

01 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

026 BOARD OF PESTICIDES CONTROL

Chapter 24: PESTICIDE STORAGE FACILITY STANDARDS/PESTICIDE DISTRIBUTORS

SUMMARY: These regulations provide minimum criteria for the siting, construction and operation of facilities and businesses which store pesticides for wholesale or retail purposes. They are intended to protect the public health of employees and persons who live near these facilities and to minimize adverse environmental impacts that might result from emergencies caused by fires or spills. This chapter divides storage facilities into three groups and imposes requirements commensurate with their potential threat to public health and the environment. These regulations also describe display requirements for retail businesses which offer pesticides for sale in self-service areas.

Section 1. Applicability of this Chapter

- A. Pesticide storage facilities owned and/or operated by distributors who are not required to hold either a general use or restricted use pesticide dealer license are exempt from this chapter.
- B. All pesticides held for storage by pesticide distributors to whom this regulation applies must be stored in pesticide storage facilities as set forth in this chapter.

Section 2. Exempted Products

For the purpose of calculating the total amount of pesticide in storage in a pesticide storage facility, the following products shall be exempt from consideration.

- A. Pesticide products with solely household uses and with no more than 3% active ingredients;
- B. Dichlorvos (DDVP) impregnated strips with concentrations not more than 25% in resin strips and pet collars;
- C. Pet supplies such as shampoos, tick and flea collars and dusts;
- D. Disinfectants, germicides, bactericides and virucides;
- E. Insect repellents;
- F. Indoor and outdoor animal repellents;
- G. Moth flakes, crystals, cakes and nuggets;
- H. Indoor aquarium supplies;

- I. Swimming pool supplies;
- J. Pediculocides and mange cure on man;
- K. Aerosol products;
- L. General use paints, stains, and wood preservatives and sealants; and
- M. Dry pesticides with percent active ingredient less than or equal to 5% .

Section 3. Siting and Structural Requirements for New Major Pesticide Storage Facilities

A. Applicability

All major pesticide storage facilities that become operational after the effective date of this chapter must conform with the provisions of this section.

B. Siting Requirements for New Major Pesticide Storage Facilities

- I. No new major pesticide storage facility may be located:
 - a. in a 100 year flood plain;
 - b. overlying any aquifer which has been identified by a municipal as a current or future source of public drinking water; or
 - c. overlying any sand and gravel aquifer with a yield greater than 10 gallons per minute which has been mapped by the Department of Conservation, Maine Geological Survey.
- II. No new major pesticide storage facility may be sited closer than 1,000 feet from any:
 - a. school, hospital, nursing home, correctional facility, or other similar institutional building;
 - b. densely populated area as defined by the Maine Department of Transportation Compact Urban Line, unless the storage facility is located next to an office building or retail store which meets the criteria in Section 3(B)III(b) below;
 - c. pesticide critical control area as defined by 22 M.R.S.A. §1471-F, "Critical areas" and 01-026 CMR Chapter 60, "Designation of Critical Pesticide Control Areas;" and
 - d. water body or well which serves any public water supply.

- III. No new major pesticide storage facility may be sited closer than 250 feet from any:
- a. residential building;
 - b. office building or retail store, unless it meets one of the following exceptions:
 - i. the office building or retail store is owned and/or operated by the licensed pesticide dealer;
 - ii. the office building or retail store is located in an area zoned or identified by a municipality for industrial use; or
 - iii. the office building or retail store is located in an area zoned by a municipality for business or commercial use and the construction of that pesticide storage facility has been approved by the municipal planning or zoning board;
 - c. state water body;
 - d. wetlands of special significance;
 - e. private domestic well unless it solely serves the building owned and/or operated by the licensed pesticide dealer; and
 - f. area used for livestock.

C. Structural Requirements for New Major Pesticide Storage Facilities

I. Basement

All new major pesticide storage facilities shall be constructed without a basement.

II. Walls and Ceiling

The exterior walls and ceiling of a new major pesticide storage facility shall be constructed to have a fire resistance rating of two hours.

III. Doors

- a. All doors shall have a fire resistance rating of 1 hour.
- b. All new major pesticide storage facilities shall have, at least:
 - i. two means of egress, one of which must be a standard door on which panic hardware is installed. The standard door must latch shut when closed and open outward from where products are stored when a person depresses the horizontal bar on the panic hardware. If there is a smaller room or partitioned area within the

facility, it too must have an outward opening standard door with panic hardware as previously described in this sub-section.

- ii. one outside door at ground level with a minimum opening of 10' by 12'. This door shall not qualify as a means of egress as described in Section 3(C)III(b)i unless it is equipped with a device which allows it to be easily and quickly opened in an emergency.

