1. 4/6/20 meeting notes inadvertently deleted during Zoom videoconference

2. Consider PMAC letter of support for LD 2083 (ATTACHMENT 1)

3. Review recent waiver request & inquiry (ATTACHMENT 2)

4. Grub presentation by Jesse O’Brien

5. Discuss recommendations in draft 2019 Council report

6. Other agenda items / discussion topics?

7. Adjourn

NEXT MEETING: 7/6/20 FROM 5-6:30 PM
ZOOM MEETING INSTRUCTIONS

Join Zoom Meeting
https://zoom.us/j/96454685454

Meeting ID: 964 5468 5454
One tap mobile
+13017158592,,96454685454# US (Germantown)
+13126266799,,96454685454# US (Chicago)

Dial by your location
Meeting ID: 964 5468 5454
Find your local number: https://zoom.us/u/aiVHCRv8
ATTACHMENT 1
An Act To Require the Board of Pesticides Control To Annually Publish Certain Information Regarding Pesticides and To Prohibit Certain Uses of Neonicotinoids

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Presented by Representative GROHOSKI of Ellsworth.
COSPONSORED by Senator MILLETT of Cumberland and Representatives: DOUDERA of Camden, HICKMAN of Winthrop, HUBBELL of Bar Harbor, MAXMIN of Nobleboro, McDONALD of Stonington, PEBWORTH of Blue Hill, ZEIGLER of Montville, Senator: GRATWICK of Penobscot.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §618, as amended by PL 2005, c. 620, §18, is further amended to read:

§618. Publication of information

The board may publish, at least annually and in such form as it determines proper, results of analyses based on official samples as compared with the guaranteed analyses and information concerning the distribution of pesticides. The board may not publish individual distribution information, and that information is not a public record under Title 1, section 402.

By March 31st annually, the board shall publish a summary of the reports received during the previous calendar year from commercial applicators pursuant to Title 22, section 1471-G, subsection 2 and rules adopted by the board. For each pesticide reported to the board pursuant to Title 22, section 1471-G, subsection 2, the board's annual summary must include information on the total quantity of pesticide applied and the total area treated in each county in the State.

Sec. 2. Classification of neonicotinoids as limited use pesticide

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified applicator" has the same meaning as in the Maine Revised Statutes, Title 22, section 1471-C, subsection 4.

B. "Product containing neonicotinoids" means any product containing dinofuran, clothianin, imidacloprid or thiamethoxam.

2. Classification. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control, referred to in this section as "the board," shall classify any product containing neonicotinoids as a pesticide whose use is prohibited or limited by the board in accordance with subsection 3.

3. Rulemaking. Pursuant to the Maine Revised Statutes, Title 7, section 610, the board shall adopt rules establishing restrictions for the use of a product containing neonicotinoids. Rules adopted pursuant to this subsection must include:

A. A prohibition on use of a product containing neonicotinoids for landscape gardening by certified applicators; and

B. Authorization for limited use of a product containing neonicotinoids for landscape gardening by certified applicators if the board determines that limited use is necessary, in accordance with Title 22, section 1471-A, to safeguard the public health, safety and welfare of the State and protect the natural resources of the State.

At least annually, rules adopted pursuant to this subsection must be reviewed, and if necessary revised, to specify with respect to allowable uses of products containing
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## Pesticide Ordinance Waiver Application

<table>
<thead>
<tr>
<th><strong>Applicant Name:</strong></th>
<th>Its Green LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong></td>
<td>541 Ocean house Road Unit D, Cape Elizabeth, ME 04107</td>
</tr>
<tr>
<td><strong>Email Address:</strong></td>
<td><a href="mailto:itsgreenllc@gmail.com">itsgreenllc@gmail.com</a></td>
</tr>
<tr>
<td><strong>Telephone Number:</strong></td>
<td>207-956-1589</td>
</tr>
<tr>
<td><strong>I am a:</strong></td>
<td>Landscape Company</td>
</tr>
<tr>
<td><strong>Are you a licensed commercial applicator?</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Reason for requesting to use a prohibited pesticide:</strong></td>
<td>Grub Control</td>
</tr>
<tr>
<td><strong>Please explain the problem:</strong></td>
<td>Lawn is infested with Grubs. Homeowner is concerned that they will hurt themselves tripping on the unstable ground. He is also aware the town used acelepryn last year on ballfields.</td>
</tr>
<tr>
<td><strong>Pest Identification:</strong></td>
<td>Grubs</td>
</tr>
<tr>
<td><strong>Upload photo(s) showing full extent of problem:</strong></td>
<td>[32 Crestview Pics.docx](32 Crestview Pics.docx) [32 crestview Pics 2.docx](32 crestview Pics 2.docx)</td>
</tr>
<tr>
<td><strong>What are you treating?</strong></td>
<td>Turf</td>
</tr>
<tr>
<td><strong>Address of proposed application:</strong></td>
<td>32 Crestview Drive, South Portland, Maine 04106</td>
</tr>
<tr>
<td><strong>Attach a map of the proposed application area:</strong></td>
<td>[32 Crestview Drive Lot.PNG](32 Crestview Drive Lot.PNG) [32 Crestview.jpg](32 Crestview.jpg)</td>
</tr>
<tr>
<td><strong>Is the application within 75 feet of a waterbody?</strong></td>
<td>No</td>
</tr>
</tbody>
</table>
What steps did you take to evaluate alternative methods to the proposed pesticide application, including cultural practices and organic materials?

