

# South Portland passes pesticide ban that puts education over enforcement

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Fines could be added in the future for the prohibition against certain lawn-and-garden pesticides, which takes effect in 2018 for private property owners.



**SOUTH PORTLAND** — The City Council gave final approval Wednesday to a revised landscape pesticide ban that will be penalty-free when it takes effect but could result in fines in the future.

The council voted 6-1 for the ordinance, which will rely on education and outreach to encourage property owners not to use certain lawn-and-garden pesticides and herbicides.

Councilors and supporters touted the measure as a history-making effort because South Portland is the largest of more than 25 communities in Maine that have restricted pesticide use in some way.

“This is a huge step forward,” said Councilor Maxine Beecher, who voted for the ban along with Claude Morgan, Eben Rose, Brad Fox, Patti Smith and Mayor Tom Blake.

Councilor Linda Cohen provided the sole vote against the ordinance, saying that she supported its overall intent but “you don’t pass laws you don’t intend to enforce.”

Rose, Blake and others indicated that the council may revisit the ordinance and add enforcement measures after the city has gathered data on local pesticide use.

Under the revised ordinance, retailers in South Portland could still sell banned products, including glyphosate-based Roundup, neonicotinoids and certain weed-and-feed applications. And residents could still buy them.

However, only pesticides allowed by the U.S. Department of Agriculture and classified as “minimum risk” by the Environmental Protection Agency will be allowed to be used within city limits. The local ban also will exempt commercial agriculture and playing surfaces at golf courses, and it will allow waivers for public health, safety and environmental threats, such as mosquitoes, poison ivy and invasive tree insects.

But rather than implement the ordinance in a “punitive way,” city officials plan to develop an education and outreach campaign to promote non-toxic land care practices and help the community comply with the ordinance.

As a result, the revised ordinance eliminates penalties. As first proposed, the ordinance called for escalating fines of \$200, \$500 and \$1,000 per offense following an initial warning.

The revised ordinance also calls for the city’s sustainability coordinator, not police officers, to receive complaints, educate alleged violators to bring them into compliance and keep a public record of how complaints are resolved.

The ban will apply to city property starting May 1, 2017, and broaden to private property May 1, 2018. The ordinance would apply to the South Portland Municipal Golf Course and the privately owned Sable Oaks Golf Club starting May 1, 2019.

Activists on both sides of the issue say South Portland's effort could be copied by other communities across Maine and beyond. Portland residents and officials have been monitoring South Portland's progress over the last year.

Supporters promoted South Portland's ordinance as the most far-reaching and environmentally progressive proposal of its kind in the nation, though it's unclear how effective it will be without enforcement powers.

It follows a similar measure passed last year in Ogunquit and the Healthy Lawns Act that's being rolled out in Montgomery County, Maryland. The Maryland Legislature also passed a bill, which takes effect Oct. 1, specifically banning the retail sale and homeowners' use of neonicotinoid pesticides, which have been linked to the decline in bee populations. Commercial uses would still be permitted.

Supporters said South Portland's grassroots efforts is important because the EPA doesn't require conclusive independent safety testing of pesticides and has acknowledged that it doesn't know the full impact of many chemicals on humans or the environment.

"Passing this ordinance is an important first step," said Andy Jones, a local organizer for the Toxics Action Center. "Protect South Portland will continue working with the city and other organizations to educate homeowners in safer and more sustainable lawn care practices."

Opponents of the ban have said it will confuse many homeowners who won't know which chemicals to use and likely pit neighbors against one another. Several spoke in favor of integrated pest management, which promotes a controlled use of pesticides, whether organic or synthetic, that is most effective and least toxic to humans and the environment.

"This (ordinance) is a great experiment," said Jesse O'Brien, vice president of Down East Turf Farm in Kennebunk.

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