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**MAINE BOARD OF PESTICIDES CONTROL POLICY RELATING TO THE INTERPRETATION  
OF “FOOD PRODUCTION” AS IT RELATES TO THE AGRICULTURAL BASIC PESTICIDE  
LICENSE**

**DRAFT**

**BACKGROUND**

The term “food production” is an important term used in the statute (*excerpt below*) that requires a “private applicator of general use pesticides” to obtain a license (referred to as an “Agricultural Basic” pesticide applicator license) 22 MRS § 1471-D (2-D):

*2-D. (TEXT EFFECTIVE 4/1/15) Certification required; private applicator of general use pesticides for food production. A private applicator of general use pesticides may not use or supervise the use of general use pesticides for food production without prior certification from the board, except that a competent person who is not certified may use such a pesticide under the direct supervision of a certified applicator. Additional certification under this section is not required for a person certified as a commercial applicator or a private applicator under subsection 1 or 2, respectively.*

Some growers have asked for clarification as to whether certain practices constitute “food production” in this context, including:

- growing vegetable seedlings for sale to home gardeners
- sanitizing containers, benches or other surfaces to prepare for growing the crop
- post-harvest treatments applied directly to the food or applied to food boxes, containers or storage bins

The staff asked the Board to provide a clear interpretation of the meaning of “food production” in order to be able to consistently inform growers about which practices require an Agricultural Basic license. The Board had a lengthy discussion at its June 27, 2014, meeting and agreed on the policy below.

**POLICY**

For the purpose of determining the requirement for a private applicator of general use pesticide license (Agricultural Basic) per 22 MRS 1471-D (2-D), “food production” will include treatments beginning with the growing media and ending when the plant or plant product is transferred out of the grower’s control.

This includes, but is not limited to:

- soil or other growing medium applications
- seed treatments
- foliar or root treatments
- soil, root or stem injections
- smoke, mist, fumigant or total release fogger applications to greenhouses or hoop houses, when food plants are present
- post-harvest treatments, such as dips, fumigation, produce rinsing with a disinfectant, etc.

Applications done in a manner that do not present a significant risk of resulting in pesticide residues on food do not require a license.