



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB
COMMISSIONER
HENRY S. JENNINGS
DIRECTOR

BOARD OF PESTICIDES CONTROL

September 12, 2014

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

AGENDA

8:30 AM

1. Introductions of Board and Staff
2. Minutes of the August 8, 2014 Board Meeting
Presentation By: Henry Jennings
Director
Action Needed: Amend and/or Approve
3. Workshop Session to Review the Rulemaking Record on the Proposed Amendments to Chapters 20, 22, 28, 31, 32, 33 and 41

(Note: No additional public comments may be accepted at this time.)

On July 16, 2014, a Notice of Agency Rulemaking Proposal was published in Maine's daily newspapers, opening the comment period on the proposed amendments to Chapters 20, 22, 28, 31, 32, 33 and 41. A public hearing was held on August 8, 2014 at the AMHI Complex, Deering Building, in Augusta, and the written comment period closed at 5:00 PM on August 22, 2014. Three people spoke at the public hearing and nine written comments were received by the close of the comment period. The Board will now review the rulemaking comments and determine how it wishes to proceed with the rulemaking proposals.

Presentation by: Henry Jennings
Director

Action Needed: Discussion and determination on how the Board wishes to proceed with the rulemaking proposals

4. Consideration of a Consent Agreement with Maine Organic Therapy of Ellsworth, Maine

On June 3, 1998 the Board amended its Enforcement Protocol to authorize staff to work with the Attorney General and negotiate consent agreements in advance on matters not involving substantial threats to the environment or public health. This procedure was designed for cases where there is no dispute of material facts or law, and the violator admits to the violation and acknowledges a willingness to pay a fine to resolve the matter. This case involved use of an unregistered pesticide and use of pesticides inconsistent with the product labels.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Approve/Disapprove the Consent Agreement Negotiated by Staff

5. Other Old or New Business

- a. ERAC sampling update—M. Tomlinson
- b. Pollinator Health and Safety Conference update—G. Fish
- c. Other?

6. Schedule of Future Meetings

October 24, and December 5, 2014 are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Note: Interest was expressed in having a meeting during the Agricultural Trades Show again next year. The Show is scheduled for January 13-15, 2015.

Action Needed: Adjustments and/or Additional Dates?

7. Adjourn

NOTES

- The Board Meeting Agenda and most supporting documents are posted one week before the meeting on the Board website at www.thinkfirstspraylast.org.
- Any person wishing to receive notices and agendas for meetings of the Board, Medical Advisory Committee, or Environmental Risk Advisory Committee must submit a request in writing to the Board's office. Any person with technical expertise who would like to volunteer for service on either committee is invited to submit their resume for future consideration.
- On November 16, 2007, the Board adopted the following policy for submission and distribution of comments and information when conducting routine business (product registration, variances, enforcement actions, etc.):
 - *For regular, non-rulemaking business*, the Board will accept pesticide-related letters, reports, and articles. Reports and articles must be from peer-reviewed journals. E-mail, hard copy, or fax should be sent to the attention of Anne Bills, at the Board's office or anne.bills@maine.gov. In order for the Board to receive this information in time for distribution and consideration at its next meeting, all communications must be received by 8:00 AM, three days prior to the Board meeting date (e.g., if the meeting is on a Friday, the deadline would be Tuesday at 8:00 AM). Any information received after the deadline will be held over for the next meeting.
- During rulemaking, when proposing new or amending old regulations, the Board is subject to the requirements of the APA (Administrative Procedures Act), and comments must be taken according to the rules established by the Legislature.



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BOARD OF PESTICIDES CONTROL

August 8, 2014

AMHI Complex, 90 Blossom Lane, Deering Building, Room 319, Augusta, Maine

MINUTES

8:30 AM

Present: Granger, Stevenson, Morrill, Jemison, Bohlen, Eckert

1. Introductions of Board and Staff

- The Board, Staff, and Assistant Attorney General Randlett, introduced themselves.
- Staff Present: Chamberlain, Connors, Fish, Hicks, Jennings, Patterson

2. Public Hearing on Proposed Rule Amendments to Chapters 20, 22, 28, 31, 32, 33, and 41

The Board will hear testimony on the proposed amendments to the following seven rules:

- **Chapter 20 Special Provisions**—Add a requirement for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. This requirement is currently in policy.
- **Chapter 22 Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition**—Improve the effectiveness of the rule by eliminating the requirement of identifying sensitive areas for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (industrial/commercial/municipal vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Applications conducted under category 6A and to sidewalks and trails under category 6B will require the applicator to implement a drift management plan.
- **Chapter 28 Notification Provisions for Outdoor Pesticide Applications**—Add to the list of categories that require posting: 6B (industrial/commercial/municipal vegetation management) except when making applications to sidewalks and trails, and 7E (biting fly & other arthropod vectors [ticks]). Require advance notice be published in a newspaper for applications conducted under 6A (rights-of-way vegetation management), and to sidewalks and trails under 6B (industrial/commercial/municipal vegetation management). This aligns with the proposed amendments to Chapter 22, eliminating the requirement for mapping sensitive areas, in lieu of posting or public notice.
- **Chapter 31 Certification and Licensing Provisions/Commercial Applicators**—Three amendments are proposed:

1. Clarify that certain applications are exempt from commercial licensing requirements. These are currently in policy:
 - Adults applying repellents to children with the written consent of parents/guardians;
 - Persons installing antimicrobial metal hardware.
2. Exempt aerial applicators certified in other states from passing a written regulation exam and allow for issuance of reciprocal licensing when the staff determines that an urgent pest issue exists and when staff verbally reviews pertinent Maine laws with the applicator.
3. Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.

- **Chapter 32 Certification and Licensing Provisions/Private Applicator**—Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.
- **Chapter 33 Certification & Licensing Provisions/Private Applicators of General Use Pesticides (Agricultural Basic License)**—Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.
- **Chapter 41 Special Restrictions on Pesticide Use**—Amend Section 3 to eliminate the restrictions on hexazinone relative to pesticide distributors and air-assisted application equipment.
 - **See summary of comments for information on the hearing**

3. Minutes of the June 27, 2014, Board Meeting

Presentation By: Henry Jennings
Director

Action Needed: Amend and/or Approve

- Item 5, bullet 4, change egress to ingress
- Item 5, bullet 6, Herczeg is misspelled
 - **Stevenson/Eckert: Moved and seconded to approve the June minutes as amended.**
 - **In favor: Unanimous**

4. Final Adoption of Amendments to Chapters 20, 22 and 51

The Board held a public hearing on proposed amendments to Chapters 20, 22, and 51 on March 1, 2013. The proposed amendments were intended to allow governmental entities to conduct public-health-related, mosquito-control programs in the event of an elevated mosquito-borne disease threat. The Board reviewed the comments on April 12, 2013, and provisionally adopted revised proposals on May 24, 2013. The Joint Standing Committee on Agriculture, Conservation and Forestry held public hearings and work sessions on the provisionally adopted rules on June 26, 2013, and January 14, 2014, and a work session on January 23, 2014. The Committee voted to recommend authorizing final adoption in a divided report on January 28, 2014, and three resolves became law on February 26, 2014. Since the resolves were not passed as emergency legislation, they did not become effective until August 1, 2014. The Board has 60 days from the effective dates of the resolves to finally adopt the rules.

Presentation By: Henry Jennings
Director

Action Needed: Final Adoption of the Rule, Basis Statement, Rulemaking Statement of Impact on Small Business, and Response to Comments for Chapters 20, 22, and 51

- **Eckert/Granger: Moved and seconded to adopt the rule as amended, the basis statement, the impact on small business, the summary of comments and responses for Chapter 20 as written.**
- **In favor: Unanimous**

- **Eckert/Jemison: Moved and seconded to adopt the rule as amended, the basis statement, the impact on small business, the summary of comments and responses for Chapter 22 as written.**
- **In favor: Unanimous**

- **Eckert/Jemison: Moved and seconded to adopt the rule as amended, the basis statement, the impact on small business, the summary of comments and responses for Chapter 51 as written.**
- **In favor: Unanimous**

5. Consideration of a Board Policy Interpreting “Food Production” for the Purposes of Determining Applicability of Public Law 2011, Chapter 169

Public Law 2011, Chapter 169, “An Act To Require Certification of Private Applicators of General Use Pesticides,” requires anyone who grows and sells more than \$1,000 worth of edible plants annually to become certified if they use general-use pesticides in “food production.” A number of questions have arisen about what constitutes “food production” for the purposes of the licensing requirement. At the June 27, 2014, meeting, the Board reviewed questions and discussed what it thought the legislative intent was. After reaching consensus, the Board directed the staff to draft an interim enforcement policy for review at a future meeting. The staff has prepared a draft policy for the Board’s consideration.

Presentation By: Henry Jennings
Director

Action Needed: Approve/Revise Draft Policy

- Fish referred to the draft policy in the board packet. He explained that it is important to be clear about who does and doesn’t need to be licensed, especially as the 2015 deadline approaches. The draft is based on the discussion which took place at the last meeting.
- Fish questioned the last sentence in the draft. Jennings explained that it was a revision of a sentence about applications being done in a greenhouse when food crops are present, for instance on petunias in one corner of the greenhouse while tomatoes are in the other corner. The original sentence would have required a license whenever applications were made in the vicinity of a food crop, which Jennings did not think was consistent with the previous Board discussion or the statutory language. He noted that crops grown outside, where food and non-food crops are present, are not in the spirit of the law unless an application was done in a manner that it would leave residue everywhere.

- Morrill questioned whether adding fumigations, etc. in the last bullet muddled the issue. Jemison said that the bullet clarified things, but the last sentence muddled them.
- Morrill stated that in his opinion if something is sprayed and it drifts onto food crops, then it is in effect a foliar application to a food crop.
- Jennings said the last bullet lacks specificity around where the application is happening.
- Bohlen noted that this policy is specifically around licensing. If somebody came to us who was growing tomatoes next to petunias and they sprayed the petunias, we would clearly like them to have a license. If they are growing food crops and applying pesticides nearby, they should be strongly encouraged to be licensed. Jennings noted that something like that should probably be separate from the policy.
- Jennings pointed out that the Legislature used the term “food production” and it is up to the Board to figure out what that means in this context. If the Board wants to encourage growers in the gray area to be licensed, they can, but not in this policy. This policy is trying to clarify the Legislature’s intent.
- Fish noted that if a grower is using pesticides on petunias then 99 percent of the time they’ll also be using them on their food crops and will be licensed.
 - **Morrill/Eckert: Moved and seconded to amend the draft policy by removing the last sentence and adopt as final.**
 - **In favor: Unanimous**

6. Interpretation of CMR 01-01A, Chapter 24, Section 7(D)

Chapter 24, Section 7(D) requires that, “Any outdoor pesticide display area must be securely fenced and must have a roof to protect the material from the elements.” When the original rule was adopted, the Board wanted to make sure that pesticides stored at distributors were protected from vandalism and the weather. Some questions have arisen about how this requirement should be applied in certain circumstances.

Presentation By: Raymond Connors
Manager of Compliance

Action Needed: Provide Guidance to the Compliance Staff

- Connors referred to the staff memo, noting that the staff needs clarification on what it means to be “securely fenced.” Some places, rather than fence the pesticides themselves, have a partial fence around the facility, where there’s a gate so cars can’t get through, but people can walk around. Does that meet the spirit of the rule?
- Granger asked whether the issue is pesticides being stolen or customers not being counseled in how to use the products. Connors said that he thought it was about preventing unauthorized loss of materials or vandalism.
- Eckert said that as she remembers the rule being written they were thinking about outdoor plant areas where stores may have some pesticides and other things located and were trying to make sure they were secure, as in a hurricane, not get blown around.
- Connors noted that this part of the rule is about self-storage areas; customers have access to it as opposed to a storage area that only store employees have access to.
- Morrill asked if there have been issues with pesticides being stored outside getting wet or stolen. Connors replied that it has not been a major problem, but the staff would like some clarity so when an inspector comes across different scenarios he/she can know what is sufficient.
- Eckert noted that problem might be in the word “fence” when there may be other ways to secure the products.

- Connors asked whether a facility that had a gate across the entryway into the facility so a car couldn't drive in, and was set back from the road, but had pesticides on the porch of the building, would be considered securely fenced.
- Bohlen said if the risk is vandalism, thinking about teenagers who have had too much to drink and are out to cause trouble, can they get to it; if they can, then it is not secure enough. A major storm event is a different risk, hopefully the owner would want to protect their products anyway. This is a difficult area for the Board to regulate. Bohlen would argue that a gate across the driveway with no associated fence is not secure enough; it is easy for somebody to walk in and do something stupid.
- Jennings noted that these are mostly bags of solids, weed-and-feed, etc.
- Morrill said if the store is staffed, then that's okay; if someone can just drive in and pick up a pallet, then that's not okay.
- Eckert said (during the initial rulemaking process) they were thinking about major events like fires and hurricanes. The other concern was stores like Mardens that had a self-service display which was not secure and the bags were easily ripped, material being dragged all over the store on people's feet. The Board was trying to protect against those types of things.
- Jennings noted that originally a lot of stores had weed-and-feed products right out in the parking lot, and they were in paper bags, not weather-resistant bags. There was concern about leaching; that's why they put in requirement for a roof.
- Granger said that he is concerned about practicality. Ames Supply on Route 1 in Woolwich has all kinds of stuff out in front of the store, under cover but still out in the open. Customers come in and pick up; he assumes it's all weed-and-feed. There are options; if they want to have the products out there, they are going to have to put up gates or move the material inside every night, or they can make customers order and pick up materials out back, or move the products indoors, which might be more of a risk. Better outside than inside a confined space. If it were an economic problem they would be securing them.
- Morrill noted that the wording is "securely fenced" and is not specific about the type of fence. What about a moveable gate? Something that delineates the area, if the Board is concerned about open access when the store is closed.
- Stevenson said an alternative is to specify the type of fence, but he would hesitate to do that. Requires making an investment, may change the look of the property. The Board would have to weigh costs of implementing requirements against what problem we're trying to solve. If vandalism is a problem, then the store is already going to deal with it.
- Eckert suggested changing the language to "must be secure" as opposed to being fenced. But then the Board would have to define what is secure. She is okay with a gate and fence.
- Connors asked about a partial fence—the front and sides are fenced, but not the back of property.
- Stevenson suggested that the staff make the decision in the field based on the specific circumstances. Look at what is the product—it seems unlikely that someone would take a bag of weed-and-feed—how much harm could they do with it?
- Morrill asked what would be involved with changing the rule. Jennings replied that it would need to go through rule-making, but noted that the Board could provide guidance without doing that. Currently the inspectors have some level of discomfort. If it's a pallet of weed-and-feed they're uncomfortable telling the store that they have to spend \$10,000 on a fence. How strictly does the Board want this enforced?
- Patterson noted that there are other ways the stores are securing the products. To make them move it causes undue hardship and might not solve the problem in a better way. Inspectors could just force the letter of the law, but a store's current solution may work fine, but not follow the letter.
- Eckert suggested that the staff work with the stores.

