



## City of Portland Pesticide Management Advisory Committee

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1. Welcome and check in
2. Review minutes
  - a. Minutes from April and September
3. Updates
4. Signage Requirements
  - a. Pesticide Ordinance
5. Election of Officers
6. Discuss next meeting date
7. Adjournment

**CITY OF PORTLAND, MAINE**  
Standing Pesticide Management Advisory Committee

**Draft Minutes April**

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

Guests Present: Caleb Goossen (MOFGA)

Meeting called to order.

**MOFGA Presentation on Organic Pest Control Perspective for Brown Tailed Moth**

Organic certification rules ensure consumers that certain practices have been followed on a farm. There is a three-tiered, hierarchical approach in dealing with pest issues: (Level A) prevention/avoidance, (Level B) use mechanical/physical means or natural materials, or (Level C) in the case that Level A or B is insufficient, use an OMRI listed or MCS approved pesticide. Generally, non-synthetics are allowed unless specifically disallowed and synthetics are disallowed unless specifically allowed. If OMRI is listing, this is specifically for production means and is not necessarily organic meant for homeowners. The terminology best used is OMNI listed, instead of OMNI approved or OMNI organic.

Brown tailed moths are currently in a lifecycle stage where any pesticide will not affect the moths. Before pupation, they can be physically removed because they are not able to cause physical reactions in humans, and after pupation they can be treated chemically. Should prune accessible nests, especially in fruit trees. For inaccessible nests, should reach out to an arborist to clip out the nests (which can be expensive) or do an OMRI-listed spraying and/or injection. Outside of a certified organic farm, folks should try to use OMRI-listed Bt and Spinosad (although people may end up going a non-OMRI listed route or use injections). For organic, you can still use non OMRI listed if there is a large enough buffer area between the treated area and crops. Recommends as first choice, Bt products which are a bacterial product, target currently feeding caterpillars only, and breakdown rapidly, although they must be ingested and often require a second application for trees. Spinosad products are less selective and will affect more insects, break down relatively rapidly, are also a bacterial product. The selectivity issue is less of an issue if applied in non-pollinator season or at night when pollinators are less active. The most common non-organic is acephate injection, which is relatively low toxicity to non-insects like mammals because it does not metabolize into methamidophos which is the very toxic compounds that kills insects. The methamidophos is toxic to all insects, including beneficial insects and pollinators. The acephate also metabolizes into methamidophos in plants and can potentially be toxic to plants, birds, squirrels, and rest of food chain.

**Committee Comment on Organic Pest Control Perspective for Brown Tailed Moth**

Troy concerned with brown tail moth treatment in big trees in Deering Oaks Park near children swimming/play areas. Parks team is fairly small and it quickly becomes cost prohibitive.

Worried about children's health and wonders if there are any other options for accessible treatment. Caleb indicates that these are the treatment options he is aware of.

Jesse discusses past use of mist blowers in the 80's, which is no longer allowed due to lack of precision.

Caleb discusses UMaine research that would insert a pellet into the nest, which did not have promising results. The drone approach could also help improve delivery, is more targeted. Jesse notes that FAA licensing would make this approach not immediately conceivable.

Karen wonders if there is a way to simulate how rain can eradicate the fungus naturally. This would depend on weather and you would have to get water up high and would have to simulate this daily, which would be a big investment. This is also a hyper localized approach. The hope is to have a regional approach to knock the population down across Maine.

Troy wonders if you use a high-pressure hose to break up nests. This approach will likely just scatter the juveniles and spread the issue.

Carol wonders about how the injection is spread through the tree if injected at the roots. The injection transfers through the tree from the roots to the leaves which the caterpillars eat.

Jesse reminds PMAC that the brown tailed moth is a fairly localized problem that does not have a lot of research surrounding it.

Avery heard from an applicator from Tree Keepers who uses an OMRI-listed injectable for brown tailed moths. Wonders about multiple injections on a tree over the years and stress pressures. Any time making a wound, it becomes a potential site for disease. Otherwise, does not know much about this. Wonders about stresses on trees, such as drought, etc. Stresses typically compound on each other. If trees are needing to recreate leaves from scratch every year, they will have less energy to promote new growth. Wonders about decline in bird population and if this decline is leading to rise in brown tailed moth. This might be a compounding factor but there is no proof of direct relationship. Only generalists will be preying upon brown tailed moth. Hornet and yellow jackets feed on caterpillars, unsure if they feed on brown tailed moth.

Avery wonders about trials going on in Harpswell. PMAC interested in hearing about results of these trials.

### **March Minutes**

Correct that in Member Updates Jesse was to be speaking at Maine Board of Pesticides Control (BPC) not at NOFA.

Avery motions to approve the February minutes. Carol seconds the motion. Minutes unanimously approved, 6-0.

**New Invasive Concern: Spotted Land Fly**

Potential that researchers and scientists from Department of Agriculture and Maine Forest Service could give presentation on insects and diseases that are in Maine or could potentially come to Maine and give economic impacts, biology, and what to look out for.

Avery believes that if this presentation would be a conventional land care approach, the PMAC shouldn't consider this presentation.

