

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>