

§604. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2005, c. 620, §3 (AMD).]

1. Active ingredient. "Active ingredient" means any ingredient that will prevent, destroy, repel, control or mitigate pests or that will act as a plant regulator, defoliant or desiccant.

[PL 2005, c. 620, §3 (AMD).]

2. Adulterated. "Adulterated," as applied to a pesticide, means that:

A. The pesticide's strength or purity falls below the standard of quality as expressed on the labeling under which it is sold; [PL 2005, c. 620, §3 (NEW).]

B. A substance has been substituted wholly or in part for the pesticide; or [PL 2005, c. 620, §3 (NEW).]

C. A valuable constituent of the pesticide has been wholly or in part abstracted. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

3. Animal. "Animal" means all vertebrate and invertebrate species, including but not limited to humans and other mammals, birds, fish and shellfish.

[PL 2005, c. 620, §3 (AMD).]

4. Beneficial insects. "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests or are otherwise beneficial.

[PL 2005, c. 620, §3 (AMD).]

5. Commissioner.

[PL 2005, c. 620, §3 (RP).]

6. Defoliant. "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

[PL 1975, c. 382, §3 (NEW).]

7. Desiccant. "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

[PL 1975, c. 382, §3 (NEW).]

8. Device. "Device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling or mitigating any pest or any other form of plant or animal life, other than a human being and other than a bacterium, virus or other microorganism on or in a living human being or other living animal. "Device" does not include equipment used for the application of pesticides when sold separately from pesticides.

[PL 2005, c. 620, §3 (AMD).]

9. Distribute. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment or receive and, having so received, deliver or offer to deliver pesticides in this State.

[PL 2005, c. 620, §3 (AMD).]

10. Environment. "Environment" includes water, air and land and all plants and human beings and other animals living therein and the interrelationships that exist among these.

[PL 2005, c. 620, §3 (AMD).]

11. EPA. "EPA" means the United States Environmental Protection Agency.

[PL 1975, c. 382, §3 (NEW).]

12. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.

[PL 1975, c. 382, §3 (NEW).]

13. Fungi. "Fungi" means all nonchlorophyll-bearing thallophytes, that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts, including but not limited to rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living human beings or other living animals, and except those in or on processed food, beverages or pharmaceuticals.

[PL 2005, c. 620, §3 (AMD).]

14. Highly toxic pesticide. "Highly toxic pesticide" means any pesticide determined to be a highly toxic pesticide under FIFRA, Section 25(c)(2) or by the board under section 610, subsection 1, paragraph B.

[PL 2005, c. 620, §3 (AMD).]

15. Imminent hazard. "Imminent hazard" means a situation that exists when the continued use of a pesticide during the time required for cancellation proceedings pursuant to section 609 would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the United States Secretary of the Interior under United States Public Law 91-135.

[PL 2005, c. 620, §3 (AMD).]

16. Inert ingredient. "Inert ingredient" means an ingredient that is not an active ingredient.

[PL 2005, c. 620, §3 (AMD).]

17. Ingredient statement. "Ingredient statement" means a statement of the following:

A. The name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide; and [PL 2005, c. 620, §3 (NEW).]

B. If the pesticide contains arsenic in any form, the percentages of total and water-soluble arsenic, each calculated as elemental arsenic. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

18. Insect. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising 6-legged, usually winged forms, including but not limited to beetles, bugs, bees and flies, and to other allied classes or arthropods whose members are wingless and usually have more than 6 legs, including but not limited to spiders, mites, ticks, centipedes and wood lice.

[PL 2005, c. 620, §3 (AMD).]

19. Label. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

[PL 1975, c. 382, §3 (NEW).]

20. Labeling. "Labeling" means the label and all other written, printed or graphic matter:

A. Accompanying the pesticide or device at any time; or [PL 2005, c. 620, §3 (NEW).]

B. To which reference is made on the label or in literature accompanying the pesticide or device, except current official publications of EPA, the United States Department of Agriculture, the United States Department of the Interior, the United States Department of Health and Human Services, a state experiment station, a state agricultural college or other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides. [PL 2005, c. 620, §3 (NEW).]

[PL 2005, c. 620, §3 (AMD).]

21. Land. "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

[PL 1975, c. 382, §3 (NEW).]

22. Nematode. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; nematodes may also be called nemas or eelworms.

[PL 2005, c. 620, §3 (AMD).]

22-A. Perfluoroalkyl and polyfluoroalkyl substances or PFAS. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732, subsection 5-A.

[PL 2021, c. 673, §1 (NEW).]

23. Person. "Person" means any individual, partnership, association, fiduciary, corporation or any organized group of persons whether incorporated or not.

[PL 1975, c. 382, §3 (NEW).]

24. Pest. "Pest" means any insects, rodents, nematodes, fungi, weeds, and other forms of terrestrial or aquatic plant or animal life or viruses, bacteria or other microorganisms, except viruses, bacteria or other microorganisms on or in living human beings or other living animals, that the commissioner declares to be a pest under section 610, subsection 1, paragraph A.

[PL 2005, c. 620, §3 (AMD).]

25. Pesticide. "Pesticide" means:

A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests; [PL 2021, c. 673, §2 (NEW).]

B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and [PL 2021, c. 673, §2 (NEW).]

C. Any substance or mixture of substances intended to be used as a spray adjuvant. [PL 2021, c. 673, §2 (NEW).]

"Pesticide" includes a highly toxic pesticide.

[PL 2021, c. 673, §2 (RPR).]

25-A. Plant-incorporated protectant. "Plant-incorporated protectant" means a pesticidal substance that is produced and used in a living plant through genetic engineering and the genetic material necessary for the production of the pesticidal substance.

[PL 2007, c. 484, §1 (NEW).]

26. Plant regulator. "Plant regulator" means any substance or mixture of substances intended through physiological action for accelerating or retarding the rate of growth or rate of maturation or for otherwise altering the behavior of plants or the produce thereof. "Plant regulator" does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

[PL 2005, c. 620, §3 (AMD).]

27. Protect health and the environment. "Protect health and the environment" means to protect against any unreasonable adverse effects on the environment.

[PL 2005, c. 620, §3 (AMD).]

28. Registrant. "Registrant" means a person who has registered any pesticide pursuant to the provisions of this subchapter.

[PL 1975, c. 382, §3 (NEW).]

29. Registration. "Registration" includes reregistration.

[PL 2005, c. 620, §3 (AMD).]

30. Restricted use pesticide. "Restricted use pesticide" means any pesticide or pesticide use classified for restricted use by the EPA Administrator.

[PL 2005, c. 620, §3 (AMD).]

31. Rodent. "Rodent" means any member of the animal group of the order rodentia, including but not limited to rats, mice, gophers, porcupines and squirrels.

[PL 2005, c. 620, §3 (AMD).]

31-A. 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.

[PL 2021, c. 673, §3 (NEW).]

32. Unreasonable adverse effects on the environment. "Unreasonable adverse effects on the environment" means any unreasonable risk to human beings or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

[PL 2005, c. 620, §3 (AMD).]

33. Weed. "Weed" means any plant that grows where it is not wanted.

[PL 2005, c. 620, §3 (AMD).]

34. Wildlife. "Wildlife" means all living things that are neither human, domesticated nor, as defined in this subchapter, pests, including but not limited to mammals, birds and aquatic life.

[PL 1975, c. 382, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 382, §3 (NEW). PL 1979, c. 731, §19 (AMD). PL 1989, c. 878, §E2 (AMD). PL 2005, c. 620, §3 (AMD). PL 2007, c. 484, §1 (AMD). PL 2021, c. 673, §§1-3 (AMD).

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