

Maine Board of Pesticides Control

Miscellaneous Pesticides Articles
May 2016

(identified by Google alerts or submitted by individuals)



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, MARCH 29, 2016
WWW.JUSTICE.GOV

ENRD
(202) 514-2007
TTY (866) 544-5309

TERMINIX COMPANIES AGREE TO PAY \$10 MILLION FOR APPLYING RESTRICTED-USE PESTICIDE TO RESIDENCES IN THE U.S. VIRGIN ISLANDS

*All TERMINIX Locations Have Ceased Using Pesticides Containing Methyl Bromide in the United States
Employees Illegally Applied Pesticides Containing Methyl Bromide to Residences in St. John, St. Croix, and St. Thomas, U.S.V.I.*

WASHINGTON – The pest control corporation Terminix International Company LP (TERMINIX LP) and its U.S. Virgin Islands operation Terminix International USVI LLC (TERMINIX, USVI), were charged today with multiple violations of the Federal Insecticide, Fungicide and Rodenticide Act for illegally applying fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands, including the condominium resort complex in St. John where a family of four fell seriously ill last year after the unit below them was fumigated, the Department of Justice and the Environmental Protection Agency (EPA) announced today.

In a plea agreement, TERMINIX LP and TERMINIX, USVI agreed to pay a total of \$10 million in criminal fines, community service, and restitution payments. Except for completing one government contract at the Port of Baltimore, TERMINIX LP has stopped using pesticides containing methyl bromide in the United States and U.S. Territories. Under the agreement TERMINIX, USVI will pay \$5 million in fines and \$1 million in restitution to the EPA for response and clean-up costs at the St. John resort. TERMINIX LP will pay a fine of \$3 million and will fund a \$1 million community service project in the U.S.V.I. The plea agreement is subject to approval by the district court.

“When misused, highly toxic pesticides can have catastrophic consequences, and that’s why those who are certified to apply them must do so responsibly and lawfully,” said Assistant Attorney General John C. Cruden for the Justice Department’s Environment and Natural Resources Division. “The facts in this case show the Terminix companies knowingly failed to properly manage their pest control operations in the U.S. Virgin Islands, allowing pesticides containing methyl bromide to be applied illegally and exposing a family of four to profoundly debilitating injuries. While on probation the companies are required to demonstrate to the EPA changes to their internal management and systems to ensure this type of tragedy does not reoccur.”

“This prosecution demonstrates the importance of complying with environmental laws and regulations,” said Ronald W. Sharpe, United States Attorney for the District of the Virgin Islands. “Tragically, the defendants' failure to do so resulted in catastrophic injuries to the victims and exposed many others to similar harm. The United States Attorney’s Office is committed to the enforcement of environmental laws and will take all necessary steps to hold those who violate these laws criminally accountable and to protect residents and visitors of the Virgin Islands.”

“When you break a law that protects public health, there are real victims and real consequences, as this case tragically shows,” said Cynthia Giles, Assistant Administrator for Enforcement and Compliance Assurance at EPA. “This incident illustrates how important it is for EPA to enforce environmental laws and hold anyone accountable for endangering our safety. Today’s charges should send a clear message to the industry, and directs important funds toward training programs to help ensure this can’t happen again.”

In 1984 EPA banned the indoor use of methyl bromide products. The few remaining uses are severely restricted. Pesticides containing methyl bromide in the U.S. are restricted-use due to their acute toxicity, meaning that they must only be applied by a certified applicator. Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage. Pesticides can be very toxic and it is critically important that they be used only as approved by EPA.

After the government began its investigation, TERMINIX LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories, except for one remaining supervised government contract.

According to the information filed in federal court in the U.S. District Court of the Virgin Islands today, the defendants knowingly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests on or about October 20, 2014, and on or about March 18, 2015. The companies were also charged with applying the restricted-use pesticide in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015.

According to the factual basis of the plea agreement, TERMINIX, USVI provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. These fumigation treatments were referred to as “tape and seal” jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that after a treatment, persons could not enter the building for a two- to three-day period.

On or about March 18, 2015, two employees of TERMINIX, USVI, performed a fumigation pesticide treatment at the lower rental unit of Building J at Sirenusa in St. John. The upper unit in Building J was occupied by a Delaware family of four. Via various means, methyl bromide from the lower unit migrated to the upper unit of Building J, causing serious injury to and hospitalization of the entire family.

EPA regional staff responded immediately to the incident in St. John, securing the scene, performing testing and addressing the contamination. Within days, the EPA sent out a pesticide use warning to pesticides applicators in Puerto Rico and the U.S. Virgin Islands, followed by a broader pesticide notice to regulators in all states, the British Virgin Islands, and to other Caribbean and Latin American countries.

As a special condition of the companies' three year probation, the defendants shall make good faith efforts to resolve past and future medical expenses for the family through separate civil proceedings. If they do not do so before the end of the probationary period, they would be subject to an order of restitution and the government may petition the District Court to reopen the sentencing proceedings to seek recovery of past and future medical and other expenses.

The \$10 million penalty includes \$8 million in criminal fines, \$1 million in restitution to the EPA for response and clean-up costs, and a \$1 million community service payment to the National Fish and Wildlife Foundation for the purpose of engaging a third party to provide training to pesticide applicators in the U.S. Virgin Islands.

