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**MAINE BOARD OF PESTICIDES CONTROL
POLICY ON DETERMING ALLOWABLE PESTICIDE
APPLICATIONS PURSUANT TO CMR 01-026, CHAPTER 29,
SECTION 6**

Adopted March 5, 2010

BACKGROUND

The Board amended Chapter 29 in May of 2008, adding new Sections 5 and 6. Section 6 prohibits “broadcast” application of pesticides within 25 feet of certain defined surface waters, but does not prohibit pesticide applications that are not considered broadcast applications. The staff asked for clarification on what types of applications are allowed in the 25-foot-buffer area.

POLICY

The Board determined that the following characteristics indicate that an application is not a broadcast pesticide application, and therefore not prohibited by Chapter 29, Section 6. Pesticide applications must be:

1. Directed away from surface water;
2. Directed at specific pest organisms or infestations in a manner that minimizes deposition to non-target species and areas;
3. Conducted using non-powered application equipment capable of targeting pest organisms while avoiding non-target species;
4. During any calendar year, is confined to no more than 20% of the area located within 25 feet of surface water; and
5. During any calendar year, does not cover any one contiguous area greater than 100 square feet.

Notes: Use of herbicides within 25 feet of a surface water must not violate shore land zoning requirements for removal of vegetation. In addition to limiting tree removal and trimming, minimum shore land zoning requirements also prohibit removal of vegetation under three feet in height, other ground cover, leaf litter and forest duff. Consult the local municipal ordinance for applicable requirements. Consult the municipal code enforcement officer about treatment of invasive vegetation.