

10/21/2024

Alex Peacock  
Director  
90 Blossom Ln,  
Augusta, Maine 04333

Dear Mr. Peacock:

Mosquito Squad of Southern Maine (MSSM) is responding to the violations in preparation for the Board of Pesticide Control meeting on October 25<sup>th</sup> 2024.

Our main goal is compliance with Maine Law. We understand the serious nature of these violations. We have put together a remediation and action plan to minimize the chances of these incidents happening in the future.

### **Summary of Violations and MSSM response**

- May 2024 - Wrong Property Treated
  - Background - Before the season began we provided the BPC with a three tier system for identification of properties. Our first tier is a photo of the property. We sent out personnel at the end of last season to procure these photos. If this photo was not available, the tech is to verify an electric meter number. Many CMP meters have multiple numbers so if that can't be clearly verified, they are supposed to contact our office. At the time we can not verify, the tech is to leave the property without treatment.
  - Even with this protocol in place , an application was made to a wrong property on May 16<sup>th</sup>. The reason this happened was the technician mis-read the house number as the number was difficult to read due to a different font size on the house number which made it hard to discern whether it was an 8 or a 6. He took a picture of the house based on this.
  - Remediation/Action Plan
    - After this incident, we provided additional Applicator Training on this protocol and had zero instances the remainder of the year which included thousands of applications.
    - We provide our technicians with a 2 week preseason training which includes industry standard application methods for ticks and mosquitoes. We have spoken to Jennie Poisson and Alex Peacock in the past about presenting during our training and would be open to have any BPC attendance training in 2025 as well.
  
- July 2024 PPE Issue
  - A single MSSM technician did not properly wear gloves and pulled up his sleeves during treatments.

- MSSM is responsible for providing the required PPE for each technician.
  - MSSM provides proper training for proper use of PPE within the Pesticide label.
  - Each technician is responsible for correctly using the MSSM supplied PPE. It is their responsibility to utilize this equipment properly.
  - A technician was found not wearing PPE correctly. This technician was then reprimanded the first time, and on the second instance was terminated. In reviewing our body cam footage we also identified the technician not following company protocol for treatments.
  - Remediation/Action Plan
    - All technicians were reminded of the proper procedures for PPE.
    - We also added a third master applicator to help in overseeing our technicians during the mosquito and tick season to assist in being more proactive.
- July 2024 Drift Concern– Two neighbors of a MSSM customer complaining about possible drift after applications thru-out the season.
    - We had situations with neighbors of a customer that would complain to the BPC after treatment about possible drift. Several times the BPC inspector (Jennie Poisson) would come and measure the neighbor’s yard and in all cases the pesticide levels were below the regulation level.
    - The residue data provided in the information packet doesn’t support drift from a quantifiable standpoint.
    - Remediation/Action Plan
      - Going forward, MSSM will either service this customer with our all-natural treatment or not service this customer whose neighbors has voiced multiple complaints
      - We currently utilize industry standard equipment to perform our applications with appropriate training. We are going to re-emphasize in training, techniques to minimize drift going forward with our technicians.
- Product Label Concerns
    - We noted in the report that the bifenthrin product Talak had numerous areas of the label highlighted. We understand that bifenthrin is the most widely used pesticide in the pest control industry. Indeed, thousands of companies in structural pest control, lawn care, professional turf management, and mosquito control utilize this product in volumes far greater than our company. While it is an important tool for integrated pest management, we are aware that alternatives are available. This is one reason newer generation type II pyrethroids with improved safety profiles are part of our IPM protocols. Lambda cyhalothrin is an example of such a molecule.
    - In an effort to improve sustainability and utilize safer products we have evaluated a natural product which is a blend of botanical essential oils. This product qualifies for

exemption from registration under FIFRA Section 25(b) and is currently approved in Maine. Given our success with this natural solution in field trials as well as lab trials, we will no longer use bifenthrin and will instead utilize this 25b exempt Essential Botanical Insecticide. We hope this effort demonstrates our dedication to stewardship and willingness to improve operations

- Regarding product labeling an encapsulated lambda cyhalothrin insecticide (Devito) was highlighted for consideration regarding turf applications. This product states under “directions for use” on page 2 that “application to pervious surfaces such as soil, lawn, turf, and other vegetation” is indeed a permitted use. Subsection instructions on a product label are subordinate to the governing “directions for use” which apply unilaterally to the entire product. Devito lists numerous permissible application sites in addition to the impervious surfaces above. These include but are not limited to application directly to walls, ceilings, window screens, and other resting areas as a residual surface treatment. It may be used inside residential buildings as well as in and around carports, garages, and storage sheds. As a mosquito control specialist, we focus on treating resting sites of mosquitoes which may include the examples listed above as well as ornamentals such as trees and shrubs since mosquitoes preferentially rest in cool shaded areas. The portion of the Devito label highlighted under “Lawns/Turfgrass” relates toward turf and lawn companies that use high volume hose end-reels and specifically states: “application rates for turf are lower than structural pest rates, reflecting that treatment intervals are more frequent”. The use rate tables in the lawn/turfgrass section not only references rates and equipment that we do not utilize, but the section recommends 7-day treatment intervals which is far more frequent than our applications. Outdoor perimeter pest control and ornamental control sections reflect our use pattern, application equipment, as well as licensing. Taken together, we were compliant with this product label when it was in use. Regardless, we now utilize a different brand of encapsulated lambda cyhalothrin, (Avesta) which was communicated to us as an acceptable product by inspector Jennie Poisson whom we have had over 10 calls with during the 2024 season.
- Mosquito Squad is committed to compliance, safety, and eliminating pests that may carry disease. We are always willing to work with the State to improve and hope this reply reflects the spirit of cooperation in which we approach all aspects of our business.
- Please let us know if you require any further information which would assist in quickly resolving this matter.

Thank you for your consideration in these matters.

Sincerely,

Erik Hanson  
Owner  
Mosquito Squad of Southern Maine