



City of Portland Pesticide Management Advisory Committee

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89592666218?pwd=L1psclJkS3dyNEhuM1puTTJCdmtrUT09>
Passcode: 894956

1. Meeting Information
 - a. On Monday, March 30, 2020, at 5:00 pm, the Pesticide Management Advisory Committee will conduct a virtual meeting using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online. This meeting will be conducted remotely using Zoom.

Allow your computer to install the free Zoom app to get the best meeting experience.
2. Welcome and Check In
3. Review and approve minutes
 - a. Minutes from March 2
4. Browntail Moth
5. New pest, Spotted Lantern Fly
6. PMAC Annual Report Update and Discussion
 - a. PMAC Annual Report
7. Discuss Summer Meeting Schedule
8. Adjourn

CITY OF PORTLAND, MAINE
Standing Pesticide Management Advisory Committee

Draft Minutes March

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

Meeting called to order at 6:33 PM.

Committee Member Updates

South Portland has a tree ordinance in the works. Portland Climate Action Team (PCAT) wants to help work on tree action items. There is community concern about tree removal, proper tree planting, and healthy organic tree care. There is a new ordinance in Philadelphia which has a committee run by health professionals. Karen voices worry about street trees and need for soil amendment and tree protection requirement in recode or some sort of ordinance. Jesse will be speaking for NOFA in April. Sustainability Office is moving ahead with the hiring of Sustainability Associate. The Committee could invite Park and Recreation to give update on 2021 phase of Pesticide Ordinance and its readiness to comply with restrictions on turf applications.

February Minutes

Tim would like PMAC to be aware that applicators sell programs and advice, not product. These are site and species-specific programs. In the past, applicators may have made their money from quantity of products. This is no longer the case. They are paid for inspection and treatment as necessary.

Avery motions to approve the February minutes. Jesse seconds the motion. Minutes unanimously approved, 7-0.

PMAC Feedback on Draft Report to Sustainability & Transportation Committee

Question about whether or not applicator reports can be made public and how they should be published.

Avery: For ordinance violations, should call out specific signage violations. Call out improper City signage at Baxter Woods and Western Prom. On second page, should specify NOFA language to be included. Wonders if other ordinances would be included in a broader Landcare Ordinance. Put referenced ordinances at end in reverse chronological order. Would want multiple voices and point of views shown for each opinion, especially for turf vs other items.

Jesse: Included South Portland Draft #17 Ordinance with some small modifications in his recommendations which was attached to the report. This draft went to the City Council and was rejected in favor of waivers. The following are the distinctions between the approved South Portland Ordinance and Draft #17:

- Changed comprehensive soil test to the standard soil test
- Modified soil compaction depth from 10 inches to 4-6 inches range (based on contractors)
- Modified 2-3 soil incorporation numbers
- New definitions between the organics and naturals

Karen: Would like to see a marked up South Portland Ordinance added to the report. Would like to see report sections broken up into agreed upon vs not agreed upon bullets.

Carol: Change language to “75 feet of water unless there is insufficient filtering vegetation (or buffers), in which case make it 250 feet.” Since organic is slow release, wonders whether we have to be specific with the percentages and weights. (Jesse explains that organic does not necessarily mean organic.) Change incorrect number of 10 feet depth to 10 inches.

Priscilla: Explanatory language should be included for instances such as explaining buffer vs filtering vegetation.

Tim: Initial fertilizer ordinance to focus on turf and surface. Could amend to include deep root applications later on.

Full Committee Bullet-by-Bullet Discussion on Report to the S&T Committee

Name of product on signs for fertilizer and pesticides (change this from how written in draft report). No requirement in Maine about fertilizer application. Could say organic vs synthetics. Signage should apply to applicators not applications. Keep pesticide signage the way it is. Fertilizer signage will require more thought because it is a very different public health issue. Sign could help people think about what they’re putting on their lawn. Another education idea could be printing educational signs for hardware stores to give out. This is an undecided issue: secure on maintaining signage requirements on pesticide ordinance and unsure about signage requirements for fertilizer ordinance.

