

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation
Councilor Spencer Thibodeau (D2), Chair
Councilor Belinda Ray (D1)
Councilor Jill Duson (A/L)

Minutes June 21, 2017

Members Present: Councilor Thibodeau, Councilor Ray, Councilor Duson
Staff Present: Troy Moon, Sally DeLuca, Ethan Hipple, Melissa Graffam

Councilor Ray makes a motion to approve the minutes. Seconded by Councilor Duson. All in favor, 3-0.

Committee Updates

Troy Moon updated the committee regarding the new recycling totes. They have been ordered and will be going out to residents in August. Implementing the new program in September.

Troy also updated the committee on the changing over of 6,800 street lights to LED lighting. This is still on-going and this will be a 70% electricity usage savings.

Presentation of Draft Pesticide Ordinances

- a. Ordinance recommended by the Pesticide and Fertilizer Task Force**
- b. Ordinance based on the South Portland Pesticide Ordinance**

Councilor Thibodeau introduced and thanked the members of the City's Pesticide and Fertilizer Task Force for all their time and work on this ordinance. He also mentioned that he no longer has a conflict of interest with his current employment and the work around the ordinance regarding pesticides and fertilizer.

The plan for looking over the ordinance is as follows. At tonight's meeting have an overview of both reports. In July have a extra Sustainability and Transportation meeting with a panel workshop to discuss questions that the councilors may have and to discuss the ordinance(s). In September bring this item to a full council meeting for their consideration.

Councilor Nicholas Mavodones chaired the Task Force and discussed the report to the Committee. The task force was comprised of a group of stakeholders including members of environmental and citizen groups, an entomologist, property owners, retailers and landscaping professionals. They reviewed the South Portland Ordinance, policies in other jurisdictions,

existing State regulations as well as the City's policy regarding applications on public property. The task force didn't want people to rely on pesticides.

Within the ordinance there is a waiver process. If after best management practices, a property owner still experiences problems with pests the ordinance allows him/her to apply to the City Manager for a waiver under these specific conditions: Emergency situations; Threats to public health, safety or welfare; Control of invasive species that threaten the environment; Threats to buildings or structures. A decision would be received within three (3) days.

Education is needed and is key for this to be successful. Task Force recommended collaborating with partners such as other municipalities and environmental groups for development of education and distribution of educational material. There would be fines for not complying with the ordinance. The fines would be in an amount between \$50 to \$500 per offense.

The Task Force also proposed in the ordinance establishing a Pesticide Oversight Committee. This group would be comprised of seven (7) members including two (2) licensed pesticide applicators, two (2) environmental professionals, and three (3) at-large member who are neither licensed applicators nor environmental professionals.

Fred Dillon, South Portland's Stormwater Coordinator, who was involved in the development of the South Portland Pesticide ordinance talked about their ordinance. South Portland's ordinance is being rolled out in three (3) phases, which was implemented in September 2016. The first phase is with city property. Second phase will be in 2018 with private property being included and then the last phase in 2019 with the municipal golf course.

South Portland is currently working on their public outreach to educate the public as to what can and can't be used. They also have a waiver process that their city manager approved and gets back to the applicant within five (5) days. They also are requiring applicators to send in reports to them by February of every year of what they did within the city.

Councilor Mavodones mentioned that there is a cost associated with enforcement. Let's not let the task force worry about about the cost of enforcement at this stage.

Ethan Hipple, Parks Director commented that the city has over 720 acres of land with 60 parks, 30 playgrounds and many cemeteries. Currently, there is very little pesticides being applied. 710 acres are free of any regular pesticide use (except for hornet nests, poison ivy). In the areas that pesticides are being used, employees are trained and licensed to do the work. The Parks Department is working on expanding on pollinated areas and planting wild flowers, pollinator plants. There is also one (1) beehive at the Riverside Golf Course and the plan is to add five (5) more.

Ethan did mention that he does have a concern of not being able to treat the five (5) high-use high-level athletic fields. Those fields are Deering Oaks fields, Deering High, Payson Park, Preble Street and Fox Street. He would ask for an exception to these fields; just like Hadlock Field.

The Committee took public comment.

Sharon Joseph, Portland Resident, teacher - Spoke of DDT and a story of a person who regularly used it passing away from cancer. Talked about lack of bees and butterflies.

Bill Linnell, Stroudwater- Beekeeper, lobsterman. Spoke about toxins getting into lobsters. You will find the pesticides around the honey and wax around the bees. We can change things and go organic. Urging to go with the South Portland ordinance.

Maggie Knowles, Portland Protectors- Went to all task force meetings, no health professional or organic expert on the task force. Had to move due to neighbors using pesticides. Portland residents do want organic. The private sector needs to be more ordained. Pass the strongest ordinance you can.

Joey Brunelle, Kellogg Street - Wants the most restrictive ordinance, likes the South Portland ordinance. Worked at an apple orchard in Springvale when he was younger and couldn't touch the apple trees for 48 hours after the pesticide was applied and the gates were locked. Mentioned a stormwater runoff study done in 2015 and the Portland area was the highest in regards to levels of pesticides. They found 2-4-D and many others. If the ordinance is good enough for South Portland, it should be good enough for us. Support the stronger South Portland ordinance.

Eddie Wooden, Scarborough- In support of organics. Has read studies that link pesticides with autism. Memorial Park in Scarborough is organic and the grass is beautiful.

Annie Wadley, Portland Resident, Portland Pollinator Partnership - Today you have the opportunity to support the stronger ordinance, the one from South Portland. Quoted Rachel Carlson- Silent Springs, 1962.