The case was investigated by EPA Criminal Investigation Division working cooperatively with the Virgins Islands government and, the Agency for Toxic Substances and Disease Registry.

Senior Litigation Counsel Howard P. Stewart of the Department of Justice, Environmental Crimes Section, and Assistant U.S. Attorney Kim L. Chisholm of the District of the Virgin Islands are prosecuting the case with assistance of Patricia Hick, EPA Region II Regional Criminal Enforcement Counsel.

The investigation is ongoing.

For more information about EPA's pesticide program and its requirements, visit www.epa.gov/pesticides/.

For more information on methyl bromide, visit www.epa.gov/region2/methyl-bromide.pdf.

###

16- 370

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.

Chamberlain, Anne

From: Jennings, Henry
Sent: Wednesday, April 06, 2016 2:31 PM
To: Chamberlain, Anne
Subject: FW: please put on Board's agenda for discussion

From: new TDS [<mailto:cleaneearth@tds.net>]
Sent: Wednesday, April 06, 2016 2:24 PM
To: Jennings, Henry; Fish, Gary
Subject: please put on Board's agenda for discussion

- True to my word, Gary, I got this (link below) on Facebook but did not post to your page, although I am sharing it per usual and it may show up in your feed, but not unbidden on your page.
- I don't know what's it's going to take for you staffers to advocate for bees and people - - rather than pandering to chemical manufacturers, but I'm an optimist who doesn't believe in giving up when something's so clearly morally right.
- Banning Neonics is clearly the right thing to do.....do you have the guts to propose this to the suborned Board?
- - Nancy Oden, Jonesboro

<http://www.healthy-holistic-living.com/european-scientists-discover-bee-resurgence-after-banning-these-3-pesticides-still-used-in-the-us.html?t=NGMO>

Note: Article is included in the miscellaneous articles



healthy holistic living

(http://www.healthy-

holistic-living.com)

Q Search



(http://twitter.com/healthyholisticliving) (http://www.youtube.com/channel/UC...)

HOME (HTTP://WWW.HEALTHY-HOLISTIC-LIVING.COM/)

HEALTHY LIFE (HTTP://WWW.HEALTHY-HOLISTIC-LIVING.COM/CATEGORY/HEALTHY-LIFE)



HEALTHY RECIPES (HTTP://WWW.HEALTHY-HOLISTIC-LIVING.COM/CATEGORY/HEALTHY-RECIPES)

HEALTH AILMENTS (HTTP://WWW.HEALTHY-HOLISTIC-LIVING.COM/CATEGORY/HEALTHY-AILMENTS)

VIDEOS (HTTP://WWW.HEALTHY-HOLISTIC-LIVING.COM/CATEGORY/VIDEOS) ABOUT

European Scientists Discover Bee Resurgence After Banning These 3 Pesticides Still Used in The US

BECOME A CONTRIBUTOR (HTTP://X)

Subscribe

Join Our Mailing List and receive the latest Healthy Tips.

First Name:

ABOUT Your first name

Email address:

Your email address

Sign up

Get Hourly Updates:

Facebook (<http://www.facebook.com/sharer/sharer.php?u=discover-bee-resurgence-after-banning-these-3-pesticides-still-used-in-the-us.html&t=European+Scientists+Discover+Bee+Resurgence+Af>)

Twitter

Google+ (<https://plus.google.com/share?url=http://www.healthy-holistic-living.com/european-scientists-discover-bee-resurgence-after-banning-these-3-pesticides-still-used-in-the-us.html>)

Pinterest

by PAUL FASSA (<http://www.realfarmacy.com/author/paul-fassa/>)

Whether or not Einstein equated bee extinction to human extinction has been challenged and perhaps debunked. He may have never said anything close to that. After all, he was a physicist, not a biologist. But no matter. The diversity of our crops is highly dependent on pollinators, predominantly by honey bees and somewhat further by butterflies.



Healthy Holistic Living

Like Page

1.2M likes



Healthy Holistic Living

54 mins

Avocados are best for cleansing your
Lemon water is great for your lymph
See what else you can learn from thi
helpful infographic!



The Best Fruits and Veggies to Detox Specific Organs, and Lymph

THEHEARTYSOUL.COM | BY MY HEALTH

89

2

129



Healthy Holistic Living

1 hr

Love your children unconditionally

You May Also Be Interested In...

Adrenals (<http://www.healthy-holistic-living.com/tag/adrenals>) ageing

(<http://www.healthy-holistic-living.com/tag/ageing>)

alternative medicine (<http://www.healthy-holistic-living.com/tag/alternative-medicine-2>)

Alternatives (<http://www.healthy-holistic-living.com/tag/alternatives>)

In 1976, retired apiculturist (http://www.thefreedictionary.com/apiculturist) S.E. McGregor, from the USDA's Agriculture Research Service (ASR), wrote a paper in 1976 entitled "Economics of Plant Pollination". After mentioning that some plants are wind or self pollinated, McGregor stated, "... it appears that perhaps one-third of our total diet is dependent, directly or indirectly, upon insect-pollinated plants."

In his 1976 paper, McGregor also points out, "Another value of pollination lies in its effect on quality and efficiency of crop production. Inadequate pollination can result not only in reduced yields but also in delayed yield and a high percentage of culls or inferior fruits. In this connection, Gates (1917) warned the grower that, ... 'without his pollinating agents, chief among which are the honey bees, to transfer the pollen from the stamens to the pistil of the blooms, his crop may fail.'"