- Morrill said he liked the idea of “secure.” Look to your gut as to what the intention is; to prevent theft or leaching or unauthorized contact with products.
- Patterson noted that another thing that happens is a store is told they need a fence and they put up something that’s not really adequate, like a snow fence or a barricade of peat moss bales.
- Connors and Patterson agreed that the Board had given them sufficient guidance.
 - **Consensus was reached to add to the list of items for rule-making.**

7. Interpretation of CMR 01-026, Chapter 31, Section 1(E)(IV)

Section 1(E) of Chapter 31 currently lists four “exemptions,” presumably to the requirements for a commercial applicator’s license. The fourth exemption reads, “Certified or Licensed Wastewater or Drinking Water Operators.” A question has arisen about the intended scope of this exemption.

Presentation By: Gary Fish
 Manager of Pesticide Programs

Action Needed: Provide Guidance to the Staff

- Fish explained that the intent in Chapter 31 was for wastewater and drinking water operators to be exempt from needing a commercial license when using disinfectants to control microbes in drinking and waste water. York Water District has a pond that they want to treat with copper sulfate. While this is treating water that is going to be drinking water, he does not think it is what the Board originally intended. The exemption is for when they bring water into a treatment plant and treat it right before sending out for distribution; this is more of a wide-area treatment next to where the input is. Clarification is needed.
- Fish said there are also cases where people who work for a water district want to do herbicide treatments adjacent to the water supply, usually to take out invasive plants. We have allowed them to do that without additional licenses. In other situations they are asked to take care of weeds around buildings, fences, etc. Fish had a call the other day about poison ivy on a five-mile fence around the property. He had interpreted that circumstance as needing a license because they don’t get training for that with their wastewater treatment license.
- Jemison agreed that they are trained for use of disinfectants, not wide use of pesticides. Copper sulfate is especially worrisome, it has a “Danger” label, applicators don’t want to make mistakes with it. He feels strongly that someone should have appropriate training to use it.
- Eckert noted that the intent at the time was to identify people that had other training and certification that was essentially equivalent; whatever they’re trained for, we could let them do without a license, but poison ivy control is outside of that.
- Morrill remarked that if they are treating water, they’re probably pretty good at it, but treating fence lines is different and they should not be exempt from licensing. He asked what the training the personnel in York have. Fish replied that they are mostly trained for doing injections. He discussed concerns with Teresa Trott, Department of Health and Human Services, Center for Disease Control, and she felt it was not a good idea for them to be doing this type of application (copper sulfate) without a license, that they did not have that type of training.
- Bohlen noted that is directly related to the water; if they don’t do the application it will affect what happens inside the plant. It is directly related to the disinfecting that needs to happen. The people at the water districts don’t want people drinking copper sulfate so they’re not doing these treatments unless they have to. The Board needs to find out whether they’re receiving training on this. He is concerned that they might do this without proper training.
- Jennings said that once you’re treating surface water you’re getting into the whole NPDES and the permit piece, so if we don’t require licensing, how can we be sure they are aware of all the

requirements? He has concerns about operators moving outdoors and treating ponds based on the certification they have. A big part of it is calculating the amount of water and how to determine how much pesticide to use. He is not sure they're getting that kind of training.

- Bohlen said that the people he has dealt with are in touch with the regulatory agencies; everyone is looking over their shoulders. Not worried about the big districts, they will be aware of the regulations, but there are some providing water for 30-40 houses; what is their training?
 - Fish commented that the drinking water people are tied in with DEP; he's more worried about wastewater people. Bohlen said that the large wastewater plants already have NPDES permits.
 - Stevenson asked whether the training BPC gives would be appropriate for this. Fish replied that it would not be perfect, but would be adequate. It does cover the volumetric calculations to determine how much water you're treating and application rates, especially looking at different depths and water circulations so you're getting the correct concentrations throughout. IF&W has the most experience with this, sometimes even they have problems because of water coming in, not an easy thing to do.
 - Stevenson asked whether there's any question of liability for the Board if they choose not to require a license. Randlett said there is no liability concern; even if there were some negligence or failure, as a state agency the Board would be exempt.
 - Stevenson said even if there is no legal liability, would the Board not hold some responsibility? Are we not being irresponsible by saying they don't need a license if this is clearly a pesticide application?
 - Bohlen noted that the language is pretty clear: The way this rule is written, if you are a certified or licensed wastewater operator, you are exempt from licensing, period. This is something that needs to be fixed. In the near term, you could probably have a conversation with them about it. Concerned about language in rule, doesn't say "in pursuit of duties as a water treatment professional". Stevenson pointed out that this is why they think they can treat fence lines and whatnot without an applicator's license.
 - Morrill said that in the near term the Board should provide guidance to staff and suggested that licensed wastewater or drinking water operators should be exempt from pesticide licensing when they are doing applications as part of their duties, actually treating the water in the plant, disinfecting, etc. Once they step outside and do applications to a pond that's publically accessible, or to fence lines, etc., they should be licensed.
- **Consensus was reached consistent with Morrill's suggestion and it was agreed to put on the list for future rulemaking.**

8. Other Old or New Business

a. ERAC sampling update—Mary Tomlinson

- (Note: Tomlinson was not present) Jennings explained that Tomlinson had been spending a lot of time identifying sites along the coast. The lab in Montana couldn't do some of the analyses. After considerable research, Mary found a lab in San Antonio, Southwest Research Institute (SWRI) that will test for pyrethroids, methoprene and fipronil. The team is planning on sampling 20 sites; water and sediment samples to both labs, the staff is also trying to get the state lab to do some testing. The staff will also send samples to Orono for analyses of grain size. The team is also looking for soluble pesticides in water that may potentially impact marine organisms. The Montana lab can test for 96 analytes in one sample. SWRI will test for methoprene, fipronil, pyrethrin, and pyrethroids that other labs don't do. It's difficult because it's a mix. Testing is time-sensitive because the staff is trying to capture storm water.

- Bohlen noted that he has been working with Tomlinson on researching sampling sites. They did a scan of the Maine coast for areas with tidal flats that were accessible. In southern Maine, they are looking at urban or suburban landscapes. They are deliberately biasing samples toward where we're most likely to find something. In eastern Maine they are looking more at agricultural fields.
 - Morrill asked whether there would be any samples in deeper water. Bohlen said perhaps next year they'll look at deeper water; this year they are focusing on where we're most likely to find something, trying to determine risk pathways. They are biasing samples to get higher properties of risk; shallow water is where the chemicals are most likely to be, and we're not expecting to find most of these substances. If we don't find anything where there is the highest risk, that's a good indication that there is nothing to find.
 - Donna Herczeg asked if there are any sites in Portland. Bohlen said there are only 20 statewide, but at least half a dozen sites are in the greater Portland area: Portland, South Portland, Falmouth, Freeport. Herczeg remarked that she had read recently that 61% of storm drains in Portland drain into Casco Bay. She frequently sees pesticides applied prior to rain, washed right into the storm drain. Bohlen noted that that is what this testing is designed to look for.
- b. Variance permit to Urban Tree Service for control of poison ivy in York, Maine—H. Jennings
 - c. Variance permit to The Lawn Dawg for control of invasive plants in South Portland, Maine—H. Jennings
 - Jennings explained that both variances had been granted based on policies. This is just keeping the Board informed; it's important for the Board to know about them.
 - d. Other—DACF and UMaine Cooperative Extension are co-sponsoring a Pollinator Conference in November. Would really like the Board to participate. Will send details.

9. Schedule of Future Meetings

September 12, October 24, and December 5, 2014, are tentative Board meeting dates. The Board will decide whether to change and/or add dates.

Action Needed: Adjustments and/or Additional Dates?

- Interest was expressed in having a meeting during the Agricultural Trades Show again next year. The Show is scheduled for January 13-15, 2015.

10. Adjourn

- **Morrill/Granger: Moved and seconded to adjourn at 10:25.**
- **In favor: Unanimous**



PAUL R. LEPAGE
GOVERNOR

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WALTER E. WHITCOMB
COMMISSIONER

HENRY S. JENNINGS
DIRECTOR

To: Board Members
From: Henry Jennings, Director
Subject: Staff Observations on Rulemaking Comments
Date: September 12, 2014

The staff has discerned a few apparent themes in the rulemaking comment record that we believe merit careful Board consideration. They are as follows:

1. We identified (as did many commenters) an unintended consequence of the proposal to trade identification of sensitive areas for posting and/or public notification. Chapter 22—which contains the sensitive area identification requirement—only applies to powered equipment. Chapter 28—which contains the posting/notification requirements—applies to all outdoor application of pesticides. So in proposing the trade, we inadvertently created a new notification requirement for many non-powered applications conducted under category 6A (right-of-way) that did not exist before. This was not contemplated by the staff at the time the proposal was drafted.
2. Currently, applicators treating public rights-of-way with powered equipment apply for variances from Chapter 22. The Board's longstanding policy has been to grant variances, conditioned upon the requirement that applicants publish newspaper notification and implement a drift management plan. The Board delegated authority to the staff to renew variances that remain the same from year to year. Commenters, and the staff, are now questioning the efficacy of newspaper notices. So we'll be asking the Board whether a more flexible notification standard may make more sense.
3. Darin Hammond observes that the proposal suggests that implementation of a drift management plan will be a requirement for applications made under categories 6A and for certain applications under category 6B. The Board does not currently define drift management plans in rule. The Board has been requiring Chapter 22 variance applicants to list measures that will minimize pesticide drift as part of the variance permit applications. If the Chapter 22 amendments are adopted, the variance will no longer be required. Therefore, the Board needs to consider what its expectations will be relative drift management plans.

SUMMARY OF COMMENTS—CHAPTERS 20, 22, 28, 31, 32, 33 AND 41—AUGUST 2014

PUBLIC HEARING, AUGUST 8, 2014

END OF COMMENT PERIOD, AUGUST 22, 2014

TESTIMONY AND WRITTEN COMMENTS RECEIVED			
Person/Affiliation	Summary of Testimony	Type of Comment	Board Response
Ted Quaday Maine Organic Farmers and Gardeners Association	Ch. 20 – Supports the proposal to require positive identification of the application site. Questions what the Board policy will require. Supports use of at least two means of identification. Suggests periodic review and updating of the policy. Ch. 28 – Supports public notification of pesticide use. Questions the efficacy of newspaper notices. Suggests revisiting the automated web-based notification system discussed previously by the Board.	Written	
Darin Hammond Jasper Wyman & Son	Ch. 22 – The Board is asking companies to implement drift management plans when spraying under categories 6A and some aspects of 6B. Chapter 22 no longer references a drift management plan. Believes Ch. 22 adequately addresses drift management as it is.	Oral and written	
Nicolas Hahn, Gerry Mirabile Central Maine Power Company	Ch. 22 – Support exempting category 6B from the requirement to identify sensitive areas. Ch. 28 – Believe posting of substations is unnecessary and excessive for substations since access is restricted anyway. Propose exempting restricted-access substations. Oppose publication of advance notice of category 6A applications since they are targeted applications made by non-powered equipment. Propose exempting utility ROWs.	Oral and written comments	

SUMMARY OF COMMENTS—CHAPTERS 20, 22, 28, 31, 32, 33 AND 41—AUGUST 2014

PUBLIC HEARING, AUGUST 8, 2014

END OF COMMENT PERIOD, AUGUST 22, 2014

TESTIMONY AND WRITTEN COMMENTS RECEIVED			
Person/Affiliation	Summary of Testimony	Type of Comment	Board Response
Chris Everest Commercial Applicator	Ch. 22 – Observes there are a lot of sensitive areas to identify for mosquito applications. Ch. 28 – Appreciates that the Board is willing to make changes that alleviate administrative burdens.	Written	
Brian Chateauvert Railroad Weed Control	Ch. 28 – Posting of category 6B areas could be very difficult on the railroad sidings. These are large open areas where the public is normally not allowed.	Oral	Brian Chateauvert Railroad Weed Control
Chuck Cotton Lucas Tree Experts	Ch. 20, 22, 31, 32, 33 and 41 – Supports changes as proposed. Ch. 28 – Observes that the proposed amendments to Ch. 28 include a new newspaper notification requirement for applications made under categories 6A and some aspects of 6B. [The Board has been requiring newspaper notification for variances from Ch. 22, but not for applications that do not require a variance (e.g. non-powered equipment).] Opposes the new requirement mainly because they do a lot of applications on small industrial or residential sites for which newspaper advertising would serve no purpose, might discourage some clients and would therefor damage their business.	Written	

SUMMARY OF COMMENTS—CHAPTERS 20, 22, 28, 31, 32, 33 AND 41—AUGUST 2014

PUBLIC HEARING, AUGUST 8, 2014

END OF COMMENT PERIOD, AUGUST 22, 2014

TESTIMONY AND WRITTEN COMMENTS RECEIVED			
Person/Affiliation	Summary of Testimony	Type of Comment	Board Response
Mark Lamberton Emera Maine	Ch. 28 – Observes that the proposed amendments to Ch. 28 include a new newspaper notification requirement for applications made under categories 6A and some aspects of 6B. [The Board has been requiring newspaper notification for variances from Ch. 22, but not for applications that do not require a variance (e.g. non-powered equipment).] Questions the efficacy of newspaper notices. Notes that utility lines are linear and therefor cross through many towns and are often remote, making them difficult to describe in a way that is meaningful to the public. Additional newspaper and posting requirements would be a financial burden. Proposes exempting category 6A from the newspaper notification and suggests that utility companies include vegetation management information on the company website.	Written	
Glenn Nadeau Emera Maine	Notes discrepancies in the category names as described in various Board rules. Ch. 28 – Clarifies that the proposal will now require newspaper notices for applications made under category 6A [The Board has been requiring newspaper notification for variances from Ch. 22, but not for applications that do not require a variance (e.g. non-powered equipment).].	Written	Glenn Nadeau Emera Maine

SUMMARY OF COMMENTS—CHAPTERS 20, 22, 28, 31, 32, 33 AND 41—AUGUST 2014

PUBLIC HEARING, AUGUST 8, 2014

END OF COMMENT PERIOD, AUGUST 22, 2014

TESTIMONY AND WRITTEN COMMENTS RECEIVED			
Person/Affiliation	Summary of Testimony	Type of Comment	Board Response
Christian Bulleman III Commercial Applicator	Ch. 31 – Questions the exemption for antimicrobial hardware. Unclear whether it applies to UV and IR mechanical systems as written, and believes that it should not.	Written	
Dennis Shellabarger	Ch. 41 – Opposes deregulation of hexazinone as proposed which would no longer prohibit application by air assisted equipment.	Written	Dennis Shellabarger

Chamberlain, Anne

From: DenS <dens@myfairpoint.net>
Sent: Friday, July 18, 2014 6:24 PM
To: Bills, Anne
Subject: Re: Proposed Amendments to Board of Pesticides Control Regulations

Dear Sir,

Ref: Proposed amendment to Chapter 41 Special Restrictions on pesticide use:

I am strongly opposed to any application of hexazinone by air assisted application equipment, of any kind! I am very surprised your organization is proposing this amendment.