Section 4. Structural Requirements for All New and Existing Major Pesticide Storage Facilities

A. Applicability

- I. All new major pesticide storage facilities that become operational after the effective date of this chapter must conform with the provisions of this section.
- II. All existing major pesticide storage facilities must be upgraded to conform with the provisions of this section by no later than January 1, 1997.

B. Walls

All major pesticide storage facilities shall be structurally separated by a wall with a fire resistance rating of two hours from office, retail or residential spaces, livestock quarters, water supply sources, and food, feed, fertilizer or seed storages. This does not preclude having a small area for warehouse employees to maintain inventory and shipping records.

C. Doors

Any partitioned area within a major pesticide storage facility must be equipped with a standard door on which panic hardware is installed.

D. Floors

- I. All floors shall be made impervious to liquid and dry pesticide spills.
- II. The outside edges of floors shall have at least a four-inch, sealed concrete berm.
- III. Any floor drains must be sealed or connected to a waste storage tank of sufficient size to hold 25% of liquid volume stored.

E. Lighting

All major pesticide storage facilities shall have:

- I. lighting installed so that labels may be easily read and any leaks quickly detected;
- II. a battery powered emergency lighting system that automatically activates during power outages and illuminates all exits; and

III. exterior lighting that provides coverage around the perimeter of the building.

F. Heating

I. All pesticides must be stored at temperatures that conform to label directions.

II. When and where applicable, heat sources must be provided by one of the following:

- a. an outside furnace room with hot water fixtures in the pesticide storage area; or
- b. permanent oil or gas furnaces inside the storage, with sealed flames and an explosion proof thermostat; or
- c. roof installed heat exchangers; or
- d. any other heating source which would meet applicable fire safety and electrical codes.

G. Ventilation

All major pesticide storage facilities shall have one of the following:

- I. gravity ventilation to the outside with a capacity of one cubic foot per minute per square foot of floor space; or
- II. mechanical ventilation with on/off switches at points of ingress that is capable of exhausting to the outside at a rate of not less than 150 cubic feet per minute.

H. Security

All major pesticide storage facilities shall have:

- I. locked doors and windows which prohibit unauthorized access; and
- II. an automatic alarm system that is connected to a supervised central station. This system shall have a backup power system so it will operate during power outages.

I. Fire Protection

- I. All major pesticide storage facilities shall be equipped with an automatic heat and smoke detector alarm system connected to a supervised central station. The system shall have both audible and visible devices and shall have a backup power system so it will operate during power outages.
- II. Water sprinkler systems shall not be allowed in any portion of a major pesticide storage facility.

J. Emergency Showers

All major pesticide storage facilities shall have emergency showers available. These emergency showers must be located either in the facility or in an adjacent building on the premises within 200 feet of the major pesticide storage facility. There must also be a plan for collecting any water used in emergency showers.

K. Design Certification

I. New Major Pesticide Storage Facilities

- a. Anyone constructing a new building which is intended to serve as a new major pesticide storage facility shall obtain a certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this chapter. Copies of the certified plans shall be included in the building permit application to the municipality and shall be maintained by the licensed pesticide dealer at the facility and made available to the Board of Pesticides Control or its agents upon request.
- b. Anyone converting an existing building or portion of an existing building to a new major pesticide storage facility shall obtain a certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this chapter. Copies of the certified plans shall be included in the building permit application to the municipality and shall be maintained by the licensed pesticide dealer at the facility and made available to the Board of Pesticides Control or its agents upon request.

II. Existing Major Pesticide Storage Facilities

- a. A general contractor renovating an existing major pesticide storage facility shall obtain certification from a licensed architect or professional engineer that the plans for the facility meet all the requirements of this chapter. Copies of the certified plans shall be included in the building permit application to the municipality and shall be maintained by the licensed pesticide dealer at the facility and made available to the Board of Pesticides Control or its agents upon request.
- b. A licensed pesticide dealer who undertakes renovations to an existing major pesticide storage facility without the services of a general contractor, licensed architect or professional engineer shall provide written self-certification that the pesticide storage facility meets all requirements of this chapter. This self-certification shall be maintained by the licensed pesticide dealer at the facility and made available to the Board of Pesticides Control or its agents upon request.

Section 5. Structural Requirements for All New and Existing Minor Pesticide Storage Facilities**A. Applicability**

- I. All new minor pesticide storage facilities that become operational after the effective date of this chapter must conform with the provisions of this section.
- II. All existing minor pesticide storage facilities must be upgraded to conform with the provisions of this section by no later than January 1, 1997.