Now We Have Colony Collapse Disorder

It's well known to those who care about our future food supply that bee populations are dying off dramatically, and certain pollinating butterfly species, especially Monarchs, are becoming endangered.

Sometimes the bees simply get confused and don't return to their hives, and sometimes they simply die in their hives. It's known as Colony Collapse Disorder (CCD), and it has been rampant in North America. Neonicotinoids are the most widely used pesticides in the world and are extremely toxic to bees and other pollinators.

European scientists have discovered that bee populations are experiencing a resurgence after three neonicotinoid insecticides, clothianidin, imidacloprid and thiamethoxam were banned by the European Commission in 2013. Unfortunately, all three are still used heavily in the USA.

holistic-
living.com/tag/alternative
Alzheimer's
(http://www.healthy-
holistic-
living.com/tag/alzheimers)

animal health (http://www.healthy-
holistic-living.com/tag/animal-health)

antibiotics (http://www.healthy-holistic-
living.com/tag/antibiotics)

Anxiety
(http://www.healthy-
holistic-
living.com/tag/anxiety)

apple cider vinegar
(http://www.healthy-
holistic-
living.com/tag/apple-
cider-vinegar)

Arthritis
(http://www.healthy-
holistic-
living.com/tag/arthritis)

aspartame (http://www.healthy-holistic-
living.com/tag/aspartame)

Autoimmune
Disease
(http://www.healthy-
holistic-
living.com/tag/autoimmu
disease)

Belly Fat
(http://www.healthy-holistic-
living.com/tag/belly-fat) big pharma
(http://www.healthy-holistic-
living.com/tag/big-pharma)

Bloating
(http://www.healthy-holistic-
living.com/tag/bloating) body
(http://www.healthy-holistic-
living.com/tag/body)

Breakfast

The European Academies Science Advisory Council, an independent body composed of representatives from the national science academies of European Union member states, has a growing body of evidence that shows the widespread use of the pesticides “has severe effects on a range of organisms that provide ecosystem services like pollination and natural pest control, as well as on biodiversity.”

The European ban is up for review this year, and the council’s report, based on the examination of more than 100 peer-reviewed papers that were published since the food safety agency’s finding, was prepared to provide officials with recommendations on how to proceed. Hopefully science will prevail over political influence from agrochemical industries.

Predatory insects like parasitic wasps and ladybugs provide billions of dollars’ worth of insect control, they noted, and organisms like earthworms contribute billions more through improved soil productivity. All are harmed by the pesticides and herbicides as well. Using pesticides is like trying to put out a fire by shooting at firemen as they arrive at the scene.

(<http://www.healthy-holistic-living.com/tag/breakfast>)
Cancer

(<http://www.healthy-holistic-living.com/tag/cancer>)

cancer alternative (<http://www.healthy-holistic-living.com/tag/cancer-alternative>)

Cavities (<http://www.healthy-holistic-living.com/tag/cavities>) chemotherapy

(<http://www.healthy-holistic-living.com/tag/chemotherapy>)

Coconut

(<http://www.healthy-holistic-living.com/tag/coconut>)

Coconut Oil

(<http://www.healthy-holistic-living.com/tag/coconut-oil>)

cucumber (<http://www.healthy-holistic-living.com/tag/cucumber>)

dempster

(<http://www.healthy-holistic-living.com/tag/dempster>)

Dental Health

(<http://www.healthy-holistic-living.com/tag/dental-health>)

Depression

(<http://www.healthy-holistic-living.com/tag/depression>)

detox (<http://www.healthy-holistic-living.com/tag/detox>)

Diabetes

(<http://www.healthy-holistic-living.com/tag/diabetes>)

[living.com/tag/diabetes\)](http://www.healthy-holistic-living.com/tag/diabetes)

Digestion (<http://www.healthy-holistic-living.com/tag/digestion>) dog food (<http://www.healthy-holistic-living.com/tag/dog-food>) dog food brands (<http://www.healthy-holistic-living.com/tag/dog-food-brands>) fat (<http://www.healthy-holistic-living.com/tag/fat>) food (<http://www.healthy-holistic-living.com/tag/food-2>) **fruit**

[http://www.healthy-holistic-living.com/tag/fruit\)](http://www.healthy-holistic-living.com/tag/fruit)

gmo (<http://www.healthy-holistic-living.com/tag/gmo>) gmo-free (<http://www.healthy-holistic-living.com/tag/gmo-free>) green tea (<http://www.healthy-holistic-living.com/tag/green-tea>) **Hair**

[http://www.healthy-holistic-living.com/tag/hair\)](http://www.healthy-holistic-living.com/tag/hair)

Health (<http://www.healthy-holistic-living.com/tag/health-2>) health benefits (<http://www.healthy-holistic-living.com/tag/health-benefits>) healthy body (<http://www.healthy-holistic-living.com/tag/healthy-body-2>) healthy dog (<http://www.healthy-holistic-living.com/tag/healthy-dog>)

healthy eating
[http://www.healthy-holistic-living.com/tag/healthy-eating\)](http://www.healthy-holistic-living.com/tag/healthy-eating) healthy living (<http://www.healthy-holistic-living.com/tag/healthy-eating>)

You can include glyphosate herbicides as well. Dr. Donald Huber, 55 year government plant pathologist and Purdue University professor emeritus suggests strongly that glyphosate herbicides contribute to pollinating bees' confusion, causing them to not be able to return to their hives. That's one part of CCD, the other part is when whole hive colonies die in or near their hives.