Scope of ordinance to apply to more than turfs. Since trees have different fertilization requirements (deep root) is synthetic really harmful since there is no leaching? Avery believes the harm is in the manufacturing. Should scope be broadened to perennial gardens, annual gardens, and other plan gardens? Trees are very specific. Soil testing may not apply to all of these soil types. Consensus that all soils should be enforced as organic fertilizer only. Perhaps number specifications such as concentrations should be applied to turf applications only.

Make the depth specifications site-specific instead, which would be more in line with NOFA and more wholistic, less prescriptive.

Mention NOFA organic landcare standards in the references.

Recommend inspection requirements for soil and/or amendments on new construction and development for a Landcare Management Ordinance or as part of the Recode.

On grub application exemption, consensus on not granting this exemption. Note that a NOFA person on the board indicated that there should be more discussion and/or leniency for grub control.

On shoreline requirements, in reality 250 is not really realistic and focus should be on BMPs. Could use language of “75 feet unless there are insufficient buffer vegetation in which case this could be increased to up to 250 feet.” It’s very important to stabilize disturbed soil near water bodies so that they are not eroded, which may require some fertilizer use. May want to have further discussion about stipulations regarding buffer planting. Again, emphasis on site-specific nature. Consensus that final bullet should use the exact wording from Maine shoreline zoning and refer to the document about 75 feet versus 250 feet based on type of body of water.

On inclusion of the heritage tree ordinance and other tree ordinances in the Landcare Management Ordinance, Committee agrees to include this oversight.

In the final bullet, perhaps change first stages of life to establishment phase. This establishment term does apply differently to different soil type and applications. We want to make sure that fertilizers are applied when most necessary/at opportune time and for only appropriate applications. Change to, “Fertilizing in the first stages of life should be optimized based on the type of plant, location, and application.”

Wrap Up

Report should be emailed out to the PMAC for brief review before sending to the S&T. Troy will send Karen material to work on for the report.

Next meeting will be March 6th at 6:30.

Meeting adjourned at 8:45 PM.

City of Portland, ME
Pesticide Management Advisory Committee
Annual Report to the Sustainability and Transportation Committee
March 12, 2021

The City of Portland's Pesticide Ordinance requires the Pesticide Management Advisory Committee to provide a report to the Sustainability and Transportation Committee every year before March 31 in order to inform the City Council about the actions of the committee and to provide recommendations to the pesticide ordinance to enhance its environmental and public health benefits. This is the second annual report.

PMAC 2020

- Jesse O'Brien , Chair
- Avery Yale Kamila , Waiver Committee
- Carol Laboissonierre
- Tim Lindsay
- Priscilla Skerry
- Karen Snyder
- Troy Moon, City Staff

Resident Complaints

The City of Portland relies on community-sourced reporting through the See-Click-Fix (SCF) platform to monitor compliance with the Pesticide Ordinance. In 2020, residents filed twelve (12) SCF reports about potential Pesticide Ordinance violations. These occurred April through September. Many of them note the lack of proper signage on applied lawns, specifically the lack of a chemical name and trade name as required by the ordinance.

The Sustainability Office sent information about the ordinance to the owners of the properties identified by the See-Click-Fix report. We also included information about proper signage in our annual letter to applicators reminding them of the ordinance's reporting requirements. We will continue to respond to resident reports and encourage residents to use the platform to share concerns they may have about compliance.

In the instance of the two complaints about applications on public property, the applications were allowed to control invasive species on public property. The Sustainability Office reminded the Parks, Recreation, and Facilities Department that their contractors are required to follow the signage requirements of the ordinance.

