



City of Portland Pesticide Management Advisory Committee

Please click the link below to join the webinar:

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Passcode: 894956

Remote

1. Welcome and Check In
2. Approve Minutes From January
 - a. Minutes
3. Fertilizers and Stormwater Discussion
 - a. Doug Roncarati, Stormwater Coordinator will discuss how fertilizers impact stormwater and the City's stormwater permit.
4. Discuss draft report
 - a. Draft report to Sustainability and Transportation Committee
5. Professional Landcare Updates by Jesse O'Brien
6. Adjournment

CITY OF PORTLAND, MAINE
Standing Pesticide Management Advisory Committee

Draft Minutes January

Members Present: Jesse O'Brien, Tim Lindsay, Carol Laboissonnier, Avery Yale Kamila, Priscilla Skerry, Karen Snyder, and Troy Moon

Meeting called to order at 6:55 PM.

October Minutes

Jesse has one omission. Would like to amend that the 7% Nitrogen number comes from Great Bay.

Avery motioned to approve the October Minutes with Jesse's amendment. Seconded by Tim. Minutes unanimously approved, 7-0.

South Portland Fertilizer Ordinance Comments

Chapter 32 of the Land Use Ordinance. Currently on outreach portion of the South Portland Ordinance.

Avery Comments: Good ordinance. Like the change to the LMAC, the broadness of this term. Believes the Fertilizer Ordinance is too narrow and should apply to more than just turf, like the Pesticide Ordinance. Believes the two ordinances (Fertilizer and Pesticide) should mirror each other to avoid confusion. Believes the synthetic fertilizer grub loophole will be an issue if adopted in Portland. Believes the shoreline numbers should be 250 ft not 75 ft because the 75 ft number applies to small streams, which is not entirely relevant to Portland which has larger water bodies.

What was the rationale to only applying the Ordinance to turf?

When in front of the Council, only heard about turf. Not trees, fruit trees, or window boxes. Turf was the main outcome of the Council meetings, since fertilizers are more widely used in these circumstances.

Karen Comments: Also likes the LMAC title change for Portland. Also thinks there should be parallels in scope of Pesticide and Fertilizer Ordinances. Believes Portland is much more than turf application, and that the Portland Ordinance should reflect this. Would like the Heritage Tree Ordinance to be included in this Ordinance.

Carol Comments: Believes the purpose of the South Portland Ordinance is narrow. Likes the section on new development. Wonders if rather than restricting fertilizer use, could runoff itself be curtailed by filtration improvements. Believes the Ordinance is too restrictive, so that if a homeowner needed to add Nitrogen, they would need a soil test. Believes the Ordinance is stricter than NOFA. Has issue with the "2-3 inches deep" specification for application, due to

the science of sod and fertilizers and the transition program noted by NOFA. Likes that the Nantucket plan is more in line with NOFA standards. For the general owner to run a soil test might be restrictive.

Troy Comments: Likes the effort to require better soils on new construction sites. Not sure the Ordinance gets there. Would like the specification of organic percentages (and Karen Snyder agrees, due to issues with current construction on Munjoy Hill). Agrees with Carol that the breaking up to 10 inches is too specific, and that the industry is site-specific.

Questions to Consider:

What should be part of the Fertilizer Ordinance versus a discussion in the Re-Code?

What should be brought up to the S&T?

Jesse Comments: Explains reasoning behind specifications in Ordinance. 2-3 inches to incorporate fertilizer to help prevent runoff. 10 inches came from protecting all processes from issues due to compaction. Comprehensive vs standard soil test under consideration currently in South Portland.

Priscilla Comments: Public should be educated and wants the information. Will need to figure out how to get this info out.

Tim Comments: Likes South Portland's plan. Worries about the association of fertilizer with pesticides, since fertilizer is not as harmful as pesticides. Trend toward species-specific fertilizers. Believes fertilizer is necessary for trees on lawns, since the soil has already been made non-native/non-natural.

Nantucket/Martha's Vineyard Fertilizer Ordinance

Developed by professors, made very educational to deal with runoff. Should try to have a broad, balanced team for the development of the Portland Fertilizer Ordinance.

Portland PMAC Focus and Efforts

Should emphasize fertilizing in the first stages of life. And should also emphasize increasing green space and soil in the City. Again, improve education on how to care for trees and protect them. Should emphasize the protection of trees, whether in the Ordinance or the Re-Code/Construction permits.

Sustainability Office Update

Will be sending update letter to applicators.

Feedback: Needs bullets of what to do (1) submit reports, (2) requirements.

Gave presentation on History of Pesticide Ordinances to CT NOFA. Gave presentation to Town of Yarmouth last night. Parks department moving toward electric equipment, such as using electric chainsaws.

Kennebunkport Update

Trying to come up with wording for an ordinance. Should be site-specific, so struggling with the wording of the ordinance. Also attempting to educate the communities. Hard to enforce in a smaller government. Ogunuit requires MOFGA-certified compost, which is also in consideration.