Dennis Shellabarger

From: Bills, Anne
Sent: Thursday, July 17, 2014 11:35 AM
To: Fish, Gary
Subject: Proposed Amendments to Board of Pesticides Control Regulations

The Maine Board of Pesticides Control is proposing amendments to regulations

If you have suggestions or comments on any of the proposed amendments, we urge you to attend the Public Hearing or to submit written comments. Either way, your comments are appreciated and will be considered equally.

Thank you for your help.

PUBLIC HEARING: Friday, August 8, 2014 at 8:30 AM at 90 Blossom Lane, Deering Building, Room 319, Augusta.

WRITTEN COMMENTS: Accepted until **5:00 PM August 22, 2014**. They should be sent to Henry Jennings, 28 State House Station, Augusta, ME 04330 or emailed to henry.jennings@maine.gov

Download regulations with proposed changes at <http://www.maine.gov/dacf/php/pesticides/rulemaking.html>

Description of proposed amendments:

Chapter 20 Special Provisions—Add a requirement for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. This requirement is currently in policy.



P.O. Box 958, Portland, Maine 04104 (207) 797-7294

August 7, 2014

Maine Board of Pesticides Control
28 State House Station
Augusta, Maine 04333-0028

Dear Pesticide Board Members:

The Lucas Tree Expert Company appreciates the opportunity to comment on the proposed changes to the current regulations. We are in favor of the changes to Chapters 20, 22, 31, 32, 33 and 41 as described but have concerns with the proposed changes to Chapter 28.

The portion of the Chapter 28 changes requiring posting for 7E seem reasonable. However, we oppose the portion of Chapter 28 requiring newspaper notification for 6A and 6B for the following reasons.

- The way the regulation is written currently, as long as all sensitive areas are identified, the application may take place. There are no notification provisions. If notification provisions are not necessary now, we do not feel they are necessary after the changes. Identifying sensitive areas does not equate to notification.
- In the proposed changes, it now appears to be including all 6A and 6B applications in notification, powered and non-powered. The current rule of identifying sensitive areas only includes applications with motorized equipment. This is a drastic change of inclusion, which we feel is unwarranted and inappropriate.
- 6B is listed in both the posting and newspaper notification requirements. Into which is it included? There needs to be greater definition in this area.
- Operationally, the newspaper notification is unrealistic. We offer many services to homeowners, commercial customers and utilities. Many of these services include applications to small industrial or residential sites falling into categories 6A and 6B that would be negatively impacted if the newspaper notification were required. Newspaper notifications for property owners or industrial sites to contract driveway or bare ground week control is completely unrealistic and unnecessary and a hindrance to our business.
- Lastly, we try to attend as many meetings as possible and monitor the minutes to those we can't attend. We do not recall any discussion about the newspaper notification at any of the meetings or in the minutes. Perhaps we missed it. However, it may be appropriate that some of the background for regulation changes be posted on the website to know the reasoning for some of the changes.

Thank you again for the opportunity to comment and offer suggestions on the proposed regulations changes. We hope that we have been able to effectively communicate some of the issues we have found with the proposed changes. If there are any questions regarding the information offered above or you require further information, please don't hesitate to contact us.

Respectfully Submitted,

Chuck Cotton
Fleet & Logistics Director

"Growing Naturally...Since 1926"

*Utility Line Clearance • Distribution Pole Line Construction • Utility Underground Service • Crane Service
Chemical Brush Control • Right of Way Clearing • Residential Tree & Spray Service
Christmas Decor • Landscape Installation • Lawn Care • Vegetation Management*

Chamberlain, Anne

From: Jennings, Henry
Sent: Monday, August 11, 2014 9:22 AM
To: Chamberlain, Anne
Subject: FW: EMERA MAINE COMMENTS ON PROPOSED CHANGES TO CHAPTER 28

Follow Up Flag: Follow up
Flag Status: Completed

From: LAMBERTON, MARK [<mailto:mark.lamberton@emeramaine.com>]
Sent: Friday, August 08, 2014 8:51 AM
To: Jennings, Henry
Cc: Fish, Gary
Subject: EMERA MAINE COMMENTS ON PROPOSED CHANGES TO CHAPTER 28

Chapter 28 Notification Provisions for Outdoor Pesticide Applications—Add to the list of categories that require posting: 6B (industrial/commercial/municipal vegetation management) except when making applications to sidewalks and trails, and 7E (biting fly & other arthropod vectors [ticks]). **Require advance notice be published in a newspaper for applications conducted under 6A (rights-of-way vegetation management)**, and to sidewalks and trails under 6B (industrial/commercial/municipal vegetation management). This aligns with the proposed amendments to Chapter 22, eliminating the requirement for mapping sensitive areas, in lieu of posting or public notice.

Henry, we at Emera Maine do not have any issues with any proposed changes to the other Chapters. We also do not have an issue with posting our sub-station sites where we perform motorized bare ground treatment under a drift management plan. After some discussion Glen and I agree that this would be a prudent thing to perform for our own employees. We do have concerns with the requirements for “advanced public notice in newspapers conducted under 6A (rights-of-way vegetation management)”.

- 1) Newspaper readership is now down to 22% of the population and of that 22% only a small percentage of that reads the public legal notices and advertisements, hence the notification would ultimately be viewed by very small percentage of the general population.
- 2) Transmission lines are linear in nature, cross through many towns and are often remote. We question how we would describe a line that was scheduled to be treated so that it would have any meaning to the general public, ex. “Emera Maine plans on performing a herbicide application to control woody brush and trees on Transmission Rights-of-way corridor line 73 that runs from the town of East Corinth to the town of Bangor Maine”. Even this description would be meaningless to the majority of the general public.
- 3) We question what the end goal or what is the desired benefit that is going be accomplished after the rule is enacted?
- 4) Even though cost shouldn’t be a factor, it is. Posting advertisements and legal notices in paper publications are expensive and this cost would ultimately be passed on to our rate payers.
- 5) It is unclear to us if this would affect our roadside low volume foliar treatment and/or our stump treating.

We would suggest the following.

- 1) 6A (rights-of-way vegetation management) should not be included in the proposed rule change for Chapter 28.
- 2) All utilities should have a section of their company web page which describes IVM and the general vegetation management philosophy.

Mark Lamberton

Supervisor of Vegetation Management

Emera Maine

T: 207-973-2582 | C: 207-949-4918 | F: 207-973-2745

E: mark.lamberton@emeramaine.com

www.emeramaine.com



Chamberlain, Anne

From: Jennings, Henry
Sent: Wednesday, July 23, 2014 4:32 PM
To: NADEAU, GLENN
Cc: Bills, Anne
Subject: RE: Proposed rule changes.

Follow Up Flag: Follow up
Flag Status: Flagged

The discrepancy you note relates to the fact that we combined categories 6A, 6B, and 6C in Chapter 31 into what's now referred to category 6A, so we might as well clean that up while we have Chapter 28 open. A comment to that affect would facilitate that process. Anne is great at organizing all this.

From: NADEAU, GLENN [<mailto:glenn.nadeau@emeramaine.com>]
Sent: Wednesday, July 23, 2014 4:26 PM
To: Jennings, Henry
Subject: RE: Proposed rule changes.

That is why I am asking these questions so I can get clarification before preparing written comments. Can I ask you for another clarification? In Chp. 28 Section 2. E. Exemptions, 2 c. it states category 6B (roadside vegetation management) but your notice of proposed changes states 6B as (industrial/commercial/municipal vegetation management)? I don't think these are the same are they?

From: Jennings, Henry [<mailto:Henry.Jennings@maine.gov>]
Sent: Wednesday, July 23, 2014 4:20 PM
To: NADEAU, GLENN
Cc: Bills, Anne
Subject: RE: Proposed rule changes.

The way the current proposal is written, I would say that non-powered applications are exempt from any requirement in Chapter 22 but not so with Chapter 28, which applies to all outdoor applications, depending on the section. Therefore, as currently written, you would need to publish a notice for a 6A applications. You may wish to submit a comment suggesting that that non-powered applications be exempted from publishing the notice when the comment period opens.

Henry

From: NADEAU, GLENN [<mailto:glenn.nadeau@emeramaine.com>]
Sent: Wednesday, July 23, 2014 4:12 PM
To: Jennings, Henry
Subject: RE: Proposed rule changes.

So the question on Chp. 28 is, are we exempt from the newspaper notice? The proposal states newspaper notification for Category 6A will be required, yet the rule states 6A is exempt. Also if we are exempt from the amendments to Chp. 22 does this mean we are exempt from Chp. 28 since the two are linked together?

From: Jennings, Henry [<mailto:Henry.Jennings@maine.gov>]
Sent: Wednesday, July 23, 2014 3:53 PM
To: NADEAU, GLENN

Cc: Bills, Anne

Subject: RE: Proposed rule changes.

Hi Glenn:

See responses below in red. Let me know if you require additional explanation.

Henry

From: NADEAU, GLENN [<mailto:glenn.nadeau@emeramaine.com>]

Sent: Wednesday, July 23, 2014 3:38 PM

To: Jennings, Henry

Subject: Proposed rule changes.

Henry I tried to send these questions to Anne but I got an out-of-office reply. Maybe you can offer some guidance.

Anne, am I right in assuming that the chapters which you provide a link to, have these proposed changes in them? I see some strike out and underscore editing which leads to my questions. Yes – the strike out and underline portions represent the proposed changes.

The next question I have is Chp. 22, Section 1 Exemptions states “The regulations established by this chapter shall not apply to pesticide applications in any of the following categories:

B. Applications of pesticides by non-powered equipment;

So if I am performing applications using non-powered equipment in Category 6A, I am not affected by these proposed rule changes? I will not have to implement a drift management plan? Correct – Chapter 22 does not apply to pesticide application made by non-powered equipment.

The other question I have deals with Chp. 28. In your announcement you state “Require advance notice be published in a newspaper for applications conducted under 6A (rights-of-way vegetation management),” but the Chapter 28 Section 2. E. Exemptions states “The following types of pesticide applications do not require notification under this section:

c. The outdoor commercial application of pesticides to control vegetation in rights-of-way in certification and licensing categories ~~VI(A)~~— 6A (utility rights-of-way), this part should have read “rights-of-way vegetation management” also, so there was a mistake in the draft rule that put up on the web site, but that will be corrected before the public hearing.

but then section 3. B. Public Notice states “Advance notice must be published in a newspaper of general circulation in the affected area at least three but no more than 30 days prior to applications conducted under category 6A (rights-of-way vegetation management)”.

Sorry that I am confused by these proposals. I look forward to your clarification and explanations to my questions. Thank you for your time and effort.

Glenn P. Nadeau

Vegetation Management Specialist

Emera Maine

T: 207-760-2557 | C: 207-592-8719 | F: 207-760-2311

E: glenn.nadeau@emeramaine.com

www.emeramaine.com





RECOMMENDED BY FUTURE GENERATIONS.

August 8, 2014

Mr. Henry Jennings
Director:
Maine Board of Pesticide Control

Darin Hammond
Senior Manager of Farm Operations
Jasper Wyman and Son

RE: Written Comment for Chapter 22 Proposed amendments 8/8/2014

To Whom It May Concern:

The current proposed rule change to Chapter 22 concerning categories 6A, and 6B includes a new requirement for the applicator to implement a drift management plan. In the past there was a section in Chapter 22 (section 4) which dealt with Drift Management Plans. The entire section concerning drift management plans was repealed effective January 1, 2010.

I cannot see how the Board can require the implementation of a drift management plan without having some guidance in the rule concerning their implementation. In the past I believe drift management plans were reviewed by the BPC Staff.

Chapter 22 already outlines the minimum standards for outdoor Application of Powered Equipment in Order to Minimize Off-Target Deposition and should be adequate to protect the public, and the environment. We feel that the applicators will still identify these sensitive areas, and protect them but the recording of the areas is the burden on the applicator.

It is our feeling that this rule change makes great sense, but making applicators file a drift management plan does not. We urge the board to adopt this rule change with the deletion of the drift management plan requirement.

If you have any questions regarding this request please feel free to call me at any time.

Sincerely,

A handwritten signature in black ink that reads "Darin Hammond".

Darin Hammond
Senior Manager of Farm Operations
Jasper Wyman and Son



Jasper Wyman & Son

601 Route 193, Deblois, ME 04622 Ph: 207.638.2201 Fax: 207.638.2145

www.wymans.com

Chamberlain, Anne

From: bullemaniii@aol.com
Sent: Monday, July 21, 2014 6:30 AM
To: Bills, Anne
Subject: Re: Proposed Amendments to Board of Pesticides Control Regulations

Anne,

In regards to Chapter 31? (persons installing microbial hardware) There are major precautions that need to be taken into consideration.

Assuming that the hardware is of mechanical function which serves as permanent fixtures in structures to control microbial issues. All individuals should have full knowledge of the benefits and adverse affects the devices have.

Many people that sell these products " door to door ", have no full knowledge of the product. I compare these individuals as " Hoover " salesman.

Here are some examples

1. make up air systems - One must know how the building structure performs on its own without the installation of this type equipment. If these individuals that are selling the equipment do not know how the given structure operates prior to the install, disaster may and will occur.

2. UV and IR mechanical systems- These devices " do not cure " microbial issues. These systems kill living spores and bacterial pathogens leaving the " dead skeletons " behind. Dead microbial cells floating through an air system are just as bad as active ones, especially in high compounded concentrations.

Prior to the installation of any of these systems, evaluations should take place by certified IAQ engineers such as myself and others.

Christian Bulleman III
IAQ / structural repairs
CMI#79505
CMRC#79522
CMA#45907/7C3

-----Original Message-----

From: Bills, Anne <Anne.Bills@maine.gov>
To: Fish, Gary <Gary.Fish@maine.gov>
Sent: Thu, Jul 17, 2014 10:35 am
Subject: Proposed Amendments to Board of Pesticides Control Regulations

The Maine Board of Pesticides Control is proposing amendments to regulations. If you have suggestions or comments on any of the proposed amendments, we urge you to attend the Public Hearing or to submit written comments. Either way, your comments are appreciated and will be considered equally. Thank you for your help. PUBLIC HEARING: Friday, August 8, 2014 at 8:30 AM at 90 Blossom Lane, Deering Building, Room 319, Augusta. WRITTEN COMMENTS: Accepted until 5:00 PM August 22, 2014.