Summary of SCF reports files included as Appendix A

Applicator Report Data

The Pesticide Use Ordinance requires that licensed applicators submit an annual report outlining all pesticide treatments (both synthetic and organic) within the City of Portland. To notify applicators of this

requirement, we utilized the MELNA and State of Maine Board of Pesticide Control lists and sent notice via email to all licensed applicators in Cumberland County. Information about the report and a Google Form to submit a report were also added to the Sustainability Office web pages within the City's website. We received reports from 36 businesses, which is 14 more than was received last year. Businesses that submitted reports include:

- | | |
|--------------------------------------|--|
| 1. A-Man Landscaping and Sports Turf | 21. Mainely Ticks |
| 2. A1 Exterminators | 22. MD Weaver |
| 3. Advantage Pest Control, Inc. | 23. Modern Pest Services |
| 4. Ant Man Pest Control, Inc. | 24. Mosquito Squad of Southern Maine |
| 5. Ants Etc. Pest Service | 25. Naturalawn of America |
| 6. Ants Plus Pest Control | 26. Octagon Cleaning and Restoration |
| 7. Aqua Laboratories, Inc. | 27. Pest-End Inc. |
| 8. Big Blue Solutions | 28. Protect Pest Services |
| 9. Bouchard Cleaning & Restoration | 29. Rainbow International of Greater
Portland |
| 10. Buggy Pest Control | 30. Riverside Golf Course |
| 11. DBA Whitney Tree Service | 31. Seabreeze Property Services |
| 12. Disfecta | 32. SGS Turf Care |
| 13. EZ Pest Solutions | 33. Sterling Insect/Lawn Control |
| 14. Food and Drug and the Bug, LLC. | 34. Terminix |
| 15. Fox Pest Control | 35. TowerMRL, Inc. |
| 16. Green Pest Defense | 36. Turf Doctor Lawn & Pest Services |
| 17. Liberty Pest Control, Inc. | |
| 18. Lucas Tree Experts | |
| 19. Maine Pest Solutions | |
| 20. Mainely Grass | |

Staff were pleased that these companies submitted reports detailing their pesticide applications during the calendar year 2020. *We do not know how many pest management and landscaping companies operate in Portland so we do not know how many firms are required to submit reports.*

Based on the reports, 139 distinct products were used in Portland in 2020. In total, 2,222 lbs and 776 gallons of undiluted products were used.

Applications occurred on:

- 621 acres of ground
 - 216 private
 - 405 public (primarily Riverside Golf Course, which is exempt from the ordinance and makes applications in accordance with its participation in the Audubon Cooperative Sanctuary Program)
- 176 trees
- 1,107 buildings, structures, and/or rooms for insects or mold
- 539 buildings or structures for rodents

Pesticides Reported

- Acelepryn
- Advance Carpenter Ant Granular Bait
- Advion Ant Gel
- Advion Fire Ant Bait
- Advion Roach Bait
- Affirm
- Alpine Dust
- Alpine Fly Bait
- Alpine WSG
- Aprehend
- Aquacide 4015
- Aquacide II
- Avenger
- Avert Dry Flowable
- Azoxy 50WDG
- B Maxx Pro
- Bedlam Plus
- Benefect
- Benefect Decon-30
- Bifen IT
- Bisect L
- BlueMax
- Boractin
- Borid Dust
- BP-100 ULD
- CB 80
- CB 80 Aerosol
- Cimexa
- Clorothalonil 720
- Conquer
- Conserve
- Contrac All-Weather Blox
- Contrac Blox
- Crosscheck Plus
- Crossfire
- Crossfire Aerosol
- CSI Bifen P&L
- Cueva fungicide
- cyKick CS Liquid
- D-Force
- D-Force HPX
- Damoil
- Delta Dust
- Demand CS
- Dimension
- Ditrac Tracking Powder
- Drione Dust
- Ecovia EC
- Ecovia WH
- Esplanade 200 SC
- Essentria IC3
- Evergreen Pyrethrum
- FASTRAC All-Weather Blox
- FASTRAC Pellets
- FASTRAC Soft Bait
- Fendona CS
- FIESTA
- Final All-Weather Blox
- Final Blox
- Finalsan
- First Strike Soft Bait
- FORMUS All-Weather Blox
- Generation Mini Blocks
- Gentrol
- Gentrol Point Source
- grubGONE!
- IC3
- Inex
- Insignia
- Intice 10 Bait
- Kocide 3000-0
- Lesco Cross Check Plus
- Lexicon
- Makaze
- Malice
- MarTrns 10% Permdhryn
- Masterline B MaxxPro
- Maxforce Carpenter Ant Gel
- Maxforce FC Ant Bait Stations
- Maxforce FC Magnum
- Maxforce FC Select Roach Killer Bait Gel
- Maxforce Fleet Ant Bait Gel
- Maxforce Impact
- Method 240SL
- MMR
- Mosquito Dunks
- Niban
- Nyguard
- OneGuard
- Onslaught MC
- Opti-Gard

