

## Excerpt from CMR 01-026, Chapter 29

### Section 5. Restrictions on Pesticide Applications to Control Browntail Moths Near Marine Waters

Pesticide applications for control of browntail moths within 250 feet of the mean high tide mark adjacent to coastal waters and extending upriver or upstream to the first bridge are subject to the requirements of this section:

#### A. Exemptions

The prohibitions and restrictions in Section 5 do not apply to biological pesticides, to the injection of pesticides directly into the soil or shade and ornamental trees or to the application of pesticides by licensed commercial pesticide applicators using non-powered equipment.

#### B. Prohibitions and Restrictions

- I. A person may not apply a pesticide to control browntail moths on shade or ornamental trees within 50 feet of the mean high water mark.
- II. A person may not apply a pesticide to control browntail moths on shade or ornamental trees in coastal areas located between 50 and 250 feet from the mean high water mark except in accordance with this subsection.
  - a. Only products with active ingredients specifically approved by the Board for this purpose may be applied.
  - b. Applications may be performed only with a hydraulic hand-held spray gun or air-assisted sprayers.
  - c. Applications may be performed only in a manner in which the applicator directs the spray away from marine waters.
  - d. Applications may not be made when the wind is blowing toward marine waters.
  - e. Applications may be performed only when the wind is equal to or greater than 2 miles per hour and blowing away from marine waters.