The homeowner hired a company last year to do an organic grub control application but it didn't work unfortunately.

<table>
<thead>
<tr>
<th>Proposed pesticide:</th>
<th>22-0-5 .067 Acelepryn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount to be applied</td>
<td>50# total product for 10,000 sq ft.</td>
</tr>
<tr>
<td>Method of application:</td>
<td>Granular</td>
</tr>
<tr>
<td>Proposed date of application:</td>
<td>05/28/2020</td>
</tr>
</tbody>
</table>

Please provide a detailed management plan for your proposed application, including how you will minimize the impact of this application on abutting properties.

We will follow the label.
PESTICIDE ORDINANCE WAIVER APPLICATION FORM

Pest Management Advisory Committee (PMAC)

PMAC Waiver Committee: Jesse O’Brien (PMAC Chair & Agronomist); Justin Nichols (MBPC Licensed & NOFA Accredited Landscape Professional)

Waiver Applicant: Stanley Jordan, 32 Crestview Drive

Date Received: 4/27/20  Date of Notice: 4/29/20

NOTE: PMAC members are appointed by City Council and serve in an advisory capacity to oversee the Pesticide Ordinance. In this capacity, PMAC members are executing their best professional judgement when reviewing Pesticide Ordinance Waiver Forms.

APPLICATION FULFILLS ALL OF THE FOLLOWING CRITERIA:

☐ A situation exists that threatens the public health and safety and/or where invasive species pose a threat to the environment;

☐ The applicant has carefully evaluated all alternative methods and materials;

☒ The applicant will, to the greatest extent practical, minimize the impact of the application on abutting properties; and

☐ The grant of the waiver will not be detrimental to the public health, safety or welfare.

☐ APPROVED  ☐ APPROVED WITH CONDITIONS  ☒ NOT APPROVED

(The approval or denial of any waiver does not set a precedent for future applications. Each waiver form is reviewed on an individual basis.)

EXPLANATION/CONDITIONS:

While the grub infestation on the property is considerable and extensive (Figures 1-3), the current ordinance language makes it very difficult to provide a waiver for the application of prohibited pesticides (in this case Acelepryn) for residential lawns. The lawn damage does not threaten public health or safety and grubs have not been identified as an invasive species by the relevant state agencies (Department of Agriculture, Conservation and Forestry’s Maine Natural Areas Program or Maine Forest Service). Also, the applicant was advised last year by a professional landscaper not to use alternative methods for grub control because “they don’t work.” The ordinance requires a careful evaluation of alternative methods and materials before a waiver to use prohibited pesticides can be considered.
Figure 1: map of 32 Crestview Avenue

Figure 2: skunk digging in lawn for grubs (inset) – photos provided by resident

Figure 3: extensive lawn damage following skunk foraging – photo provided by resident

NOTE: This Form shall be provided to the applicant within 5 business days with copies sent to the PMAC, Sustainability Director, and City Clerk.
Greetings Ms. Farrar,

As we discussed earlier this afternoon, here’s the [link to the online waiver application form](#) along with an attached PDF version of the document. Even though the reasons for requesting the use of a prohibited pesticide are very restrictive (i.e., public health/safety threat or threat to environment from invasive plants), I’d still encourage you to submit a waiver application for consideration by the Pest Management Advisory Committee (PMAC). Please also provide thorough documentation of the practices or alternative methods you’ve already used in trying to address the grub infestation on the Ocean House Place Condo Association’s property. A rough map of the affected areas would also be helpful to get a sense of the extent of the infestation.

If you haven’t already done so, there are a number of products allowed by the ordinance that you might want to consider. These include:

- [GrubGone](#)
- [Milky Spore](#)
- [Beneficial Nematodes](#)

Your landscaping contractor should be able to suggest which of these might work from an application timing perspective and I believe all of these products are also available at Broadway Gardens in South Portland.

Thanks reaching out and please contact me if I can be of further assistance.

Fred

Fred Dillon – Stormwater Program Coordinator
South Portland Water Resource Protection Department
PO Box 9422 / South Portland, ME 04116-9422
207-347-4138 (office) / 207-321-9437 (mobile)
fdillon@southportland.org / www.southportland.org

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From: Jean Farrar <djv13@me.com>
Sent: Thursday, April 23, 2020 1:30 PM
To: Rosenbach, Julie
Cc: Lisa Perry Condo; Jean Farrar; Jon Logee
Subject: EXTERNAL: Ocean House Place Condo Association

CAUTION: This email originated from outside of the City of South Portland Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Julie,

I am the president of our association and have been advised to contact you regarding extensive mole damage on our property.
Our groundskeepers, LST, advised us that due to the no chemical rule there was not much we could do to remedy the situation and thought that we should bring the matter to your attention. We are hoping to get a pass to have the infected areas treated.

The worst of the damage is in front of unit #3 and the side of #9.

Please feel free to contact me at 207-799-1711.  
Property address is: 595 Ocean Street, South Portland, Maine 04106

We live in a GREAT City... Thanks for all you do...

Jean Farrar