Augusta council OKs emergency bedbug measure

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By Keith Edwards Staff Writer | 207-621-5647

Local & State

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The temporary ordinance, which drew criticism for holding landlords chiefly responsible for dealing with infestations, lasts 60 days and is likely to be replaced by a permanent ordinance.

AUGUSTA — City councilors adopted an emergency bedbug ordinance Thursday to give city officials the tools and rules they said they need to fight and prevent infestation of the hard-to-remove biting bugs from housing in the city.

As an emergency measure, the ordinance takes effect immediately, will be in place for only 60 days, and required a vote in favor by at least six councilors.

Councilors passed it unanimously, 7-0, despite concerns from the property manager of two boarding houses that were infested with bedbugs, who said the emergency has been addressed, and other concerns from a certified entomologist and pest control worker who said the ordinance places the burden of dealing with the bugs only on landlords, not on tenants.

City Manager William Bridgeo said a bedbug infestation at the two Water Street boarding houses prompted him and other members of an impromptu task force that formed last week to propose an emergency ordinance to enable the city staff to take stronger enforcement action to prevent the spread of the insidious biting insects.

“What we have available for tools right now is almost nothing, either in state law or city ordinance,” Bridgeo, before the ordinance was approved, said of rules governing what landlords are required to do when bedbugs are discovered in rental housing in the city. “I thought we had residents in our community who were at risk, and somebody needed to step in.”

The ordinance gives landlords responsibility for having a pest control agent treat bedbug infestations. Landlords would be required to submit a plan, after consulting with a pest management professional, to decontaminate the dwelling unit, the people living there and their personal belongings, and provide a bug-free place for tenants to live while their apartments are being decontaminated. If the city deems the planned abatement measures insufficient, the city may require additional action. Landlords also would be responsible for all costs of decontamination of tenants and their belongings.

If a landlord fails to comply with the ordinance’s requirements to deal with bedbugs, the city could enter the building, remove the bedbug infestation and recover the costs of doing so by assessing a special tax on the property, to be included in the owner’s next property tax bill, or place a lien on the property.

City officials who entered two buildings at 382 and 384 Water St. last week reported seeing an infestation of bedbugs in common areas and in individual units, including a shower floor, bedding, and furniture covered in dozens of the bugs and their exoskeleton shells.

Bedbugs shed their exoskeletons as they grow, leaving the empty exoskeletons behind.

Bridgeo said the landlord of those properties, River City Realty owner Larry Fleury, has been cooperative and the city is working with him and tenants to rid the buildings, tenants and their belongings of bedbugs.

Karla Lilley, office manager of River City Realty, said no emergency exists because the company already had a licensed pest control company spray chemicals in the infested buildings on Saturday. She also criticized the city for not including a landlord on the task force that drafted the ordinance, said city officials are not qualified to determine the adequacy of treatment plans, and the ordinance — unlike state law — puts the burden of the cost of getting rid of the bugs on landlords alone, even when tenants don't cooperate with efforts to get rid of them. She also said bedbugs don't cause diseases or deaths, as other insects such as fleas, ticks and mosquitoes can do.

Councilors and Bridgeo noted that the council will consider a more permanent ordinance and it should be put in place by the time the 60-day emergency ordinance expires. They said the proposal is not perfect and changes can be made, with input from pest control experts and landlords, in the meantime.

"I don't see this an issue between landlords and tenants," Ward 1 Councilor Linda Conti said. "At this point, this is so bad the entire city is at risk. They can be spread to schools, businesses. I don't feel like I'm protecting just the tenant. I'm protecting all of the citizens of the city."

Stephen Langsdorf, city attorney, said state law gives tenants the right to take legal action to force their landlords to address bedbug infestations, but many tenants aren't able to take that action.

"You're dealing with tenants who, very often, aren't at all sophisticated and who feel intimidated going after a landlord, and may be one step away from being homeless," Langsdorf said. "And this situation was extreme. Not one or two bedbugs. Hundreds, thousands, of bedbugs were in these buildings."

Bridgeo said he heard, anecdotally, one or more other landlords with buildings in Augusta also might have a bedbug infestation in their buildings.

