
From: Roy, Lisa (HIP)
Sent: Friday, August 17, 2012 11:05 AM
To: Fish, Gary
Cc: Beardsley, Nancy
Subject: RE: Here is my marked up version of the document

Hi Gary,

In reviewing this there were a couple of edits and questions I have.

1. I do not see a 4-C only 4B on page 4.
2. Can we specify that school kitchens must follow the Maine Food Code 7-2 requirements as well as the BOP rules? (just thinking about Middle Tripp and how they did not realize they were an eating or commercial feeding institution.
3. Should there be a notification to parents after the fact when a situation such as Middle Tripp occurs?

Lisa

Lisa Roy
Program Manager
Health Inspection Program
Key Bank Plaza 3rd Floor
11 SHS
Augusta, Maine 04333-0011
207-287-5691
lisa.roy@maine.gov
[website: maine.gov/healthinspection](http://www1.maine.gov/healthinspection)

Health Inspection Program Online License Renewal Service:
<https://www1.maine.gov/online/deh/hip/>

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From: June Boston [<mailto:bostonco@prexar.com>]

Sent: Friday, September 21, 2012 11:17 AM

To: Jennings, Henry

Subject: chapter 27 comment

Hi Henry, chapter 27, section 6 A #2 The contractor should NOT have to inform, teach,train or in any way, do the job of the IPM coordinator. That whole section should be removed.

June Boston
Boston Co.Golf & Athletic Fields
(207)384-5622
WWW.boston-co.com

From: Laurie Wolfrum [<mailto:alohabun@yahoo.com>]

Sent: Tuesday, September 25, 2012 9:58 PM

To: Jennings, Henry

Subject: My comments on Chapter 27: Standards for pesticide Applications and Public Notification in Schools

Hi Henry - I'd like to comment on Chapter 27: STANDARDS FOR PESTICIDE APPLICATIONS AND PUBLIC NOTIFICATION IN SCHOOLS.

The Board of Pesticides Control needs to look out for the safety of our children and make it of highest priority - higher than it is according to this draft.

Pesticides DO NOT have a place where children are. Not on their school grounds, athletic fields, gardens, greenhouses nor indoors where they spend most of their days.

The draft rule **exempts** agricultural fields, nursery plots, and greenhouses on school premises. It should not exempt those areas. And if those areas are kept as being exempt (which I hope will not be the case!), there should still be a notification requirement in advance of the pesticide application.

The only exception should be for when the benefits exceed the risk as in the case of a life-threatening pest. Weeds and other cosmetic reasons and growing food (which they would probably eat!!) **are not** life-threatening and **should not** be acceptable reasons to use pesticides. In fact, when there are pests on the grounds and gardens, those are appropriate times to show kids how to grow food organically, ecologically and sustainably without harming ourselves, our food or the environment.

The draft leaves it up to the discretion of a school's designated integrated-pest-management coordinator or a pest-management professional engaged by the school to decide whether weed killers and insecticides are justified on playing fields, lawn areas, etc. The Board of Pesticides Control claims to oppose pesticide applications for **cosmetic** purposes, yet this rule allows them and will even let other people allow them. It is very likely that a pesticide applicator will choose to use pesticides.

Laurie Wolfrum

<http://www.citizensforagreencamden.org/>

From: Julie Forbes [<mailto:jmforbesnd@gmail.com>]
Sent: Wednesday, September 26, 2012 10:47 AM
To: Jennings, Henry
Subject: Pesticides

Glad to know that the recommendation is to strengthen the protections for kids with regard to the use of pesticides on school grounds. I am always concerned about toxic exposures not just for my family but my patients and this is a very important piece of the overall health equation.

Thank you for your time today.

Julianne M. Forbes, ND, LLC

www.mainenaturopath.net

207-647-9423

207-647-3669(FAX)

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From: amy dietrich [<mailto:amy@amydietrichdesign.com>]
Sent: Wednesday, September 26, 2012 7:59 PM
To: Jennings, Henry
Subject: pesticides on school grounds

Dear Mr. Jennings,

I feel strongly that children should not be exposed to pesticides. When they are at school it is our responsibility to keep them SAFE - that means NO pesticides. The draft rule should NOT exempt agricultural fields, nursery plots, or green houses, and it should NOT be up to the IPM coordinator to decide when it is "necessary" to use a toxic poison instead of nontoxic means to control weeds or bugs. We need a clear and strong rule that protects kids. We know they are harmful and I urge you to take the time to word this school pesticide law so that it will work to keep all the children in Maine safe in ALL schools. Please eliminate the power of the IPM coordinator to potentially render this rule meaningless. The people of Maine have spoken. Please listen and do what needs to be done now to keep our young students out of harms way. It matters, and we are counting on you to fight for what you know is right.