- P.I. Contact Insecticide
- Perma Guard
- Peroxide Multi-Surface Cleaner
- PRIMO
- Propiconazole 14.3
- PRS Water Damage Preclean
- PRS Water Damage Post
- PT Alpine Pressurized Fly Bait
- PT Ultracide
- PureSpray Green
- Pyrocide
- Pyrocide 100
- Quinclorac
- Resolv Soft Bait
- Riptide
- Rozol Tracking Powder
- Secure
- Shockwave
- Shockwave RTU
- Speedzone
- Steri-Fab
- SureKill Flushers
- Suspend Polyzone
- Suspend S/C
- Take Down Soft Bait
- Talstar P Professional
- Talstar PL Gran 25#
- Taurus SC
- Tebuconazole 3.6
- Tebuproct 16
- Tempo Dust
- Tempo SC
- Tempo Ultra WP
- Temprid FX
- Temprid SC
- Tick Killz
- Transport GHP
- TRANSPORT MIKRON
- Trinity
- Velistar
- Vendetta
- Vendetta Nitro
- Vendetta Plus
- Weatherblok XT
- Whitmire Wasp Freeze
- Xzemplar
- Zenprox
- Zylam

The data reported demonstrates that applications are primarily related to the control of ants or other pests that consume wood and damage property, which are allowed activities. There was also a significant increase in applied pesticides across the board for tree, insecticide, and rodenticide applications, which may be a direct result of the increase in pesticide application reporting this year. There were also a select few applications that were noted as ornamental, though this was certainly the minority. Staff has not reviewed the reports to determine whether all of the applications are in compliance with the ordinance.

While this reporting year had considerably more participation, this may have also led to more confusion amongst new reporters. The following reporting issues should be addressed for the next reporting period to ensure more precise data: (1) the lack of consistent style for how to address the unit of measure for total area treated, (2) the lack of consistent description between the types of applications, and (3) the identification of pesticides as organic or synthetic.

Education and Outreach Efforts

The pandemic limited the Sustainability Office's ability to engage in education and outreach in 2020 but staff was able to accomplish several things:

- The Sustainability Office created a postcard and mailed them to property owners near locations noted in SCF complaints.

- The Sustainability Office updated the webpage to include more information and tips about how to manage lawns and gardens organically.
- The Sustainability Director made a presentation to the Northeast Organic Farming Association about Portland's Pesticide Ordinance.
- Staff made several posts on social media promoting organic land practices.

We're hopeful that an easing of the pandemic and the recruitment of a new Sustainability Associate will allow us to increase efforts in this area in the upcoming months.

Waiver Requests

The PMAC received one request for a waiver in 2020. The applicant, Cheverus High School, wished to treat sod worm that was damaging the turf on the varsity athletic field. They felt that poor conditions on the field would endanger student athletes. The Waiver Committee denied the application (1-1, unanimous vote required to approve). The applicant appealed the ruling. The City Manager's designee approved the waiver but the applicant subsequently withdrew their request.

PMAC Recommendations

Portland's Pesticide Ordinance charges the Pesticide Management Advisory Committee (PMAC) with advising the Sustainability Coordinator and the Sustainability and Transportation Committee about pesticide use and providing recommended amendments to achieve full and successful implementation of the ordinance. In compliance with this charge the PMAC is pleased to make several recommendations this year.