Despite Huber's strong background and integrity, he has been ignored and vilified for his attempts at warning the corrupt creeps in the USDA and academia. They are all on the GMO industry's payroll, directly or indirectly.

Perhaps Big Ag mono-crop farmers are too ignorant of older methods of agroecology insect control or perhaps their farms are too big or they're too lazy and greedy. Or perhaps they're simply victims of a failed system known as Big Ag with its handful of large worldwide distributors and a commodity speculative trading system that influences food pricing.

The solution to a sustainable food supply has been determined by several international studies from agricultural experts not attached to specific Big Ag or biotech industries; the largest was assigned to international experts by the United Nations. Their proposed solution to world hunger is small organic agroecological farms that **supply food within their regions**.

These studies received little or no mainstream media publicity. And the practices they advocate receive no government subsidies. Instead, the loudest and most quoted voices for solving world hunger are from GMO shills.

living-2) healthy mind

(<http://www.healthy-holistic-living.com/tag/healthy-mind-2>) healthy pets
(<http://www.healthy-holistic-living.com/tag/healthy-pets>) heart disease
(<http://www.healthy-holistic-living.com/tag/heart-disease>)

Herbs
(<http://www.healthy-holistic-living.com/tag/herbs>)

immune system (<http://www.healthy-holistic-living.com/tag/immune-system>)

Inflammation
(<http://www.healthy-holistic-living.com/tag/inflammat>

infrared (<http://www.healthy-holistic-living.com/tag/infrared>) leaky gut
(<http://www.healthy-holistic-living.com/tag/leaky-gut>) leaky gut syndrome
(<http://www.healthy-holistic-living.com/tag/leaky-gut-syndrome>) lemon
(<http://www.healthy-holistic-living.com/tag/lemon>) lemon water
(<http://www.healthy-holistic-living.com/tag/lemon-water>) live longer
(<http://www.healthy-holistic-living.com/tag/live-longer>) liver cleanse
(<http://www.healthy-holistic-living.com/tag/liver-cleanse>)

Liver
Disease
(<http://www.healthy-holistic-living.com/tag/liver-disease>) lose fat

(<http://www.healthy-holistic-living.com/tag/lose-fat>) lose weight
(<http://www.healthy-holistic-living.com/tag/lose-weight>) Lunch

(<http://www.healthy-holistic-living.com/tag/lunch>)

Paul Fassa (<http://realfarmacy.com/author/paul-fassa/>) is a contributing staff writer for REALfarmacy.com. His pet peeves are the Medical Mafia's control over health and the food industry and government regulatory agencies' corruption. Paul's contributions to the health movement and global paradigm shift are well received by truth seekers. Visit his blog by following this link (<http://healthmaven.blogspot.com/>) and follow him on Twitter here (<https://twitter.com/healthmav>)

Sources:

<http://salsa3.salsalabs.com>

(http://salsa3.salsalabs.com/o/1881/p/dia/action3/common/publaction_KEY=17611)<http://www.ars.usda.gov>

(<http://www.ars.usda.gov/SP2UserFiles/Place/20220500/Online>

(http://www.nytimes.com/2015/04/09/business/energy-environment/pesticides-probably-more-harmful-than-previously-thought-scientist-group-warns.html?_r=0)

Image: Wikimedia Commons

holistic-
living.com/tag/lunch)
Meditation
(<http://www.healthy-holistic-living.com/tag/meditation>)

mint (<http://www.healthy-holistic-living.com/tag/mint>) mood disorder

(<http://www.healthy-holistic-living.com/tag/mood-disorder>) nutrition

(<http://www.healthy-holistic-living.com/tag/nutrition>) nutritional

deficiencies (<http://www.healthy-holistic-living.com/tag/nutritional-deficiencies>) Oral

health (<http://www.healthy-holistic-living.com/tag/oral-health>) Oral hygiene

(<http://www.healthy-holistic-living.com/tag/oral-hygiene>) organic

(<http://www.healthy-holistic-living.com/tag/organic>) organic food

(<http://www.healthy-holistic-living.com/tag/organic-food>) pills

(<http://www.healthy-holistic-living.com/tag/pills>) pineapple

(<http://www.healthy-holistic-living.com/tag/pineapple>) pineapple juice

(<http://www.healthy-holistic-living.com/tag/pineapple-juice>) poison brands

(<http://www.healthy-holistic-living.com/tag/poison-brands>)

Recipe

(<http://www.healthy-holistic-living.com/tag/recipe>)

refreshing (<http://www.healthy-holistic-living.com/tag/refreshing>) reviews

(<http://www.healthy-holistic-living.com/tag/reviews>) SAD

(<http://www.healthy-holistic-living.com/tag/sad>) safe water

(<http://www.healthy-holistic-living.com/tag/safe-water>) seasons

(<http://www.healthy-holistic-living.com/tag/seasons>) Sinus

(<http://www.healthy-holistic-living.com/tag/sinus>)