Spotted land fly (SLF) first found in Pennsylvania in 2014. It is a crop and tree pest. This could potentially be the worst invasive species in 150 years. SLF is a true bug that goes through a simple metamorphosis. Attacks crops right at time before harvest. Sap comes out and creates sooty mold that hurts the crops/trees. The SLF population is spreading and approaching Maine. Science not sure how SLF spreads. Eggs masses are cryptic and laid on many different surfaces in masses that are very hard to see. Its favored host is Tree of Heaven. Department of Agriculture looking to see if these trees exist in Maine and looking where they are, should they be removed or used to see if the SLF has mobilized to Maine. Tree of Heaven is invasive and can outcompete native plants. Tree of Heaven often mistaken for Sumac, especially as saplings. UMaine has an email [Bugwatch@maine.gov](mailto:Bugwatch@maine.gov) where info on the Tree of Heaven and SLF can be shared.

Avery worries about removal of Tree of Heaven if it exists in Portland because it is respiring and helping repair Urban environment. Karen also worried about canopies in Portland and believes labeling invasive gives wrong connotation since they have helpful properties of carbon sequestration and respiration.

**PMAC Annual Report to the S&T**

Presented the PMAC Annual Report on time to the Sustainability and Transportation (S&T) Committee. The S&T will likely continue discussing work plan related to the Annual Report. Waiting to see how S&T will use the report. Seem to be showing interest in the city's tree canopy.

Avery wonders about looking at Applicator Reports and attempting to verify whether they comply with the Ordinance. Could create database with pesticide and whether it is allowed in Portland, which could be a useful resource. MOFGA has a list but it is not open to the public. OMRI has a list, but it is not comprehensive.

Karen would also like for this database to be created.

Troy supports this effort, but the Sustainability Office does not have this capacity. Would also like to look at the data reports to ensure there is more consistency between reporting style.

Jesse voices that by federal law labels will say organic versus synthetic.

Avery voices that there are certain products that are more complicated, and this will require further research, such as Spinosads.

**Wrap Up**

Next meeting will be May 4<sup>th</sup> at 6:30. Will be taking off June, July, and August. Regroup in September.

Karen wonders about creation of education materials and outreach opportunity.

Troy says that PMAC can continue working on outreach and materials. Will discuss compost drop off program that will soon be starting in the city.

Meeting adjourned.

**CITY OF PORTLAND, MAINE**  
Standing Pesticide Management Advisory Committee

**Draft Minutes September 7, 2021**

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

Meeting called to order.

**April Minutes**

The April Minutes were not sent out in time for this meeting. The April and September Minutes will be taken up at the next PMAC meeting in October.

**Staff Updates**

Presented by Troy Moon

There have been several See-Click-Fix reports, most of which are sign issues regarding applicators putting info on the front of the signs. Staff spoke to the applicators who have said they will do better and seem to want to comply. Staff spoke to 3 different companies. Have had a handful of people call in about tips and questions about mostly grubs. Had one waiver application for Cushing Island. The applicant had a very sparse application, and they need to do more research on cut stem approach. The application was turned away, and the applicant will need to return with a more complete application.

Avery believes that the applicant, who is also the only applicator, is not a trained applicator and that this is a dangerous and concerning application. Jeff Tarling is also concerned about it being a single person and the fact that they will not be hiring help. Jeff and Troy may take a visit to the island to gather more information and get a better sense of the Barberry issue. Ludlow Farm in Audubon has a Barberry problem, and Carol will be having a conversation with them. She believes that they use mechanical means which can be cost prohibitive. She will follow up next meeting with her findings. Part of the treatment area is on a rocky slope, which makes mechanical means difficult. Cushing Island needs to figure out how to replace the growth to protect from erosion and prevent regrowth of invasives.

The Sustainability Staff has also added an organic lawncare page to [oneclimatefuture.org](http://oneclimatefuture.org). The PMAC was sent the new education page. Avery likes the webpage but would like to see carbon sequestration included as a connection between lawns and climate on the webpage. The Portland and South Portland Sustainability teams are also working on a project called 100 Resilient Lawns which will roll out soon.

The Sustainability Staff is also currently hiring for a new Sustainability Associate.

Tim, a former member of the PMAC, has stepped down and his position on the Committee as a commercial licensed applicator will need to be replaced. Jesse has recommended some people and needs to go through the nominating committee. Other members can also send

recommendations to Troy. PMAC officers have likely lapsed, so the Committee will need to vote to select officers soon.

### **Applicator Annual Reports**

#### Presented by Avery Yale Kamila

Avery reviewed the reports, analyzed the results, and followed up with some of the applicators. A total of 35 reports were submitted, 8 of which raised red flags. Avery called all 8 applicators. It seemed like most of these flagged applicators were not fully up to speed on the ordinance. Avery recommended that in the future they include a target pest and site to avoid flagging since 6 of the 8 ended up being accepted applications. Bed bugs were one of the major accepted applications, and this is a problem that persists, and bed bug treatment is a large exposure that many Portland residents face. Heat treatment is the best treatment and people often avoid this if they have items that are easily heat damaged. Many landlords are doing these applications themselves. Jesse will check to see if bedbug treatment is legal for non-licensed applicators. Parks and Rec did not submit a report nor did Hadlock Field. The golf course did submit a report. The Committee should check with Parks and Rec to see about applications on Hadlock for the 2020 season. Davey Tree, the company contracted by Parks, did not submit a report, and sent one recently when notified. Sea Breeze, another Parks contracted company, did submit a report.

