

FROM THE DESK OF JUSTIN NICHOLS
313 Hodsdon Road, Pownal, Maine 04069

June 1, 2015

Eugene Meserve
Maine Board of Pesticides Control
28 State House Station
Augusta Maine
04333

Dear Mr. Meserve:

Thank you very much for your rapid response to our inquiries last Tuesday, May 26th. Thank you also to Ray Connors and LeBelle Hicks for their timely efforts to track down information and make contact with True Green. I began this letter at your request as an explanation of the facts of the incident of last week, and then added some suggestions that I hope the Board will take into consideration. A quick background on me: I am a professional gardener and have applied both traditional and organically certified pesticides for 25 years in this capacity. I have no political party affiliation, but rather approach things on an issue by issue basis. I am opposed to burdensome or reactive regulation, but in the case of pesticides, I believe that the public's right-to-know, and health, as well as overall environmental effects are cause for a more stringent monitoring.

At your request I have summarized the events of yesterday, May 26th, 2015. Gail Jones of Durham, Maine and I began work on the Evans property on Whipple Farm Lane in Falmouth Maine at approximately 8:55 AM. We began edging beds and tree rings and applying bark mulch to the the areas edged. The grass was very wet with what we thought was dew, as the humidity was above 90%. The homeowner drove out and greeted us at around 9:15 and discussed the work we were doing. He made no mention of any application of pesticide or fertilizer, though it had occurred shortly before. *(I am unsure of the communication True Green had with Mr Evans at the time of the application, though Mr. Evans has since emailed us that he has information from True Green that a urea was applied, which he viewed as fairly benign. In my opinion, it is the job of True Green to educate the customer as to the hazards of the product and any reentry intervals or drying requirements of the products they apply. I do not know what if any conversation took place between Mr. Evans and True Green.)* We continued working and by 9:30 Gail mentioned that she was getting a sinus headache. I felt nauseas and my face was red where I had been touching it with my bare wet hands. We were working on an area of about 200 feet of lawn that abuts a sidewalk with no barrier between. A few minutes later, Gail saw the True Green pesticide application sign at the driveway far end of the property. It indicated that there had been an application at 8:18 that morning. There was only that one sign.

We looked around and saw no other signs. We went to the rear of the home to wash off with a hose and saw no signs. We are both quite certain that there was only one sign on the property. It is possible someone removed additional signs between 8:18 and 8:55, but seems unlikely as it is a over-55 community and I can think of no motivation for someone to do such a thing.

After going to the home of a neighbor who let us use her facilities to continue cleaning ourselves and our equipment, I called the number on the True Green sign to find out what we had been exposed to. Between 9:38 and 10:13 I called True Green four times at three numbers 1-888-463-9128, 1-800-464-0171, and 1-800-878-4733. I was transferred multiple times, but given no help whatsoever. I explained that we had been covered in chemical and needed HELP. I stressed our exposure and concern and the unacceptability of True Green offering no help. I said we were probably going to head to the emergency room and that we needed to know what we had been exposed to as we had been on our hands and knees and soaking wet in chemical. Each True Green representative passed me along and said they could do nothing for me. One said they were an answering service. Once I was transferred to a phone system that never picked up. One said they were only customer service and I needed to speak with The Corporate Office. One said they were in a corporate office, but that they were a satellite office. The corporate office told me they couldn't provide me with a local contact and that they were experiencing high call volume in our area and referred me back to the number on the sign—all of this despite my virtual pleas for information, and clear expression that we needed help and to know immediately what had been sprayed on the property. It was a fairly nightmarish experience and worthy of a good comedy send up, and fortunately, Gail and I had not been exposed to anything to which we reacted allergically or was of acute toxicity to humans. The combination of three herbicides, one insecticide and a fertilizer application and possibly other adjuvants or materials clearly affected both of us. Still, the failure and/or incapability of True Green to provide a local contact, name, or number is quite astounding.

There was one small sign on the far end of property at the driveway. Hundreds of elderly walk through there each day with pets, grandchildren, etc. It is the height of irresponsibility to apply pesticides without adequate signage, especially adjacent to two hundred feet of highly travelled sidewalk. And why didn't the homeowner know? And why did I never receive any help from True Green. Not one person took my name or number. None of the many people I spoke with at True Green displayed knowledge of policy or procedure for addressing a pesticide exposure. Based on this experience, I believe that this True Green should be required to improve their practices. However I think this incident is likely indicative of broader systemic issues, and, rather than having this be a call for a punitive step against True Green, I think a more productive approach is to consider ways in which

we can improve the situation around commercial pesticide application in Maine. After reflecting on this experience, I recommend the following practical steps to the Board of Pesticides Control, with the aim of educating the public, protecting the public, and building the public trust.

1: Pesticide warning signs must provide a local number which anyone in need can call for rapid information regarding the application.

This could save lives. This cannot but help medical staff, parents of exposed children, other citizens who have been exposed to pesticides, pet owners, bee keepers, concerned neighbors, etc.

2: Pesticide application signs must list the name of the Products applied and the EPA registration number.

I can't think of any reason not to do this. It helps the applicator double check their work. It helps the homeowner to be sure the correct application has occurred. It helps anyone who may have been exposed to the product to protect their health.

3. Pesticide application yard signs must be increased in size, both to carry adequate information, and so that they can be seen and read by those without 20/20 eyesight. Perhaps we increase the size to 8 by 10 with fonts commensurate with the new sign size.

Why not? What are we trying to hide with tiny signs that are unreadable to many, certainly to most of the members of the retirement community and many Americans with disabilities.

4. Develop a specific formula for the placement of yard signs.

Sign frequency should be based on a specific formula, such as footage of frontage on public ways or nearby occupied dwellings, rather than the current loose standard. This could be fine-tuned to apply primarily to residential or heavily-foot- trafficked areas. For example, one sign every 50 feet of frontage on a public way in a residential area might be a reasonable standard.

5. Require pesticide application signs based on proximity of the application to abutters, and public ways, in addition to the current policy in which the category(e.g Turf) triggers the posting requirement.

One benefit of this is that it may obviate the need to demarcate the specific area treated, which while helpful, could be burdensome to the applicator. See 6 below.

6. Require demarcation of any area treated within 50 feet of public way.

Demarcation might take the form of biodegradable landscape paint, flags, small signs, flagging tape.

7. Increase the requirement from 2 to 7 years for the keeping of records of or pertaining to the application of pesticides.

Two years of record keeping for business or commercial application of pesticides seems grossly inadequate when one considers that a misapplication of pesticides could cause a water supply or other public or private resource long-term contamination. It hardly seems an undue burden on business in the digital age to keep records as long as one would for tax purposes.

Sincerely,

Justin Nichols

Pownal, Maine