Thank you.
Amy D Russell
Camden Maine

From: jody spear [mailto:lacewing41@gmail.com]
Sent: Thursday, September 27, 2012 4:36 PM
To: Schlein, Paul B
Subject: Re: three questions

Thanks. I sent Chap. 27 comments before getting the answer about exemptions, so that sentence ("Why exempt schools from IPM requirements to protect humans, [etc.] ...") should be deleted.

From: jody spear [mailto:lacewing41@gmail.com]
Sent: Thursday, September 27, 2012 2:47 PM
To: Jennings, Henry
Subject: chapter 27-- standards for pesticide applications and public notification in schools

to: Maine Pesticide Control Board

Pesticides do not belong in school buildings and on school grounds. Any set of standards permitting the use of toxic chemicals to control weeds and insects for aesthetic, or cosmetic, reasons is bad policy. Although Chapter 27 (Sec. 5A) states "pesticide applications on school grounds *strictly for aesthetic purposes* should be avoided," the IPM section of the rule allows wide latitude for "discretion" on the part of the IPM coordinator and/or commercial exterminator to determine what *aesthetic* threshold levels are unacceptable and therefore call for spraying. Sec. 5C(3) leaves to those pest-management professionals the judgment call as to whether dandelions are unsightly or certain insects are undesirable, despite the legitimate ecological function each may have. It also allows those PMPs to decide that a weed or insect might cause damage resulting in economic costs or safety hazards. No such decision should prevail over concerns for personal safety and environmental fate that are always attendant to herbicide and insecticide application. The only legitimate reason to spray is for emergency control of biting insects, as stipulated in Sec. 3A(1).

There is thus an internal contradiction involving language that is new (5A) and existing language (5C[3]) -- a contradiction that makes the rule unviable.

Another definitional flaw is that although "agricultural fields" are included under School Grounds (Sec. 1D -- existing language), and they -- as well as nursery plots, greenhouses, and other school education centers used for agricultural/horticultural education -- should be subject to the rules covering *all* school facilities, Sec. 3D would exempt them, providing only that parents (etc.) be informed about the "potential" for pesticide applications in such areas. This is inappropriate, given that they are an integral part of the School Grounds definition. Sec. 4A (new language) should state: "The form ... must indicate whether the parent ... wishes to

receive advance notice of *all* pesticide applications on school grounds." The words referring to nonexemptions under Sec. 3 should be deleted. The form sent to parents must make clear that they are entitled to be notified of pesticides applied to *all* school grounds and facilities, as defined in Sec. 1D(1).

Other gray areas that call for resolution:

Sec. 2A (existing language) -- All schools are required under this rule to have a written IPM policy. What are the consequences if a school fails to adopt an IPM policy? Sec. 2B(1) calls for IPM coordinator training and continuing education. Who provides this "Board-approved" training? The IPM Institute? The University of Florida?

Sec. 2B (3c) -- Pest Management Activity Log (new language) -- makes no mention of *reasons* for pesticide application. I believe it should, and that this factor should head the list: (i) the reasons for any pesticide applications made.

Sec. 2B(4) -- Why delete MSDSs?

Sec. 3B(3) (existing language) is unclear. The third exemption from notification listed here is "indoor application of a pesticide with no reentry or restricted-entry interval specified on its label (in which cases entry to the treated area is restricted for at least 24 hours)." The part in parentheses is my guess as to the meaning..

Sec. 3C (existing language) -- Assuming "powered applications for mosquito control" are not to be made by school authorities, this should be stated explicitly. As the text is written, school personnel could decide to undertake this dangerous work themselves.

Sec. 3D (new language RE: greenhouses, agricultural fields [etc.] exempt from IPM requirements) cross-references Sec. 5E, which has to do with indoor applications. Do you mean 5G, and if so why exempt schools from IPM requirements to protect humans, animals, and ecosystems? Why exempt schools from notification provisions of 4B -- i.e., the requirement that parents be informed of specific agricultural and horticultural spraying on school grounds just as they are informed of lawn and playing-field applications if they sign the Board's form confirming that they expect that warning?