Patrick Hackleman, Casco Bay Sports - Was on the City's Athletic Field Task Force. The city has a shortage of fields. This is where we differ from South Portland and other communities. Concerns to labor and the overuse (deterioration) and maintenance of these fields.

Bob Mann, Lawn Dawg of Portland - Mentioned that there could have been another possible reason why the gates at the apple orchard that someone else had mentioned were closed, wasn't locked because of the toxicity per se, but what the label may have said. City is not making an attempt to stop for people to buy what is in the stores, which makes the professionals losing their jobs. They follow high standards. Follow all federal, state rules. They are here to help and reduce all pesticides.

Martin Steingesser, Portland Resident - Used to see butterflies; last year no monarch butterflies. (Submitted information on monarch butterflies to the Committee)

Gary Hoyt, Cheverus High School Athletic Director - Has 10 plus acres of performance turf. Has opposition of the new ordinance. Concerned about the emergency response times when and if a waiver to athletic surfaces that are different than lawns. Pesticides are applied by state licensed applicators. Has trained turf managers on-site everyday. There are grubs in the area

lately and they are hard to remove. Also, his fields have been a Canadian Goose rest area, has tried every organic thing to dissuade them. He is asking for an exception for his fields.

Kate Fisher, Back Cove Resident, Teacher - Has an organic garden. Is concerned of the use of roundup by neighbors. Encouraged by South Portland education component.

Roseanne Graef, Portland Resident - Please keep in mind that pesticides are poisonous. I hope you don't go with the task force's ordinance; but go with the South Portland ordinance.

Jeffery Schafer, Portland Resident - In support of the South Portland ordinance. Discussed that not all of these pesticides have not been tested. Children are at high risk since they are the closest to the ground.

Cathy Ramsdell, Resident, Executive Director of Friends of Casco Bay - This ordinance bans organic pesticides also. South Portland's ordinance emphasis on banning products; where as; Portland's emphasis changing lawn care, bans all pesticides, no second guessing and there are penalties. (Submitted a letter with information to the Committee)

Will Everett, Portland Resident, Friends of Casco Bay - Grew up on an apple orchard/farm and used pesticides, now trying to correct his actions. Pieces of the South Portland ordinance is stronger than Portland's. Task force bans all pesticides, even organic and its immediate and not in phases and is stronger on enforcement.

Dr. Priscilla Ske, Portland Resident - Take a look at South Portland's ordinance. Portland needs a strong and well developed education program. Should allow for organic and chem-free. Need periodic reviews on how things are going.

Stacy Brenner, co-owner Roger Farm, Scarborough - Maine Organic Farmers Organization. Is in support of South Portland's ordinance.

Dr. Bruce Taylor, MD, Sweden, Maine - Waivers are a concern. Effects to the unborn fetus and the endocrine. Children have 24/7 exposure; hands/mouth, breathing the air (dust) (Submitted his written testimony to the Committee)

Maria Woodberry, Resident - Since 2001 studying the harm of these pesticides. Both ordinances have strengths. Feels South Portland's is stronger at this time.

Sally Trice, Portland Resident - Is an organic gardener. Are we willing to sacrifice our children or our children's children? Urges for the strongest ordinance possible.

Jesse O' Brien, Portland Resident, Task Force Member - Turf farm in Kennebunk. Has been asked to be on the South Portland Task Force. Needs a communicator to bridge the two cities. Just because it says organic doesn't need to be safe. Does care about the environment.

Jon Hinck, Portland Resident - Urges to take the strongest parts of both cities ordinances. Also, there is a great chance to have both cities collaborate on the education process to the public. (Submitted his written statement to the Committee)

John Bocherd, Kennebunk, Eldridge Lumber - Promotes organic techniques and products. People are receptive to organic (techniques). The store is 85% chemical free.

Kathy Chapman - South Portland - Is an organic gardener and member of the South Portland task force. Is concerned that Portland's ordinance is limited in scope. Why other areas are excluded. Need more education in Portland's ordinance.

Michkau Paul, Portland Resident - A neighbor had geese that ingested the grass and died after the grass had been tagged. Someone else had their property sprayed for ticks/mosquitos and she could smell it. Not even 24-hours later their dogs became ill. She would forbid her children from playing athletics if she knew that the fields were treated.

Jodie Spear - Supports the South Portland Ordinance. Lives in Harborside, when she saw the white fags she was horrified. Nothing was written on the flags, just the date/time and who did it. When she contacted the company they wouldn't tell her what they sprayed. She has contacted the State's Pesticide Board.

Jay Feldman, Beyond Pesticides - Waivers will then be exceptions that become the rule. Areas need to be managed by products and techniques. (Submitted his written statement to the Committee)

Karen Schnick, Portland Resident - Bee keeper and organic gardener and uses organic techniques. Strongly urge to use South Portland ordinance as a base. Also, thinks some modifications not just some exceptions. Trees should be included.

Avery Kamila, Portland Resident - This ordinance is not a total ban since there is a waiver. Supports South Portland ordinance.

Andre Jones, Falmouth Resident and council member - Falmouth is working on this also. If we can pass the same as South Portland it will help each other with education; same as with the bag/styrofoam ordinance.

Committee will come back to another meeting in July to have some side-by-side comparisons of the two ordinances. Some categories to look at would be; Scope, Waiver, Ban all or List, Epistemic or economic, Education, Fees/Penalties.

Motion was made by Councilor Thibodeau to adjourn the meeting at 8:02 pm. Motion was seconded by Councilor Duson. All in favor. 3-0.