

1. Agenda

Documents:

[AGENDA 7_26_2016.PDF](#)

2. Approve Minutes From The Previous Meeting

Documents:

[MINUTES 7.5.2016.PDF](#)

3. Discuss Key Elements Of The South Portland Draft Ordinance

Documents:

[OBJECTIVES FOR JULY 26.PDF](#)

City of Portland
Pesticide and Fertilizer Task Force

July 26, 2016

6:00 PM

Room 24

AGENDA

1. Welcome and Introductions (5 minutes)
2. Review and approve minutes (5 minutes)
3. Discuss key elements of the South Portland Draft Ordinance (25 minutes each)
 - a. Does the Task Force want to recommend a ban or restriction on the sale of pesticides and/or fertilizers?
 - b. Does the Task Force want to recommend ordinance language that would generally ban the use of chemical pesticides?
 - c. Does the Task Force want to recommend a ban or a restriction on the use of pesticides on public property?
 - d. Does the Task Force want to recommend a ban or a restriction on the use of pesticides on private property?
4. Discuss Agenda for Next Meeting (10 minutes)
5. Adjourn

Please refer to the committee web page for background documents:

<http://www.portlandmaine.gov/1774/Pesticide-and-Fertilizer-Task-Force>

City of Portland
Pesticide and Fertilizer Task Force

July 5, 7:00 – 9:00 PM

Room 24

Minutes

Task Force Members Present: Councilor Mavodones, Joe Staples, Avery Kamila, Rachel Bouvier, Deven Morrill, Jesse O'Brien, Seana Cullinan, Cathy Ramsdell, Wendy Harmon, Bob Searle, Fred Dillon

Task Force Members Absent: Tim Currier

Staff Present: Troy Moon and Ethan Hipple

1. Welcome and Introductions

Councilor Mavodones called the meeting to order. Councilor Mavodones reviewed agenda and meeting policy; Councilor Mavodones asked members of the public to refrain from speaking during the meeting, no public comment will be taken at this meeting.

Councilor Mavodones- The first meeting was an organizational meeting, we may need to ask the council for more time for these meetings.

Troy Moon- The objective of this meeting is to get a sense of how the task force feels about pesticides. After Ethan Hipple's presentation the task force will have time to ask questions and discuss the issue.

2. City Policy for Use of Pesticides on Public Property

a. Presentation by Ethan Hipple, Parks Director

Ethan Hipple- Introduced himself, he worked with other parks staff to look at what the parks department is currently doing and what they should be doing, in terms of pesticide use. Hipple and his staff first created a policy statement on what they are currently doing, including staff practices, this is a policy statement, not an ordinance. The policy statement (which was made available to the task force members), stated that the parks department is not using pesticides on most City properties, including open spaces, play grounds, school grounds, and any park land that is not an athletic facility/field. The Parks department uses pesticides on the athletic fields and the golf courses. It is extremely expensive to do an organic golf course. The City's athletic fields are designed to get between 200-250 hours of use a season, but most City fields get 1200 hours a season. We have an active population, which puts stress on the fields. To give the field a chance, the parks department needs to use pesticides. They don't use pesticides for cosmetic purposes on any city properties.

The policy statement provided by the parks department does not touch on fertilization. They use pesticides on a spot bases. If they promote healthy turf through alternative methods (over seeding, mow high, etc) then they don't have to use pesticides as much. The City has two highly trained individuals who apply the pesticides. The Parks Dept has concerns that if they stop using pesticides the City would lose entire athletic fields. It cost about \$200,000 to replace a field. They are testing a synthetic pesticide side by side with an organic method to test the results. For the fields that aren't getting heavy use, the Parks dept. has decided to stop using pesticides on those properties. Troy Moon will post the list of fields where pesticides are used on the City's website. The Parks Department looked at the golf course, they have come up with a plan that will use pesticides on an every-third year rotation, they will take 9 holes each year

and treat every three years.

In terms of City trees- the Parks Department only treats with pesticides if there is an infestation. In Ontario, Canada ban on pesticides, there is an exception for trees because they are so important to our society.

In the City, the Parks department's current exceptions for using pesticides- include poison ivy and invasive plants (Japanese knotweed and others) or pests such as hornets.

b. Q & A

Cathy Ramsdell - Are you using the 1,2,3,4 levels for all of the playing fields? Is it fair to say that using neonics can be stopped on the golf course?

Ethan Hipple- The superintendent is comfortable using the suliprin – a non-neonicotinoids chlorantraniliprole

Avery Yale Kamila- How many golf memberships at the golf course. I know the number has been declining. People also want the city to move away from pesticides. The city doesn't have an organic pesticides expert, there is course being offered at USM this fall. Avery Yale Kamila handed out a book to the members of the task force.

Ethan Hipple- The golf course usage has steadily been going up for the past several years, if you drive by on a week night or weekend, there are a lot of people on the course.

Rachel Bouvier- what about soccer fields at high schools, Deering High School?

Ethan Hipple- It's a park surrounding Deering High school, pesticides are used on those athletic fields.