Article originally published on RealFarmacy.com
(<http://www.realfarmacy.com/colony-collapse/>) republished
with permission

holistic-
living.com/tag/sinus)
Smoothies
(<http://www.healthy-holistic-living.com/tag/smoothies>)
stress (<http://www.healthy-holistic-living.com/tag/stress>) **Super
foods**
(<http://www.healthy-holistic-living.com/tag/super-foods>) supplements
(<http://www.healthy-holistic-living.com/tag/supplements>) tea
(<http://www.healthy-holistic-living.com/tag/tea>) **Thyroid**
(<http://www.healthy-holistic-living.com/tag/thyroid>)
toxicity (<http://www.healthy-holistic-living.com/tag/toxicity>) treats
(<http://www.healthy-holistic-living.com/tag/treats>) truth about cancer
(<http://www.healthy-holistic-living.com/tag/truth-about-cancer>)
turmeric (<http://www.healthy-holistic-living.com/tag/turmeric>) vegetables
(<http://www.healthy-holistic-living.com/tag/vegetables>) veggies
(<http://www.healthy-holistic-living.com/tag/veggies>) video
(<http://www.healthy-holistic-living.com/tag/video>) waistline
(<http://www.healthy-holistic-living.com/tag/waistline>) **water**
(<http://www.healthy-holistic-living.com/tag/water>) water filter
(<http://www.healthy-holistic-living.com/tag/water-filter>)

weight loss

Posted 4:00 AM

Plan to ban pesticides in South Portland: A model or a mistake?

Backers say education will be key, critics fear negative impacts and a spreading trend, and it's unclear whether lawns would get more weedy.

BY KELLEY BOUCHARD STAFF WRITER
kbouchard@pressherald.com | [@KelleyBouchard](https://twitter.com/KelleyBouchard) | 207-791-6328

Like little flags on a freshly treated lawn, concerns about a proposed pesticide ban in South Portland are cropping up across southern Maine and beyond, even though supporters and opponents say such a law would be difficult if not impossible to enforce.

The proposed ordinance [would prohibit the use of synthetic lawn-and-garden pesticides and herbicides](#) on private as well as city-owned property. Retailers could still sell the targeted products, including glyphosate-based Round-Up, neonicotinoids and weed-and-feed applications. And residents could still buy them.



Tom Estabrook of Estabrook's garden center in Yarmouth says the proposed pesticide ban could set a bad precedent. *Photos by Jill Brady/Staff Photographer*



Cathy Chapman, a master gardener and coordinator of the group backing the South Portland pesticides ban, says "it's the wave of the future for a healthy and sustainable world." *Jill Brady/Staff Photographer*



Search photos available for purchase: [Photo Store](#) →

But only pesticides allowed in organic farming or exempted from federal regulation could be used within city limits. The ban would exempt commercial agriculture and playing surfaces at local golf courses, and it would allow waivers for public health, safety and environmental threats, such as mosquitoes, poison ivy and invasive tree insects.

Activists on both sides of the issue say South Portland's effort could be copied by other communities across Maine and the nation. Portland officials have announced plans to follow South Portland's lead if it succeeds. Whether the ban would cause a proliferation of weeds or wildflowers is up for debate.

Supporters say South Portland's ordinance would be the most far-reaching and environmentally progressive law of its kind in the nation, following a similar measure passed last year in Ogunquit and the Healthy Lawns Act that's being rolled out in Montgomery County, Maryland. Late last week, the Maryland Legislature also passed a bill, now awaiting the governor's signature, that would specifically ban the retail sale and homeowners' use of neonicotinoid pesticides, which have been linked to bee population declines. Commercial uses would still be permitted.

But opponents say South Portland's proposal would be largely unenforceable as written and liable to divide neighbors into warring camps of scofflaws and watchdogs. The strongest opposition is coming from the lawn and garden industry, members of which turned out in force last week to speak against the ban. The South Portland City Council [gave it unanimous preliminary approval on a first reading](#). Amendments clarifying enforcement and waiver procedures are expected before the council takes a final vote in the weeks ahead.

Critics include Tom Estabrook, vice president of Estabrook's garden center in Yarmouth. He's president of the Independent Garden Centers of Maine and past president of the Maine Landscape and Nursery Association. His family has a seasonal operation in Kennebunk, near Ogunquit, where he witnessed how some residents responded during the first growing season of that town's new ordinance.

Estabrook warned South Portland councilors that their actions could have implications far beyond their city and their intentions.

"If you put this ordinance in place, you're gonna take pesticides and throw it underneath the rug," Estabrook said at the lectern. "I have customers every day from Ogunquit that come in and buy (synthetic) pesticides, take them home and use them. There's an ordinance in place, but it's gonna happen."

Councilors took the warning in stride, including Eben Rose, who emphasized the importance of education over enforcement and said he thought the "soft approach" would be most successful.

Councilor Patti Smith suggested that the city’s sustainability coordinator be allowed some “latitude in enforcing the law, and noted that it sometimes “takes a village” to change long-accepted practices.

“Yes, of course there’ll be people who don’t obey,” Smith said. “That’s part of what happens. This isn’t an attempt to catch everyone. It’s about making a majority of people aware of what’s happening.”

She continued: “We’re looking to model good behavior, get people educated. I’m not as concerned about the enforcement because, honestly, I think we should enforce other things that are more important.”