1.) Provide further education to applicators about the Pesticide Ordinance's signage requirements

The SCF data shows that many applicators fail to include important information about their pesticide application on the signs they post in compliance with local and state requirements. Portland Pesticide Ordinance requires applicators to indicate the chemical and trade name of the product applied on the front of the sign. This provides the public with important information and reduces the need for concerned residents to ask staff to investigate the application. We should continue to remind applicators of this requirement and ask trade groups such as Maine Landscape and Nursery Association to share this information with their members as well.

2.) Coordinate with partners in South Portland and other communities to educate the public and the landcare industry about organic and chemical free land care practices

Our neighboring communities including South Portland, Falmouth, and Scarborough have adopted ordinances governing the use of synthetic fertilizers and/or pesticides. This

provides an opportunity to collaborate on education and outreach efforts to improve compliance with local policies and promote overall soil health. Working together will allow the pooling of resources and hopefully lead to more effective efforts than an individual community could achieve on their own. We have had success working with the Cumberland County Soil and Water Conservation in promoting their Yardscaping program. We should work more closely with our Stormwater Program because efforts to reduce inputs of fertilizers and pesticides help improve water quality by limiting run off.

3.) Amend the Pesticide Ordinance to include fertilizers

In 2016 the City Council created the Pesticide and Fertilizer Task Force to study whether the City of Portland should adopt an ordinance regulating the use of pesticides and fertilizers on public and private property in Portland. This group determined that issues surrounding the use of pesticides and fertilizers differed enough that they should be addressed separately. Because of this, they made recommendations about the regulation of pesticides and further recommended that a subsequent group take up the use of fertilizers. Since that time, the City of South Portland has done extensive research into fertilizers, the impact improper use of them has on the environment, and has adopted an ordinance to regulate their use. South Portland staff worked with community stakeholders and industry representatives to develop recommendations that the South Portland City Council reviewed and, after the addition of some amendments, adopted.

The PMAC fully supports South Portland's efforts in this area. Improper and excess use of fertilizers by homeowners and land care professionals results in excess nutrients entering local waterways stormwater discharges. In Casco Bay we see this resulting in algal blooms, lower oxygen content in coastal waters, and ocean acidification. In this regard, regulating pesticides aligns with the City's stormwater management goals and augments efforts to mitigate the effects of stormwater runoff on water quality. It would further demonstrate Portland's commitment to this effort to State and Federal regulators. For these reasons, the PMAC recommends that the City of Portland amend the Pesticide Ordinance to regulate the use and application of fertilizers on public and private property within City limits. This would help protect the health of soils, waterways, people, and wildlife. Such an ordinance should follow organic landcare practices as described by the Northeast Organic Farming Association and restrict unnecessary fertilizer applications.

The PMAC has carefully reviewed South Portland's ordinance and also studied several others from New England communities.

The following are items from the South Portland Fertilizer Ordinance the PMAC highly recommends be included in the Portland Pesticide Ordinance:

- Rebrand the Pesticide Ordinance as the Landcare Management Ordinance, which encompasses the Pesticide Ordinance and the Fertilizer Ordinance.

- Change the name of the PMAC to the LMAC (Landcare Management Advisory Committee), which is a more comprehensive, appropriate name and objective for the committee.
- Have the scope of the Portland Fertilizer Ordinance encompass property owners as well as commercial applicators.
- Have the scope of the Portland Fertilizer Ordinance encompass private property within City jurisdiction, as well as City-owned property.
- Include a section on new development/construction, which would require the breaking up of compacted soils.
- Include requirements for education and outreach by the LMAC.

There are several deviations from the South Portland Fertilizer Ordinance that the PMAC recommends for the Portland Fertilizer Ordinance:

