

From: jody spear
Sent: Monday, August 15, 2016 04:49 PM
To: Jennings, Henry
Subject: homeowner pesticide use -- for consideration on Friday, 19 August

Dear Henry,

In the minutes for the March 2016 meeting (agenda item 7), board chair Deven Morrill is recorded as asking -- RE: South Portland's draft ordinance -- whether homeowners and councilors know that the pesticide control board exists, or that there are regulations in place.

The answer to the question would have to be YES, especially now that Deven Morrill is part of the Portland city council task force charged with adopting protective rules to control cosmetic pesticide use. His presence there is problematic.

Apart from the obvious conflict of interest -- Morrill's work as a commercial pesticide applicator with Lucas Tree Experts -- he is subverting the Portland committee's process by pushing aggressively to maintain the status quo.

Both Portland and South Portland, like Ogunquit before them, have recognized the need for a municipal ordinance to protect their citizens, as well as local waterways, from the pollution caused by massive spraying. Morrill's company is one of several landscaping firms contributing to the contamination. I've looked at the most recent annual summary reports for Lucas Tree, Sterling LawnDawg, and TruGreen, and the numbers are staggering. For Lucas alone -- presumably in the Portland area -- the undiluted quantities of herbicides, insecticides, and fungicides sprayed on some 1,100 acres of turf and close to 1,000 trees add up to about 70,000 pounds of granular formulation plus upwards of 400 gallons of liquid chemicals. In addition, Lucas Tree applied 1,875 gallons of herbicides to about 11,000 acres of utility rights-of-way. They are not required to disclose where these poisons are sprayed (we are guessing they cover Greater Portland), but ordinances would change that. In cases where waivers are granted for "emergency" control, chemical-treated properties would be identified as a matter of public record.

The board is supposed to uphold the interests of all Maine citizens, including those who grow crops without toxic chemicals (a rapidly expanding sector), but the behavior of the current chair falls short of that standard. In fact, to judge by the stalled progress of the Portland task force after four meetings, Morrill's refusal to accept the South Portland ordinance as a template is nothing short of obstructionist. Instead, he insists on his own version of "IPM" for public property, promoting "lowest-risk" products (all the carcinogens, nerve poisons, endocrine disruptors, bee killers, etc., disclosed on Lucas Tree's annual summary reports) -- and maintains that private property must be governed solely by state regulations (citing chapters 22, 27, 28, 29, and 31).

Recent incidents show the regulations to be inadequate, and it's not just stupid homeowners at

fault. South Portland has not forgotten that a company called Purely Organic paid a massive fine (levied at \$37,000 before negotiation) in 2010 for fraudulent application of herbicide to its athletic fields. Last year, in response to a pesticide poisoning reported by a local landscaper, Justin Nichols, the board received several letters recommending reforms like pesticide sales tracking -- none of which have been acknowledged or discussed in open meetings. Also in 2015, Lucas Tree was fined \$2,000 for application of lawn pesticides within 250 feet of a property on the notification registry without advance notice -- the company's fourth such violation.

For all these reasons, local ordinances are an essential way to enact public protections not provided otherwise and to educate citizens about nontoxic choices available to them. I urge all board members to stand apart circumspectly from the deliberations going on in Portland and South Portland -- certainly not to impede them.

Jody Spear, Harborside