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To: Councilor Mavodones and members of the Pesticide and Fertilizer Task Force
From: Troy Moon, Sustainability Coordinator
Re: Questions from December 21 meeting
Date: 1/26/2017

During our meeting on December 21, 2016, members of the Pesticide and Fertilizer Task Force recommended specific changes to the draft ordinance presented by staff for discussion. We have incorporated these changes, which you will find highlighted in the text of Draft 4.

Task Force members also asked specific questions during the meeting. Danielle West-Chuhta and I have reviewed those questions and attempt to provide responses below. Please note that in most cases the questions relate to decisions that need to be made by the Task Force as part of their recommendations to the Sustainability and Transportation Committee. Members should plan to offer specific language and/or answers around these or other issues during the next meeting.

Questions

Question: Where did the **definition of commercial agriculture** come from?

Answer: It was a definition from an example ordinance in California.

Question: In the **definition of pest**, why do we cite the state statute instead of the federal law?

Answer: To be consistent with the regulation of pesticides in the State of Maine.

Question: Does it make sense to use the **definition of pesticide** used in the South Portland ordinance instead?

Answer: The Task Force may decide to use the South Portland definition if that is their preference.

Question regarding section 34-3. Pesticide Application near Water Bodies: Why prohibit use of pesticides within 75' of a water body instead of 250' from a water body? Is this related to shoreland zoning?

Answer: Shoreland zoning regulations do not discuss pesticide applications. They primarily limit cutting of vegetation in proximity to water bodies. The City defines the Shoreland Zone as:

The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream.

The South Portland ordinance restricts pesticide applications within 75' of a water body. Of course, the Task Force may choose to recommend that distance or a different one.

Question regarding 34-4. Pest Management sections (2) and (3): As worded, this it is not clear whether someone would need to try all possible products determined to be “minimal risk” before moving on to other non-synthetic products. Should this be clarified by indicating a reasonable effort? Should there be a set time frame established to determine whether the attempted treatments are successful or not?

Answer: This is a policy decision for the Task Force, which may choose to recommend both a reasonable effort and particular time frames if it chooses to.

Question regarding 34-4. Pest Management (3) iii: How are the safety, aesthetic, or economic thresholds determined? Should there be a reference to BMPs of some sort?

A search of the Cooperative Extension website and review of the Maine Board of Pesticides Control website suggests there are no general thresholds established and there do not appear to be BMPs regarding thresholds. Tolerance of pests depends on the use of the affected land. People managing high performance athletic fields may have different standards than vegetable gardeners or people taking care of their lawn. Given this, we don't recommend a citation.

Question regarding 34-6. Public Notification: Is posting signs adequate notification? Should there be requirements to notify nearby properties verbally or in writing?

Answer: The Task Force may recommend additional measures beyond posting if it chooses to, but posting signs is what is currently required by State law and in South Portland.

Question regarding 34-6 (a). Public Notification: Where would homeowners or other non-licensed applicators get signs?

Answer: The City could create signs if signs are required by ordinance but there may be cost implications associated with such a requirement.

We look forward to discussion of these issues and hope to make significant progress toward a recommendation to the Sustainability and Transportation Committee.