



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BOARD OF PESTICIDES CONTROL
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AUGUSTA, MAINE 04333

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JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: Board of Pesticides Control
From: John Pietroski, Acting Director
Subject: LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

February 9, 2024

Background:

On June 23, 2023, LD 1770 “Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data” (RSLV 2022 c. 71) was signed by the governor. This resolve directs BPC to conduct rulemaking requiring electronic submission of annual commercial applicator reports and pesticide dealer reports. The Board is also obligated to submit a report to the legislature by March 2024 that reports on the progress made on the implementation of this resolve.

L.D. 1770 Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

Sec. 1. Board of Pesticides Control; pesticides sales and use data. Resolved: That, pursuant to the Maine Revised Statutes, Title 22, section 1471-M, subsection 2, paragraph D, the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall adopt any rules necessary to implement the transition from paper to electronic format of reports required to be submitted to the board as required by Title 22, section 1471-G. The board shall implement a system of electronic data collection that is efficient for those required to submit reports to the board under Title 22, section 1471-G and useful to the board and members of the public. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. Resolved: That, no later than March 1, 2024, the director of the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry shall submit a report regarding rulemaking and implementation of electronic reporting under

section 1 to the Joint Standing Committee on Agriculture, Conservation and Forestry, which may report out a bill to the Second Regular Session of the 131st Legislature based on the report.

The Board has appointed a member to engage with staff, stakeholders and developers to discuss changes to BPC's existing software solution, MEPERLS. There have been two stakeholder meetings. At an October 11, 2023, stakeholder meeting, staff reviewed the process for submitting reports to those in attendance and identified several needs. Since then, the board has implemented a 'review' section of the submission that gives users the ability to identify errors or mistakes and re-submit their information. Additionally, at a stakeholder meeting held November 17, 2023, participants identified the need to add adjuvants to the reports, as they are now considered pesticides under state law.

Potential Rulemaking

The Board will need to engage in rulemaking to implement LD 1770 in Chapter 50: Recordkeeping & Reporting. The Board may want to consider:

1. Adding language that requires reports be submitted electronically through a portal;
2. Creating a timeline for implementation and start year that electronic reports will be required;
3. Additional language for the transition from paper to electronic reports, especially for individuals that do not have computer or broadband access; and
4. Requiring additional information in reports that will aid in the data compilation process.