They should be sent to Henry Jennings, 28 State House Station, Augusta, ME 04330 or emailed to henry.jennings@maine.gov Download regulations with proposed changes at <http://www.maine.gov/dacf/php/pesticides/rulemaking.html> Description of proposed amendments: Chapter 20 Special Provisions—Add a requirement for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. This requirement is currently in policy. Chapter 22 Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition—Improve the effectiveness of the rule by eliminating the requirement of identifying sensitive areas for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (industrial/commercial/municipal vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Applications conducted under category 6A and to sidewalks and trails under category 6B will require the applicator to implement a drift management plan. Chapter 28 Notification Provisions for Outdoor Pesticide Applications—Add to the list of categories that require posting: 6B (industrial/commercial/municipal vegetation management) except when making applications to sidewalks and trails, and 7E (biting fly & other arthropod vectors [ticks]). Require advance notice be published in a newspaper for applications conducted under 6A (rights-of-way vegetation management), and to sidewalks and trails under 6B (industrial/commercial/municipal vegetation management). This aligns with the proposed amendments to Chapter 22, eliminating the requirement for mapping sensitive areas, in lieu of posting or public notice. Chapter 31 Certification and Licensing Provisions/Commercial Applicators—Three amendments are proposed: Clarify that certain applications are exempt from commercial licensing requirements. These are currently in policy: Adults applying repellents to children with the written consent of parents/guardians; Persons installing antimicrobial metal hardware.

Exempt aerial applicators certified in other states from passing a written regulation exam and allow for issuance of reciprocal licensing when the staff determines that an urgent pest issue exists and when staff verbally reviews pertinent Maine laws with the applicator.

Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.

Chapter 32 Certification and Licensing Provisions/Private Applicator—Shorten the time period a person must wait before re-taking an exam they have failed to 6 days. Chapter 33 Certification & Licensing Provisions/Private Applicators of General Use Pesticides (Agricultural Basic License) —Shorten the time period a person must wait before re-taking an exam they have failed to 6 days. Chapter 41 Special Restrictions on Pesticide Use—Amend Section 3 to eliminate the restrictions on hexazinone relative to pesticide distributors and air-assisted application equipment. Anne Anne Bills Pesticide Safety Educator Maine Board of Pesticides Control anne.bills@maine.gov thinkfirstspraylast.org



**CENTRAL MAINE
POWER**

August 21, 2014

Mr. Henry Jennings, Director
Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028

RE: Central Maine Power Company Comments on Proposed Amendments to
Board of Pesticides Control Regulations Chapters 22 & 28

Dear Director Jennings:

Central Maine Power Company (CMP) appreciates the opportunity to review and comment on the Maine Board of Pesticides Control (BPC) proposed amendments to the Board's regulation Chapters 22 and 28. CMP respectfully offers the following comments; these comments supersede and replace CMP's written and verbal testimony provided to the BPC at the August 8th public hearing:

**Chapter 22: STANDARDS FOR OUTDOOR APPLICATION OF PESTICIDES BY
POWERED EQUIPMENT IN ORDER TO MINIMIZE OFF-TARGET
DEPOSITION**

CMP supports BPC's proposed amendments to this regulation. Specifically, CMP supports exempting commercial application category 6B (industrial/commercial/municipal vegetation management, which includes CMP substation herbicide treatment) from the requirement to identify and record all sensitive areas within 500 feet. While CMP has developed and updated sensitive area records and maps for 200+ substations since 2010, herbicide application utilizing powered equipment is limited only to those areas within substation fences. Also, because maintenance herbicide application is done annually and so is directed downward at any new/short growth, the likelihood of lateral herbicide drift beyond the substation perimeter fence is minimal.

**Chapter 28: NOTIFICATION PROVISIONS FOR OUTDOOR PESTICIDE
APPLICATIONS**

1. Section 3. of Chapter 28 would require, for the first time, posting prior to pesticide application for Category 6B (industrial/commercial/municipal

83 Edison Drive, Augusta, ME 04336
Telephone 207.623.3521



vegetation management, which includes substation herbicide treatment, as previously noted). CMP believes that this posting requirement is unnecessary and excessive for electrical substation herbicide treatments.

CMP electrical substations are secure facilities. Every CMP substation is surrounded by chain-link perimeter fencing and locked chain-link gate(s), all topped with 3-strand barbed wire, and signage along all sides of the fencing reads: "Danger High Voltage." Also, signage along each substation main and secondary gate panel reads: "Caution Energized Lines Overhead." Many substations also have locked gates where the substation access driveway intersects with a public road. As a result of the secure and restricted-access nature of substation facilities, only CMP substation personnel are present within and in the immediate vicinity of substations, in the area where herbicides are applied. Because CMP voluntarily posts signage on substation gates during herbicide application, CMP substation workers are made aware of this activity. This voluntary posting is made for a limited audience, both in terms of access and frequency (substation visits average once or twice monthly).

In contrast, Chapter 22 posting requirements are prescriptive and more appropriate for the general public, including signage of specific dimensions, material, color, verbiage, contact name and number of the pesticide application company, date and time of application, and date and/or time to remove the sign. This detailed information is not necessary for substation workers at these facilities.

Based on the above, CMP requests that Section 3.A.1. Categories Requiring Posting, be revised to read (proposed language ***bolded/italicized***):

c. B (industrial/commercial/municipal vegetation management), except applications to sidewalks and trails, and applications within restricted-access electrical substations.

2. Section 3.B of Chapter 28 would require, for the first time, that advance notice be published in a newspaper of general circulation in the affected area at least three but no more than 30 days prior to applications conducted under category 6A (rights-of-way vegetation management).

CMP believes that this requirement is excessive and unnecessary considering the hand-pressurized, selective (i.e., individual specimen-specific) herbicide application that it practices as part of its right of way vegetation management program. As well, CMP contractor crews voluntarily avoid herbicide applications when wind speeds exceed 15 mph. As a result, off-target deposition of herbicides (i.e., drift) is very unlikely and negligible on CMP rights of way.

Where transmission line corridors being treated with herbicides cross public roads, on a voluntary basis CMP vegetation management contractors post a notice of herbicide use, including application date and products used, on the utility poles closest to these public roads. These postings alert those who cross or utilize CMP transmission line corridors so that these individuals may take any precautions they deem prudent.

The requirement to publish newspaper notices of upcoming herbicide treatment would create an unnecessary expense for CMP, which would ultimately be borne by ratepayers. Newspaper public notices cost hundreds of dollars each, and it would be difficult for CMP to accurately represent which transmission line segments were to be sprayed or otherwise treated (e.g., cut surface treatment), and specifically when.

Newspaper notices of herbicide application may also cause unwarranted concern among abutters and members of the public who would not be impacted by these operations. Whereas aerial pesticide application is prone to drift and therefore may merit public notice so that proactive steps may be taken to mitigate its effects, hand-pressurized, targeted herbicide application on transmission line rights of way, as noted above, is very unlikely to result in drift or any other adverse offsite impacts. As a result, the purpose and benefits of the proposed broad public notice requirement are doubtful. Currently CMP voluntarily notifies municipalities each January of herbicide applications that are scheduled to occur during the following calendar year.

For the above reasons, CMP requests that Section 3.B. Public Notice, be revised to read:

“...under category 6A (rights-of-way vegetation management, *except utility rights of way*) and...”

Thank you for your consideration of these comments. We are happy to discuss these in more detail at your convenience. You can contact me at #626-9557 or gerry.mirabile@cmpco.com.

Sincerely,



Gerry J. Mirabile
Manager, Programs/Projects
Environmental Compliance

cc: Wes Davis (Manager, Vegetation Management)
Roy Koster (Manager, Environmental Compliance)



CENTRAL MAINE POWER

August 8, 2014

Director Jennings and members of the Board of Pesticides Control, my name is Nicholas Hahn and I am Lead Analyst – Transmission, in Central Maine Power Company's Vegetation Management Department. Central Maine Power Company appreciates the opportunity to review and comment on the Maine Board of Pesticides Control (BPC) proposed amendments to the Board's regulations. I am here today to respectfully offer Central Maine Power Company's comments on proposed amendments to Board regulations Chapters 22 and 28.

Regarding Chapter 22 [STANDARDS FOR OUTDOOR APPLICATION OF PESTICIDES BY POWERED EQUIPMENT IN ORDER TO MINIMIZE OFF-TARGET DEPOSITION]

CMP supports BPC's proposed amendments to this regulation. Specifically, CMP supports exempting commercial application category 6B (industrial/commercial/municipal vegetation management, which includes CMP substation herbicide treatment) from the requirement to identify and record all sensitive areas within 500 feet. While CMP has developed and updated sensitive area records and maps for 200+ substations since 2010, herbicide application utilizing powered equipment is limited only to those areas within substation fences. Also, because maintenance herbicide application is done annually and so is directed downward at any new/short growth, the likelihood of lateral herbicide drift beyond the substation perimeter fence is minimal.

Regarding Chapter 28 [NOTIFICATION PROVISIONS FOR OUTDOOR PESTICIDE APPLICATIONS]

CMP has two concerns:

First, Section 3. of Chapter 28 would require, for the first time, posting prior to pesticide application for Category 6B (industrial/commercial/municipal vegetation management, which includes substation herbicide treatment, as previously noted). CMP believes that this posting requirement is unnecessary for electrical substation herbicide treatments.

CMP electrical substations are secure facilities. Every CMP substation is surrounded by chain-link perimeter fencing and locked chain-link gate(s), all topped with 3-strand barbed wire, and signage along all sides of the fencing reads: "Danger High Voltage." Many substations also have locked gates where the substation access driveway intersects with a public road. As a result of the secure



and restricted-access nature of substation facilities, only CMP substation personnel are present within and in the immediate vicinity of substations, in the area where herbicides are applied. CMP personnel are aware of CMP's herbicide application program, because CMP voluntarily posts signage on substation gates during herbicide application to alert substation workers of this activity. Mandating signage notifying these workers of annual herbicide application is unnecessary.

Based on the above, CMP requests that Section 3.A.1. Categories Requiring Posting, be revised to read (proposed language ***bolded/italicized***):

c. B (industrial/commercial/municipal vegetation management), except applications to sidewalks and trails, ***and applications within electrical substations.***

Second, Section 3.B of Chapter 28 would require, for the first time, that advance notice be published in a newspaper of general circulation in the affected area at least three but no more than 30 days prior to applications conducted under category 6A (rights-of-way vegetation management).

CMP believes that this requirement is excessive and unnecessary considering the hand-pressurized, selective (i.e., individual specimen-specific) herbicide application that it practices as part of its right of way vegetation management program. As well, CMP contractor crews voluntarily avoid herbicide applications when wind speeds exceed 15 mph. As a result, off-target deposition of herbicides (i.e., drift) is very unlikely and negligible on CMP rights of way.

Where transmission line corridors being treated with herbicides cross public roads, on a voluntary basis CMP vegetation management contractors post a notice of herbicide use, including application date and products used, on the utility poles closest to these public roads. These postings alert those who cross or utilize CMP transmission line corridors so that these individuals may take any precautions they deem prudent.

The requirement to publish newspaper notices of upcoming herbicide treatment would create an unnecessary expense for CMP, which would ultimately be borne by ratepayers. Newspaper public notices cost hundreds of dollars each, and it would be difficult for CMP to accurately represent which transmission line segments were to be sprayed or otherwise treated (e.g., cut surface treatment), and specifically when.

Newspaper notices of herbicide application may also cause unwarranted concern among abutters and members of the public who would not be impacted by these operations. Whereas aerial pesticide application is prone to drift and therefore may merit public notice so that proactive steps may be taken to mitigate its effects, hand-pressurized, targeted herbicide application on transmission line rights of way, as noted above, is very unlikely to result in drift or any other adverse offsite impacts. As a result, the purpose and benefits of the proposed broad public notice requirement are doubtful. Currently CMP voluntarily notifies municipalities each January of herbicide applications that are scheduled for that calendar year.

For the above reasons, CMP requests that Chapter 28, Section 3.B. Public Notice, omit the following language:

“...under category 6A (rights-of-way vegetation management) and...”

Thank you for your consideration of these comments. We are happy to answer any questions or discuss these comments in more detail.

~~Christy~~
Nicholas Hahn
also present: Jerry Mirabile

Chamberlain, Anne

From: Chris Everest <ceverest1@gmail.com>
Sent: Sunday, July 20, 2014 10:24 AM
To: Bills, Anne
Subject: Re: Proposed Amendments to Board of Pesticides Control Regulations

Thanks for the info, we already put out pesticide flags for our mosquito apps at every entrance to the property so that change we will already be in compliance with. Its nice to see some changes that help us out, because you are right about how many sensitive areas there are in our work sites.

On Jul 18, 2014, at 7:50, "Bills, Anne" <Anne.Bills@maine.gov> wrote:

If the proposed amendment to Chapter 22 is adopted, applications for mosquitoes and ticks would not require identifying and mapping sensitive areas. *However*, if the proposed amendments to Chapter 28 are adopted, those applications would require posting "...in a manner and at locations designed to reasonably assure that persons entering such area will see the notice." Chapter 28 gives further details on the posting requirements. This change was requested because *everything* tends to be a "sensitive area" in a residential area, so mapping serves little purpose; it is hoped that signage will be more useful.

I hope this answers your question, please feel free to contact me again if you have further questions.

Anne

Anne Bills
Pesticide Safety Educator
Maine Board of Pesticides Control
anne.bills@maine.gov
thinkfirstspraylast.org

From: Chris Everest [<mailto:ceverest1@gmail.com>]
Sent: Thursday, July 17, 2014 3:52 PM
To: Bills, Anne
Subject: Re: Proposed Amendments to Board of Pesticides Control Regulations

Quick question, I'm reading the proposed changes, I spray for mosquitoes and ticks and currently am required to identify sensitive areas, am I reading correctly that they want to eliminate that and then I will no longer be required to identify and list sensitive areas?

On Jul 17, 2014, at 11:35, "Bills, Anne" <Anne.Bills@maine.gov> wrote:

The Maine Board of Pesticides Control is proposing amendments to regulations

If you have suggestions or comments on any of the proposed amendments, we urge you to attend the Public Hearing or to submit written comments. Either way, your comments are appreciated and will be considered equally.

Thank you for your help.



*Maine Organic Farmers
and Gardeners Association
Common Ground Country Fair*

August 22, 2014

Henry Jennings, Director
Maine Board of Pesticides Control
State House Station 28
Augusta, ME 04333

Dear Mr. Jennings and Members of the Board,

Thank you for the opportunity to provide comments regarding the rulemaking you have undertaken to address recommended changes in several chapters of BPC rules. We appreciate the efforts that have been made to satisfy the needs of several constituent groups and are generally supportive of the proposed language.

For over 40 years MOFGA has been committed to helping farmers and gardeners grow organic products. We represent members in over 7,000 households around the state. Our members have said many times that they would like free, timely and pertinent information when it comes to pesticide use around areas in which they live, work and recreate. As such, MOFGA is supportive of the spirit of the changes to Chapter 28 Section 3B. Public notice of certain pesticide applications is a good starting point in the conversation regarding notification of spraying, however we do not feel the proposed language goes far enough.

Unfortunately, requiring notification via local newspapers alone will not reach a large enough portion of the population. For a variety of reasons, newspaper readership is declining and trends suggest this decline is likely to continue in coming years. Fewer and fewer people are relying on local and regional newspapers for news and legal notices. Thus requiring only newspaper notice will limit the effectiveness of the distribution plan. Also, many local newspapers are regional in nature. Concerned citizens may need to subscribe to multiple newspapers to learn about planned pesticide applications near their homes in addition to where they work or recreate.

