

CITY OF PORTLAND, MAINE

Standing Committee on Transportation, Sustainability and Energy

Councilor Jon Hinck (A/L), Chair

Councilor Spencer Thibodeau (D2), Vice Chair

Councilor Ed Suslovic (D3)

Minutes of Meeting Held March 15

Present: Councilor Hinck, Councilor Suslovic, Councilor Thibodeau, Mayor Strimling

Staff Present: Troy Moon, Stuart O'Brien, Jean Frasier

Review and approve minutes:

Councilor Suslovic made a motion to accept the minutes. Councilor Thibodeau seconded the motion. All were in favor.

Councilor Thibodeau alerted the Committee that he would be recusing himself from consideration of pesticides due to a potential conflict of interest.

Pesticides:

Julie Rosenbach, Sustainability Coordinator of the City of South Portland, gave a presentation discussing the draft pesticide ordinance currently before the South Portland City Council. She described how the drafting committee, consisting of herself, Fred Dillon, South Portland Stormwater Coordinator, and Sarah Neuts, Park Superintendent, researched existing ordinances, reviewed academic research, met with stakeholders, and material from various government agencies including the Maine Board of Pesticides Control. The goal of the ordinance is to reduce toxics in the community by reducing the use of synthetic pesticides and promoting a transition to organic land management practices. The ordinance is drafted so that organic pesticides are allowed unless specifically prohibited and synthetic pesticides are banned unless specifically allowed.

Councilor Hinck thanked Julie for the presentation and for the City of South Portland for taking leadership on this issue.

Henry Jennings, Director of the Maine Board of Pesticides Control, gave a presentation describing how pesticides are regulated in the State of Maine. He noted that pesticides must be registered and tested by the federal government and that testing is quite rigorous and extensive. In Maine, individuals who apply pesticides must be licensed and receive a pesticide applicators license. To receive a license individuals must pass examination to demonstrate knowledge of applicable regulations and practices. Licensees must have continue their education to maintain their licenses. Mr. Jennings believes Maine has the most stringent regulations in the country. The Board has 5 inspectors who enforce regulations and follow up on complaints. The Board also has extensive education material.

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Integrated Pest Management is a science based approach that requires a variety of strategies that result in the lowest risk. Goal is to reduce the risk related to pest management. Chemical controls are only one tool to use. All strategies must be considered including pulling weeds, picking bugs, and other non-application methods.

The Board looks at the inherent risk of pesticide and how it is used. They don't distinguish between organic and synthetic. Least risk method is preferred – organic isn't always the lowest risk.

Councilor Suslovic asked Ms. Rosenbach and Mr. Jennings about enforcement, particularly drift. Mr. Jennings indicated that in the urban setting drift is usually associated with odor. This can't really be tested so can't be enforced. Ms. Rosenbach indicated that they did not look at the number of complaints but indicated that South Portland discontinued curbside spraying due to the number of people who requested to be added to the no spray list.

Councilor Suslovic asked about the safety of pesticides. Ms. Rosenbach said that their ordinance is based on the precautionary principle that says the science is not settled so it is less risk to not take the chance. Mr. Jennings indicated that the EPA takes risk into account. Proper use is essential to reducing risk. Untrained people who don't read and follow directions can cause harm. Organic approaches are essentially IPM, as they look at a broad approach – pesticides would be a last resort.

Councilor Hinck asked whether there are rules that distinguish between urban and less densely populated areas. Mr. Jennings indicated that in urban areas people can sign up to be on a registry, but there are barriers to sign up including a fee. Councilor Hinck asked if urban proximity might lead to greater opportunities for exposure. Mr. Jennings indicated there are no specific rules about use of pesticides in an urban setting.

Councilor Hinck asks what percentage of pesticide use is proper and educated. Mr. Jennings believes that three quarters of use is proper, as this is what is applied by licensed applicators. The other quarter is applied by homeowners. The Board does 400 inspections per year. The Board has to triage complaints.

Councilor Hinck asked Ms. Rosenbach about the exemptions in the ordinance and how they would be issued. She noted that if the use is exempted, there would be no process. For circumstances with waivers, there would be a review by committee.

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Councilor Hinck asked about how the South Portland ordinance addresses the golf course. Currently the draft calls for an exemption of golf course playing surfaces. The City Council is considering lifting the exemption on the municipal golf course.

Councilor Hinck asked how close one could apply pesticides near the river on the golf course. Mr. Jennings indicated that one may not broadcast within 25 feet of the river. Golf fairways don't need much treatment. Tees and greens are the areas that usually need treatment.

Councilor Hinck asked Mr. Jennings how confident he is that kids are not exposed to poisonous levels of pesticides on playfields. Mr. Jennings indicated that the EPA's registration process is designed to ensure that proper application is safe. He also indicated the science is evolving and new risks are identified as time passes.

Mayor Strimling 1:08:00