Devon Morrill- With limited time here, I wanted to give some hand out on integrated pest management (IPM), this handout lets people know what is already happening in Maine. I did take a stab at a draft ordinance on IPM, it creates an IMP coordinator within the city (see hand out). A creation of an application log, would help track when and where the city is using pesticides. Lastly, the ordinance also has public education piece (see hand out).

Joe Staples- What is the threshold for treatment with pesticides? When do you absolutely have to treat?

Ethan Hipple- There is room to improve our thresholds. We usually treat when it gets down to the soil. The parks Department records when and where we treat.

Avery Yale Kamila- The city is required to turn in an annual report on this every year.

Devon Morrill- The greater level of detail is available for every school. We are required to report on it.

Joe Staple- is the threshold measured for each invasive species?

Fred Dillon- in the state of Maine, every pesticide is set by state regulations

Ethan Hipple- City staff do the pest control, we contract out for the mowing. The results of any treatment for any school is available.

Councilor Mavodones- Doug is the person to contact to get that information about the schools

Fred Dillon- in South Portland, it has become clear that private property is as much of an issue as city properties.

Ethan Hipple- On private properties, you don't have to be licensed to apply the pesticides

Cathy Ramsdell- we can document the public property. Coming back up to the high level, what are we doing for public versus private property? Private property will be an interesting issue.

Fred Dillon- there is a bite and sting exemption for pesticides correct? – *Ethan Hipple*- yes correct.

Cathy Ramsdell- Four things we might have common ground on...

1. *Cathy Ramsdell* - Neonicitinoids – out? Does everyone agree?

Devon Morrill- No, I disagree, there are still some applications that neonics are still recommended.

Councilor Mavodones- it looks like we need some more information before making that decision.

2. *Cathy Ransdell*- **Transparency**-

Councilor Mavodones- you mean as much transparency as possible is what we are striving toward.

Fred Dillon- we need to clarify what we mean by transparency.

Rachel Bouvier- a clear standardized reporting requirements are needed.

Jesse O'Brien- The problem with a standardized form is that thresholds for pesticide usage can be different from year to year. The education points are just as important.

3. *Cathy Ransdell* - **Land care vs. inside building care**- we (the task force) are more concerned with what's going on outside of the building.

Councilor Mavodones- Does everyone agree? YES everyone agrees

4. *Cathy Ransdell* - **Intergrated Pest Management**- I'm not convinced organic is better than synthetic, but IPM in the city would be the way to go. The city doesn't have an IPM person that is dedicated to this issue.

Fred Dillon- I agree, we should be looking into IPM.

Devon Morrill - we can put this under the education piece, whether it is this handout or something else, education can only help.

Rachel Bouvier- I can't draw the line between synthetic and organic, my goal is public health. I'm looking for what is the most or best way to protect the public health and there is no simple solution.

Jesse O'Brien- if we are going for an ordinance, we need to include more people, developers, landscapers, and any others.

Fred Dillon- You can get scientists that argue on both sides of this, the middle ground is going to be murky.

Ethan Hipple- we really try to look at it through the lens of do no harm, or the least harm. Jeff Tarling has been using parasitic flies to treat pests, but sometimes that may not work, so banning a class of pesticides, eliminates a tool that we can use. I'm an environmentalist with kids, I don't want to use things we don't have to too, but I would caution against banning full classes of tools we can use and tying our hands in the future.

Avery Yale Kamila- we don't have the same soil as what the pesticides are tested in. What do we know about the baseline, what is in kids blood right now, we don't know. We need baseline testing. If we look at many other ordinances, we see organic materials are allowed as the standards, but there are some exemptions.

Ethan Hipple- The problem with the waiver idea for exemptions is that waivers move slowly, if we have to wait several weeks for a committee to vote on that waiver, the damage has already been done.

Fred Dillon- in South Portland, we put a 5-7 day waiver in place. We came up with worst case scenarios before coming up with the waiver period. We talked to people in other counties about their waiver process.

Devon Morrill- The waiver process, why are we there in the first place, with IPM it takes that out and looks at what is the least toxic method.

Rachel Bouvier- there was a document that came out many years ago, Russ Libby was one of the organic farmers that was tested, I will try to track it down.

Fred Dillon- with IPM sometimes the strategies is to do nothing. The problem with site specific testing, we just don't always have the funds to do these types of testing. It isn't always an apples to apples comparison, but there has been testing done elsewhere.

Cathy Ransdell- The Maine board is not releasing the data on the site specific testing, South Portland has struggled with not having updated data, I'm convinced it exists but it isn't being released to the public. Public education has not gone far enough with the use of the application of this stuff with private home owners. What are going to do about homeowners.

Devon Morrill- Did South Portland change their storm water pipes?

Fred Dillon- The water is now going into a vegetative area which naturally filters it. Friends

of Casco are trying to do the same thing.

Avery Yale Kamila- two more clauses to add to the South Portland ordinance that I handed out last meeting. (see hand out). She handed out a second handout, Henry Jennings “we have no rules around using pesticides in urban areas” (see second hand out).

C. Discussion

Councilor Mavodones- anything left on Ethan’s presentation that we still need answered?