Soil Education and Outreach

Should move to have an education event in March. Could try to promote other online opportunities as well as develop original event for the public.

Book, "Bringing Nature Home," talks about harmony between birds and insects, and the need for native plants and species. Move toward encouraging native plants and woody plants to enable habitat building. Educate homeowners on proper landscaping and importance of what you plant, environmental horticulture.

Future Steps and End of Meeting

Portland has Tree Ordinance on the docket to build upon the Heritage Tree Ordinance. Will work on a Fertilizer Ordinance for Portland, and the PMAC will make recommendations in a report submitted to the S&T by February meeting. Try to integrate South Portland and Nantucket Ordinances to make a Portland draft that Troy and Casey will develop before the next meeting.

Note: South Portland Committee has put forth a Nantucket-like Ordinance, which had been rejected by the Council due to lack of strictness. Keep this in mind.

Meeting adjourned at 8:05 PM.

- **WORKING DRAFT ONLY** -

**City of Portland, ME
Pesticide Management Advisory Committee
Portland Fertilizer Ordinance Recommendations**

The Portland Pesticide Management Advisory Committee (PMAC) recommends the City of Portland adopt an ordinance to manage the use and application of fertilizers within the jurisdiction of the City to protect the health of its soils, waterways, people, and wildlife. While the PMAC recognizes the need for fertilizers to protect the city's tree canopy and reduce erosion, the PMAC would like the City to develop a fertilizer ordinance that emphasizes organic land-care practices and the reduction of unnecessary fertilizer applications.

Recently, the City of South Portland enacted their own pesticide ordinance. The PMAC has reviewed this ordinance as well as Nantucket's *Guidelines for Landscape Fertilizer* which is based on their previously released *Best Management Practice for Turf, Tree, and Shrub Fertilization for Nantucket*. Both of these documents were considered when developing these recommendations for a similar Portland Pesticide Ordinance.

The following are items from the two documents that the PMAC highly recommends be included in the Portland Pesticide Ordinance:

- Change the name of the PMAC to LMAC (Land-care Management Advisory Committee), which is a more comprehensive, appropriate name and objective for the committee. (*South Portland*)
- Have the scope of the Portland Fertilizer Ordinance encompass property owners as well as commercial applicators. (*South Portland* and *Nantucket*)
- Include requirements for education and outreach from the LMAC, with a specified focus on soil health, organic land-care practices, and appropriate applications. (*South Portland*)
- Include a section on new development/construction, which would involve... (What does the PMAC specifically like about this section that they would want included?) (*South Portland*)
- While the South Portland Fertilizer Ordinance has good intentions in requiring better soil for new development, this section in a Portland ordinance should include required percentages for this soil. Nantucket's *Best Practice* document goes into details about the native soil composition for the region and appropriate fertilizer ratio. A similar approach should be taken in the Portland Ordinance. (*Nantucket*)

The following are deviations from the South Portland Fertilizer Ordinance that the PMAC recommends for the Portland Fertilizer Ordinance:

- The Fertilizer Ordinance should mirror the Pesticide Ordinance in scope. For instance, the South Portland Fertilizer Ordinance only applies to turfs; whereas, their Pesticide Ordinance

applies more broadly. The PMAC recommends that the Portland Fertilizer Ordinance apply broadly both to match the Pesticide Ordinance thereby avoiding confusion, and to best protect the health of people, waterways, and wildlife.

- Many of the application and testing requirements in the South Portland ordinance are very strict and specific, often without proof from NOFA or other industry consensus. This includes the specification that soil testing be required if the organic fertilizer is incorporated more than 2-3 inches deep or if the sub-soil is not broken up to 10 feet. While these specifications are well-intentioned, they are too number-based and are more extreme than NOFA standards. A Portland approach should focus more on the soil care and less on required soil depth numbers.
- The South Portland Fertilizer Ordinance allows a loophole where specified synthetic fertilizers applied in the case of grub control are exempt from the ordinance. This exemption expires in 2023. For the purpose of a Portland Fertilizer Ordinance, this grub control loophole should not be included and should be considered a waiver item.
- Under the South Portland Fertilizer Ordinance, fertilizers may not be applied within 75 feet of a body of water, wetland, or other environmentally sensitive area. This number is based on small streams, which is not appropriate for most Portland bodies of water which are much larger. The PMAC recommends that shoreline numbers should instead be 250 feet.
- Include the Portland Heritage Tree Ordinance—and any expansions to this ordinance as a broader tree/canopy ordinance—as a part of the Portland Fertilizer Ordinance.
- The Portland ordinance should also specifically emphasize (1) fertilizing in the first stages of life, (2) increasing green space and soil within the city, and (3) the protection of trees, perhaps by incorporating the tree ordinance.