

BASIS STATEMENT FOR AMENDMENTS TO CHAPTER 27—STANDARDS FOR PESTICIDE APPLICATION AND PUBLIC NOTIFICATION IN SCHOOLS

Basis Statement

Resolve 2011, Chapter 59, To Enhance the Use of Integrated Pest Management on School Grounds directed the Board, as part of a Report to the Joint Standing Committee on Agriculture, Conservation and Forestry, to make recommendations for amending Chapter 27 “for minimizing the use of pesticides in schools and on school grounds.” The Committee supported the recommendations contained in the report and encouraged the Board to amend Chapter 27 accordingly. The report highlighted observations that IPM coordinators have — in practice — failed to take a central role in pest management decisions on school grounds, and are often not even aware of outdoor pesticide use. This observation became the primary focus of the recommendations since the effectiveness of the rule is dependent upon the role of the IPM coordinator.

In its rulemaking proposal, the Board incorporated most of the recommendations to amend Chapter 27 contained in the Legislative Report, and also chose to include a more stringent annual notification requirement, as well as a statement discouraging pesticide use strictly for aesthetic purposes. Overall, the recommendations were developed with a goal of not increasing the regulatory burden while improving the effectiveness of school IPM programs. The proposed amendments included additional elements designed to:

- Strengthen the role of the IPM Coordinator
- Reduce and consolidate the school pesticide record-keeping requirements
- Require parents to sign and return the beginning of year notification form
- Address communication weaknesses between contractors and IPM coordinators
- Provide for a way to maintain accurate contact information for school IPM coordinators

Based on a review of the hearing record, the Board altered its proposed amendments by eliminating the annual beginning of the year notice to parents altogether. The Board reasoned that available evidence indicated that few schools ever make pesticide applications requiring notification, and therefore it was not logical to impose a significant burden on schools for such a rare event as opposed to simply notifying all parents if such an event does occur. In addition the Board struck the clause that sought to discourage pesticide use for aesthetic purposes. The Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and there was not consensus about whether it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose.

In adopting the revised amendments, the Board found it had struck a rational balance by ensuring that pesticides are used judiciously on school grounds in a manner designed to minimize risks while still allowing school districts sufficient flexibility to craft their own philosophy about the use of pesticides on school grounds for the sake of appearances.

Impact on Small Business

In accordance with 5 MRSA §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the Maine Board of Pesticides Control office, State House Station #28, Augusta, Maine 04333-0028, telephone 207-287-2731.

Rulemaking Statement of Impact on Small Business

5 MRSA §8052, sub-§5-A

Agency

Department of Agriculture, Conservation and Forestry—Maine Board of Pesticides Control

Chapter Number and Title of Rule

CMR 01-026, Chapter 27—Standards for Pesticide Application and Public Notification in Schools

Identification of the Types and an Estimate of the Number of the Small Businesses Subject to the Proposed Rule

Approximately 25 small businesses commonly provide pest management/grounds management services to schools in Maine.

Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, including the Type of Professional Skills Necessary for Preparation of the Report or Record

The Board estimates that small businesses that have monthly service contracts (structures) will require an additional 10 minutes per visit to make entries in the log book, or about two hours per year for an annual administrative cost of approximately \$100 per school. Small businesses generally would service no more than 15 schools. Consequently, the maximum additional administrative cost could amount to \$1,500/year for a small business.

Grounds maintenance contractors conducting pesticide applications and monitoring services generally do not make as many visits to a school as structural pest managers. The Board estimates that the additional record keeping requirements may require up to two additional hours per year to complete for annual administrative cost of approximately \$100. Small businesses generally would service no more than 15 schools. Consequently, the maximum additional administrative cost could amount to \$1,500/year for a small business.

It should be noted that - for practical reasons - most companies that have been providing pest management/grounds maintenance services to schools have already been providing assistance with the administrative/record keeping requirements, thereby already spending more effort than the current amendments will require.

Brief Statement of the Probable Impact on Affected Small Businesses

A few small businesses will incur minor additional administrative costs as a result of this amendment. However, most of the affected businesses have already been assisting schools with the record keeping requirements for practical reasons.

Description of Any Less Intrusive or Less Costly, Reasonable Alternative Methods of Achieving the Purposes of the Proposed Rule

The Board sought to minimize administrative burdens associated with the amendments and was unable to identify any less intrusive or less costly alternatives.