Bridgeo said a task force was formed to deal with the problem last week, and it met again Monday. Task force members include city codes and public safety personnel, Langsdorf, a representative of the Maine Center for Disease Control, the city health officer, the Fire Department's medical officer, an attorney from Pine Tree Legal Services, Bridgeo and Ralph St. Pierre, assistant city manager.

Mike Peaslee, a certified entomologist and technical manager for Modern Pest Services, said the ordinance probably was well-intended, but it has multiple flaws. He said there is no established industry method for decontaminating a person of bedbugs; the ordinance removes all responsibility for bedbugs from the tenants who can contribute, or even cause, the problem; it could force landlords to move tenants in bedbug-infested buildings to other, "clean" buildings, which could be costly and make the problem even worse; and the ordinance in general is overreaching and too broad. He also said it is impossible to say, for sure, where an infestation started.

"I think it is well-intended, but there are serious problems with it," Peaslee said of the ordinance.

Tenants' duties, under the proposed emergency ordinance, would include promptly notifying their landlord when they know of or suspect an infestation of bedbugs in their dwelling unit, granting the landlord and pest control agent access to their unit for inspection and treatment, and taking all reasonable measures to eliminate a bedbug infestation.

The bugs are brown, flat and about one-quarter-inch long with a soft, rounded look. After a blood meal, they are dark red and larger.

They feed on human blood but are not believed to carry disease.

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Cumberland adjusts plan to spray for browntail moths in response to environmental concerns

The Town Council chooses a natural insecticide to kill off caterpillars after residents raise concerns about harm from synthetic chemicals.

BY PETER MCGUIRE STAFF WRITER
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The browntail moth caterpillar damages trees and has prickly hairs covering its body, and hairs cause skin rashes. *Maine.gov Photo*

CUMBERLAND — Town officials have modified their plan to spray insecticide to fight a browntail moth infestation, in response to residents' concerns about environmental threats posed by chemical pesticides.

The town proposed using a truck-mounted sprayer to coat trees along three miles of Foreside Road with a chemical insecticide to kill browntail moth caterpillars. The invasive insects defoliate trees and can shed tiny hairs that cause skin rashes and respiratory problems in some people.

Although many residents support using pesticides to curb the worst moth infestation in more than a decade, some worried that a synthetic insecticide could harm people and the environment, including marine life in Casco Bay.

Terry Traver, a licensed pesticide applicator with Whitney Tree Service, said the town decided instead to use a naturally derived pesticide to tackle the infestation.

“We feel like it is a more environmentally friendly approach with some of the residents who were concerned about spraying pesticides, with their gardens and pets,” Traver said.

The natural treatment could be less effective than a synthetic spray, but it is less harmful to the environment, he said.

Browntail moths nest high in oak and apple trees. In May, 2-inch-long caterpillars break out of the nests and start feeding on new leaves before spinning cocoons in late June to pupate into moths.

The caterpillars can do extensive damage to trees and are covered with toxic hairs that can drift through the air and cause a rash similar to poison ivy and provoke respiratory problems for some people. The moths shed their skins five times a season, and the hairs stay in the environment and can cause problems for months after the caterpillars are gone.

Ivy Frignoca, the bay keeper for Friends of Casco Bay, said her office received half a dozen calls from residents with concerns about the spraying program before a public meeting on the proposal last week. Concerns about damage ranged from people and pets to marine animals along the coast.

“As the lead advocate for Casco Bay, when an issue like this comes up that threatens the health of the bay, we have to look into it,” Frignoca said.

The town planned to use Tempo, a synthetic neurotoxin, to kill the caterpillars. Tempo is extremely toxic to fish and aquatic invertebrates and should not be allowed to run into storm water, according to the warning documents for the treatment. Even though state rules prohibit spraying pesticides within 250 feet of any shoreline, people were concerned that the chemical could find its way into Casco Bay and harm shellfish.

During the last browntail moth infestation, in the late 1990s, communities around Casco Bay used aerial sprays to counter the insects, but that was controversial because of its negative effect on shellfish, particularly lobsters. Cumberland is not considering an aerial spraying program this year.

For the spraying to be effective, the town needs a majority of Foreside Road residents to sign consent forms allowing the town's contractor to spray on their properties. The deadline for signing the forms is Friday, and the town intends to start spraying next week.