B. Walls

Minor pesticide storage facilities shall be structurally separated from and sealed to prevent air movement to other occupied spaces and livestock quarters. This does not preclude having a small area for employees to maintain inventory and shipping records.

C. Doors

Any interior room or otherwise partitioned area in which pesticides are stored within a minor pesticide storage facility must be equipped with a standard door on which panic hardware is installed. The standard door must latch shut when closed and open outward from where the products are stored when a person depresses the horizontal bar on the panic hardware. If there is a smaller room or partitioned area within the facility, it too must have an outward opening standard door with panic hardware as previously described in this sub-section.

D. Floors

All floors shall be made impervious to liquid and dry pesticide spills.

E. Lighting

Minor pesticide storage facilities shall have lighting installed so that labels may be easily read and any leaks quickly detected.

F. Ventilation

Minor pesticide storage facilities shall have one of the following:

- I. gravity ventilation to the outside with a capacity of one cubic foot per minute per square foot of floor space; or
- II. mechanical ventilation with on/off switches at points of ingress that is capable of exhausting to the outside at a rate of not less than 150 cubic feet per minute.

G. Security

Minor pesticide storage facilities shall have doors and windows capable of being locked to prohibit unauthorized access.

Section 6. Operational and Emergency Equipment Requirements for All Major and Minor Pesticide Storage Facilities

- A. All pesticide storage facilities shall be kept securely locked at all times, except when authorized personnel are present.
- B. Each entrance to the pesticide storage facility shall be prominently posted with the words, "Danger - Pesticide Storage - Keep Out."
- C. No smoking shall be allowed in any pesticide storage area. All entrances to the pesticide storage facility shall be posted with signs indicating smoking is not allowed.
- D. All pesticide containers shall be stored in a manner that prevents damage and allows inspection for rusting, bulging or leaking. All containers held in storage shall be in good condition and have full labeling intact. Pesticide distributors must conduct periodic inspection of containers for rust and/or leaks.
- E. Emergency Equipment
 - I. All pesticide storage facilities shall be equipped with at least one eye wash station capable of flushing eyes for a minimum of fifteen minutes.
 - II. All pesticide storage facilities shall be equipped with fire extinguishers that are capable of extinguishing all types of fires that may occur in the pesticide storage facility. These fire extinguishers must be clearly marked as to their fire suppression capabilities. The number and placements of fire extinguishers shall conform with the National Fire Protection Association Standard No. 10.
 - III. All pesticide storage facilities shall be equipped with spill response and clean-up equipment, including, but not limited to, absorbents, empty containers, brooms and shovels and personal protective equipment for employees.
 - a. Compatible absorbents for water and oil-based products shall be present in sufficient quantity to clean up two-times the volume of the largest container stored in the facility.
 - b. Proper personal protective clothing and equipment, as well as training to use that equipment, shall be provided to employees and emergency responders.
 - c. Pesticide distributors may coordinate the provision of spill response equipment with other facilities in the locality as well as with appropriate municipal safety agencies.
- F. Pesticides shall not be stored within 10 feet from products intended for human or animal consumption.

Section 7. Special Requirements for Pesticide Distributor Self-Service Sales Areas

- A. All pesticides, unless they are exempted products under 22 M.R.S.A. § 1471-W(5), shall be displayed in a separate area that is identified by a Board approved sign informing the public where to obtain additional information. The signs must be positioned between four and seven feet above the floor and prominently posted in all areas where non-exempt pesticides are displayed.
- B. All pesticide containers in the self-service sales area shall be in good condition and have full labeling intact. It is prohibited to have torn, punctured, rusted or leaking pesticide containers in the self-service sales area.
- C. All pesticide products not exempted under 22 M.R.S.A. § 1471-W(5) shall not be displayed within 10 feet of food or animal feed products unless they are stored in adjoining aisles separated by a solid barrier. Pesticides shall not be on display above food or animal feed products.
- D. Any outdoor pesticide display area must be securely fenced and must have a roof to protect the material from the elements.
- E. Each retail or wholesale establishment must be equipped with spill cleanup materials sufficient to absorb 2 times the volume of the largest container stored. These cleanup materials must be readily available and easily accessible.

Section 8. Local Ordinances

These regulations are minimum standards and are not meant to preempt any local ordinances which may be more stringent.

Section 9. 40 CFR, Part 165, Federal Pesticide Management and Disposal Rule Adopted by Reference

The Federal Pesticide Management and Disposal Rule, 40 CFR, Part 165 (July 1, 2008), is incorporated herein by reference.

STATUTORY AUTHORITY: 22 M.R.S.A. § 1471-O and 7 M.R.S.A. § 610(2)(B)

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