01 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

026 BOARD OF PESTICIDES CONTROL

Chapter 27: STANDARDS FOR PESTICIDE APPLICATIONS AND PUBLIC NOTIFICATION IN SCHOOLS

SUMMARY: These regulations establish procedures and standards for applying pesticides in school buildings and on school grounds. This chapter also sets forth the requirements for notifying school staff, students, visitors, parents and guardians about pending pesticide applications.

Section 1. Definitions

- A. **Integrated Pest Management.** For the purposes of this regulation, Integrated Pest Management (IPM) means the selection, integration and implementation of pest damage prevention and control based on predicted socioeconomic and ecological consequences, including:
- (1) understanding the system in which the pest exists,
 - (2) establishing dynamic economic or aesthetic injury thresholds and determining whether the organism or organism complex warrants control,
 - (3) monitoring pests and natural enemies,
 - (4) when needed, selecting the appropriate system of cultural, mechanical, genetic, including resistant cultivars, biological or chemical prevention techniques or controls for desired suppression, and
 - (5) systematically evaluating the pest management approaches utilized.
- B. **School.** For the purposes of this regulation, School means any public, private or tribally funded:
- (1) elementary school,
 - (2) secondary school,
 - (3) kindergarten or
 - (4) nursery school that is part of an elementary or secondary school.
- C. **School Building.** For the purposes of this regulation, School Building means any structure used or occupied by students or staff of any school.

- D. **School Grounds.** For the purposes of this regulation, School Grounds means:
- (1) land associated with a school building including playgrounds, athletic fields and agricultural fields used by students or staff of a school, and
 - (2) any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly utilized for school activities by students and staff. School grounds do not include land utilized primarily for non-school activities, such as golf courses and museums.
- E. **Integrated Pest Management Coordinator.** An employee of the school system or school who is knowledgeable about integrated pest management and is designated by each school to implement the school pest management policy.
- F. **School Session.** For the purposes of this chapter, school is considered to be in session during the school year including weekends. School is not considered to be in session during any vacation of at least one week.

Section 2. Requirements for All Schools

- A. All public and private schools in the State of Maine shall adopt and implement a written policy for the application of Integrated Pest Management techniques in school buildings and on school grounds.
- B. Each school shall appoint an IPM Coordinator who shall act as the lead person in implementing the school's Integrated Pest Management policy. The IPM Coordinator shall be responsible for coordinating pest monitoring and pesticide applications, and making sure all notice requirements as set forth in this chapter are met. In addition, the IPM Coordinator shall:
- (1) complete Board-approved IPM Coordinator overview training within one month of his/her first appointment as an IPM Coordinator and obtain Board documentation thereof;
 - (2) complete Board-approved IPM Coordinator comprehensive training within one year of his/her first appointment as an IPM Coordinator and obtain Board documentation thereof;
 - (3) obtain at least one hour of Board-approved continuing education annually;
 - (4) maintain and make available to parents, guardians and staff upon request:
 - a. the school's IPM Policy,
 - b. a copy of this rule (CMR 01-026 Chapter 27),
 - c. records of all pesticide applications as required under CMR 01-026 Chapter 50—Record Keeping and Reporting Requirements a “Pest Management Activity Log,” which must be kept current. Pest

management information must be kept for a minimum of two years from date of entry, and must include:

- i. the specific name of the pest and the IPM steps taken, as described under Section 5C of this Chapter; and
 - ii. a list of pesticide applications conducted on school grounds, including the date, time, location, trade name of the product applied, EPA Registration number, company name (if applicable) and the name and license number of the applicator. If the product has no EPA Registration number, then a copy of the label must be included.
- (5) authorize any pesticide application not exempted under Section 3A(2)(3), 3B, 3C, or 3D made in school buildings or on school grounds and so indicate by completing and signing an entry on the Pest Management Activity Log prior to, or on the date on which the minimum notification requirements must be implemented; and
- (6) ensure that any applicable notification provisions required under this chapter are implemented as specified.
- ~~(4) copies of labels and material data safety sheets for all products applied, and~~
- ~~(5) when pesticides not exempt under Section 3 are applied, records of the IPM steps taken as described in Section 5.B. of this chapter.~~
- C. By September 1, every school shall inform the Board of the identity and the contact information for the IPM Coordinator. This requirement can be fulfilled through a Board approved reporting system.
- ~~C. Each school shall provide an annual notice to parents or guardians and school employees. This notice must be provided within two weeks of the start of the school year regardless of whether there are plans to have pesticides applied in the coming year.~~

Section 3. Exemptions

- A. The following pesticide uses are exempt from the requirements of Sections 4 and 5 of this Chapter:
- (1) application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when there is an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student, staff member or visitor,
 - (2) application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings during the course of routine cleaning procedures, and
 - (3) application of paints, stains or wood preservatives that are classified as general use pesticides.

