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## MEMORANDUM

DATE: March 31, 2010  
TO: Land Managers Using Aircraft or Air-Carrier (Air-Blast) Equipment  
FROM: Henry Jennings, Director  
SUBJECT: New Pesticide Notification Requirements

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As many of you know, in 2009, the Maine Legislature enacted Public Law 2009, Chapter 378, An Act to Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment. Chapter 378 imposed a pre-season notice requirement for pest management decision makers (land managers) to inform building occupants on abutting properties about future spray plans and their neighbor's right to join a notification registry and receive specific notice about individual applications throughout the growing season.

Many pesticide applicators expressed concern about the difficulty involved in providing the pre-season notification. Consequently, the Legislature introduced another bill (LD 1547) in January to address some of those concerns. Since then, LD 1547 has been amended several times and was recently approved by both the Maine House and Senate. The changes in the bill will become effective as soon as the governor signs it.

The new law repeals the land manager's pre-season notification obligations. However, land managers using aircraft or air-carrier equipment (air-blast or mistblower, but not backpack sprayers) still need to annually consult the new notification registry mandated by the recent legislation and notify registry participants of individual pesticide applications if the participant's property is within 1,320 feet (500 feet from fruit trees or Christmas trees) of the pesticide application site.

To access the new registry, applicators and land managers should visit the BPC homepage at [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org) and click on the "DOWNLOAD" button under the "New Maine Pesticide Notification Registry" heading. To access the registry, enter "thinkfirst" as the username and "spraylast" as the password. The registry is currently available as a Microsoft Excel spreadsheet and an Adobe Acrobat (PDF) file. Other versions may be posted later based on user feedback. Anyone who does not have Internet access may request a paper copy of the registry from the Board's office at 287-2731.

For 2010 only, land managers must also check for an updated registry list after July 1.

Once you have accessed the current registry, you'll need to review the list of participants to determine whether any of them own property within 1,320 feet (500 feet for fruit trees and Christmas trees) of any site where you plan to make pesticide applications using aircraft or air-carrier equipment. If you're not sure of the property boundaries and distances, you can consult the municipal tax maps, contact the registry participant, or simply err on the side of caution and provide advance notification (described below) anyway.

**OVER**

### **Notification Requirements**

Under the new law, land managers are required to notify registry participants about pending applications no later than the day before the application and no more than seven days prior to the planned application. Notification must include:

- The date and approximate time of application;
- The type of equipment to be used and the manner in which the pesticides will be applied;
- The brand names and the U. S. Environmental Protection Agency’s registration numbers for the pesticides to be used;
- Contact information for the land manager; and.
- The location of the property that the land manager intends to spray.

### **Methods of Notification**

Land managers may use any of the following methods to provide notification:

- Personal delivery of notification;
- Mailing notification through the U. S. Postal Service;
- Electronic mailing of notification; or
- Telephone calls, either personal or automated.

### **Exemption for Emergency Situations**

In emergency situations, land managers can provide the notification on the same day as the application, as long as:

- Notification is provided prior to the application;
- The land manager is using Integrated Pest Management (IPM); and
- One of the following applies:
  - Greater crop damage would occur without immediate treatment;
  - More extensive spraying would be required, unless the treatment happens on that day; or
  - Use of more toxic products would be required, if the treatment is postponed.

Applicators who use the “same day” exemption described above must report the circumstances to the Board no later than 10 days after the application.

### **Non-Agricultural Spraying Exemptions**

Non-agricultural spraying done using aircraft or air-carrier equipment that complies with the notification requirements under Chapter 51 of the Board’s rules, or the non-agricultural registry contained in Chapter 28, is exempt (at least for 2010) from the new registry requirements.

### **Record Keeping**

Land managers are required to maintain records of the notification provided to registry participants that are sufficient to determine compliance with the law.