A possible solution in keeping with the spirit of notifying the widest possible number of potentially affected individuals would be to reconsider and revive the automated notification options that have been discussed by the Maine Board of Pesticides Control in the past. Alternative notification options could allow citizens to receive the information in a *no-cost* method of their choosing. We recommend the Board consider alternative outlets for dissemination of the information described in section 3B. These outlets have the potential to reach a wider audience and provide more variety of media than the current language allows.

We also appreciate the spirit of the proposed changes to Chapter 20 Section 7 requiring positive identification of the proper treatment site. The proposed changes

294 Crosby Brook Road, P. O. Box 170, Unity, Maine 04988 • **Phone:** (207) 568-4142
Fax: (207) 568-4141 • **Email:** mofga@mofga.org • **Web:** www.mofga.org

appear to be a positive step toward addressing the problem of pesticide applications mistakenly taking place at the wrong property. However, it is difficult to express support for these proposed changes without having a clearer picture about the policy the Board intends to adopt. We would support a policy that required applicators to have two or more identification criteria, thus reducing the potential for error. We would also support periodic review of the policy and application methods employed. This review could be used to ensure that only the most robust and protective methods are included among those in the policy and that others can be swiftly removed from policy if they are proven to be less effective or potentially problematic.

Thank you for your time and consideration of these important issues.

Regards,

A handwritten signature in cursive script that reads "Ted Quaday".

Ted Quaday
Executive Director

Proposed Administrative Consent Agreement Background Summary

Subject: Scott Reed
Maine Organic Therapy
9 Carriage Road
Ellsworth, Maine 04605

Date of Incident(s): Multiple occasions in 2012 and 2013

Background Narrative: On March 5, 2013, a Board inspector completed a marketplace inspection at a pesticide retailer in southwestern Maine. Through the inspection, and purchase records supplied by the retailer at a later date, it was determined that Maine Organic Therapy, a licensed medical marijuana growing facility, purchased five different pesticides during the above time frame, four of them on multiple occasions. These were:

- Pyganic Crop Protection EC 1.4 insecticide (EPA reg. # 1021-1771) one quart in October of 2012 and one quart in February of 2013.
- Pyrethrum TR insecticide (EPA reg. # 499-479) twelve 2 oz. cans in April of 2012, twelve 2 oz. cans in May of 2012 and twelve 2 oz. cans in October of 2012.
- Eagle 20EW fungicide (EPA reg. # 62719-463), one pint in February of 2012.
- KleenGrow algicide, fungicide, bactericide, disinfectant and virucide (EPA reg. # 81820-2), one gallon on May 8, 2013, and five gallons on May 23, 2013.
- BotaniGard ES (EPA reg. # 82074-1) one quart in October of 2012 and 2 quarts in February of 2013

On April 3, 2013, a Board inspector conducted a joint inspection with Dept. of Health and Human Resources personnel at the company's Biddeford cultivation site.

During the April 3rd inspection, the Board inspector found a partially full aerosol can of Pyrethrum TR insecticide, one of the pesticides known to have been purchased. The inspector also documented that the company had elemental sulfur on site that was used by the company for sanitation purposes in empty grow rooms.

When interviewed, company personnel denied using any of the pesticides purchased on the medical marijuana and said it was taken home by employees for use on their home gardens. The Board staff found this explanation implausible.

The Board staff and Mark Randlett negotiated a consent agreement with the company.

Summary of Alleged Violation(s):

CMR 01-026 Chapter 20 Section 1(B), 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F). The use of a pesticide inconsistent with its label and prohibits the use of registered pesticides for other than registered uses.

CMR 01-026 Chapter 20, Section (1) Prohibits the use of any pesticide not registered by the Board in accordance with Title 7 M.R.S.A. §601.

7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471 D (8)(F) Wearing the label-required personal protective equipment is necessary.

Federal Worker Protection Standard, 40 CFR, Part 170 (WPS) Workers at this facility did not receive WPS training and there was no central information display informing employees which areas were treated.

22 M.R.S. § 1471-D (8)(C) The use of pesticides in the production of medical marijuana was potentially harmful to the public health.

Rationale for Settlement: The staff considered the number and duration of pesticide applications. None of the pesticides were registered for use on medical marijuana and one of the pesticides was not registered in Maine. The pesticide applications were potentially harmful to patients using the medical marijuana.

Attachments: Proposed Consent Agreement

AUG 12 2014

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY
BOARD OF PESTICIDES CONTROL

Scott Reed)
Maine Organic Therapy) ADMINISTRATIVE CONSENT AGREEMENT
9 Carriage Road) AND
Ellsworth, Maine 04605) FINDINGS OF FACT

This Agreement, by and between Maine Organic Therapy (hereinafter called the Company) and the State of Maine Board of Pesticides Control (hereinafter called the "Board"), is entered into pursuant to 22 M.R.S.A. § 1471-M (2)(D) and in accordance with the Enforcement Protocol amended by the Board on June 3, 1998.

The parties to this Agreement agree as follows:

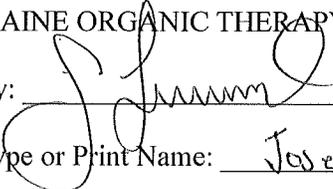
1. That the Company operates a medical marijuana cultivation site in Biddeford, Maine.
2. That on June 5, 2013, a Board inspector contacted a pesticide retailer in southwestern Maine to check pesticide sales made.
3. That from the inspection described in paragraph two, it was determined that on multiple occasions, the company purchased five different pesticides in 2012 and 2013.
 - Pyganic Crop Protection EC 1.4 insecticide (EPA reg. # 1021-1771) one quart in October of 2012 and one quart in February of 2013.
 - Pyrethrum TR insecticide (EPA reg. # 499-479) twelve 2 oz. cans in April of 2012, twelve 2 oz. cans in May of 2012 and twelve 2 oz. cans in October of 2012.
 - Eagle 20EW fungicide (EPA reg. # 62719-463), one pint in February of 2012.
 - KleenGrow algicide, fungicide, bactericide, disinfectant and virucide (EPA reg. # 81820-2), one gallon on May 8, 2013, and five gallons on May 23, 2013.
 - BotaniGard ES (EPA reg. # 82074-1) one quart in October of 2012 and 2 quarts in February of 2013
4. That on April 3, 2013, a Board inspector conducted an inspection in conjunction with DHHS personnel at the Company's Biddeford cultivation site. During this inspection, the inspector asked Company personnel about the pesticides the Company purchased in 2012 and 2013 as described in paragraph three.
5. That in response to a question asked by the Board inspector on April 3, 2013, Company personnel denied using the pesticides at the Company's cultivation site and stated that the pesticides were taken home by employees for use on their home gardens.
6. That during the inspection described in paragraph four, the inspector noticed a half empty aerosol can of Pyrethrum TR insecticide that had fallen down and rolled under a set of shelves. When the inspector asked about its use at the facility he was told by the head grower and applicator, Derek Brock and the assistant grower, Hughes Pope that the insecticide was applied to a 300 square foot opened and screened area of an exterior wall to kill insects during the installation of a ventilation louver. The inspector documented that 1 oz. of Pyrethrum TR insecticide (EPA reg. # 499-479), was applied in June of 2012, on that job.
7. That CMR 01-026 Chapter 20 Section 1(B) prohibits the use of registered pesticides for other than registered uses and 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F) prohibit the use of a pesticide inconsistent with its label.
8. That Pyrethrum TR insecticide (EPA reg. # 499-479) is not registered for use as a spot treatment of insects on the buildings as summarized in paragraph seven.
9. That the circumstances in paragraphs one through eight constitute violations of CMR 01-026 Chapter 20 Section 1(B), 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F).

10. That during the inspection described in paragraph four, the inspector found an Elemental Sulfur Prill product on site and took photos of the label to document that product (sample # 130403EPM02A). The inspector also documented that a Nivola Sulfur Evaporator was used to apply the sulfur as a smoke application to empty grow rooms at the Company including 10 grams applied on March 29, 2013, to sanitize an 18 ft. x 24 ft. (432 square feet) room.
11. That CMR 01-026 Chapter 20, Section (1) A prohibits the use of any pesticide not registered by the Board in accordance with Title 7 M.R.S.A. §601.
12. That the Elemental Sulfur Prill used for sanitation purposes as described in paragraph ten was not registered in Maine at the time of its use.
13. That the circumstances described in paragraphs four, ten, eleven, and twelve constitute a violation of CMR 01-026 Chapter 20, Section (1)
14. That CMR 01-026 Chapter 20 Section 1(B) prohibits the use of registered pesticides for other than registered uses and 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F) prohibit the use of a pesticide inconsistent with its label.
15. That none of the pesticides summarized in paragraphs three were registered for use on marijuana.
16. That the Board finds, based on the evidence obtained from the sales records summarized in paragraphs two and three, and the inspector's interviews in paragraph four, that Company employee explanations given in paragraph five for how the pesticides were used to be implausible. The pesticides described in paragraph three all have greenhouses listed on their labels and have utility for controlling insect, disease and sanitation problems encountered when plants are grown in a greenhouse environment. In addition, the Pyrethrum TR insecticide label specifies it is for commercial use only and the KleenGrow label prohibits its use outdoors, both precluding their use in Company employee's home gardens. From this evidence it is the Board's position that the five pesticides summarized in paragraph three, were applied to the medical marijuana at the Company's Biddeford cultivation site. Two unrelated medical marijuana growing facilities acknowledged using similar products to grow medical marijuana when previous inspections were done.
17. That the circumstances in paragraphs one through four, eight, fourteen, fifteen and sixteen, constitute multiple violations of CMR 01-026 Chapter 20 Section 1(B), 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471-D(8)(F).
18. That wearing the label-required personal protective equipment is specified in 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S.A. § 606 (2)(B) and 22 M.R.S.A § 1471 D (8)(F).
19. That Pyrethrum TR insecticide requires chemical resistant gloves when applying it.
20. Chemical resistant gloves were not worn when applying the Pyrethrum TR.
21. That the circumstances described in paragraphs six, and eighteen through twenty constitute a violation of CMR 01-026 Chapter 20 Section 1(A) and (B) and 22 M.R.S.A § 1471-D(8)(F).
22. That the Company raises a commercial agricultural crop at a greenhouse business that utilized pesticides bearing language requiring conformance with the federal Worker Protection Standard, 40 CFR, Part 170 (WPS).
23. That the Company employs one or more workers and handlers as defined under 40 CFR, Part 170.3 to assist in the production of the crops described in paragraph one.
24. That from the inspection done in paragraph four, it was determined that the workers did not receive WPS training, there was no central information display informing employees which areas were treated.
25. That the circumstances described in paragraphs twenty-two, twenty-three and twenty-four, constitute multiple violations of the federal Worker Protection Standard, 40 CFR, Part 170 (WPS).

26. The Board finds that the probable use of pesticides in the production of medical marijuana was potentially harmful to the public health, in violation of 22 M.R.S. § 1471-D (8)(C).
27. While the Company does not admit the violations, and while the Company believes there are factual disputes involving the violations alleged by the Board, the Company does agree to enter into this Consent Agreement for the purpose of resolving the alleged violations.
28. That the Board has regulatory authority over the activities described herein.
29. That the Company expressly waives:
 - a. Notice of or opportunity for hearing;
 - b. Any and all further procedural steps before the Board; and
 - c. The making of any further findings of fact before the Board.
30. That this Agreement shall not become effective unless and until the Board accepts it.
31. That in assessing a penalty in this circumstance, the Board recognized that the Company was producing a medicinal product intended for use by patients with serious and/or chronic illnesses.
32. That, in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in paragraphs nine, thirteen, seventeen, twenty-one, twenty-five, and twenty-six, the Company agrees to pay to the State of Maine the sum of \$5,500 (Please make checks payable to Treasurer, State of Maine.)

IN WITNESS WHEREOF, the parties have executed this Agreement of three pages.

MAINE ORGANIC THERAPY

By:  Date: 8/5/14
 Type or Print Name: Joseph Lescand

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
 Henry Jennings, Director

APPROVED

By: _____ Date: _____
 Mark Randlett, Assistant Attorney General

Maine Board of Pesticides Control

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September 2014**

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(Jouko van der Kruijssen/Corbis)

DDT Is Still Killing Birds in Michigan

DDT was banned in the United States more than 40 years ago, but it's still killing birds in a town in Michigan

By Douglas Main
smithsonian.com
July 29, 2014

In Michigan, the town of St. Louis neighbors three Superfund sites that were once occupied by plants that produced the pesticide DDT. And so while, in most towns, a few dead birds might not be cause for alarm, in St. Louis, residents worried. And, Environmental Health News reports, when scientists collected the bodies of 22 American robins, six European starlings and one bluebirds, they found incredibly high levels of the pesticide that created Rachel Carson's "Silent Spring."

"I've never seen anything like it," Matt Zwiernik, a Michigan State University assistant professor of environmental toxicology who led the testing, told the news site. "When people told me about it I didn't believe it. And then we ran these tests. These are some of the highest-ever recorded levels in wild birds."

DDT has been banned in the United States for more than 40 years, and hadn't been produced at that plant in more than half a century. But, as EHN reported:

The birds' brains contained concentrations of DDE, a breakdown product of DDT, from 155 to 1,043 parts per million, with an average of 552. “Thirty in the brain is the threshold for acute death,” Zwiernik said. “All the birds exceeded that by at least two- or three-fold, and many by much more than that.” Twelve of the 29 birds had brain lesions or liver abnormalities.

The culprit is a toxic mess left behind by Velsicol Chemical Corp., formerly Michigan Chemical, which manufactured pesticides until 1963, a year after Rachel Carson's book *Silent Spring* exposed the hazards of DDT, especially for birds. Populations of bald eagles and other birds crashed when DDT thinned their eggs, killing their embryos. The pesticide, known for accumulating in food webs and persisting for decades in soil and river sediment, was banned in the United States in 1972.

Why the sudden spike in bird deaths? In reality, it may not be a spike at all; birds have been steadily dying, but it took a while for scientists to collect enough samples for a meaningful study.

Researchers speculate the birds were poisoned by eating contaminated earthworms on one of the Superfund sites. Much of the money allocated toward cleaning up the sites went toward removing DDT-laden sediment in the nearby Pine River, for which the EPA issued a no-consumption advisory. The level of the pesticide in fish downstream of sites has declined, but clearly the contamination hasn't been fully cleaned up.

About Douglas Main

Douglas Main is a freelance science journalist who lives in New York City.

|

BANGOR DAILY NEWS

How Maine towns can prepare for West Nile, eastern equine encephalitis



Seth Koenig | BDN

In this August 2013 file photo, Brendan Emanuel from the University of New England looks in on the nest built inside of a birdhouse placed on the perimeter of a school soccer field. Emanuel was part of a team seeking to inventory and control mosquito populations at the Biddeford campus.

Posted July 30, 2014, at 10:25 a.m.