- B. The following pesticide uses are exempt from the requirements of Section 4 of this Chapter:
- (1) pesticides injected into cracks, crevices or wall voids,
 - (2) bait blocks, gels, pastes, granular and pelletized materials placed in areas inaccessible to students,
 - (3) indoor application of a pesticide with no re-entry or restricted entry interval specified on its label but entry to the treated area is restricted for at least 24 hours.
- C. When the Maine Center for Disease Control has identified arbovirus positive animals (including mosquitoes and ticks) in the area, powered applications for mosquito control are exempt from Section 4B(1) and 5B. Applicators should post the treated area as soon as practical, in a manner consistent with Section 4C(3)(a) 4B(2).
- D. School education facilities utilized for agricultural or horticultural education, and not normally used by the general school population, such as, but not limited to, greenhouses, nursery plots or agricultural fields, are exempt from the application limitations contained in Section 5E and notification provisions contained in Section 4B(1) provided that parents, staff and students are informed about the potential for pesticide applications in such areas. The posting requirements contained in Section 4B(2) must be complied with. In addition, students entering treated areas must be trained as agricultural workers, as defined by the federal Worker Protection Standard.

Section 4. Notification

- A. ~~Within two weeks of the start of every school year, notice shall be given by all schools to all school staff and parents or guardians of students advising them.~~ A notice shall be included in the school's policy manual or handbook describing the school's IPM program including that a school integrated pest management policy exists and where it may be reviewed, that pesticides may periodically be applied in school buildings and on school grounds and that applications will be noticed in accordance with Sections 4B-D 4B hereof. This notice shall describe how to contact the IPM Coordinator and shall also state that records of prior pesticide applications and labels and material safety data sheets for the pesticides used and the school's IPM Policy, a copy of the Standards for Pesticide Applications and Public Notification in Schools regulation (CMR 01-026 Chapter 27), and the Pest Management Activity Log, are available for review.
- B. ~~Notices given as required by Section 4C shall state, as a minimum: (a) the trade name and EPA Registration number of the pesticide to be applied; (b) the approximate date and time of the application; (c) the location of the application; (d) the reasons for the application; and (e) the name and phone number of the person to whom further inquiry regarding the application may be made. These notices must be sent to school staff and parents or guardians of students at least five days prior to the planned application.~~
- C.B. ~~During the school year when classes are regularly scheduled~~ When school is in session, schools shall provide notice of pesticide applications in accordance with either Section 4C(1) or 4C(2) and with Section 4C(3) 4B(1)and(2). ~~When classes are not regularly~~

~~scheduled~~ school is not in session, notice shall be accomplished by posting of signs as described in Section ~~4C(3)~~ 4B(2) of this ~~chapter~~ rule.

(1) Notice may be given to school staff and parents or guardians of students using a school whenever pesticide applications not exempted by Section 3 are performed inside a school building or on the school grounds, or

~~(2)~~(1) The school ~~may shall provide~~ establish a notification registry whereby persons wishing notification of each application not exempted by Section 3 performed inside a school building or on school grounds to all school staff and parents or guardians of students. may make a written request to be put on the registry list to receive notice whenever pesticide applications not exempted by Section 3 are performed. Notices given shall state, at a minimum: (a) the trade name and EPA Registration number of the pesticide to be applied; (b) the approximate date and time of the application; (c) the location of the application; (d) the reasons for the application; and (e) the name and phone number of the person to whom further inquiry regarding the application may be made. These notices must be sent at least five days prior to the planned application.

