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Maine's "Other" Commissions: Maine Pesticide Control Board

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News and Commentary

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Maine Pesticide Control Board

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The Pesticide Control Board has the responsibility to regulate how pesticides and herbicides are used in Maine. The range of the authority of the Pesticide Control Board is substantially circumscribed by federal requirements that state pesticide regulations be at least as stringent as EPA requirements. In a sense, the role of the Pesticide Control Board is to adapt EPA's rules to Maine's specific circumstances. For most of the nearly 6000 products registered for use in Maine, the requirements are essentially the federal requirements. Only for a relatively small number of materials that present special issues in Maine does the Board conduct thorough, independent analyses. Examples of materials that have been specifically reviewed by the Board include Temik (a pesticide used on potatoes), EDBC (a fungicide used on potatoes), and Dylox (a pesticide used in forestry and on blueberries). A substantial part of the Board's efforts are spent on the more routine issues of materials registration, applicator education and registration, and enforcement.

The statute that established the Pesticide Control Board was initially passed in 1965 and was amended in 1975 and 1980. At present, the Board has seven members who are appointed by the Governor. The statute dictates a balance of interests that must be represented on the board: one agricultural representative (currently Jeffrey Smith, an Aroostook County potato farmer), one forestry representative (now Thomas Saviello, International Paper Company and Chair of the Board), one applicator (now Andrew Berry of Maine Helicopters, Inc.), one entomologist or agronomist from the University of Maine system (held by Richard Storch, an entomologist from the University of Maine), one physician (now Carol Eckert, Sheepscot Valley Health Center), and two public members (one position now held by Alan Lewis, Professor of Ecology at the University of Maine at Machias and the second position vacant).

The Board is administered within the Department of Agriculture, Food and Rural Resources. The Board has a full-time staff of eleven, with an additional four seasonal employees. Two advisory committees, a medical advisory committee and an environmental risk assessment committee, conduct much of the technical review of proposals to regulate materials. While the recommendations of these committees are advisory, their recommendations are typically afforded considerable deference by the Board. The Board meets monthly.

State funding for the Board is derived primarily (92 percent) from fees for registration of pesticides and herbicides to be sold in Maine. (Some of the pesticide registration fees are also used to fund an integrated pest management program within the Department of Agriculture, Food and Rural Resources.) The balance of the state funding is derived from relatively modest license

fees paid by applicators and dealers. The Board also receives federal funding, through EPA, both for its on-going licensing and enforcement activities and also for special projects.

The Board has four main responsibilities. First, the Board must register materials for use in Maine. In 1992, 5,842 materials were registered. Second, the Board licenses both dealers and applicators of pesticides and herbicides. Education requirements are included as part of licensure. Third, the Board, in conjunction with the Attorney General, enforces its own rules. And fourth, the Board conducts education programs that are directed at non-licensed, residential users of pesticides and herbicides. Perhaps as much as 25 percent of the pesticide and herbicide applications in Maine are made by these residential applications. The Board also conducts the only mandatory deposit and return program for pesticide containers in the country.

Because the Board operates within the context of EPA regulations and EPA funding, program priorities are often derived from federal initiatives. Two good examples of the importance of this federal perspective are the current work of the Board on ground water protection and worker safety.

Despite the obvious controversies that surround many of the materials registered by the Pesticide Control Board, the activities of the Board often attract little public attention. This may be because most of the product regulations adopted by the Board are essentially the same as the EPA requirements, which define the minimum standards. Indeed, critics might argue that the Board's statutory representation of pesticide interests and its administrative location within the Department of Agriculture, Food and Rural Resources virtually guarantee that the Board will rarely be more restrictive than EPA requirements. Of course, EPA and the Pesticide Control Board have the same set of scientific evidence from which to work, so a significant congruence in their conclusions about the dangers presented by various materials should be expected.

Probably the most well-known issue adjudicated by the Board has been "pesticide drift," which is the extent to which pesticides drift off the intended target area onto adjoining areas. The Board's relatively restrictive drift rules were largely a response to a large drift incident several years ago in Washington County. There is some possibility that these drift rules may be revisited with respect to drift near roads.

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