EDUCATION OVER ENFORCEMENT

Public education is a significant part of the proposed ban, and one way that South Portland’s ordinance is more advanced than its predecessors. It calls for campaigns to disseminate information about pesticide regulations, organic pest management principles and proper pesticide application and storage. The campaigns would target residential and commercial property owners, employees of pesticide retailers and state-licensed pesticide applicators, who also would have to submit yearly reports on synthetic pesticide use.

The ban would be phased in over three years, applying to city property starting May 1, 2017, and broadening to private property on May 1, 2018. It would apply to the municipal South Portland Golf Course and the privately owned Sable Oaks Golf Club starting May 1, 2019.

Because golf courses require turf conditions that are more difficult and costly to maintain by organic methods, all playing surfaces would be exempt from the ban on the private course, while only tees and greens would be exempt on the municipal course.

Violators of the proposed ordinance would face escalating fines of \$200, \$500 and \$1,000 per offense. The ordinance would be reviewed during the third year for possible revision, although some councilors would like revisions to be made as needed.

The ordinance would be administered and enforced by the city’s sustainability coordinator and overseen by a seven-member Pest Management Advisory Committee. The panel would include three residents and two licensed landscape professionals, at least one of whom would have organic land care experience.

The proposed ban says the police department and code enforcement officer “shall provide investigative assistance” to help the sustainability coordinator enforce the ban, but this idea has drawn considerable skepticism.

Estabrook says the state’s heroin crisis should be the focus of police attention and that homeowners shouldn’t be put in an untenable position of monitoring neighbors and tattling if they use banned pesticides.

But even with police assistance, Estabrook and others contend, the proposed ordinance would be largely unenforceable and potentially damaging to an industry that generates \$77 billion in annual revenue and employs nearly 1 million people nationwide, according to IBIS World. Not to mention how it might affect homeowners who spend hundreds on annuals, perennials, shrubs and trees each year.

“I sell thousands and thousands of plants each year,” Estabrook said after the council meeting. “I’d hate to see the tools to care for those taken away.”

Estabrook’s two locations draw customers from Kittery to Augusta, he said, and they ought to be able to buy pesticides that have been deemed legal and safe, if used properly, by the federal Environmental Protection Agency.

Estabrook and others say South Portland’s proposed ordinance should promote integrated pest management, which allows both synthetic and organic measures that balance the economic, health and environmental impacts of pesticides and strive to minimize their use overall. Organic pest-control practices aren’t as effective as synthetic pesticides, they say, and sometimes result in using more pesticides in multiple applications.

“We don’t feel the council has quite all the information they need to make a good decision,” Estabrook said. “I do believe there will be a domino effect if we don’t get some happy medium between all or nothing. There are good points on both sides, but they’re creating an ordinance with one side in mind.”

EXPERIENCE IN OGUNQUIT

Scott Heyland is the code enforcement officer in Ogunquit, a seaside summer resort town with fewer than 1,000 permanent residents. He’s responsible for enforcing the town’s synthetic pesticide ban on town and private property, along with inspecting construction sites, reviewing building plans and issuing building permits.

Heyland said he found no violations during the first year of the pesticide ban. He did get a few calls from residents who thought neighbors were breaking the law, but each time he checked, the lawn care company involved said it had used organic applications and methods.

Heyland heard complaints from some residents and hotel owners who followed the law and “were not happy at all” with infestations of crab grass, grubs and red thread, which left brown patches in otherwise manicured lawns. He also issued a few verbal waivers for infestations such as poison ivy and Japanese knot weed or bamboo.

“The first year was more of a learning curve,” Heyland said. “This upcoming summer, we’ll see what happens. I don’t think it’s ever going to be like handing out tickets in a no-parking zone.”

Still, Heyland said, he wouldn’t doubt that some Ogunquit residents continued to treat their lawns with banned pesticides.

“That’s going to be hard to regulate anywhere,” he said. “That’s more of a self-policing thing. Most of the properties in Ogunquit have lawn care companies doing the work. South Portland may have more of an issue with people who do the work themselves.”

Heyland said he knows several residents who stopped using lawn care services, either because they weren’t getting the pesticide treatments they wanted or because organic treatments are much more expensive.

Paul Sevigny owns Mainely Grass, a York-based lawn fertilization company that treats up to 300 properties in Ogunquit. He absolutely believes some Ogunquit residents continued to use banned products last year, based on the unblemished, deep-green color of some lawns.

“Driving around town, you can tell who’s not organic,” Sevigny said.

Sevigny lost “a couple dozen” customers last summer, but it didn’t dent his bottom line, he said. Some didn’t like the results of all-organic treatments. Others couldn’t afford a 200 percent to 300 percent increase in their lawn care bills.

Despite the higher cost, the organic applications were less effective, at least during the first year, Sevigny said. He had more than 60 cases of turf loss due to grub infestation.

Sevigny said he usually practices integrated pest management, including tick and mosquito control, and he strives to operate an environmentally friendly business whether he’s treating lawns in Maine New Hampshire or Massachusetts.

“I’m not a chemical provider, I’m a service provider,” Sevigny said. “It’s going to take longer than a year to figure out how this is really going to transpire in Ogunquit.”