~~(3)~~(2) In addition to the notice provisions above, whenever pesticide applications not exempted by Section 3 are performed in a school building or on school grounds, a sign shall be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least forty-eight hours following the application. Posting of the notification signs as required by this Chapter satisfies the posting requirements of Chapter 28 of the Board's regulations.

a. The signs shall ~~be~~:

- ~~i.~~ at least 8.5 inches wide by 11 inches tall for indoor applications;
- ~~ii.~~ at least 5 inches wide by 4 inches tall for outdoor applications;
- ~~iii.~~ made of rigid, weather resistant material that will last at least ninety six (96) hours when placed outdoors; and
- ~~iv.i.~~ be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue, red or green).

b. The signs for indoor applications must bear:

- ~~i.~~ ii. bear the word CAUTION in 72 point type,
- ~~ii.~~ iii. bear the words PESTICIDE APPLICATION NOTICE in 30 point type or larger,
- ~~iii.~~ iv. state any reentry precautions from the pesticide labeling in at least 12 point type,

- ~~iv.~~ the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,
 - v. state the approximate date and time of the application in at least 12 point type, and
 - vi. state the name of the company or licensed applicator making the pesticide application and a contact telephone number in at least 12 point type.
- b. The signs for indoor applications must:
- i. be at least 8.5 inches wide by 11 inches tall,
 - ii. state the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,
 - ~~vi.~~iii. state the location of the application in at least 12 point type, and
 - ~~vii.~~iv. state the reason(s) for the application in at least 12 point type, and
 - viii. the name and phone number in at least 12 point type of the person to whom further inquiry may be made regarding the application.
- c. The signs for outdoor applications must bear:
- ~~i.~~ the word CAUTION in 72 point type,
 - ~~ii.~~ the words PESTICIDE APPLICATION in 30 point type or larger,
 - i. be at least 5 inches wide by 4 inches tall,
 - ii. be made of rigid, weather-resistant material that will last at least ninety-six (96) hours when placed outdoors,
 - iii. bear the Board designated symbol (see appendix A), and
 - ~~iv.~~ any reentry precautions from the pesticide labeling in at least 12 point type,
 - ~~v.~~ the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,
 - ~~vi.~~ the approximate date and time of the application in at least 12 point type,
 - ~~vii.~~iv. the location of the application in at least 12 point type, state a date and/or time to remove the sign.

- viii. ~~the reason(s) for the application in at least 12 point type, and~~
- ix. ~~the name and phone number of the person to whom further inquiry regarding the application may be made in at least 12 point type.~~

Section 5. Integrated Pest Management Techniques

- A. All pest management activities shall be undertaken with the recognition that it is the policy of the State to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application. In all cases, applications should be conducted in a manner to minimize human risk to the maximum extent practicable using currently available technology.
- B. All pest management activities should be conducted using appropriate elements of integrated pest management as described in the latest Cooperative Extension or Department of Agriculture training manuals for pest management in and/or on school property. Pest management activities should also be conducted in accordance with the Best Management Practices for Athletic Fields & School Grounds, or other applicable Best Management Practices approved by the Board. ~~In all cases, applications should be conducted in a manner to minimize human risk to the maximum extent practicable using currently available technology.~~
- BC. Prior to any pesticide application the following steps must be taken and recorded:
 - (1) monitor for pest presence or conditions conducive to a pest outbreak,
 - (2) identify the pest specifically,
 - (3) determine that the pest population exceeds acceptable safety, economic or aesthetic threshold levels, and
 - (4) utilize non-pesticide control measures that have been demonstrated to be practicable, effective and affordable.
- ED. When a pesticide application is deemed necessary, the applicator must comply with all the requirements of Chapter 31 – Certification and Licensing Provisions/Commercial Applicator. The applicator must also take into account the toxicity of recommended products and choose lowest risk products based on efficacy, the potential for exposure, the signal word on the pesticide label, the material safety data sheet, other toxicology data and any other label language indicating special problems such as toxicity to wildlife or likelihood of contaminating surface or ground water.
- DE. Indoor pesticide use must be limited to placement of baits and wall void or crack and crevice and pool and spa disinfectant treatments unless the pest threatens the health and safety of persons in the buildings as determined by the school's integrated pest management coordinator.