Town Councilor Tom Gruber, a Foreside resident, said in response to resident concerns that the council decided to spray with spinosad, a chemical derived from soil bacterium that is toxic to insects and sold under the brand Conserve SC. The pesticide is less harmful to shellfish and it sticks to soil, giving it less potential to move to groundwater.

The town planned to spray only along Foreside Road, but now is expanding the scope of the project to include 18 private side streets. Private roads will be charged $300 to $500 for treatment, depending on the length of the road, according to a letter to residents from Town Manager Bill Shane.

The cost of the natural treatment is expected to be slightly more than the synthetic chemical, but Gruber said it shouldn't exceed the $15,000 budgeted for the project.

"After a long discussion and concerns, we came up with a more environmentally friendly plan," Gruber said.

Maine’s parks are fertile places for research

www.pressherald.com/2016/06/05/beyond-recreation-maines-parks-are-fertile-ground-for-research-on-everything-from-invasive-species-to-air-pollution/

By Mary Pols Staff Writer | @MaryPols | 207-791-6456

While you’re hiking and melting s’mores over your campfire, scientists at Maine parks are taking samples, studying wildlife and discovering new species.

Maine Forest Service entomologist Colleen Teerling picks her parks very carefully. Whereas the average camper might chose their destination based on which Maine park has the prettiest campsite or best lake to cool off in, Teerling is partial to parks that might be favored by Midwestern tourists, say Camden State Park, or Lake St. George.

Colleen Teerling, an entomologist with the Maine Forest Service’s Insect and Disease Lab, strips the bark from an ash tree at Lake St. George State Park in Liberty to investigate whether the destructive emerald ash borer has reached Maine.

That’s because she’s choosing her parks to lay traps for an invasive species called the emerald ash borer, a green beetle from Asia that has already devastated Midwestern forests and has spread to most eastern states. Not Maine yet, but it has been found in New Hampshire and Massachusetts and scientists fear it’s only a matter of time before it begins to chew through Maine’s ash trees. By monitoring likely entry points, the Maine Department of Agriculture, Forestry and Conservation hopes to get a jump on managing any infestation of the emerald ash borer (or EAB as entomologists typically refer to it).

Teerling’s research involves finding an ash tree, as she did on a hot morning at Lake St. George State Park earlier

this week, relatively close to campgrounds or visitors centers, then stripping away the bark in a one-foot belt around the trunk, a process called girdling.

“That stresses the tree out,” Teerling explained.

A weakened tree should attract the beetles if they’re around. In the winter foresters will cut the tree down, peel more bark back and look for signs of an EAB infestation. “We’d find little galleries under the bark,” Teerling said, referring to the tunnels the beetles literally bore in the tree trunk. If so, they’d quarantine the area and work to combat the destructive beetles.

Why pick state parks that tend to attract out-of-state visitors, particularly those from the Midwest? Because firewood transported into an area from an already infected region is believed to be the primary way the emerald ash borer has spread so fast. It was only discovered in 2001, in the Detroit-Windsor area (likely it came in through the port on a boat), but is already in 27 states. Campers tend to bring firewood with them, even when warning signs tell them not to, so Teerling expects that if and when the emerald ash borer arrives in Maine, it will have tagged along with a visitor from out of state.

Although most of us view parks as a resource for recreation, a look behind the scenes at parks around the state reveal how often our public lands are used as a resource for researchers. There are 65 to 70 active research projects in Acadia National Park alone every year, according to the Schoodic Institute, which manages collaborations between scientists, educators and citizen scientists in the park. Whether they be national or state-run, Maine’s parks are fertile ground for researchers tracking endangered or invasive species, botanists looking for rare or undiscovered plants and biologists tracking birds. More often than not, campers and hikers never know the research is going on, but sometimes the public not only overlaps with environmental scientists working in the park, they actually help them.

DRAGONFLIES AND DATA

Sarah Nelson, an associate research professor in the School of Forest Resources at the University of Maine, began researching mercury and acid rain chemistry as a masters and then Ph.D. candidate. As her research progressed, she started sampling the larvae of dragonflies in Maine streams and waters for mercury, getting an assist from high school students. In 1998, she began sampling within Acadia, where 80 species of dragonflies can serve as bio-sentinels for mercury pollution.

