment at the wrong address can cost you money in lost time and material, fines from the BPC, claims for damages, and a tarnished reputation.

In 2005, following a period in which an unusual number of these mishaps occurred, the BPC adopted a policy for positive identification of customers' properties. The policy requires that commercial pesticide applicators develop and implement a foolproof system to ensure they are treating the correct location. Applicators are encouraged to use multiple identification checks. Examples of acceptable positive identification methods include:

- ▶ recording the electric meter number, including it on work orders, and requiring the technician to verify the number
- ▶ taking a GPS reading at the customer's property, including it on the work order, and requiring the technician to verify the reading
- ▶ taking a digital photo of the property to be treated, including it on the work order, and requiring the technician to compare the photo to the property
- ▶ affixing a company logo at the property, with the permission of the property owner, and requiring the technician to verify its presence

The Board Requests Your Valuable Input

At the February 2007 meeting, the Board adopted an amendment to Chapter 20—Special Provisions, intended to ensure that persons contracting for ongoing, periodic pesticide applications fully understand the terms of the agreement they are entering into. **Effective January 2008, commercial applicators providing such services will either have to enter into a written contract or utilize another Board-approved system of verifiable authorization.** It is the belief of the Board that companies may already have acceptable systems of verifiable authorization in place and, accordingly, your input is solicited. Please let Board Director Henry Jennings know how you are presently handling these matters or how you propose to handle them (e-mail: henry.jennings@maine.gov; phone: 207-287-2731). *Thank you for your help!*

Applicators are also encouraged to develop and implement additional approaches. Many companies have adopted a policy of not treating whenever any doubt exists. Recently, the Board went on record as having no tolerance for this type of mistake, and directed the staff to treat mistakes as a serious violation of pesticide law.

TRICHLORFON RECLASSIFIED TO RESTRICTED USE

RECENT AMENDMENTS to Board rules (Chapters 40 and 41) have changed the classification of trichlorfon (Dylox, Bayer 24 Hour Grub Killer Plus, Spectracide Grub Stop 24 Hour Lawn Rescue) from limited use to restricted use. Effective April 30, 2007, anyone with a pesticide applicator's license in Category 3B Turf can purchase trichlorfon and apply it according to the following restrictions, as stated in Section 2 of the amended rule:

- ▶ Trichlorfon shall only be used for control of subsurface insects on turf.
- ▶ Prior to application the target pest must be identified

and the severity of the infestation must be determined, including the extent of the damage.

- ▶ Only infested areas shall be treated with trichlorfon. Broadcast treatments of the entire turf area are prohibited.
- ▶ Following application, the trichlorfon must be watered into the soil with at least one-half inch of water and according to the label directions. The applicator must assure that the appropriate watering will take place prior to reentry by any unprotected person.



The complete text of Chapters 40 and 41 can be accessed at the Board's website at: www.thinkfirstspraylast.org/regs.htm.

NEW LAW REGULATES INDOOR PESTICIDE APPLICATIONS

ON JANUARY 1, 2007, a new Maine pesticide law took effect: *Chapter 26—Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools*.

These new regulations establish procedures and standards for applicators who apply pesticides inside specified occupied buildings. Requirements are also established for notification about pending pesticide applications.

Chapter 26 applies to indoor application of pesticides to licensed childcare facilities and nursery schools; governmental, commercial, and institutional buildings; condominiums; and rented residential buildings.

The New Rule

- ▶ Application of pesticides with a higher potential for human exposure is discouraged.
- ▶ Applicators treating inside buildings must employ appropriate elements of Integrated Pest Management (IPM) to control pests and utilize measures that minimize exposure and risks to occupants.

Consent

- ▶ Applications may not be made to a residence if the tenant objects, unless a public health or code enforcement official has determined a need for immediate pest management.

Board-approved Written Notice

- ▶ Board-approved written notice (*see illustration*) is required prior to liquid or aerosol pesticide applications.

Date Posted or Provided:	Notice of Pesticide Application
Person Providing Notice:	
Pesticides May Be Applied in this Building as Part of an Integrated Pest Management Program on (date) _____	
You may request further information about the use of pesticides in this building by contacting the pesticide applicator:	
Company Name:	
Phone:	
 For information on pesticides and regulations contact the Maine Board of Pesticides Control at 287-2731 or visit www.thinkfirstspraylast.org	

- ▶ Residents of rented residential buildings whose unit will be treated and parents or guardians of children in licensed child care facilities and nursery schools must be given this notice individually.
- ▶ This notice must be posted at agencies, businesses, and institutions, or when common areas of rented residential buildings are treated.

Possible Amendments

Based on feedback from the industry, the Board will be revisiting certain requirements of the rule at upcoming meetings to consider possible changes.

The complete rule can be found on the Board's website at: www.thinkfirstspraylast.org/regs.htm.

BOARD APPROVES CONSOLIDATION OF COMMERCIAL APPLICATOR CATEGORIES

AT THE FEBRUARY MEETING, the BPC approved changes to Chapter 31 of the regulations: Certification and Licensing Provisions/Commercial Applicators. Those changes consolidated or eliminated some of the application categories and will help reduce the number of manuals and exams the staff must maintain. The Board hopes these changes will result in more timely revisions of the training manuals and exams. Over the next year this change will reduce the number of commercial applicator manuals and exams from 34 to 26.