There were 2 violations. Tower MRL applied synthetic herbicides to control weeds around a cell tower twice in calendar year. They were unaware of the ordinance and have made note that regular pesticides applications for weeds is not allowed. Ant Man Pest Control treated for spiders and other non-health related insects. He did not realize this was not allowed and will discontinue such treatment.

Avery recommends that the January letter to applicators should emphasize inclusion of target site and target species and that the Committee/Staff should create a form letter for violations and send to Tower MRL and Ant Man Pest Control to have a paper trail.

People are putting down pesticides to manage ticks and mosquitos, which is currently an allowed application, and the Committee should have future discussion on how to manage these pests and applications. The PMAC should include this in the annual report to the Sustainability and Transportation Committee.

### **New State Legislation**

#### Presented by Jesse O'Brien

LD 519 was passed. This law bans the use of herbicides containing dicamba or glyphosate on school grounds and prohibits their use within 75 feet of school grounds.

Additionally, a few other proposed laws were not passed but rather resolved. LD 155 was left as a resolve. This resolve deals with NeoNics and the Legislature has asked the Board of Pesticide Control (BPC) to report findings on way to stop applications of NeoNics by 2022. Another resolve asks the BPC to find out the amount of pesticides being used, avenues they are being

used, and how to track this information and report on their findings. Another resolve involves PFAS and a bill that proposed that applicators would not apply products with PFAS, but it turns out that most applications involving PFAS stem from the containers that are used not the products.

Troy asks if there has been any movement in the PBC to require electronic submissions. They do seem to be moving this way. Not sure if it will be tailored for everyone, but it would be an improvement from had written reports.

Jesse will follow up by sending the resolves. BPC website has info on this too.

### **Wrap Up**

Next meeting will be October 5<sup>th</sup> at 6:30. At the next meeting, the PMAC will take up the April and September minutes and will also discuss Fox Field with Alex Marshall, Brown Tail Moth with Jeff Darling, and an educational component (with discussion on target topics and audience).

Meeting adjourned.

his or her designee shall provide an annual report to the PMAC describing efforts to reduce the use of synthetic pesticides, a description of synthetic pesticides used during the previous year, the reason for their use, and the cost of such pesticide usage.

#### **34-10. Public Notification.**

Any person shall comply with the following posting requirements. For all prohibited pesticide uses or applications:

(a) A warning sign shall be posted on the privately or publicly owned land. These signs must be posted before application activities commence on the land and be left in place for at least forty-eight (48) hours after actual application or until expiration of the restricted entry interval indicated by the pesticide label, whichever is longer;

(b) All signs shall be at least five (5) inches high and four (4) inches wide in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid, weather resistant material substantial enough to be easily read for the duration of the placement;

(c) All signs must be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green). They shall have lettering that is conspicuous and clearly legible;

(d) The sign must include the following:

1. The word "CAUTION" in 72-point type;
2. The words "PESTICIDE APPLICATION" in 30-point type or larger;
3. The Maine Board of Pesticides Control designated symbol;
4. Any reentry precautions from the pesticide labeling;
5. The name and telephone number of the entity making the pesticide application;
6. The date and time of the application;
7. A date and/or time to remove the sign;
8. the chemical and trade name of the pesticide; and
9. the length of time to remain off the treated area as indicated by the pesticide label; and

(f) For licensed applicators, the requirements above are in addition to any requirements that may also apply to State of Maine licensed applicators subject to the Maine Board of Pesticides Control rules, as may be amended from time to time, regarding public notification.

**Sec. 34-11. Outreach and Education.**

(a) The Sustainability Coordinator or his or her designee shall publish notice of this ordinance in a newspaper of general circulation in the City upon adoption and shall attempt to provide information about it to identified retailers and lawn, garden, and tree-care providers serving the City of Portland, as well as to churches, schools, and other institutions in Portland.

(b) The PMAC shall prepare and publish materials designed to educate the community about the role of pesticides in the local environment and the benefits of organic pest management. This outreach may include: a community-based social marketing campaign targeting City households and businesses; promotion of professional education and training for State of Maine licensed applicators; distribution of information and news about City practices through Portland internet and web-based resources; public service announcements; news releases and news events; tax bill inserts; posters and brochures made available at City events and applicable locations that serve the public; workshops, trainings, and demonstration projects; targeted outreach to schools; and/or any additional methods deemed appropriate by the PMAC.

(c) The PMAC shall also develop a program to work directly with retailers that sell pesticides in the City of Portland to:

1. Provide educational training for all retail store employees who recommend and sell pesticides for use in the home and garden, highlighting the following:
  - a. federal, state, and local pesticide regulations;
  - b. principles of organic pest management;
  - c. pesticide toxicity and health and environmental concerns;
  - d. proper pesticide display and storage; and