They are an easy insect to catch as larvae and, when ground up back in a laboratory, to test for the presence of mercury that may have traveled on air currents and ended up in water sources as rain. To the non-scientific brain it might seem as though a national park in a relatively pristine part of Maine is a strange place to look for signs of air pollution, but Nelson says it is just the opposite.

“Most people think of national parks as pristine, but they really are not,” she said. Yes everything within the park is wild or barely developed in theory, but the wind knows no borders. “It doesn’t really matter if there is a line around parks. The air is the same.”

Moreover, there is a greater chance to gather accurate data on a long-term basis because the level of development doesn’t change. “You know you will be able to come back in 20 years and be able to get to the same site,” she added. “We don’t have those confounding effects like there is suddenly a mall in the middle of a site.”

Not only are dragonflies less complicated to test for mercury than say, fish, they stay close to the aquatic ecosystems where they were born, making the samples more useful for linking data to specific locations.

The Schoodic Institute got involved in 2011 and the program within Acadia has proved so popular, with citizen scientists happily signing on to contribute to the research by gathering dragonfly larvae in the park, that Nelson began working with other scientists to expand it to other national parks. In 2013, the National Park Service funded

the expansion of the mercury study to 25 parks. Now they're up to 71 parks, including Denali in Alaska and the Great Smoky Mountains in North Carolina and Tennessee.

Acadia is a particularly rich resource for Maine-based researchers. Ongoing projects by UMaine professors include studies of bird migration on Mount Desert Island and the Schoodic peninsula, bird use of rockweed, ecosystem response to climate change in Acadia and even studies in forest recreation management by students in the University of Maine's Parks, Recreation and Tourism program.

BUNNIES AND BUGS

Teerling has already girdled ash trees in eight state parks and will add Cobscook and Lamoine state parks to the are monitoring list this spring. Other state parks with ongoing research and monitoring programs include Crescent Beach and Kettle Cove, where scientists are researching New England cottontail rabbits, listed as an endangered species in Maine since 2007. Then there are the piping plover and least tern programs at various state-run oceanfront parks, like Popham Beach State Park in Phippsburg.

But Baxter State Park is particularly rich research territory. Nearly 210,000 acres, 75 percent of which are managed as wildlife sanctuary, it has been spectacularly untouched since it was acquired by Gov. Percival P. Baxter beginning in the 1930s. This was Baxter's gift of purest Maine to the people of Maine, and as such, he made it a mandate that the priority be resource preservation.

Emerald ash borer specimens.

That's both why it is such great research territory and why it's not easy to get permission to conduct research within the park. "He was very clear about what his priorities were, and we work for those priorities," said Jean Hoekwater, the park's naturalist.

Hoekwater is a member of the committee that reviews research requests. "We say no sometimes to perfectly sound

science," she said. "The stories I could tell you about research that was proposed that didn't happen."

Once the committee turned down a prestigious forestry school's request to research the fir waves, a natural phenomena on the slopes of Katahdin, where a die-back zone of balsam fir affected by the prevailing winds creates wavy grey stripes following the slope's contours.

"We denied the application despite the prestige because they wanted to put fertilizer in the zone," she said. "That was an artificial input." (Hoekwater would neither confirm nor deny that it was Yale.)

"It is not an easy thing to get permission," said Beth Swartz, a wildlife biologist with the Department of Inland Fisheries and Wildlife who conducted the research that tracked the rare and elusive Roaring Brook Mayfly deep in the wilds of Baxter. The mayfly had been named for the Maine location

A dragonfly adult next to its shed exoskeleton. Dragonflies serve as bio-sentinels for mercury pollution and are easier to test for contamination than, say, fish. Courtesy Ed Lindsey

olleen Teerling strips the bark from an ash tree at Lake St. George State Park in Liberty. The section of tree will be examined to see if the insect is in Maine.

where it was first spotted in the 1930s, but only one true specimen of it existed and that was in a museum.

“It had been over 60 years since that specimen had been collected,” Swartz said. She spent the better part of a summer searching and found many mayflies in two of the brook’s tributaries. The state was able to move the insect off the endangered list on the basis of that research. But it remains a species unique to a special place, and the very fact of how unusual it is points to the ecological value of high elevation headwater streams, she said.

“These little tumbling streams come down off of the mountain tops and are fed by melting snow and rainwater,” Swartz said. “These are the birthplaces of all those other streams that end up feeding into our rivers, streams that often go unprotected because they are so small.”

