

## Excerpt from CMR 01-026, Chapter 20, Section 6

### Section 6. Authorization for Pesticide Applications

- A. Authorization to apply pesticides to private property is not required when a pesticide application is made by or on behalf of the holder of an easement or right of way, for the purposes of establishing or maintaining such easement or right of way.
- B. When the Maine Center for Disease Control and Prevention (CDC) has identified that an organism is a vector of human disease and the vector and disease are present in an area, a government entity shall obtain authorization for ground-based applications by:
  - 1. Sending a written notice to the person(s) owning property or using residential rental, commercial or institutional buildings within the intended target site at least three days but not more than 60 days before the commencement of the intended spray applications. For absentee property owners who are difficult to locate, mailing of the notice to the address listed in the Town tax record shall be considered sufficient notice; and
  - 2. Implementing an “opt out” option whereby residents and property owners may request that their property be excluded from the application by submitting written notice to the government entity at least 24 hours before spraying is scheduled to commence. Authorization is considered given for any property for which written notice was submitted and no “opt out” request was received by the sponsoring government entity.
- C. When the Maine Center for Disease Control and Prevention (CDC) recommends control of disease vectors, government entities are not required to receive prior authorization to apply pesticides to private property, provided that the government entity sponsoring the vector control program:
  - 1. Provides advance notice to residents about vector control programs using multiple forms of publicity which may include, but is not limited to, signs, newspaper, television or radio notices, direct mailings, electronic communication or other effective methods; and
  - 2. Implements an “opt out” option whereby residents and property owners may request that their property be excluded from any ground based control program and the government entity makes a reasonable effort to honor such requests; and
  - 3. If aerial applications are made, takes affirmative steps, to the extent feasible, to avoid applications to exclusion areas as identified by Board policy.
- D. **General Provisions.** For any pesticide application not described in Chapter 20.6(A),(B) or (C), the following provision apply:
  - 1. No person may contract with, or otherwise engage, a pesticide applicator to make any pesticide application to property unless that person is the owner, manager, or legal occupant of the property to which the pesticide is to be applied, or that person has the authorization of the owner, manager or legal occupant to enter into an agreement for pesticide applications to be made to that property. The term “legal occupant” includes tenants of rented property.
  - 2. No person may apply a pesticide to a property of another unless prior authorization for the pesticide application has been obtained from the owner, manager or legal occupant of that property. The term “legal occupant” includes tenants of rented property.
  - 3. No commercial applicator may perform ongoing, periodic non-agricultural pesticide applications to a property unless:
    - i. there is a signed, written agreement with the property owner, manager or legal occupant that explicitly states that such pesticide applications shall continue until a termination date

specified in the agreement, unless sooner terminated by the applicator or property owner, manager or legal occupant; or

- ii. the commercial applicator utilizes another system of verifiable authorization approved by the Board that provides substantially equivalent assurance that the customer is aware of the services to be provided and the terms of the agreement.

### **Excerpt from CMR 01-026, Chapter 22, Section 2 (C)**

#### **C. Identifying and Recording Sensitive Areas**

Prior to spraying a pesticide, the applicator must become familiar with the area to be sprayed and must identify and record the existence, type and location of any Sensitive Area located within 500 feet of the target area. Applicators shall prepare a site map or other record, depicting the target area and adjacent Sensitive Areas. The map or other record shall be updated annually. The site map or other record shall be retained by the applicator for a period of two years following the date of applications and shall be made available to representatives of the Board upon request. This requirement shall not apply to commercial application categories 3B (turf), 3A (ornamental tree and plant) or 7A (structural general pest control applications).

### **Excerpt from CMR 01-026, Chapter 28, Section 3**

#### **Section 3. Posting Requirements for Pesticide Applications in Certain Commercial Licensing Categories**

Where outdoor commercial pesticide applications in certification and licensing categories III(a) - Outdoor Ornamentals, III(b) - Turf, and VII(a) - Structural General will take place, the area shall be posted in a manner and at locations designed to reasonably assure that persons entering such area will see the notice. Such notice shall be posted before application activities commence and shall remain in place at least two days following the completion of the application. The sign shall be sufficient if it meets the following minimum specifications:

- A. The sign must be at least five (5) inches wide and four (4) inches high;
- B. The sign must be made of rigid, weather resistant material that will last at least forty-eight (48) hours when placed outdoors;
- C. The sign must be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green);
- D. The sign must bear:
  1. the word CAUTION in 72 point type;
  2. the words PESTICIDE APPLICATION in 30 point type or larger;
  3. the Board designated symbol;
  4. any reentry precautions from the pesticide labeling;
  5. the name of the company making the pesticide application and its telephone number;
  6. the date and time of the application; and
  7. a date and/or time to remove the sign.
- E. **Exemption from this section**
  1. The placement of marked bait stations in outdoor settings shall be exempt from this section.

