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MAINE BOARD OF PESTICIDES CONTROL INTERIM ENFORCEMENT POLICY TO CLARIFY WHAT PESTICIDE PRODUCTS MAY BE DISTRIBUTED BY A LANDLORD TO A TENANT FOR USE IN THE TENANT'S OWN APARTMENT

Adopted August 28, 2009

BACKGROUND

Concerns were raised after Board staff received a call about a large property management company systematically distributing pesticides to low-income tenants, including some that did not speak English. Overuse of liquid sprays was of particular concern. The Board discussed these concerns and concluded that, while certain baits and traps present minimal risks, even for untrained applicators, higher risk products, i.e., liquid sprays, rodenticides and aerosols can present unreasonable risks when improperly applied. Consensus was reached to develop an interim enforcement policy.

POLICY

Landlord provision of pesticides to a tenant, with or without charge, is regulated as distribution under 22 M.R.S.A. § 1471-C (8) and 1471-W. However, circumstances may exist where the unlicensed distribution of certain pesticides by a landlord to a tenant provides a public benefit that outweighs the need for an enforcement response. The Board's staff can consider these circumstances and use enforcement discretion where "reduced risk" pesticides are distributed by a landlord to a tenant, without charge, to deal with an existing pest problem in their own apartment.

"Low risk" pesticides include baits, gels and pastes and do not include products that pose higher risks, because they produce fumes, very small spray droplets or other forms of inhalation hazards or those that are not ready-to-use (require mixing). Products that pose higher risks include, but are not limited to, aerosols of any kind, rodenticides, smokes, bombs, fumigants, liquid sprays and dusts or powders. Landlords shall not distribute higher risk pesticides to their tenants under this policy.