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MAINE BOARD OF PESTICIDES CONTROL INTERIM INTERPRETATIVE POLICY ON THE USE OF CONSUMER PRODUCTS OR OTHER MIXTURES TO CONTROL PESTS

ADOPTED XXXXX, 2010

BACKGROUND

Periodically, the Board's staff receives inquiries about the legality of using common consumer products such as vinegar, dish soap and other mixtures to control pests. Over the last year MOFGA Certification Services LLC has inquired about a number of products, and a recent newspaper account about municipal employees applying homemade mixtures for weed control resulted in requests for the staff to investigate.

The most current examples of these practices include use of chamomile tea as a fungicide on organic vegetable crops; application of vinegar, essential oils, soaps and salt by municipal officials as an alternative to conventional herbicides; and application of compost tea on vegetable crops and ornamental and turf areas for fungal disease suppression.

While we are not looking for new areas to regulate, these unregistered products are being applied as pesticides by applicators that in similar situations must be licensed to apply registered products. Although many of these materials are exempt from EPA registration (FIFRA Section 25B reduced risk pesticides), they are not exempt from Maine's registration requirements. As we have seen in the past, even though some of these products are made from food-grade ingredients, they may pose potentially significant risks due to the high concentrations used and because the route of exposure is inhalation and not the customary exposure route of ingestion.

At their November 2010 meeting, the Board directed the staff to more specifically define what products/mixtures are considered pesticides and to develop an interim policy which was similar to FIFRA Compliance Program Policy No. 3.5. The Board did not want to require the staff to guess what a person's intentions were when they applied substances that could reasonably be used for non-pesticidal purposes like compost tea or other materials containing plant nutrients.

However, FFDCA prohibits "pesticide" residues on agricultural commodities for which there is no tolerance or exemption from tolerance. Growers should contact the Maine Division of Quality Assurance and Regulations to investigate whether or not there is a tolerance for an unregistered product or mixture, or to find out if application of a particular product or mixture will adulterate the agricultural commodity they plan to distribute.

OVER

The current statutory definition of a pesticide is: “any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.”

This definition is very broad and does not rule out common consumer products or homemade mixtures. However, the Board does not believe the Maine Legislature intended to regulate an individual’s use of commonly available consumer products for purposes that include pest control or mitigation.

POLICY

The Board will use its enforcement discretion regarding the use of common consumer products or homemade mixtures when those products or mixtures are applied by the individual that purchased the product or created the mixture. This type of unregistered pesticide use shall be defined as “Individual Use.”

However, “Individual Use” shall not include:

- any distribution of the product or mixture, or
- any use of the product or mixture as part of a service provided for compensation.