HEALTHY SOIL, HEALTHY EARTH

Supporters of South Portland’s proposed ban say almost nothing is more important than getting chemicals out of the environment and building healthy soil that doesn’t need pesticides when managed with natural, organic methods. They see the ban’s potential impact from a global perspective, where pesticide-free food, open spaces and estuaries leading to Casco Bay are part of a larger ecosystem.

“It’s the wave of the future for a healthy and sustainable world,” said Cathy Chapman, a coordinator of [Protect South Portland, a citizens group that’s promoting the ban](#). “I think our ordinance is comprehensive and reasonable, and it will be a model for the country.”

Chapman is a master gardener who has used organic methods since 1974 and tends to a wide variety of perennials, shrubs, berry bushes and fruit trees in her yard on Beaufort Street. She has never seen a tomato horn worm in her vegetable beds and she credits age-old practices – composting, crop rotation and proper watering – with keeping pests and disease at bay.

“When you have healthy plants, you don’t really get pests,” Chapman said. “If you create a healthy environment for the plants and you feed the soil, the plants will thrive. Soil is alive with organisms and insects, and when you spray it with pesticides and herbicides, you essentially kill all the good things in the soil.”

The ban’s supporters say local action is necessary because the EPA and state agencies aren’t doing enough. They point to a 2013 report from the federal Government Accountability Office that found the EPA had granted conditional approvals that pushed many pesticides to market without thorough review. It also found the EPA didn’t track toxicity data or product modifications after the fact. A GAO report last month found some improvements have been made, such as revised labeling requirements for impact on bees, but that federal oversight of pesticides is still significantly lacking

Chapman acknowledged that it can take awhile to see positive results when making the shift from synthetic to organic gardening methods. And it takes work to rebuild healthy soil in a depleted lawn or garden. It’s not as simple as swapping one bag of weed killer for another, she said.

Successful organic gardening means choosing disease-resistant and indigenous plants whenever possible, planting them in the right place and caring for them properly, she said. Some people

choose to replace lawn with easier-to-maintain perennial gardens. Often, once an organic ecosystem is established, it can be much less expensive to maintain.

As for the ban's enforceability, Chapman compared it to other public health issues that are addressed with laws that aren't necessarily subject to strict administration.

"It's like littering," she said. "Most people want to do the right thing, so they don't litter. The use of pesticides is a public health issue. If you have little kids and your neighbor is spraying pesticides, hopefully having the ordinance will make it easier to say something."

John Bott

Director of Special Projects/Communications
Maine Department of Agriculture, Conservation and Forestry
John.C.Bott@maine.gov
State House Station #22
Harlow Building
18 Elkins Lane
Augusta, ME 04333-0022
Office: (207) 287-3156
Mobile: (207) 485-8354
www.maine.gov/acf

Posted 4:00 AM

Maine Voices: South Portland's proposal to ban synthetic pesticides too heavy-handed

Educating the public and creating an organics-only test plot on city property would be better first steps.

BY **DAVID DOMINGOS** SPECIAL TO THE PRESS HERALD

SOUTH PORTLAND — A big change could soon take place in your backyard if South Portland's proposed ordinance on pesticides is finalized.

The City Council has [proposed](#) an ordinance that would mandate the use of “organic-only” pest and weed control on private and public property – banning all other pesticide use. While the intent – to be more environmentally friendly – is a good one, the real issue is that a total ban takes away all of the useful tools we all count on to protect our families and private property.

ABOUT THE AUTHOR

David Domingos is the owner of Northeast Lawn & Golf Services in South Portland.

By using the precautionary principle – the idea that a product should be treated as dangerous until scientifically proven safe – as the foundation for the ordinance's creation, the council is setting a precedent that allows them to ban anything they want, all in the name of sustainability. This is dangerous because it disregards the rights of the private citizen and the expertise of any business being targeted.

I live in South Portland. I've been in the turf industry for more than 25 years, and I practice integrated pest management every day.

I work with my customers to educate them about integrated pest management approaches they should practice and to help them find the right program for their property and expectations. They are always asking "Why?" and "What for?" so the educational component of our service is very important. This should be the foundation of the ordinance – not an all-out ban.

Integrated pest management is a comprehensive approach that allows the use of all tools available to identify, monitor and control a problem. As a professional, I was trained to build a turf grass system from the soil up with cultural programs, and then apply fertilizers and pesticides on top as needed – not the other way around.

The ordinance does not leave us with products that work on problems like grubs or with an opportunity to take an integrated approach.

We use products in moderation and only as needed. The products we use and those available to consumers at hardware and home stores are low-risk and can be applied safely.

I believe that both organic and synthetic products have a place in our yards and parks, but we need to be able to choose both types of products for our pest problems. Right now, there are a minimal number of organic products that are somewhat effective at controlling disease-carrying insects and invasive and allergy-causing weeds. There are absolutely none that control the grubs and insects that cause severe damage to turf.

Without synthetic pesticides, there's no effective way to protect your lawn. Grub problems lead to animals tearing up lawns to eat the grubs, which means a ruined lawn and a lot of money spent to repair it.

In all my years of business, I haven't seen an organic-only program work the way people think it will. Our neighboring town of Scarborough tried an all-organic approach, and it experienced a major grub issue, forcing it to go back to synthetics to take care of it. It also saw a nearly threefold increase in the budget to maintain city property.

