

BOARD OF PESTICIDES CONTROL

**REPORT ON THE TRANSITION TO
ELECTRONIC SUBMISSION OF
PESTICIDES SALES AND USE DATA**

**Submitted to the Maine Legislature
Pursuant to LD 1770**

March 1, 2024



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Introduction

In 2023, the 131st Legislature enacted LD 1770: Resolve, Directing the Board of Pesticides Control (BPC) to Transition to Electronic Submission of Pesticides Sales and Use Data (RSLV 2022 c. 71) (Appendix A). The resolve required the Board of Pesticides Control (BPC) to submit a report to the Legislature by March 1, 2024, on the progress toward completion of LD '1770's directives.

The central provision of LD 1770 required the electronic submission of commercial applicator and dealer reports to BPC. As reported below, while the current software system currently can accept these reports in various formats, rulemaking must be completed to require electronic submission of reports through board-approved software.

Commercial Applicators and Dealers

Under MRSA 22 §1471-C, a commercial applicator is defined as:

any person, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by [subsection 22](#), or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state, or local governments.

Under MRSA 22 §1471-C, a pesticide dealer is defined as:

any person who distributes limited or restricted-use pesticides.

Under MRSA 22 §1471-G, applicators, and dealers must maintain records; this is further described in 01-026 CMR Chapter 50: Record Keeping & Reporting Requirements, wherein these entities must submit a calendar-end report with specific records information (Appendices B and C).

Existing MEPERLS Software

Since 2019, 'BPC's primary software solution, the Maine Pesticide Enforcement, Registration, and Licensing Software (MEPERLS), has been able to collect electronic reports from commercial pesticide applicators, general-use dealers, and restricted-use dealers. Commercial applicator-use data and general-use sales data can be input directly into MEPERLS; however, restricted-use sales reports can only be uploaded as static documents and are not available for further extraction, data compilation, and reporting. Entering data through MEPERLS constitutes an electronic submission of reports. However, current board rules do not require electronic submission of annual summary reports by commercial applicators and annual pesticide sales reports by general and restricted-use pesticide dealers, so rulemaking will be necessary (Table 1).

Table 1. Licensure type and required report information for annual summary reports and annual pesticide sales reports.

License Type	Report Type	Required Information	Date Required
Commercial Pesticide Applicator	Annual Summary Report	For each site/crop treated: <ul style="list-style-type: none"> • quantity of each pesticide used • EPA registration number • total area treated (where applicable) for each pesticide 	December 31
General Use Pesticide Dealer	Annual Pesticide Sales Report	Total sales of all general-use pesticides	December 31
Restricted Use Pesticide Dealer	Annual Pesticide Sales Report	Total sales of all limited, restricted, and general-use pesticides	December 31

Work Completed

The Board has worked with stakeholders to gather feedback on improving the MEPELRS software. The Board deemed it essential to complete this effort to obtain feedback before pursuing rulemaking to require electronic data submission. To date, the Board has discussed LD 1770 at five meetings, and some members have participated in two stakeholder meetings (Table 2). 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 allows users to identify errors or mistakes and re-submit their information. Additionally, at a stakeholder meeting held on November 17, 2023, participants identified the need to add adjuvants to the reports, as they are now considered pesticides under state law.

Table 2. Board meetings and stakeholder meetings that included discussions related to the implementation of LD 1770.

Date	Meeting Type	Main Points of Discussion	Actions
July 21, 2023	Board Meeting	<ul style="list-style-type: none"> • Board identified the need to participate in stakeholder meetings with applicators, Board staff, and one Board member representative 	<ul style="list-style-type: none"> • Established meetings with a group of applicators/stakeholders, board staff, and one board member
October 11, 2023	Stakeholder Meeting	<ul style="list-style-type: none"> • Demonstration of the current electronic reporting process through the 'Board's software MEPERLS • Participants voiced needing a "'review' section when submitting reports to check for errors 	<ul style="list-style-type: none"> • Staff and developers implemented a "'review' screen
October 13, 2023	Board Meeting	<ul style="list-style-type: none"> • Several discussions regarding data quality, quantity, and need • Board discussed changing requirements for reporting, which would be a rulemaking action • Board also discussed implementing a different bill, LD 2019, which could require adjuvants to be recorded in electronic reports 	<ul style="list-style-type: none"> • The representative who introduced the bill was invited to the next stakeholder meeting to participate
November 17, 2023	Stakeholder Meeting	<ul style="list-style-type: none"> • Discussed the ability to report adjuvants • Discussed the possibility of implementing optical character reading (OCR) to make reports easier to file • Data strategy: what additional data will help the Board examine pesticide use? 	<ul style="list-style-type: none"> • The ability to enter adjuvants is being developed • Posed question to the Board: should additional information like site or category be required when reporting aid in data compilation?
December 1, 2023	Board Meeting	<ul style="list-style-type: none"> • Discussion of data strategy and adding additional requirements to reporting • Discussion of optical character recognition (OCR) capabilities in MEPERLS 	<ul style="list-style-type: none"> • Return to the Board with detailed discussions and next steps