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These changes will be phased in over the next year. The categories affected are as follows:

- ▶ II(a) General Forest and II(b) Forest Vegetation Management become one, Category II Forest Pest Control. Anyone with one or both of these categories will be grandfathered into the new category.

- ▶ VI(a) Utility Right-of-Way Vegetation Management, VI(b) Roadside Vegetation Management, and VI(c) Railroad Vegetation Management are combined into one Category, VI(a) Rights-of-Way Vegetation Management. Anyone with one or more of these categories will be grandfathered into the new category.
- ▶ Category VI(d) Industrial/Commercial/Municipal Vegetation Management will become Category VI(b).
- ▶ Category VII(a) General Pest Control and Part of Category VII

(b) Food Processing and Fumigation will be combined into the new Category VII(a) General Pest Control. The new VII(a) will include non-fumigation applications to food processing plants, food or feed transportation facilities, and railroad cars.

- ▶ Category VII(b) Food Processing and Fumigation

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(CATEGORIES, continued from previous page)

will cover only fumigation and will be called Category VII(b) Fumigation.

- ▶ Applicators currently licensed in Category VII(a) alone will be grandfathered into the food processing application abilities. Those licensed in Category VII (a) and VII(b) will keep both of those categories.
- ▶ Category VII(d) Wood Preserving, which had four different options (I—Pressure Treating, II—Sapstain/Blue Stain Treatment, III—Remedial Treatment, and IV—General Wood Treatment), will now be consolidated into one combined Category VII(d). Each person licensed in any one of the options will now be licensed to do any type of wood preservation treatment.

WHY BEST MANAGEMENT PRACTICES?

STUDIES CONFIRM that loss of pesticides to ground and surface waters continues to threaten water resources in the Northeast. Applying pesticides to saturated lawns or when wet weather is predicted greatly increases the risk of loss. It is evident that lawn care companies and homeowners need to better understand the risks of applying fertilizers and pesticides under unfavorable conditions, such as to saturated soils or just prior to heavy rain events. In 2005, despite



these known risks, some Maine lawn care companies made hundreds of applications during a week when it rained over 3 inches, and this was preceded by a five-week period when more than 8 1/2 inches of rain was recorded. Because of these inappropriate practices, the BPC convened a committee to develop Best Management Practices (BMPs). Heavy rains can easily wash away applications of fertilizers and pesticides from turf areas and move them into our precious and still somewhat pristine water resources. Surface water sampling done by Friends of Casco Bay has detected multiple herbicides and at least one insecticide and fungicide in waters leaving Southern Maine residential developments. Some of the concentrations found in these samples have exceeded aquatic life criteria and may be adversely impacting aquatic invertebrates and fish species. Industry professionals and the BPC agree these BMPs will improve the practices of commercial lawn care operations, golf course superintendents, athletic field managers, sod growers, and home lawn enthusiasts.

- ▶ Category VII(f) Antifouling Paints has been deleted. The restricted-use tributyl tin products that required this group to be licensed have been removed from the market. The remaining antifouling paints are general-use pesticides and are exempt from our licensing requirements.
- ▶ Category VII(g) Termites will become Category VII (f) because of the deletion of the Antifouling Paints category.

You will not see the changes on your licenses until after the year 2008 or 2009 renewals.

If you have any questions, please contact Gary Fish at 207-287-2731, or e-mail gary.fish@maine.gov.

Adding to this concern is the dramatic increase in the distribution and use of lawn and garden pesticides in the State of Maine. BPC distribution and use reports show a sharp rise from 800,000 pounds in 1995 to 3,000,000 pounds in 2004. Most of this material was a combination of fertilizers and pesticides (weed & feed products) applied to residential and commercial lawns. Another purpose for these BMPs is to demonstrate the BPC's desire for turf managers to minimize reliance on pesticides.

The Board recognizes that homeowners who apply pesticides under unfavorable conditions can also threaten water quality. But, our hope is the use of these BMPs by commercial lawn care operators, golf course superintendents, athletic field managers, and sod growers will help reach the ultimate goal of reducing human and environmental risks and set the example for do-it-yourselfers.

The current draft of the BMPs includes the following sections:

- ▶ Site Assessment
 - ▶ Initial Site Visit
 - ▶ Turf Assessment Prior to Treatment
 - ▶ Thorough Periodic Assessments
- ▶ Informed Product Choice
 - ▶ Pesticides
 - ▶ Fertilizers
- ▶ Operating Standards
 - ▶ Prior to Application
 - ▶ Application
- ▶ Customer/Neighbor Relations
 - ▶ Notification
 - ▶ Customer Education

Download the entire current draft BMP document at www.thinkfirstspraylast.org.

The BMP committee wants to make these BMPs work for you. Please send comments or direct questions to Gary Fish by July 1, so the committee can make changes and send a final draft to the Board for approval. Contact Gary Fish at 207-287-2731 or e-mail gary.fish@maine.gov.