Like all South Portlanders, I want a healthy and safe environment for my family and my neighbors. It's important we move forward together and amend the proposed ordinance. There are more common-sense first steps we can put in place before we consider an all-out ban on the products we count on to protect our personal and shared property. One example is education on proper use.

Another could be to set up a city-owned property as an organics-only test plot for three to five years. While this is going on, educate the public regarding the products and cultural programs being used, their associated costs and why there is a difference in turf quality. At the end of the trial, hold an assessment workshop, which can be then be used as the foundation for a more common-sense ordinance and one that includes an integrated pest management approach.

Please let the South Portland City Council know that this ordinance is the wrong way to address the issue at hand.

John Bott

Director of Special Projects/Communications
Maine Department of Agriculture, Conservation and Forestry
John.C.Bott@maine.gov
State House Station #22
Harlow Building
18 Elkins Lane
Augusta, ME 04333-0022
Office: (207) 287-3156
Mobile: (207) 485-8354
www.maine.gov/acf

From: Bott, John C.
Sent: Thursday, April 21, 2016 8:38 AM
To: AF-Pesticides
Subject: PPH: South Portland takes more time to decide on pesticide ban

LOCAL & STATE

Posted Yesterday at 8:35 PM
Updated April 20

South Portland takes more time to decide on pesticide ban

The City Council postpones final action on the draft ordinance so the measure can be reviewed again in a workshop.

BY KELLEY BOUCHARD STAFF WRITER
kbouchard@pressherald.com | [@KelleyBouchard](https://twitter.com/KelleyBouchard) | 207-791-6328

SOUTH PORTLAND — A contentious proposal to limit the use of synthetic lawn-and-garden pesticides in the city will get more thorough consideration in the weeks ahead.

The City Council postponed a final vote on the proposed partial ban Wednesday night and has scheduled a workshop on June 13. A council vote is tentatively set for June 20.

The council gave the proposed ban [unanimous preliminary approval](#) on April 4 after hearing from both supporters and opponents. At the time, councilors called for several amendments to clarify aspects of the draft ordinance, including enforcement and waiver processes.

“I think it’s really prudent that we take our time,” Councilor Patti Smith said Wednesday. “It’s a really complex issue.”

Activists on both sides of the issue say [South Portland’s effort could be copied](#) by other communities across Maine and beyond. Portland officials have announced plans to follow South Portland’s lead if it succeeds.

Supporters say the ordinance would be the most far-reaching and environmentally progressive law of its kind in the nation, following a similar measure passed last year in Ogunquit and the Healthy Lawns Act that's being rolled out in Montgomery County, Maryland.

But opponents say South Portland's proposal would be largely unenforceable as written and liable to divide neighbors into warring camps of scofflaws and watchdogs. They also say organic pesticides sometimes aren't as effective and can be toxic if used improperly.

In an April 14 memo to the council, Sustainability Coordinator Julie Rosenbach acknowledged that the ordinance would be "challenging" to enforce, especially on private property.

"Our intention is not to approach implementation in a punitive way, but rather to use education and outreach to promote organic land care practices and help the community with this transition," Rosenbach wrote. "We recognize there will likely be scofflaws, and therefore have allowed for warnings and fines if persons are caught in violation of the ordinance. This approach is consistent with other pesticide ordinances and if it proves to be problematic can be addressed in the year-three review process."

To speed up the waiver process, Rosenbach recommended that the chairperson and one other member of the proposed Pest Management Advisory Committee be authorized to rule on waiver requests within five business days. At least one of the authorized members would have to be a licensed pesticide applicator. Denials could be appealed to the city manager, who would have three business days to respond.

Rosenbach also recommended several language changes to align the proposed ordinance with state and federal law, and suggested an amendment that would ban all organic and synthetic pesticide use within 75 feet of water bodies and wetlands.

The proposed ordinance would prohibit the use of synthetic lawn-and-garden pesticides and herbicides on private as well as city-owned property. Retailers could still sell the targeted products, including glyphosate-based Round-Up, neonicotinoids and weed-and-feed applications. And residents could still buy them.

But only pesticides allowed in organic farming or exempted from federal regulation could be used within city limits. The local ban also would exempt commercial agriculture and playing surfaces at golf courses, and it would allow waivers for public health, safety and environmental threats, such as mosquitoes, poison ivy and invasive tree insects.

If approved, the ordinance would apply to city property starting May 1, 2017, and broaden to private property May 1, 2018. It would be reviewed during the third year for possible revision. Following an initial warning, violators would face escalating fines of \$200, \$500 and \$1,000 per offense.

The ordinance would apply to the municipal South Portland Golf Course and the privately owned Sable Oaks Golf Club starting May 1, 2019. Playing surfaces on the private course would be exempt from the ban, while tees and greens on the municipal course would be exempt for three years after adoption.

Twenty-six Maine communities have some sort of pesticide-control ordinance, including Ogunquit, Brunswick, Rockland, Wells, Lebanon and Waterboro.

John Bott

Director of Special Projects/Communications
Maine Department of Agriculture, Conservation and Forestry

John.C.Bott@maine.gov

State House Station #22

Harlow Building

18 Elkins Lane

Augusta, ME 04333-0022

Office: (207) 287-3156

Mobile: (207) 485-8354

www.maine.gov/acf