		<ul style="list-style-type: none"> • Quality control, data confidentiality, and errors 	
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The current objective of BPC is to continue to work through the key issues and shortfalls of MEPERLS identified through the aforementioned stakeholder meetings before completing rulemaking. Current issues BPC is examining include:

- Allowing submitters to correct inaccurate reports without first requiring that such reports be rejected wholesale
- Closing loopholes that allow users to bypass entering required data or to submit non-searchable documents
- Ensuring that reports cannot be submitted in incorrect categories (e.g., that company reports cannot be submitted as individual reports)

Additional software programming in MEPERLS is required to respond to these needs and others. Upon completion of this additional development work, BPC staff must complete software testing in MEPERLS to ensure that users encounter as few data entry issues as possible.

MEPERLS currently costs BPC an estimated \$400,000 per year. Expanding functionality outside of the current contract could increase this cost.

Because rulemaking must be completed to require electronic submission of reports through Board-approved software, the Board is presently discussing proposing this rulemaking by the end of 2024, which would apply to reports submitted for 2024. The Board is also discussing what additional information it may want included in reports. This might include such things as a licensure category. Additional information required in reports will aid Board staff in data compilation and observing trends among applicators and dealers.

Educational Campaign

BPC has begun an educational campaign to inform applicators and dealers about new rulemaking that the Board may implement. This information is being distributed through presentations at recertification meetings, established monthly email updates, physical mailers, email inquiries, and tutorials on the 'Board's website.

Staff and the Board remain committed to making this information available to the public. Staff will keep pesticide use information up-to-date while LD 1770 implementation efforts are completed through MEPERLS updates and rulemaking. This information can be found on the 'Board's website.

Appendix A. LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data

APPROVED	CHAPTER
JUNE 23, 2023	71
BY GOVERNOR	RESOLVES

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 1134 - 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.

Appendix B. Information Required on Commercial Applicator Annual Summary Use Reports

Commercial Applicator Annual Summary Report

Report Year 2023

Master Applicator's License #	
Master Applicator's Name	
Company Name	
Company Email	
Address	
Telephone #	

If this report covers applications performed by all company licensees, please check here

If no applications performed, please check box and return to the Board. Please convert all application data to pounds or gallons of 'undiluted'

Target site	Pesticide Brand Name	EPA Registration Number	Total Pounds Undiluted Formulation	Total Gallons Undiluted formulation	Total Area Treated (Ac, Sq Ft, #trees, homes, pets)
Golf greens	Scott's fungicide 6	538-159	373.75		183,931 Sq. Ft.
Broccoli	Phosdrin 4EC	5481-412		7.1	57 Ac.
Wall Void	Empire 20	6217-145		0.16	20 homes
Dogs	Fleas-No-More	624-467		3	378 dogs

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Appendix C. Information Required on Dealer Sales Reports

Annual Pesticide Dealer Sales Report



Company Name _____

Directions to upload Sales Report to Board of Pesticides Control online portal:

- log onto BPC portal. (if you do not already have a login please go to www.maine.gov/bpc to create one)
- click on 'my profiles' in the top right corner; then click on your company name
- on left side of screen select 'upload documents/reports'
- select document 'category' and 'year' from dropdown menus, then click 'upload document'
- select annual report document file from your computer and click submit
- file will appear on screen- to finish attaching to profile click submit and you will see statement that your document has been sent for review.

Please list ALL companies from which you receive pesticides (Name, Address, Phone Number)

Please list ALL companies to which you distribute pesticides (Name, Address, Phone Number)

*use a second form if more room is required.