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DATE: November 9, 2011
TO: Board Members
FROM: Paul Schlein, Public Education Specialist
SUBJECT: Clarification of “extenuating circumstances” for fee exemption in Chapter 28, Section 6(G)

On September 25, 2011, three days before the effective date of the repeal of the agricultural registry, a resident of Rockport e-mailed the Board to ask how he could go about registering his property under Title 22, Section 1471-Z (the repealed registry), in order to receive notification about outdoor pesticide applications. We informed him that the Legislature repealed this law, effective September 28, but that there were two other options for notification under the Board’s Chapter 28—the “by request” option and the non-agricultural registry—and pointed him to the Board’s website page, “Your Right to Know: Pesticide Notification.”

He then wrote back to ask what qualifies as an “extenuating circumstance” for being exempt from the \$20 annual application fee for the non-agricultural registry and whether “things like having a new baby, asthma, and/or severe allergies might qualify.” We informed him that we would bring his question before the Board for clarification at its next meeting

Under Chapter 28, Section 2(G), the wording for the exemption is as follows:

“The Board may waive the fee for individuals who demonstrate an inability to pay, or where other extenuating circumstances exist which justify granting a waiver.”

(See Chapter 28 excerpt for the complete section on the non-agricultural registry.)