With mosquitoes out and about during the summer, it's important for towns to be ready for what sometimes comes with them: infectious diseases.

Here are two viruses to know about and information about how towns can ready themselves. They may never have an outbreak, but it never hurts to be prepared if they do.

West Nile

The virus transmitted by the bite of an infected mosquito can infect both humans and animals such as birds and horses. Most infections don't cause symptoms, but some can cause fever, headache,

body aches, skin rashes and swollen lymph glands. In a small number of cases, the virus also can cause neck stiffness, stupor, disorientation, coma, tremors, convulsions, paralysis and death. There is no specific treatment, and mild cases tend to go away on their own.

Maine confirmed its first human case of West Nile in Cumberland County in 2012.

Eastern equine encephalitis

This virus is considered one of the most serious mosquito-borne illnesses because of its high mortality rate. Like West Nile, it has no treatment. Most people infected have no symptoms. In those who do, their symptoms may range from headache, high fever, chills and vomiting, to inflammation of the brain, coma and death.

Eastern equine encephalitis has caused the death of animals in seven counties and was present in blood samples taken from deer and moose in all Maine counties. No one in Maine has died from the virus, but in 2008, a Massachusetts man acquired eastern equine encephalitis, potentially while vacationing in Cumberland County, and he later died.

Action steps

There are steps Maine officials can take to prepare for the event of an outbreak, as David Struble, state entomologist at the Maine Department of Agriculture, Conservation and Forestry, wrote recently for the *Maine Townsman*, the magazine of the Maine Municipal Association. So far, only Kittery and York have taken specific steps to monitor for the two major diseases.

1. Read up on the Maine Center for Disease Control's recommendations on prevention, surveillance, reporting and responses at <http://bit.ly/mosquitoplan>.
2. Spread the word about reducing residents' risk, such as by draining standing water and repairing ripped window screens.
3. Create a response plan that addresses actions such as how to notify residents of an outbreak, how best to reschedule events planned for around dusk, and whether and how to reduce adult populations of mosquitoes during high-risk times of the year.
4. For more planning ideas, towns can consider the following reports on efforts elsewhere: <http://bit.ly/bugmanage>, <http://bit.ly/managebugny>, <http://bit.ly/kitterybug>, <http://bit.ly/confrontbug> and <http://bit.ly/cobug>.

<http://bangordailynews.com/2014/07/30/opinion/editorials/how-maine-towns-can-prepare-for-west-nile-eastern-equine-encephalitis/> printed on August 1, 2014

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Environmental Pollution

Volume 193, October 2014, Pages 189–196



Widespread occurrence of neonicotinoid insecticides in streams in a high corn and soybean producing region, USA

Michelle L. Hladik^a, Dana W. Kolpin^b, Kathryn M. Kuivila^c

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DOI: 10.1016/j.envpol.2014.06.033

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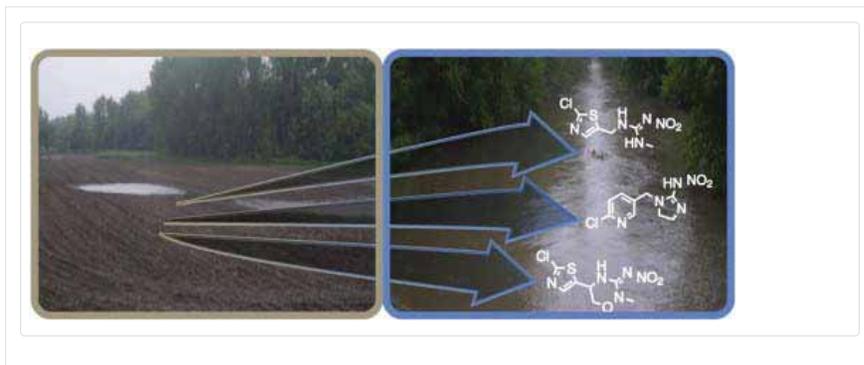
Highlights

- Neonicotinoids prevalent in streams in a corn and soybean region during growing season.
- Observed temporal patterns suggest seed treatment use contributing to stream concentrations.
- Frequency of detection: clothianidin (75%) > thiamethoxam (47%) > imidacloprid (23%).
- Chemical use and precipitation are important driving factors for off-field transport to streams.
- Concentrations may frequently exceed chronic aquatic toxicity values during growing season.

Abstract

Neonicotinoid insecticides are of environmental concern, but little is known about their occurrence in surface water. An area of intense corn and soybean production in the Midwestern United States was chosen to study this issue because of the high agricultural use of neonicotinoids via both seed treatments and other forms of application. Water samples were collected from nine stream sites during the 2013 growing season. The results for the 79 water samples documented similar patterns among sites for both frequency of detection and concentration (maximum:median) with clothianidin (75%, 257 ng/L:8.2 ng/L) > thiamethoxam (47%, 185 ng/L:<2 ng/L) > imidacloprid (23%, 42.7 ng/L: <2 ng/L). Neonicotinoids were detected at all nine sites sampled even though the basin areas spanned four orders of magnitude. Temporal patterns in concentrations reveal pulses of neonicotinoids associated with rainfall events during crop planting, suggesting seed treatments as their likely source.

Graphical abstract



Keywords

Clothianidin; Imidacloprid; Thiamethoxam; Seed treatments; Surface water

Corresponding author.

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Wildlife refuges ending GMOs, neonicotinoids

Jeff Barnard
Associated Press

GRANTS PASS, Ore. – National wildlife refuges around the country are phasing out genetically modified crops and a class of pesticides related to nicotine in programs meant to provide food for wildlife.

A July 17 letter from James Kurth, chief of the national refuge system, makes no specific mention of any concerns that the pesticides or the crops pose risks to wildlife or pollinators, such as bees and butterflies. It just says they don't fit refuge objectives, such as promoting natural ecosystems.

"We make this decision based on a precautionary approach to our wildlife management practices, and not on agricultural practices," he wrote.

But it comes after a July order to phase out neonicotinoid pesticides on wildlife refuges in the Northwest and Hawaii that mentioned concerns about harm to bees and after a White House memorandum directing federal agencies to promote pollinator health in the face of significant losses in recent decades of insects, bats and birds that pollinate fruits, nuts and vegetables.

Conservation and food safety groups also petitioned for the change.

"Fish and Wildlife by this action is showing tremendous leadership in standing up for wildlife and banning two of the most harmful practices in agriculture," said Lori Ann Burd, endangered species campaign director for the Center for Biological Diversity. "Now is the time to take this ban beyond refuges."

Wildlife refuges commonly allow farmers to grow crops on their land, on the condition they leave some behind to feed wildlife.

Citing a May decision by a leadership team on agricultural practices on refuges, Kurth told refuge managers to phase out GMO crops and neonicotinoids by January 2016. Exceptions can be made, particularly on refuges that include lands mandated by law for agriculture use, such as the Tule Lake and Upper and Lower Klamath refuges in Northern California and southern Oregon.

Seeds for corn and other crops grown on wildlife refuges commonly are coated with neonicotinoid pesticides, which are absorbed into the growing plant and kill pests that attack the leaves and stems. Most of the corn grown in the United States has been genetically modified to resist the herbicide glyphosate, commercially sold as Roundup.

Iain Kelly, a risk assessment scientist for neonicotinoid manufacturer Bayer CropScience, said he was disappointed in the Fish and Wildlife Service decision.

"We don't think the science bears out that decision," he said.

Specifically, he said advances have been made that keep the pesticide from making its way into a plant's pollen and nectar at levels high enough to harm bees and other pollinators.

He added a moratorium on neonicotinoids in the European Union just started last winter, and has not run long enough to produce results. And the company is working on techniques to limit the dust produced when neonicotinoid-coated seeds go through farm machinery.

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Starvation caused bee deaths, expert says

By Eric Mortenson

EO Media Group

Published:

August 19, 2014 8:09AM

Last changed:

August 19, 2014 4:58PM



An investigation by the Oregon Department of Agriculture showed pesticides played no part in the deaths of thousands of bees in Clackamas County. ERIC MORTENSON —EO MEDIA GROUP

pesticides” when their bees died. Each newly established hive should have been fed a gallon per week of sugar-syrup mix for the first month, he said.

“Don’t go throw a (hive) box in the backyard and run to the Pesticide Division when they all die,” Vanderpool told the Capital Press earlier this week. “That is beekeeper error, that’s what it is, 100 percent.”

The latest Oregon bee deaths were a case of “classic starvation,” not pesticides.

Although a veteran commercial beekeeper said “classic starvation” induced by inexperienced hobbyists killed thousands of honey bees in Clackamas County this summer, a retired entomology professor who examined the hives said the case isn’t that simple.

Dewey Caron, who has 40 years experience working with honey bees, said there’s no evidence to blame beginning beekeepers for the deaths, which prompted an intensive investigation and laboratory analysis by the Oregon Department of Agriculture.

“We do not know what happened,” Caron said. “It doesn’t completely fit starvation and it doesn’t completely fit pesticides. We no more know that it was the beekeepers’ fault than it was an accident, happenstance or one of the things that happen to living animals.”

Caron’s remarks countered the view of Harry Vanderpool, a longtime commercial keeper in Salem who Caron consulted during the investigation. Vanderpool concluded the hobbyists didn’t know what they were doing and “raised the red flag of

Caron disagreed, and said the hobbyists tried to give the bees more food when they discovered the deaths. That often helps hives recover, but some of them didn't.

The ag department announced Aug. 11 that it found no sign of pesticides in samples taken in mid-June from five hives belonging to four hobbyist beekeepers. Caron said the department's protocol was sound.

In addition, followup examination at Oregon State University found "average" levels of varroa mites and nosema disease in the dead bees. The findings did not provide any evidence to explain the deaths, according to an ag department news release.

Department spokesman Bruce Pokarney declined to speculate on what killed the bees.

One of the hobbyists, Dena Rash Guzman of Sandy, Ore., acknowledged that starvation could be the answer, but questioned why multiple hives died off in the same area at the same time.

She said fed her new hives a sugar mixture for three weeks until they began foraging.

"If we are responsible for the deaths of these bees, it is not, as Vanderpool states, because we are amateurs who didn't feed the bees," she said.

"I've been told I'm responsible for the death of my hives because I'm inexperienced," Rash Guzman said. "If that's what happened I will have learned a big lesson. But I fed those bees until they stopped taking food."

Rash Guzman, who lives on a 60-acre organic farm, said the ag department investigators were responsive and helpful, and she doesn't question their findings. But she wishes more information was available.

"I'm very disappointed the case is closed," she said. "I'm left with so many questions."

Vanderpool, the commercial keeper, said bees require work and attention, and aspiring hobbyists should consult with the Oregon State Beekeepers Association for guidance. Vanderpool is the organization's North Willamette Valley representative. The association is proposing an agreement with the ag department to do a "triage" evaluation when beginning beekeepers report problems, rather than waste the department's time, Vanderpool said.

He's been a commercial beekeeper for 24 years and has 420 hives. Like many other commercial keepers in the Pacific Northwest, he takes them on the road to pollinate crops, beginning with almonds in California and working his way north through cherries, meadowfoam and other crops.

With colony collapse disorder and pesticide concerns fresh on people's minds, the ag department made the investigation a high priority when the Clackamas County residents reported bee deaths, said Pokarney, the department spokesman.

As part of the investigation, the department developed a screening process for 39 pesticide active ingredients used in Oregon and known to be toxic to pollinators. Creating the customized list of pesticides reduced the testing time, Pokarney said.

"If an average citizen noticed 10 dead bees we might not dispatch an investigator, but this was serious," Pokarney said. "The numbers were high enough and these were (reported by) beekeepers. And it is a priority for us."

Oregon has had notable bee die-offs related to spraying incidents involving neonicotinoid pesticides. In late June, the department prohibited the use of pesticides containing dinotefuran and imidacloprid on linden trees and other Tilia tree species.

Online

<http://www.oregon.gov/ODA/PEST/Pages/Pollinator.aspx>



Cornell University

CORNELLCHRONICLE

Toggle Images

Aug. 21, 2014

New Cornell Alliance for Science gets \$5.6 million grant

By

Stacey Shackford

cunews@cornell.edu

A new international effort led by Cornell will seek to add a stronger voice for science and depolarize the charged debate around agricultural biotechnology and genetically modified organisms (GMOs).

Supported by a \$5.6 million grant from the Bill & Melinda Gates Foundation, the [Cornell Alliance for Science](#) will help inform decision-makers and consumers through an online information portal and training programs to help researchers and stakeholders effectively communicate the potential impacts of agricultural technology and how such technology works.

The project will involve developing multimedia resources, including videos of farmers from around the world documenting their struggles to deal with pests, diseases, crop failure and the limited resources available in the face of poverty and climate change.

“Proponents and opponents alike speculate whether biotech crops are of benefit to farmers, but rarely are those farmers engaged in the biotech discourse or their voices heard,” said Sarah Evanega, senior associate director of International Programs in Cornell’s College of Agriculture and Life Sciences (CALS), who will lead the project.

“Our goal is to depolarize the GMO debate and engage with potential partners who may share common values around poverty reduction and sustainable agriculture, but may not be well informed about the potential biotechnology has for solving major agricultural challenges,” Evanega said. “For instance, pro-biotech activists share a lot of the same anti-pesticide, low-input, sustainable-agriculture vision as the organic movement.”

Evanega and her team hope to help engage such potential partners and foster more constructive policies about biotechnology as a useful tool to address major agricultural challenges.

The grant will allow the Cornell Alliance for Science to host annual conferences, short courses and semesterlong CALS certificate programs in biotechnology leadership, among other activities.

Evanega said the initial concept was informed by a February 2014 gathering at Cornell of 34 representatives from public sector and not-for-profit organizations in 12 countries that discussed a new vision for biotechnology communications.

“Like elsewhere in the world, African scientists still find it challenging to effectively inform the public about their work and its relevance to society,” said Barbara M. Zawedde, coordinator of the Uganda Biosciences Information Center at the National Agricultural Research Organization. “Our effective communication will enable African farmers and citizens to exercise their sovereign right of informed decisions on whether to adopt certain crops and technologies depending on their needs and priorities.”

In part because of its land-grant heritage, CALS regularly hosts forums and media events about various agricultural technologies and the role they could play in providing sustainable solutions to major global challenges.

“Biotechnology is a potential game-changer for farmers in less developed countries and an important tool in the toolbox for addressing global challenges, such as persistent poverty, a changing and erratic climate, and the challenge of feeding 9 billion people by 2050,” said Kathryn J. Boor, the Ronald P. Lynch Dean of CALS. “Improving agricultural biotechnology communications is a challenge that must be met if innovations developed in public sector institutions like Cornell are ever to reach farmers in their fields.”

Stacey Shackford is a writer for the College of Agriculture and Life Sciences.

Find more Cornell news online at news.cornell.edu.