- ~~EF.~~ Pesticide applications must not be conducted when people are in the same room to be treated except that applicators may set out bait blocks, pastes or gels when only informed staff members are present. When space, spot, surface or fumigation applications are conducted the ventilation and air conditioning systems in the area must be shut off or the entire building must be evacuated. Applications should be planned to occur on weekends or vacations to allow maximum time for sprays to dry and vapors to dissipate.
- ~~FG.~~ Outdoor applications should be scheduled so as to allow the maximum time for sprays to dry and vapors to dissipate and shall not occur when unprotected persons are in the target area or in such proximity as to likely result in unconsenting exposure to pesticides. Applications must also be conducted in accordance with all other applicable Board regulations designed for minimizing pesticide drift and posting of treated sites. Spot treatments should be considered in lieu of broadcast applications.
- ~~H.~~ ~~The Integrated Pest Management Coordinator must maintain records of pest monitoring as well as the same pesticide application information required in Section 1.A. of Chapter 50—Record Keeping & Reporting Requirements for a period of two years following all pesticide applications performed along with the labels and material safety data sheets for all products used in or on school property.~~

Section 6. Requirements for Commercial Pesticide Applicators Making Applications in School Buildings or on School Grounds

- A. Prior to conducting a pesticide application not exempted in Section 3 in a school building or on school grounds, commercial pesticide applicators shall obtain written authorization from the IPM Coordinator. Authorization must be specific to each application and given no more than 10 days prior to the planned application.
- B. Commercial pesticide applicators shall, within one business day of each pesticide application, provide the IPM Coordinator with a written record of the application including the date, time, location, trade name of the product applied, EPA Registration number and the name of the licensed applicator. If the product has no EPA Registration number then the applicator will provide a copy of the label.
- C. Commercial pesticide applicators shall inform the IPM Coordinator about any pest monitoring activity and results. If it is acceptable to the IPM Coordinator, this may be achieved by recording them in the Pest Management Activity Log.

STATUTORY AUTHORITY: 7 M.R.S.A. §§ 601-625 and 22 M.R.S.A. §§ 1471-A-X.

EFFECTIVE DATE:

August 30, 2003, filing 2002-408 accepted October 24, 2002.

AMENDED:

July 5, 2005 – filing 2005-266

March 4, 2007 – Section 3(C), filing 2007-67

Appendix A

Board Designated Symbol for Posting Outdoor Pesticide Applications to School Grounds



SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

TESTIMONY GIVEN AT SEPTEMBER 7, 2012 PUBLIC HEARING		
Person/Affiliation	Summary of Testimony	Board Response
Deven Morrill, Lucas Tree	<p>Concerns: Questions excluding golf courses from the definition of school grounds. The proposed requirement that parents sign and return the annual notification form. He feels IPM already minimizes the use of pesticides. Does not support the proposed requirement under 6.A(2) because it shifts responsibility for notification to the commercial applicator.</p> <p>Suggestions: Make definition of school grounds only include property owned by the school. Delete the proposed statement in 5A about avoiding aesthetic applications.</p>	The Board clarified that it was attempting to narrow the definition of school grounds by exempting private property that is used primarily for non-school activities. The Board agreed that requirement to have parents sign and return a form about pesticide notification was unwarranted given the few times that schools make applications requiring notice. It also voted to strike the sentence about avoiding applications strictly for aesthetic purposes.
Heather Spalding, Maine Organic Farmers and Gardeners Association	<p>Concerns: The harmful effects of pesticides on children. She reminded Board members about the original intent of the legislation which ultimately led to the report and this rulemaking effort.</p> <p>Supports: Restrictions on the use of pesticides at schools and daycares and increased use of organic land care practices on school grounds.</p>	The Board was mindful of the concerns outlined and included provisions that should strengthen the use of IPM principles on school grounds.

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Lisa Roy, Health Inspection Program, State of Maine	<p>Suggestions: Require schools to follow Maine Food Code requirements; require notification to parents following an incident.</p>	The Board noted that the rule already states that a commercial pesticide applicator's license is required in the school setting, but it did not find the rule a logical place to reference food handling rules.
June Boston, Boston Co. Golf & Athletic Fields	<p>Concerns: Contractor should not have to do the job of the IPM Coordinator.</p> <p>Suggestion: Remove Section 6.A(2).</p>	The Board agreed and removed Section 6.A(2).

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Laurie Wolfrum	Concerns: Rule does not do enough to ensure safety of children. Suggestions: Do not exempt agricultural fields, nursery plot and greenhouses. If left exempt, require advance notification. Do not allow pesticide applications for cosmetic purposes.	The Board noted that the proposed exemption for agricultural activities requires that students and parents be informed about the potential for pesticide applications and that any applications be posted consistent with the rule. The Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and was not sure it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose. Consequently, it voted to strike reference to aesthetic (cosmetic) use of pesticides.
Julie Forbes, ND, North Bridgton, Maine	Supports proposed amendments; feels they strengthen the protections for children.	The Board agreed.
Amy Dietrich, Camden, Maine	Suggestions: No pesticides at school; do not exempt agricultural fields, nursery plots or greenhouses; do not allow IPM Coordinator to choose to use pesticides.	The Board observed that the Maine Legislature had the opportunity to eliminate most pesticide use on school grounds and elected not to. Consequently, it believed it was not its role to ban pesticide use on school grounds.