2. Any person providing notice in accordance with Chapter 51 - Notice of Aerial Pesticide Applications, Section III. - Ornamental Plant Applications, shall be exempt from this section.

**Excerpt from CMR 01-026, Chapter 31, Section 1E**

**E. Exemptions**

- I. Employing entities only performing post harvest treatments to agricultural commodities are exempt from master licensing requirements.
- II. Persons applying pesticides to household pets and other non agricultural domestic animals are exempt from commercial applicator licensing.
- III. Swimming pool and spa operators that are certified by the National Swimming Pool Foundation, National Spa and Pool Institute or other organization approved by the Board are exempt from commercial applicator licensing. However, these persons must still comply with all provisions of C.M.R. 10-144, Chapter 202 – Rules Relating to Public Swimming Pools and Spas Administered by the Maine Bureau of Health.
- IV. Certified or licensed Wastewater or Drinking Water Operators

**Excerpt from CMR 01-026, Chapter 31, Section 4**

**4. Competency Standards for Certification of Commercial Applicator/Master**

- A. **Regulations Exam.** An applicant seeking certification as a commercial applicator/master must successfully complete a closed book exam on the appropriate chapters of the Board's regulations. The passing grade shall be 80%. An applicant must successfully complete the regulations exam before being allowed to proceed to the master exam.
- B. **Master Exam.** An applicant seeking certification as a commercial applicator/master must also demonstrate practical knowledge in ecological and environmental concerns, pesticide container and rinsate disposal, spill and accident mitigation, pesticide storage and on site security, employee safety and training, potential chronic effects of exposure to pesticides, pesticide registration and special review, the potential for groundwater contamination, principles of pesticide drift and measures to reduce drift, protection of public health, minimizing public exposure and use of non pesticide control methods. In addition, applicant must demonstrate the ability to interact with a concerned public.

**Excerpt from CMR 01-026, Chapter 31, Section 5A(V) a, b**

- V. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on each exam.
  - a. An applicant who fails the core exam must re-apply and pay all required fees and may not retake that examination prior to 14 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 30 more days before retaking again.
  - b. An applicant who fails a category exam must re-apply and pay all required fees and may not retake that examination prior to 14 days after the date of such failed examination. If an applicant fails again the applicant must reapply and pay all required fees and wait 30 more days before retaking again.

**Excerpt from CMR 01-026, Chapter 32, Section 2A(4) a, b, c and d**

4. **Qualification Requirements.** An applicant must achieve a passing score of 80 percent on each exam.

- a. An applicant who fails the core exam may not retake that examination prior to 14 days after the date of such failed examination. If an applicant fails again the applicant must wait 30 more days before retaking the exam again.
- b. An applicant who fails the exam in the area of his primary commodity may not retake the that examination prior to 14 days after the date of such failed examination. If an applicant fails again the applicant must wait 30 more days before retaking the exam again.
- c. Any applicant must pass both the core and at least one commodity exam within 12 months before qualifying for certification.
- d. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retesting.

**Excerpt from CMR 01-026, Chapter 33, Section 2A(4) a, b**

**4. Qualification Requirements.** An applicant must achieve a passing score of 80 percent on the core exam.

- a. An applicant who fails the core exam may not retake that examination prior to 14 days after the date of such failed examination. If an applicant fails again the applicant must wait 30 more days before retaking the exam again.
- b. Any applicant who violates any of the rules pertaining to examinations shall wait a minimum of 60 days before retesting.

**Excerpt from CMR 01-026, Chapter 41, Section 3**

**Section 3. HEXAZINONE (VELPAR, PRONONE)**

The registration of hexazinone is subject to the following limitations and conditions.

**A. Prohibition of Certain Air-Carrier Application Equipment**

It shall be unlawful to apply any liquid pesticide mixture containing the active ingredient hexazinone with any application equipment that utilizes a mechanically generated airstream to propel the spray droplets unless the airstream is directed downward.

**B. Licenses Required**

- I. No person shall purchase, use or supervise the use of any pesticide containing the active ingredient hexazinone unless they have obtained a private or commercial pesticide applicators license from the Board.
- II. No person shall:
  - a. Distribute any pesticide containing the active ingredient hexazinone without a restricted use pesticide dealer's license from the Board; or
  - b. Distribute any pesticide containing the active ingredient hexazinone to any person who is not licensed as a private or commercial pesticide applicator by the Board.

**C. Records and Reporting**

Dealers distributing pesticides containing the active ingredient hexazinone shall keep records of such sales and provide reports to the Board as described in Chapter 50, "Record Keeping and Reporting Requirements."