- The majority of the PMAC believes the Fertilizer Ordinance should mirror the Pesticide Ordinance in scope of application surfaces. For instance, the South Portland Fertilizer Ordinance only applies to turf; whereas, their Pesticide Ordinance applies more broadly. The majority of the PMAC believes the Portland Fertilizer Ordinance should apply broadly to require organic fertilizer for all soil conditions--including gardens, flower beds, and soil surrounding trees. As appropriate, certain requirements, such as pounds per square footage and incorporation depths, will need to be made site and application specific to apply only to turfs.
- A Portland ordinance should emphasize site-specific conditions for amending and rehabilitating soils at construction sites and follow NOFA organic landcare approaches. These should be enforced during site inspections and a certificate of occupancy should not be given unless the soils at the construction site contain adequate organic material and nutrients to grow healthy plants.
- The South Portland Fertilizer Ordinance added a provision that allows for the application of the synthetic pesticide acepryn on athletic fields to control grubs. Several members of the PMAC feel this would not be appropriate for Portland because Portland's ordinance prohibits pre-emptive applications and believe it would threaten the health of the soil and children. Other members believe that the Council should consider allowing limited use of acepryn because grubs are difficult to treat organically. Grub infestations can cause catastrophic damage to fields very quickly leading to unsafe conditions and significant costs to repair.
- 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. The PMAC suggests that a Portland Ordinance should mirror Maine's

shoreland zoning language with specific distance from shoreline application requirements for different bodies of water:

- *The shoreland zone is comprised of all land areas within 250 feet, horizontal distance, of the*
 - *normal high-water line of any great pond or river;*
 - *upland edge of a coastal wetland, including all areas affected by tidal action, and*
 - *upland edge of defined freshwater wetlands; and*
 - *all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.*
- The City Council should expand the Portland Heritage Tree Ordinance to include the whole city, not just historic districts, and consider designating the LMAC to monitor implementation along with pesticides and fertilizers as part of a comprehensive organic landcare ordinance.
 - The Portland Landcare Management Ordinance should specifically emphasize (1) fertilizing in the first stages of life optimized based on type of plant, location, and application; (2) increasing green space and soil within the city; and (3) the protection of trees. Overall, a holistic approach should be emphasized over specific products.

The PMAC appreciates the opportunity to share its recommendations with the Sustainability and Transportation Committee and welcomes the opportunity to answer any questions.

Appendix A: 2020 Pesticide See-Click-Fix Reports

SCF#	Category	Address	Description
7706026	Pesticide Use	255 Western Promenade	A number of apparent seemingly needless pesticide applications on public property, perhaps in violation of the ordinance.
7936256	Pesticide Use	159 Oxford St	On 6/1/20, Ehrlich, a subsidiary of Rentokil, made pesticide applications around the Pearl Place and Unity Village apartments.
7985533	Pesticide Use	80 Roberts St	Yard that wraps around 80 Roberts St -- pesticide use that does
7985576	Pesticide Use	42 Chamberlain Ave	Almost all of the yards on the entire left side of Chamberlain Ave
7989346	Pesticide Use	8 Stone St	This pesticide application notification signs at Unity Village do not indicate "the chemical and trade name of the pesticide" applied,
8171940	Pesticide Use	141 William St	
8292121	Pesticide Use	Hanover St & Portland	According to building occupants, owner of 47 Portland Street had a landscaping vendor put some kind of herbicide in otherwise
8292142	Pesticide Use	Hanover St & Portland	According to building occupants, owner of 47 Portland Street had a landscaping vendor put some kind of herbicide in otherwise
8306243	Pesticide Use	12 Ellsworth St	The owner of 3 Crescent st was seen using Round-up weed killer on his property and public walk way.
8381598	Pesticide Use	51 Myrtle St	Sign does not list pesticide applied, which is a violation of the city's pesticide ordinance.
8398300	Pesticide Use	209 Pearl St	Pesticide application at whole foods market in Portland at pearl street entrance with sign fails to list pesticide used.
8507965	Parks	1 - 199 Percival St	Is there additional information available regarding the type of pesticides being used in Baxter Woods? Are these within the Pesticide

Appendix B: Documents Which Informed Fertilizer Ordinance Recommendations

[South Portland Landcare Management Ordinance](#), 2020

[Dover, NH Resolution](#), 2018

[Brunswick, ME Ordinance with Groundwater Provisions](#), 2017

[NOFA Standards and Best Practices](#), 2017

[Hyattsville, MD Best Practices](#), 2016

[Nantucket, MA Best Practices](#), 2013