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Jody Spear, Brooksville, Maine	<p>Concerns: Allowing pesticide use on school grounds for cosmetic purposes is bad policy. Believes that organic pest management and land management practices will result in lower costs and a safer environment for children. Cites a study in Florida in which sanitation and maintenance practices reduced indoor use of pesticide over 90%. Section 5.A states aesthetic uses should be avoided, while 5.C states the aesthetic threshold must be met. Does not support any exemptions for agricultural/horticultural areas. Questions the consequences when a school fails to adopt an IPM policy. Wonders what the training will consist of for IPM Coordinators. The Pest Management Activity Log is not required to describe reasons why pesticides are applied. Questioned why MSDSs are no longer part of the required records. Section 3.B(3) is unclear as to the actual meaning. Questioned the intention of exemptions and disagreed with exempting agricultural facilities from the notification requirements.</p> <p>Suggestions: Believes that parents should receive advance notice of all pesticide applications made at schools. Section 3.C should make it clear that unlicensed school employees are not allowed to make mosquito control applications. Believes that “cosmetic” is the more accurate word to use when describing the Board’s policy on pesticide use on school grounds. The IPM Coordinator should inform the commercial applicator about the notification requirements, and not vice versa. Monitoring results should be the basis for pesticide applications and routine applications should be prohibited in the rule. Promotes the use of organic pest management practices on school grounds and sanitation and maintenance to reduce the need for indoor pesticide use.</p>	<p>The Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and was not sure it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose.</p> <p>The Board agreed that sanitation and maintenance are key components of IPM. It noted that the proposed exemption for agricultural activities requires that students and parents be informed about the potential for pesticide applications and that any applications be posted consistent with the rule. The Board agreed that the IPM Coordinator should take full responsibility for the notification requirements.</p> <p>The Board did not agree that low risk pesticide applications should require notification of parents. It supports the use of lowest risk/sustainable land care practices, but did not feel it is appropriate to limit practices to organic approaches only.</p> <p>The Board reordered the Pest Management Activity Log so that non-pesticide strategies are listed before pesticide applications are.</p>

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Leora Rabin, MD, Maine Medical Center, Portland, Maine	Concerns: Amendments decrease restrictions on the use of pesticides at schools. Suggestions: Increase regulations and minimize the use of pesticides.	The Board believes the proposed amendment will further promote use of IPM on school grounds.
Margery Forbes, Blue Hill, Maine	Concerns: Pesticides should not be used on school grounds; IPM Coordinator may not be interested in non-toxic methods. Suggestions: Revise rule to include non-toxic methods used to manage weeds and bugs.	The Board observed that the Maine Legislature had the opportunity to eliminate most pesticide use on school grounds and elected not to. Consequently, it believed it was not its role to ban pesticide use on school grounds. It also believes that the current rule promotes use of the lowest risk pest management approaches.
Ann Mullen, Belfast, Maine	Concerns: Students should not be treated as mini adults, subject to the Worker Protection Standard, which do not go far enough to protect adults; children are vulnerable to chemicals. Suggestions: Do not allow pesticides for aesthetic reasons; only allow pesticides for emergencies; require the use of safer, least-toxic products; no exceptions for parental notification; do not allow students to be trained as agricultural workers.	The Board reviewed the question of WPS training and concluded that it is valuable for students learning agricultural skills. WPS training is intended for people working long hours in direct contact with treated crops. Students are not allowed to apply pesticides in school settings and any contact with treated foliage will likely be minimal. The Board observed that the Maine Legislature had the opportunity to eliminate most pesticide use on school grounds and elected not to. Consequently, it believed it was not its role to ban pesticide use on school grounds. Further, the Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and was not sure it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose.
Beedy Parker, Camden, Maine		
Carol Howell, Jefferson, Maine		
Erica Rudloff, Exeter, Maine		
Heather Evans, South Portland, Maine		
Paul Breeden, Sullivan, Maine		
Scott Gaiason, Lisbon Falls Maine		
Suzanne Hachey, Stetson Maine		