LEAVE NO TRACE

Among the other research in Baxter in recent years was a study of marten populations by a University of Maine PhD student who set up game cams and traps to catch hair from the animals. A 2013 tornado that blew through the northwest corner of the park within the Scientific Forest Management Area (a zone designated for study of responsible forestry management) created the opportunity for a multi-year study on beetles and how they responded to a blow-down situation over 400 acres.

“Virtually all the trees were uprooted or blown over,” said Shawn Fraver, a professor in the School of Forest Resources at the University of Maine. “That type of wind damage is really unusual in Maine.”

Outside the park it might have been a disaster, but within its confines, it gave scientists a chance to look at nature’s recovery process.

Hoekwater said Baxter frequently has to turn down request for research that involves collecting samples – removing plants from their natural habitat. But in an effort to put together a comprehensive guide, “The Plants of Baxter State Park,” it has welcomed researchers and volunteers armed with cameras to photograph more than 700 species of plants that grow within the park’s boundaries. The finished guide, a multi-year effort to compile, is expected back from the printers soon.

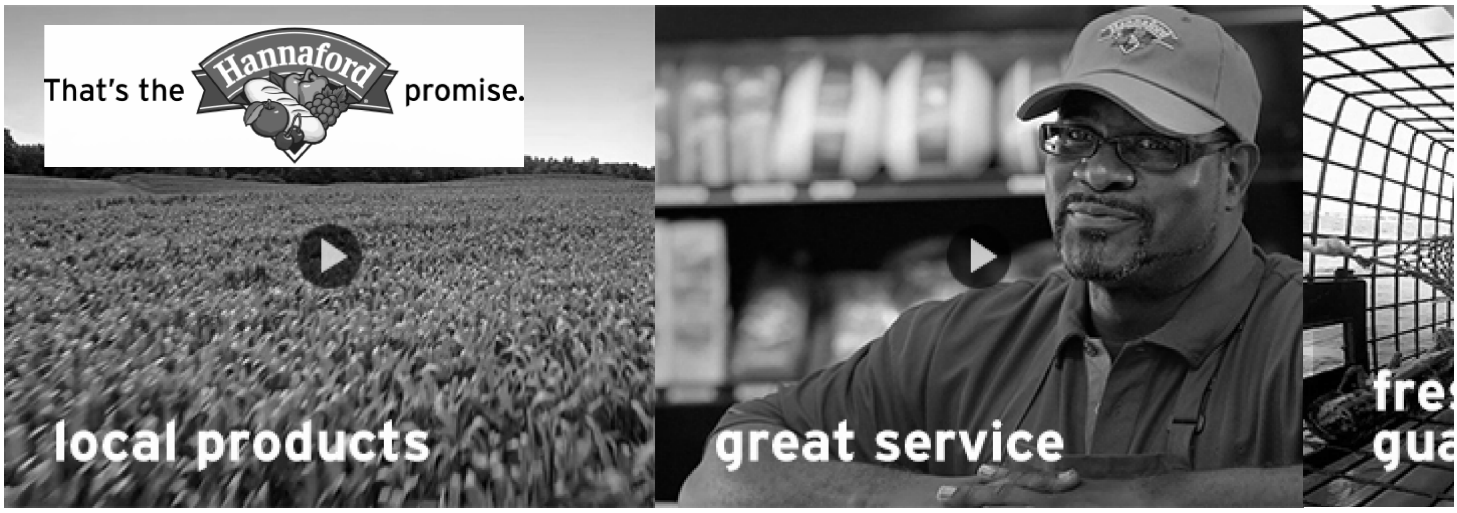
Alison Dibble, an assistant research professor with the University of Maine's School of Biology and Ecology and one of the authors of the guide, has spent many days over many years leading volunteers on plant quests, pushing through dense thickets of young trees to remote bogs untouched by man or paddling by canoe into areas reachable only by water. Even if park visitors never spot these species tucked in remote corners of the park, they have been recorded for posterity.

"It was a privilege to me," Dibble said. "And I think the volunteers were feeling this way too, that it is really special that the parks wants us to do this and needs us to do this."