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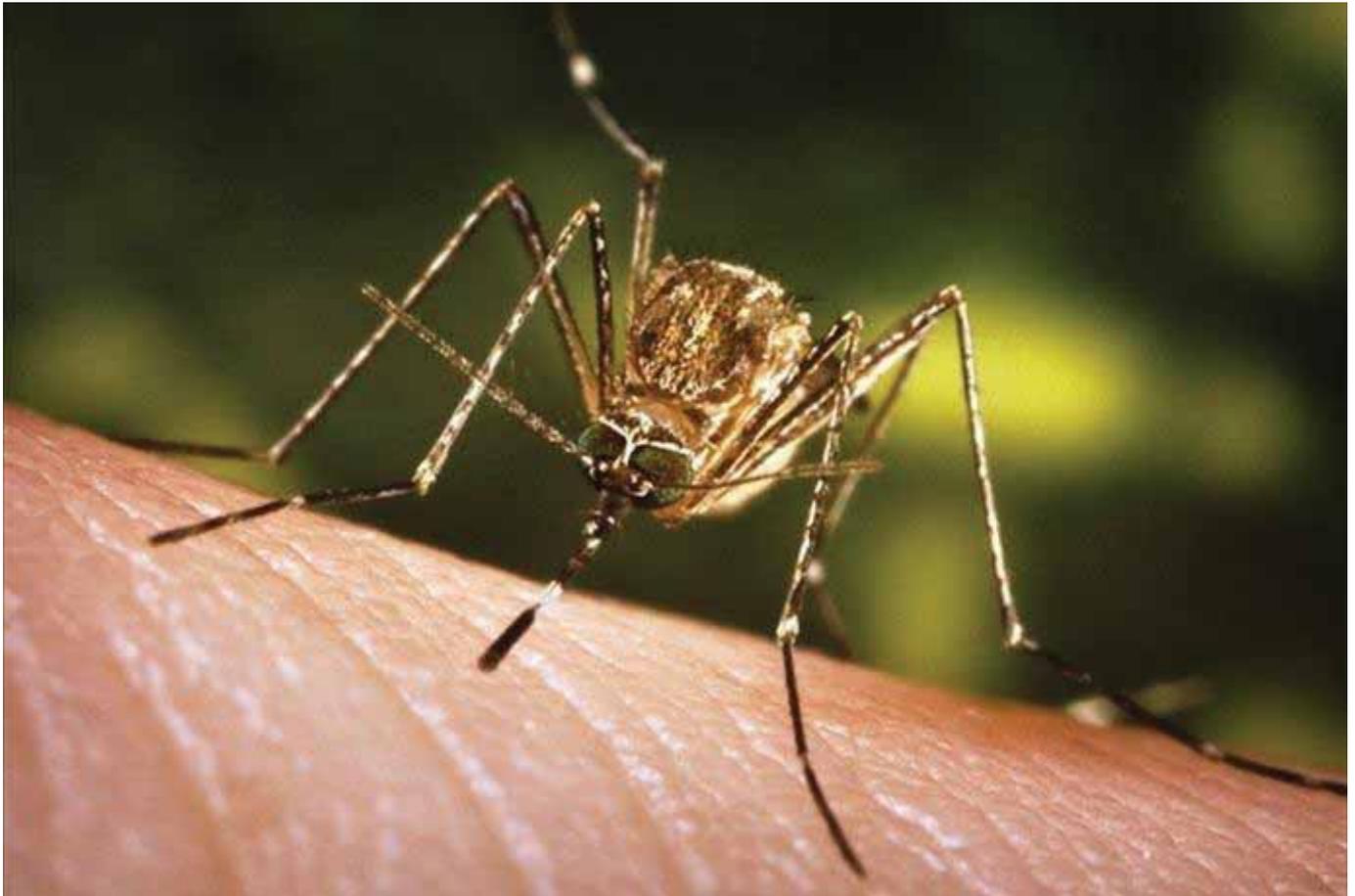
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Adult Contracts First NH Human Case of EEE in Conway

1

08/22/2014 05:33 PM

08/22/2014 05:39 PM



(Credit: Centers for Disease Control and Prevention)

CONWAY, N.H. - The New Hampshire Division of Public Health Services (NH DPHS) has identified the first human case of EEE in Conway.

A press release says the the adult became ill on August 13, and believed to have acquired EEE in the Conway area. The adult is currently hospitalized in critical condition.

“This positive is at about the same time as the previous EEE patient identified in 2009,” said NH Public Health Director Dr. José Montero. “There is no way to know where exactly this individual

was infected, but we do know that both of these diseases are present in New Hampshire so it is important that everyone remember to take steps to prevent mosquito bites to themselves and their loved ones.”

According to the NH Department of Health and Human Services, symptoms of EEE disease often appear 4 to 10 days after being bitten. If you or someone you know is experiencing flu-like symptoms, including fever and headache, contact your local medical provider. EEE is a more serious disease than West Nile Virus (WNV) and carries a high mortality rate for those who contract the serious encephalitis form of the illness. Symptoms may include high fever, severe headache, stiff neck, and sore throat. There is no specific treatment for the disease, which can lead to seizures and coma.

Ways to Protect Yourself

- Use effective mosquito repellent, wearing long sleeves and pants at dawn and dusk when mosquitoes are most active
- Remove standing water from around your house so mosquitoes do not have a place to breed
- Check doors and windows to ensure screens are in place and in good condition to prevent mosquitoes from entering your home.

For more information about EEE and West Nile Virus visit the [Department of Health and Human Services \(DHHS\) website](#). For questions contact the DHHS Bureau of Infectious Disease Control at (603)-271-4496.

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Mosquito-borne Viruses

5:40 PM TUE AUGUST 26, 2014

Maine Lab Tracks Progress of Dangerous Mosquito-Borne Viruses

By [PATTY WIGHT](#) (@PEOPLE/PATTY-WIGHT)



http://mediad.publicbroadcasting.net/p/mpbn/files/201408/9673028103_17506138ed_o.jpg

A female mosquito.
Credit Joaquim Alves Gaspar / Wikimedia Commons

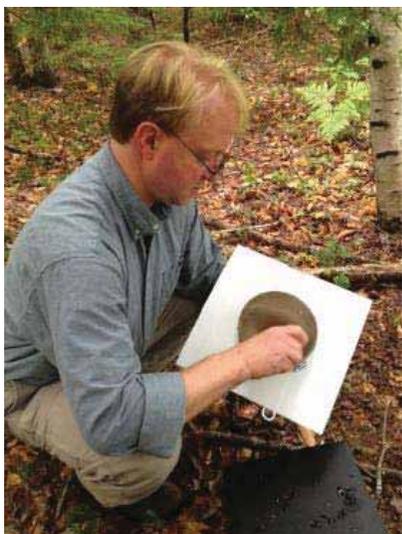
SCARBOROUGH, Maine - Lurking in Maine's forests, swamps and even backyards are potentially serious diseases. Deer ticks are a source of at least five diseases in the state. Mosquitoes are the source for two others: West Nile Virus and Eastern Equine Encephalitis, or EEE. Their incidence in humans is rare in Maine, but researchers at Maine Medical Center's Vector-borne Disease Lab know they infect animals around us. As Patty Wight reports in the second part of her two-part series, their job is to find out why, and to detect when the viruses emerge in humans.

Listen

4:06

Patty Wight reports on the Vector-borne Disease Laboratory's tracking of mosquito-borne viruses in Maine, in the second part of her two-part series.

Some people collect baseball cards or coins. Vector Ecologist Charles Lubelczyk collects ticks and mosquitoes. From spring to fall, and even sometimes in the winter, he drives to 32 sites stretching from York to Aroostook County looking for the little guys.



<http://mediad.publicbroadcasting.net/p/mpbn>

On this day, he's collecting mosquitoes in Lebanon, a geographically typical, lowland area, "where you have a lot of post-agriculture, where now it's coming back to forested areas," he says. "But there's also a lot of individual homes that are coming into these areas, which from a public health perspective, would introduce a lot of people and livestock into areas where you have these viruses naturally cycling."

Viruses like West Nile and Eastern Equine Encephalitis - EEE. "And these viruses probably naturally cycle every year at some low level, going on silently in nature," Lubelczyk says. "And with Eastern and West Nile, the natural mortality occurs mostly in bird

/files/201408/14997821091_5f43edde37_h.jpg

Vector Ecologist Chuck Lubelczyk collects mosquitoes in the southern Maine town of Lebanon. Credit Patty Wight / MPBN

populations."

Maine has only one reported human case of West Nile, from 2012. But Lubelczyk suspects the incidence is

much higher because West Nile tends to be a milder disease that behaves like the flu, and therefore goes unreported. EEE is much more serious, causing 30 percent of those infected to die, and leaving half of its survivors with permanent neurological damage.

There have been no confirmed human cases of EEE in Maine, but one was confirmed recently in Conway, New Hampshire. Here in Maine, Lubelczyk says there were two big outbreaks in 2009 and 2013 among horses, llamas, and pheasants.

"You know, we have a lot of questions why Eastern Equine Encephalitis is ramping up region wide," he says. "Twenty years ago it wasn't as much of an issue in the Northeast, and now it is."

He pulls off a busy road just past some houses and walks into a small patch of forested wetland - the preferred location for mosquitoes that carry EEE. A bunch of black plastic cubes are spread on the ground, with one side open. "This actually acts as a natural cavity that a lot of mosquitoes would like to spend their day in," he says - kind of like a hollow log.

To extract the mosquitoes in them, Lubelczyk uses a handheld vacuum he made himself. "This sort of Rube Goldberg-ish kind of contraption that looks like a large PVC pipe with a bit of stovepipe, a large battery, and then we get to use panty hose."

The panty hose are stretched out over the end of the stovepipe to act as a net to catch the mosquitoes. Lubelczyk fires it up, then suctions out each box, tapping each one to make sure all the mosquitoes are captured. After Lubelczyk vacuums out each box, he pulls out the panty hose, which can hold dozens of mosquitoes at a time, then stuffs it into a small plastic container. "This is the only time I can truthfully say I'm getting runs in my nylons," he jokes.

Lubelczyk will bring the mosquitoes back to the Vector-borne Disease Lab for identification. There are 45 species of mosquitoes in Maine, but only seven or eight are vectors, or sources, of EEE. After they're identified, they're sent to the state for analysis.

Lubelczyk says there are more questions than answers when it comes to these viruses, but climate change and heavy rainfall have likely contributed to outbreaks. The lab is also trying to solve another mystery: Why are animals like birds, deer, and moose contracting these diseases at a much higher rate than humans?

"Because mosquitoes don't differentiate between deer, moose, and us - we're all the same to them," he says. "You know, they think of us as big, respiring mammals that have a lot of blood in us and we're all equally attractive. But why are deer and moose being exposed, but people don't seem to be showing as many symptoms?"

With no human treatment available for West Nile and EEE, Lubelczyk is vigilant at all times. "You actually have one on your forehead right now," he points out. "As a public health message, I should warn you to get that mosquito off" - because he knows these viruses are brewing, and he and others at the Vector-borne Disease Lab intend to find them as soon as they strike in Maine.

TAGS: [Vector-borne Disease Laboratory \(/term/vector-borne-disease-laboratory\)](/term/vector-borne-disease-laboratory) [Chuck Lubelczyk \(/term/chuck-lubelczyk\)](#) [mosquitoes \(/term/mosquitoes\)](/term/mosquitoes) [MPBN \(/term/mpbn\)](/term/mpbn)

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Tick-Borne Diseases

[Ticked Off: Maine Lab Tracks Growing](#)

Tick-Borne Diseases

5:47 PM MON AUGUST 25, 2014

Ticked Off: Maine Lab Tracks Growing Impact of Disease-Carrying Pests

By [PATTY WIGHT](#) (@PEOPLE/PATTY-WIGHT)



http://mediad.publicbroadcasting.net/p/mpbn/files/201408/9550377306_f98519592b_o.jpg

A deer tick.
Credit File photo / MPBN

SCARBOROUGH, Maine - Twenty-five years ago, a critter about the size of a poppy seed grabbed the attention of a few researchers at Maine Medical Center. It was the deer tick - a tiny creature that carries a potentially devastating illness: Lyme disease. The researchers formed the Vector-borne Disease Lab to learn more about where deer ticks occur in Maine and about how they spread disease. A quarter of a century later, the lab is as busy as ever. Patty Wight has the first of two stories on the work being done there.

Listen

3:47

Patty Wight reports on the work being done at the Vector-borne Disease Laboratory in Scarborough.

If you're at all creeped out by ticks, you need to get over it quickly at Maine Medical Center's Vector-borne Disease Lab. Diagrams of ticks effectively serve as wallpaper. There's a giant inflatable tick on the wall, a furry stuffed one in an office, and vials and vials of the real guys.

"That's probably 1,000 there, and maybe 500 there, and we've got a freezer full of DNA and tick bodies," says Research Assistant Susan Elias, one of five staffers at the lab who handle ticks that come through the door, either from the lab's own work in the field or from other scientists in New England. The job of the Vector-borne Disease Lab is to identify these ticks and check them out for disease. They do this, says Elias, either by dissecting ticks or grinding them up and extracting DNA.

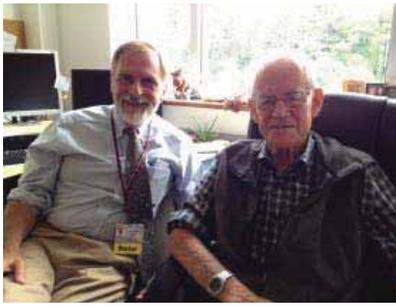
"We did some educational programming for fifth graders awhile back, and I had one little girl raise her hand and say, 'Miss Elias, how did you get such a disgusting job?'" she says.

But to Elias, the work is fascinating. It's about piecing together a story of why deer ticks are in Maine, where to find them, and how best to control them.

At about 50 research papers and counting, says lab co-founder Dr. Rob Smith, it's a growing story. "I don't think anybody predicted the tick would become abundant in so many different habitats or environments, and certainly not in northern New England," Smith says.

It turns out, Maine offers prime real estate for ticks. Migratory birds bring them in. Rodents, deer, and damp wooded vegetation make them stay. There are 14 species of ticks in the state, but researchers at the Vector-borne Disease lab focus on deer ticks because in Maine that's the only kind that transmits diseases to humans.

"Nobody predicted that this tick could carry several different organisms," Smith says. "We're now up to five different pathogens that have been recognized that deer ticks can carry and transmit to people" - potentially serious diseases, such as babesiosis and anaplasmosis that are treatable with antibiotics, and the rare but deadly Powassan virus, which claimed the life of a Maine woman last year.



http://mediad.publicbroadcasting.net/p/mpbn/files/201408/14814310148_dbfidd45bc_o.jpg

Vector-borne Disease Laboratory founders Dr. Robert Smith, left, and Dr. Peter Rand.
Credit Patty Wight / MPBN

While the lab has helped to identify some of these pathogens, it's a more difficult challenge to control them. "I think we have to be pretty humble about our understanding in general because these are complicated infections, and lots of different factors can cause one to become more prominent."