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Jayne Chase, Marlborough, New Hampshire		
Kathryn Stevens, Brunswick Maine		
Mary Owen, Augusta, Maine		
Molly Stone, Camden, Maine		
Natalie Lounsbury, Auburn, Maine		
Prescott McCurdy, Harpwell, Maine		
Read McNamara, Alfred, Maine		
Alice Sheppard, Presque Isle, Maine		
Alyssa Owens, Keene, New Hampshire	<p>Concerns: Pesticides are not safe; testing does not include synergistic effect of multiple pesticides; pesticides are ineffective long-term solutions.</p> <p>Suggestions: Be prudent with the use of synthetic pesticides.</p>	The Board believes that the IPM/BMP guidance minimizes the risks of pesticide use in school settings.
Marsha Smith, Camden, Maine	<p>Concerns: Teaching students that it's okay to poison environment; teachers are as susceptible to health hazards as students.</p>	The Board believes that the IPM/BMP guidance minimizes the risks of pesticide use in school settings

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Abigail King, Natural Resources Council of Maine, Augusta, Maine	<p>Supports: Improvements around notification, record-keeping and training.</p> <p>Concerns: Statement about aesthetic purposes is not strong enough.</p> <p>Suggestions: Ban the use of pesticides for aesthetic purposes; require schools to use only organic land care.</p>	<p>The Board agreed that the proposed amendments will improve the operation of the rule.</p> <p>The Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and was not sure it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose.</p>
Nichelle Harriott, Staff Scientist, and Jay Feldman, Executive Director, Beyond Pesticides	<p>Concerns: Children are especially vulnerable to the harmful effects of pesticides. Opposed to aesthetic use of pesticides. Section 5.A states aesthetic uses should be avoided, but 5.C states pesticides should only be used when the aesthetic threshold has been exceeded. They oppose the substitution of WPS worker training for proper notification.</p> <p>Suggestions: IPM guidance should be clearer about eliminating unnecessary pesticide use and promoting the least toxic approach to pest management. Training for IPM Coordinators is not defined and should stress pest prevention and cultural strategies with least toxic pesticide use as a last resort. The proposed pest management activity log should focus on the steps taken before the application and the reason for using a pesticide. Notification should cover all pesticide applications and should be provided to all staff, student and parents.</p>	<p>The Board agrees that children constitute a sensitive population and that’s why there is a rule designed to minimize the risks of pesticide use in the school setting. The Board decided it was not practical to determine what constitutes “aesthetic” use of pesticides and was not sure it was the Board’s role to determine whether municipalities and private schools should be allowed to use pesticides for that purpose. Use of the least toxic approach does not adequately evaluate the true risk, which is also dependent on the level of exposure and any risks associated with non-pesticidal approaches. The Board agreed that non-pesticide strategies should be listed on the log sheet before pesticide application entries.</p>

SUMMARY OF COMMENTS—CHAPTER 27—SEPTEMBER 2012

WRITTEN COMMENTS RECEIVED BY SEPTEMBER 28, 2012		
Person/Affiliation	Summary of Comments	Board Response
Ed Antz, Maine School Management Association	<p>Concerns: The proposed training requirements for IPM Coordinators are not clearly defined and are potentially unreasonably burdensome. Notifying the BPC about the identity of the IPM Coordinator within two weeks of the beginning of the school year is not a customary approach, and the timing coincides with the busiest period of the school year. Requiring the IPM Coordinator to authorize pesticide applications is unnecessary and burdensome because applications are already authorized through written contracts. Opposes the new proposal to have parents sign and return the annual notification form and questions the purpose of Section 4.B of the amendment “when school is in session.”</p> <p>Supports: Shifting responsibilities to the commercial applicators, since they are paid professionals and are familiar with pesticide laws.</p> <p>Suggestions: One-time 20-minute awareness training video should be sufficient for IPM Coordinators.</p>	<p>The Board altered the training requirement so that newly appointed IPM Coordinators will simply have to read an overview of the key requirements initially and will have one year to complete a comprehensive training course. Only high risk pesticide applications will need to be authorized by the IPM coordinator, which is logical because these applications require the Coordinator to implement notification requirements prior to the application. The Board agreed that the proposed requirement for parents to sign and return an annual notification form was unreasonable given that most schools are not having applications made that require notice. The Board agreed that commercial applicators should have some responsibilities under the rule.</p>