As a researcher, Dibble has had a long relationship with Baxter. Her first foray into Baxter to study plant species was in 1989. Over a five-year period starting in 2001, she self-funded annual five day trips to Katahdin to work with a team studying the lichen of Katahdin. The team identified alpine lichens that had not been found in the United States before. That survey, published in 2009 in The Bryologist, the publication of the American Bryological and Lichenological Society, established a baseline of research that could prove particularly useful to those studying climate change.

"With climate change, the advance of the treeline up the slope will mean that there will be less habitat for unusual lichens than there is now," Dibble said. "The alpine ecosystems are under increased threat. That is just one of the dilemmas of global warming."

For all these scientists, it's not just parks and recreation.



MAINE VOICES Posted **June 17** | Updated **June 17**

INCREASE FONT SIZE

Maine Voices: South Portland plan to ban pesticides a needless and harmful overreach

Regulators already ensure the chemicals are safe for human exposure and little pollution of Casco Bay has been found.

BY **CHARLES MCNUTT** SPECIAL TO THE PRESS HERALD

SOUTH PORTLAND — As a member of the South Portland Conservation Commission, I find it difficult to take a position contrary to what many believe is a positive step forward in the pursuit of environmental stewardship, sustainability and healthy living.

However, despite my reservations about doing so, the proposed ordinance banning pesticides in South Portland needs to be exposed for the unsubstantiated and flawed

ABOUT THE AUTHOR

Charles McNutt is a resident of South Portland. The views expressed in this column are his own and do not represent the South Portland Conservation Commission.

Local pesticide ordinances are allowed in Maine because we are one of seven states in the country where the state constitution doesn't pre-empt that exercise.

Presumably, the other 43 states have precluded that option based on the logical and reasonable assumption that the thousands of scientists who work for the federal Environmental Protection Agency and state environmental agencies and Boards of Pesticides Control have more expertise to regulate these chemicals than do local citizens, as well-intentioned as they may be.

But let's assume for the moment that the city of South Portland and other Maine communities have a vested interest and, indeed, a responsibility to protect their citizens and the local environment, which, in our case, includes part of Casco Bay.

Unfortunately, the South Portland pesticide ordinance is not based on relevant science, and if it takes effect, very few of our citizens will understand its implications. The fact is that the average homeowner who follows the clearly spelled-out application and safety directions on the pesticide label is not at any more risk than he or she would be when handling household cleaning materials, solvents, paints and any other chemical not classified as pesticides.

The truth is that the EPA undertakes extensive testing of these products, and each one of them is categorized as to the level of toxicity and the risk to humans, animals and the environment. Beyond that, the Maine Department of Environmental Protection and the Maine Board of Pesticides Control have an active role in the regulation and management of pesticides, in addition to their responsibility for testing and licensing professional applicators.

To build their case, the framers of this ordinance and their supporters in local environmental groups have crafted "Whereas" statements that cite the supposed linkage between diseases, harm to the environment and pesticides. The problem is that these statements are less than valid unless one considers studies that have no relevance to our situation here in South Portland.

selecting many of these studies and reading through them, I was not able to find a single case study relevant to the theoretical rationale for this ordinance: i.e., residential use. This is a local ordinance prohibiting homeowners from doing something that is not only legal, but also approved by the EPA and the Maine Board of Pesticides Control.

Regarding the impact of pesticides on the environment: Despite the claims that sampled data from Casco Bay indicate that stormwater runoff is creating significant environmental problems, the truth is that to date, we have seen virtually no data to substantiate that claim.

In fact, the last data we have regarding the outflows in South Portland are from a sampling done in 2001. At that time, there were two pesticides detected from one of the city's outflows, one of which was de-listed by the EPA in 2004.

So where are the baseline data to measure the success of this ordinance? There aren't any, and that alone should be a disqualifier for an ordinance that is little more than a feel-good expression of our desire to protect the environment and ensure that our citizens are protected from cancer and other diseases. Noble objectives, to be sure, but at what price?

Without the data, without the baseline, without a massive education program, this ordinance is a draconian regulation of the worst kind. It negatively affects retailers, applicators and citizens for little or no reason – at least none that is discernible.

When compelling evidence is provided to make the case, I will be the first to sign on. Until that time, this ordinance is a bad idea. I urge Mayor Tom Blake and the City Council to step back, think about the lack of material justification for this ordinance and reconsider their support.