But Maine's islands offer unique laboratories that provide some answers. The lab worked with Monhegan Island in the late '90's to eradicate its abundant deer population, and cases of Lyme disease dropped to almost zero, says lab co-founder Dr. Pete Rand.

"The question is, though, how far do you have to go to reduce a deer population in order to break the cycle?" Rand says. "We and others think that may be 10 deer per square mile or less."

Lab researchers have also found ornamental shrub species like Japanese barberry and honeysuckle are favorite homes for ticks. The lab was also the first to find that a botanical pesticide made of rosemary oil is just as effective at killing ticks as a chemical spray. But for all that they've learned, there's still a long way to go, says Dr. Rob Smith.

"When you look at this on a population basis, there have not a lot of success stories, in terms of preventing these diseases," he says, "even though we think we know how to do it."

And that's because it has not been easy making the public aware and concerned enough to take preventative measures - wearing long sleeves and pants and using repellent. But that's just one of the things the Vector-borne Disease Lab is working on, as it continues to tell the story of ticks in Maine.

Tomorrow we'll hear about the Vector-borne Disease Laboratory's work on mosquito-borne illnesses.

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First report of allergic reaction to antibiotic pesticides consumed in food

Today - 8am PST

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Featured Article Academic Journal

An article published in the *Annals of Allergy, Asthma and Immunology* finds that it is possible for people to have allergic reactions to antibiotic residues in food.



The use of antibiotics in agriculture is banned in some European countries, but it is still allowed in the US and Canada.

In the piece, the authors study the case of a 10-year-old girl who had an anaphylactic reaction from eating blueberry pie.

Although the girl was known to be allergic to penicillin and cow's milk - and also had [asthma](#) and seasonal allergies - she was not known to be allergic to any ingredients in the pie.

Both the girl and a sample of the pie were tested, with the authors of the article eventually concluding that what had provoked her severe reaction were blueberries contaminated with streptomycin - an antibiotic that is also used as a pesticide.

The authors say that this - to their knowledge - is the first report of an allergic reaction to fruits treated with [antibiotic](#) pesticides used to control the growth of bacteria, fungi and algae.

The use of antibiotics in agriculture is banned in some European countries, but it is still allowed in the US and Canada.

'A very rare' allergic reaction

Dr. James Sublett, president elect of the American College of Allergy, Asthma and Immunology, says:

"This is a very rare allergic reaction. Nevertheless, it's something allergists need to be aware of and that emergency room personnel may need to know about in order to help determine where anaphylactic reactions may arise. Anyone who is at risk for a life-threatening allergic reaction should always carry epinephrine. They also need to know how to use their epinephrine in an emergency situation."

In 2006, the Environmental Protection Agency (EPA) assembled a report on the risks of using of streptomycin as a pesticide.

The report mentions that, in the first 30 years of its use, streptomycin was frequently used to treat pregnant women, but exposure to the drug was found to be associated with [hearing loss](#) or inner ear problems in the child.

However, in these cases, the mothers were receiving oral doses of the antibiotic that were much higher than the limits for chronic dietary exposure.

The EPA concluded "with reasonable certainty that combined residues of streptomycin from food, drinking water and residential exposures will not result in an aggregate risk of concern to any population subgroup."

Recently, *Medical News Today* reported on a new study that found children who live in inner-city areas [are more susceptible to food allergies](#).

Previously, studies had shown that children in urban environments are more prone to asthma and environmental allergies.

This new study demonstrated that 55% of the children in the study - who were based in Baltimore, MD, Boston, MA, New York, NY, or St. Louis, MO - were sensitive to milk, eggs or peanuts, and nearly 10% of them met the criteria for a "full-blown [food allergy](#)."

Written by [David McNamee](#)



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Date: September 4, 2014

FOR MORE INFORMATION, PLEASE CONTACT:

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or

**John Bott, Director of Special Projects and Communications,
Maine Department of Agriculture, Conservation and Forestry,
(207) 287-3156 or john.c.bott@maine.gov**

NEWS RELEASE

Additional Mosquito Pools Test Positive for Eastern Equine Encephalitis

AUGUSTA – Maine Center for Disease Control and Prevention has confirmed the presence of Eastern Equine Encephalitis (EEE) in three additional mosquito pools in York County, bringing the total number of positive tests to four in 2014.

In addition, an emu from the Sebago Lake region in Cumberland County tested positive for EEE, according to the Maine CDC and the Maine Department of Agriculture, Conservation and Forestry. The animal was not vaccinated.

Regionally, all of our surrounding states have also identified EEE. Thus far, the only human case has been reported in New Hampshire.

EEE, which is carried by mosquitoes, is usually a fatal viral disease in horses, llamas, alpacas, emus and ostriches, according to State Veterinarian Dr. Michele Walsh. “It is important for people to understand that the only way a human can get EEE is from a bite of an infected mosquito.”

“EEE is a very serious illness in humans” said Dr. Sheila Pinette, Director of Maine CDC.

“Mainers must be aware of the risks and take precautions to prevent mosquito bites and protect against EEE and other mosquito-borne illnesses.”

Mainers can take steps to protect themselves and their equines by:

- Wearing long sleeves and long pants
- Using an EPA approved repellent on skin and clothes and always following the instructions on the label
- Taking extra precautions at dusk and dawn

- Using screens on your windows and doors
- Draining artificial sources of standing water where you live, work, and play
- Vaccinating horses, llamas and emus

EEE virus is carried by mosquitoes, which pick it up from infected wild birds. The virus replicates in birds, which act as natural reservoirs for the disease.

Horses, llamas, and emus can be protected from EEE through vaccination, said Walsh. There is no vaccine or treatment for humans, so preventing mosquito bites is very important.

The Maine CDC will continue to update information on mosquito-borne disease surveillance in Maine on a weekly basis. These reports are posted every Monday from May through September at www.maine.gov/dhhs/mecdc/infectious-disease/epi/vector-borne/arboviral-surveillance.shtml

Future positive tests will be announced through this report.

Information on pesticides and repellents is available at the Maine Board of Pesticides Control website at: www.maine.gov/agriculture/pesticides/public/index.htm#mosquito

###

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Posted on: August 21, 2014

Maine's Obsolete Pesticide Collection Program

Maine Department of Environmental Protection & Maine Board of Pesticides Control will be holding a collection program in order to dispose of old, unusable pesticides that is safe, responsible and FREE.

The October 2014 collection will take place in the follow areas : Presque Isle, Bangor, Augusta & Portland. Individuals MUST register by September 26, 2014 as drop-ins will not be accepted.

FOR MORE INFORMATION & TO REGISTER PLEASE CALL: 1 207- 287-2731 OR VISIT THE WEBSITE: www.thinkfirstspraylast.org



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08/19/2014

Register now for free deposit of unwanted, obsolete pesticides this fall

Two state agencies will again team up this October to provide safe, free disposal of unwanted pesticides.

The Maine Department of Agriculture, Conservation and Forestry's Board of Pesticides Control and the Maine Department of Environmental Protection is sponsoring the free collection. Registration for the service is required by Sept. 26, 2014.

Portland is one of four collection sites statewide. This free disposal program is open to homeowners, family-owned farms and greenhouses.

Cape Elizabeth collects pesticides as part of its annual Household Hazardous Waste collection, but the next collection is not scheduled until next May.

"It's important for the protection of public, wildlife, and environmental health that these products are dealt with properly and not thrown in the trash or down the drain, where they can contaminate land and water resources, including drinking water," said Department of Agriculture, Conservation and Forestry Commissioner Walt Whitcomb. "People holding these chemicals should contact the Board of Pesticide Control as soon as possible to register for the October collection."

It's not unusual for homes and farms to have unintentional hazardous waste—banned pesticides or pesticides that have become caked, frozen, or otherwise rendered unusable—sitting around in

Finally,
A way to dispose of old, unusable pesticides that's safe, responsible and free.



October 2014 Collection:

- Registration is required; no drop-ins accepted
- Register by September 26.
- Sites in: Presque Isle, Bangor, Augusta and Portland

For more information and to register:
www.thinkfirstspraylast.org
 207-287-2731



Maine's Obsolete Pesticide Collection Program
 MAINE BOARD OF PESTICIDES CONTROL
 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Maine's Obsolete Pesticide Collection Program

MAINE BOARD OF PESTICIDES CONTROL
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August 20, 2014

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7:00pm @ Raymond Broadcast Studio

Agenda

August 26, 2014

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Mainers Urged to Sign Up for Free Disposal of Banned, Unusable Pesticides

[Print](#)

AUGUSTA—This October, the Maine Department of Agriculture, Conservation and Forestry's (DACF) Board of Pesticides Control (BPC) will team up with the Maine Department of Environmental Protection (DEP) to help Mainers dispose of banned or unusable pesticides.

This free disposal program is open to homeowners, family-owned farms and greenhouses. Collection will occur at sites located in Presque Isle, Bangor, Augusta and Portland. To qualify, people must **register by September 26, 2014.**

Governor Paul R. LePage is urging Mainers to take advantage of this opportunity to protect the environment and save money through this once a year collection event that highlights cooperation

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Free Disposal of Banned, Unusable Pesticides



Maine Department of Agriculture, Conservation and Forestry

Walter E. Whitcomb, Commissioner

Mainers Urged to Sign Up for Free Disposal of Banned, Unusable Pesticides

Joint Press Release

AUGUSTA—This October, the Maine Department of Agriculture, Conservation and Forestry's (DACF) Board of Pesticides Control (BPC) will team up with the Maine Department of Environmental Protection (DEP) to help Mainers dispose of banned or unusable pesticides.

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Others that were difficult to capture in a screen shot:

Biddeford website

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ANNOUNCEMENTS
Press releases, events, publications released, etc.
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Maine Environmental News
Announced - Sunday, August 24, 2014
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Jim St. Pierre, RESTORE: The North Woods, Editor, Maine Environmental News.
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NEWS ITEMS

Connie Tuler named Great Pond Mountain Conservation Trust Volunteer of the Year
Bangor Daily News - Friday, August 22, 2014
Great Pond Mountain Conservation Trust honored Connie Tuler of Frankfort with its Volunteer of the Year award at the land trust's annual meeting in July. The trust has benefited from Tuler's talents since 2007, when she began tagging along with Hans Krichels and his group of teens from KidPeace in Ellsworth, helping out with their weekly community service projects in Orland's Great Pond Mountain Wetlands. Despite spending all day teaching, she came nearly every Tuesday after school to help the students cut brush, put up birdhouses, build brush piles and other projects.

Mainers Urged to Sign Up for Free Disposal of Banned, Unusable Pesticides
Maine Environmental News - Friday, August 22, 2014
This October, the Maine Department of Agriculture, Conservation and Forestry's (DACF) Board of Pesticides Control (BPC) will team up with the Maine Department of Environmental Protection (DEP) to help Mainers dispose of banned or unusable pesticides. The free disposal program is open to homeowners, family-owned farms and greenhouses. Collection will occur at sites located in Presque Isle, Bangor, Augusta and Portland. To qualify, people must register by September 26.

Maine's scallop fishery to face more closures
Associated Press - Friday, August 22, 2014
Maine regulators want to shut down several waterways to scallop fishing in the upcoming season as they continue attempts to rebuild the fishery. State officials are considering a plan released this week that would shut down Eastern Casco Bay, Damariscotta River, Ocean Point and Lower Muscle Ridge among other areas. The news comes as Maine's Department of Marine Resources is warning fishermen that the coming season will likely include emergency closures depending on the amount of scallops harvested. The season runs from December to April. The state will hold public hearings in September on proposals to limit the scallop fishery for the coming season.

Down: Celebrating the canoe race on a free-flowing Penobscot River I've waited all my life to see
Bangor Daily News - Friday, August 22, 2014
Standing on the Indian Island bridge earlier this month, I watched with pride and happiness as a long line of canoes came down the river between Indian Island and Milford, heading to the portage around the Old Town-Palford dam. These were the lead canoes of the Backwater Run, a 15.5 mile canoe and kayak race from Indian Island to Bangor. This was a historic event, ac

NEWS FEEDS

MAINE ORGANIC FARMERS AND GARDENERS ASSN

Food additives on the rise as FDA scrutiny wanes
By Kimberly Kindy - The explosion of new food additives coupled with an easing of oversight requirements is allowing manufacturers to avoid the scrutiny of the Food and Drug Administration, which is responsible for ensuring the safety of chemicals streaming into the food supply.
9/16/2014 11:00:00 AM

All local, all the time: County Co-Op and Farm Store opens in Houlton's Market Square
By Jen Lynds - As co-owner of an organic vegetable farm, Meg Scott knows how to incorporate brilliant USDA certified organic meat, grains, potatoes, squash, beans and more

MST Poll: New Maine National Park Active Alert! - Sunday, August 24, 2014
Maine Sunday Telegram Poll: Should a portion of Maine's North Woods near Katahdin be turned into a national park?

Lovely Lichens of Thorne Head Preserve, Aug 30
Email - Bethel - Saturday, August 23, 2014
Join Maine Master Naturalist Becky Kibak to discover the world of lichens- those unassuming organisms that are a combination of Fung and algae. At Thorne Head Preserve, Beth, Aug 30, 10 am - noon. Sponsored by Kennebec Estuary Land Trust.

Dickford Slides Hill, Aug 30
Email - Bethel - Saturday, August 23, 2014

From Maine Sunday Journal (assume it also appeared in the KJ and Sentinel)

Maine collecting banned and unusable pesticides from residents and barn owners

The logo for The Associated Press, consisting of the letters 'AP' in a bold, black, sans-serif font, with a red horizontal bar underneath.

The Associated Press

[Lewiston-Auburn](#) |

Sunday, August 24, 2014 at 10:53 pm

AUGUSTA — Maine is beginning a drive to encourage residents to take advantage of free disposal of banned and unusable pesticides.

Officials say the disposal program is open to homeowners, family-owned farms and greenhouses. Collection will take place in Presque Isle, Bangor, Augusta and Portland.

Gov. Paul LePage calls the effort "an opportunity for Mainers to dispose of unusable pesticides properly and at no expense." State officials say many homes and farms unintentionally have hazardous wastes in basements, garages and barns. Collected materials will go to out-of-state disposal facilities to be reprocessed or incinerated. Residents must register for the program by Sept. 26.

Online: <http://www.maine.gov/dacf/php/pesticides/index.shtml>



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News

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Registration open for pesticide collection

Monday, August 25, 2014 at 10:30 am

PORTLAND — Registration is open until Sept. 26 for the free collection in October of banned or unusable pesticides by the Maine Department of Agriculture, Conservation and Forestry and Maine Department of Environmental Protection.

Collection will be conducted at four sites, including Portland and Augusta. Agriculture Department spokesman John Bott said registrants will be directed to the proper site once the required forms are received.

Collected pesticides will be shipped to disposal facilities licensed by the federal Environmental Protection Agency.

More information, instructions and registration forms can be found online at 1.usa.gov/1tw0g7n.

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- Class elective expires at Scarborough Middle School
- Quarantine lifted, Coastal Humana shelter to reopen Saturday in Brunswick