3. Review and Discuss Approaches in Other Jurisdictions

Troy Moon- Part of what we wanted to talk about was the South Portland ordinance. It is an organic pesticide ordinance, it bans uses on public and private property, which makes this unique (see hand out). It provides limited exemptions, hazardous plants and insects. We talked about the citizen review committee. This ordinance does not ban the sale of pesticides, I have not found anywhere in the country that bans the sale of pesticides.

Councilor Mavodones- do we want to start by looking at the South Portland ordinance?

Avery Yale Kamila- All of the ordinances that I have read are very different, it is easier to start with one template and go from there.

Devon Morrill- there are a few more ordinances that should/could be added to list

Wendy Harmon- Burlington VT has a ordinance that we should look at, Wendy will send it along.

Councilor Mavodones- any progress on what will be released for South Portland?

Fred Dillon- the biggest change in South Portland’s plan is on enforcement. We will be concentrating on education and deemphasizing enforcement.

Avery Yale Kamila- Currently if you are affected by pesticides that your neighbor is spraying (drifting), the only action is a civil law suit. If we have a small fine for drifting to hold people accountable, that would help.

Fred Dillon- In South Portland, we will have statistics on a neighborhood bases of where people have reported the use of pesticide spraying.

Devon Morrill- there is absolutely a mechanism in place to deal with drifting. If there is a 1% active ingredient on the abutting property, they are in violation of drifting.

Councilor Mavodones- if I call the Maine Board of Pesticide Control tomorrow, how fast will someone come?

Devon Morrill- They are supposed to be the same day. The Board of Pesticide control has 5 full time inspectors.

Fred Dillon - How do they check the 1% residue testing?

Devon Morrill- Henry Jennings explained at the last meeting, it is similar to the standards testing

Avery Yale Kamila- for the South Portland ordinance, is there any revisiting of the ordinance?

Fred Dillon- Yes, the list of materials is updated on an annual bases, we also have 3 year benchmarks and evaluation process.

4. Discuss Agenda for Next Meeting

Rachel Bouvier- is it possible to set some limitations to help keep us on task? I think we could have gotten a little more done had we set some ground rules.

Cathy Ramsdell- I’m wondering if we can make the times of the meetings earlier.

Councilor Mavodones- Does 6pm work? Still stick to 2 hours? – Everyone agrees.

Devon Morrill- Cathy did a good jobs on finding some common ground. The South Portland ordinance may be too big of an ordinance to go line for line instead of finding common ground.

Avery Yale Kamila- it seems like the citizens want us to focus on an ordinance and it seems the South Portland one seems to be where we are going.

Councilor Mavodones- ultimately we need this to go to the council in 2 months, which doesn't give us much time.

Rachel Bouvier- I don't want to see any more grandstanding or saying "the citizens want this or the citizens want that"

Troy Moon- For the next meeting we will be looking at banning the sale of pesticides for public and private uses

Cathy Ramsdell- I think we should focus on the South Portland ordinance, and refer back to it, and use it as a filter and a point of departure to find common ground.

Devon Morrill- In order to keep us on track, why don't you (Troy and Ethan) come up with your goals and objectives, please come up with a list and we (the task force) will circle yes or no

Councilor Mavodones- we will work hard to do that- Next meeting has been changed to 6:00pm

5. Adjourn

Meeting Adjourned 9:01



Gregory A. Mitchell
Director, Economic Development Department

Executive Department
Jon P. Jennings, City Manager

To: Councilor Mavodones and members of the Pesticide and Fertilizer Task Force
From: Troy Moon, Sustainability Coordinator
Re: Objectives of the meeting on July 26
Date: 7/21/2016

During the next Pesticide and Fertilizer Task Force meeting we will examine each of the building blocks of the South Portland draft pesticide ordinance. This will allow us to focus our discussion on specific issues and, hopefully, allow us to beginning framing a recommendation.

Here are the key components of the South Portland ordinance -- the first three being the foundational elements.

- Point one: The proposed ordinance would NOT place a ban on the sale of pesticides.
- Point two: The proposed ordinance would affect private AND public property.
- Point three: Organic pesticides would be allowed unless specifically prohibited while chemical pesticides would be prohibited unless specifically allowed.
- Point four - Exemptions:
 - Exemptions for 1) controlling harmful plants and insects, 2) playing areas of golf courses, 3) controlling invasive insects
 - Exemptions for chemical pesticides considered exempt by EPA

- Exemptions for pool chemicals, insect repellents, commercial agriculture, disinfectants, paints and stains, aerosols, pet supplies, rat and rodent control.

- Point five: Waiver process to which individuals could apply to use restricted pesticides in limited circumstances.

The Task Force will need to decide whether these elements should be the basis of its recommendations or whether members wish to incorporate different ideas. To help with this process the agenda will focus on specific discussion questions about the South Portland ordinance. Please review them and consider your thoughts in preparation for the discussion. I've added some more resources to the website and created a section for the proposals made by Task Force members. This includes suggestions made by Avery Kamila, Cathy Ramsdell, and Deven Morrill. I also posted information presented by the Maine Board of Pesticides Control to the South Portland Conservation.

Thanks again for your work on the Task Force.