

September 18, 2016

Dear Board of Pesticides Control,

Please add this letter to the 9/23/16 Board meeting agenda under “Other Old or New Business.”

Upon review of the 9/23/16 meeting agenda, as I will not be able to attend the meeting, I offer the following feedback and comments:

- I see no mention, either as an agenda item or media coverage, of the passage of the September 7 enactment of the South Portland pesticide ordinance. Why doesn't the Board acknowledge or discuss the historic passage of the most comprehensive and carefully conceived municipal pesticide ordinance in the country? Here are two articles for your review and inclusion on the agenda and in the Board packet:
 - <http://www.pressherald.com/2016/09/07/south-portland-passes-cosmetic-pesticide-ban/>
 - <http://www.pressherald.com/2016/09/13/south-portland-rolls-out-plan-to-promote-pesticide-ordinance/>

If you are at all concerned about the passage of this ordinance, it is worth contemplating the possibility that you have contributed to the resurgence of local control efforts, as you are not doing nearly enough to address this critical matter, a serious and major concern of the public. You have significant resources, but they are being misdirected. The prime example, as I detailed at your December 2015 meeting (http://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/jan16/Dec15Min.pdf), is the several hundred thousand dollars a year taken from the BPC account to pay for numerous outside positions and programs unrelated to the statutory mission of the Board. The bottom line is your refusal, in the face of ample research, to address the real issue, i.e., that there are substances whose risks to the public and the environment clearly outweigh any arguable benefit.

Your August meeting minutes mention in several places that the public is “passionate” about this subject. That doesn't really get to the heart of it: that passion is driven by the reasonable and scientifically grounded concern about the application of toxic substances all around us—and, in too many cases, done only for aesthetic reasons.

I find it difficult to believe that you have cancelled at least two meetings this year “for lack of business.” Protecting the public health and the environment is your statutory responsibility, and the public needs to hear from you and know that this is being done. There's much work to do.

Finally, on this topic, I invite you all to the Common Ground Country Fair Public Policy Teach-In: Local Pesticide Control—How You Can Protect Health and the Environment, to be held in Unity on Saturday, September 24, 1–2:30 PM:

<http://www.mofga.org/TheFair/ActivitiesEvents/PublicPolicyTeachIn/tabid/507/Default.aspx>.

- I see you will be discussing the collection of pesticide sales and use data at the meeting, as well as the graph you deleted from the BPC website showing a 700% increase of home-use pesticides distributed into Maine between 2005 and 2011. Here are my thoughts on this: If you feel that the 700% figure reflected in the graph is inaccurate, it is incumbent upon you to gather and publish the most accurate information possible, as soon as possible (as I have already heard your response to this in previous statements, I refer you to my comment above on the lack of resources). However, that being said, that graph was compiled by one of the most competent people I have ever worked with, Gary Fish, who produced it with the best information available at the time. As long as Gary compared the same products from one year to the next, which I am fairly sure was the case, the fact is that the 700% figure stands as an accurate representation of an increase in the distribution of pesticides in Maine over the time period shown. And the logical and reasonable assumption is that distribution eventually ends up as sales and usage. Or, did all those pesticides from 2011 get returned to their manufacturers, or could they still be stored in a warehouse somewhere? I think it's fair to say they were purchased and used all around the state.

Here are excerpts from what Gary said on this subject taken from the minutes of the December 2015 Board meeting (link above):

“The 700% increase in pesticide sales originates from a graph on www.yardscaping.org. ...The upward trend is reliable. The Board now receives a larger percentage of these reports than in the past. There are more lawn and landscape companies out there and more people hiring them.”

Further, reference is being made to the fact that much of the pesticide product distributed was in the form of weed ‘n feed—heavy bags of products containing both pesticides and fertilizer—and that is probably the case, since that is one of the most widely used forms of pesticides. As far as the actual weight/volume of actual pesticides goes, it may not be that almost 6 million pounds of actual active pesticide ingredients were distributed in 2001, almost 5 million more than in 2005, but it’s still a 700% increase in products distributed and, yes, ultimately used, in Maine over that time period. This still means 700% more pesticides.

As an example, if one 10-pound bag of weed ‘n feed was distributed in 2005, the data would indicate that 7 10-pound bags were distributed in 2011. And whatever the actual quantity of pesticide active ingredient contained in that single 2005 bag, 7 times more of that same ingredient was distributed into Maine in 2011 (and eventually used). That’s all this was intended to show.

As a final point, this all highlights the refusal, for at least 20 years, of the BPC to gather accurate data on pesticide usage in Maine, in order to gauge the progress of its statutory mission to reduce reliance on pesticides and to protect public health and the environment (<http://www.mainelegislature.org/legis/statutes/22/title22sec1471-X.html>). Jo Ann Myer’s letter to the Board, sent in August, sums that up very well: the repealed section of the statute referred to should be reinstated and put into action. This letter was evidently given to the Board at the last meeting, was discussed at the meeting, as reflected in the minutes, but was not listed on the agenda, nor posted on the website for the public to see. I request that it be re-included on the agenda now and posted accordingly.

- In connection to the above discussion on collecting pesticide data, I make the following suggestion: that the functionality of your new, very sophisticated IT database system should be designed to require that all pesticide applicators, retailers, and wholesalers/distributors, enter their sales and usage data, which could then be analyzed, totaled, published, etc. On the question of equivalents between different pesticide products and formulations, and, as mentioned in the August minutes, “normalizing the raw data into meaningful figures,” any needed equations, calculations, etc., would be built into this system to provide the needed end-calculations on usage. Any good computer programmer out there would love to work on this.
- I see no mention in the August minutes of Jody Spear’s letter regarding Board Chair Deven Morrill’s potential conflict of interest between his Board position and his appointment to the Portland Pesticides Task Force (http://www.maine.gov/dacf/php/pesticides/documents2/bd_mtg/Aug16/homeowner%20pesticide%20use-for%20consideration%20on%20Friday,%2019%20August.pdf). What does the Board intend to do to address this problem? If the Board has sought advice of the Maine Attorney General in this regard, the public should know what that advice was. If it has not sought advice, the Board should explain why it has not.

Sincerely,



Paul Schlein
Arrowsic, Maine