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MAINE BOARD OF PESTICIDES CONTROL POLICY REGARDING THE TREATMENT OF ADJUVANTS AS PESTICIDES

BACKGROUND

LD 2019 “An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances” (PL 2022 c.673) was approved by the 130th Maine Legislature in 2022. Under this law, adjuvants were added to the definition of pesticides and must now be registered within the State of Maine. The Board has discussed several policies related to spray adjuvants, which have been consolidated below. The purpose of this policy is to clarify the Board’s decisions regarding the treatment of “spray adjuvants” in the state of Maine.

Under [M.R.S. 7 §604-sub 25](#), the state of Maine defines a pesticide as:

Pesticide. "Pesticide" means:

- A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests;
 - B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and
 - C. Any substance or mixture of substances intended to be used as a spray adjuvant.
- "Pesticide" includes a highly toxic pesticide.

Under [M.R.S. 7 §604-sub 31-A](#), the state of Maine defines a spray adjuvant as:

Spray adjuvant. "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier or similar agent that is intended to be used with any other pesticide as an aid to the application or the effect of it and that is in a package or container separate from that of the other pesticide.

At the February 24, 2023 Board meeting, the Board discussed a staff memo regarding colorants and if they are considered pesticides under the new state definition. An informal vote was taken,

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and the majority of Board members stated that colorants did not fit into the definition of adjuvants given that they do not increase the efficacy of the applied product. The Board also agreed that water was not considered a spray adjuvant when added to pesticides.

POLICY

Colorants and Water

The following are not considered spray adjuvants in Maine:

- Adjuvants that are labeled as colorants for pesticides
- Water added to pesticides