Sec. 4B(1) -- For reasons stated above, the new language "not exempted by Sec. 3" should be deleted, and the words "interested in receiving" should be replaced by "who ask for such notification." It's no casual interest that would prompt parents to insist on precautionary measures to safeguard their child's health. More realistically, enlightened and concerned parents would want to exercise informed consent in order to know when to keep their child at home on days spraying is scheduled to occur.

Sec. 5A -- "Cosmetic" is more accurate than "aesthetic" to describe pesticide applications made unnecessarily. An "aesthetic" alteration is one made to enhance in a positive, substantive way (albeit unnecessarily, in this case); a "cosmetic" change has superficial connotations and is more likely to be made mindlessly, favoring manicured uniformity over eco-friendly diversity. Commas do not belong around the phrase "strictly for aesthetic [or cosmetic] reasons."

Sec. 6A(2) -- Why require that the commercial applicator notify the IPM Coordinator about notification requirements rather than vice versa? B and C should be reversed (IPM Coordinator should be told of monitoring before application is made). The second sentence of B should read: "If the monitoring results are

acceptable to the IPM Coordinator, they shall be recorded" Would it not be appropriate to add a sentence stating explicitly that schools should not apply pesticides on a routine (e.g., monthly) basis?

When I testified last year in favor of LD 837, to ban pesticide use on school grounds, I cited sections of the CoOp Extension publication titled "Outdoor IPM for Maine Schools" -- the manual that school IPM coordinators are expected to follow.

P. 15 (Sample Site Plan for a School Lawn): "If children regularly gather at the site, chemical pesticides will not be used. Organophosphate insecticides and restricted-use pesticides will not be used on this site."

P. 18 (Determining Action Thresholds): "Considering the health concerns to children surrounding pesticide use, schools may want to rule out any use of pesticides for purely aesthetic [cosmetic] reasons."

P. 69 (Managing Weeds on School Grounds): "Suppress weeds on [athletic fields] ...using ... a power rake."

My point was to highlight advice that schools should be given -- **and that should have the force of law** -- rather than the IPM "recommendations" that have been corrupted by chemical-industry lobbying groups, including many here in Maine. Despite this responsible guidance, and repeated statements in the manual that pesticide spraying is a last resort, much of the policy outlined there reflects a permissive attitude encouraging the use of chemicals to control weeds and insects on school premises -- an attitude that is not compatible with the fundamental objective of providing a safe environment for children. On school grounds the policy should be OPM: proven organic pest-management practices as carried out by Chip Osborne and Paul Tukey (SafeLawns). No other method of land care, no system that allows toxic chemicals for a quick-and-dirty fix, should ever be used around vulnerable populations. Osborne has found that chemical-intensive turf maintenance depletes beneficial microorganism and causes soil to be hard and compacted. His methods of improving the quality of soil and aerating it have been shown to be cost effective over time, and he points to the cost of *not* following organic practices: "... the cost of exposing children to cancer-causing, endocrine-disrupting, and asthma-triggering chemicals [in places] where they play for long hours." (See also safelawns.org.)

As for indoor pest control, a study published last year in the Journal of Integrated Pest Management, and discussed in the quarterly of Beyond Pesticides, reports how University of Florida building managers used sanitation and maintenance strategies to deal with insects effectively without having, for the most part, to resort to poisons. A reduction of 90% chemical use in Florida's climate should be instructive for northern states such as ours.

References:

A recent New York Times story reports three studies, published in *Environmental Health Perspectives* in 2011, showing lower IQ levels in children of mothers exposed prenatally to organophosphate pesticides. (Bouchard et al. [UC Berkeley]; Engel et al. [Mt. Sinai]; Rauh et al. [Columbia]). The UCB principal investigator, Brenda Eskenazi, professor of epidemiology and of maternal and child health, observes that the IQ differences can be expected to result in "more kids needing special services in school."

Other recent papers from *Environmental Health Perspectives* warrant particular attention because of the increasing incidence of chronic conditions linked to pesticide exposure:

E.M. Roberts et al. (May 2007) find association between high rates of autism and exposure to the neurotoxic agricultural organochlorine insecticides dicofol and endosulfan.

B. Eskenazi et al. (May 2007) report that agricultural organophosphate exposure is a trigger for developmental disorders in two-year-olds.

M.T. Salaam et al. (May 2004) examine exposure to pesticides in the first year of life and find them to be a significant risk factor for asthma.

J. Rudant et al. (Dec. 2007) conclude that children exposed to household pesticides before birth are more likely to develop cancer.

From *Environmental Research* (Oct. 2009) comes a report by R.P. Rull et al., connecting childhood leukemia with proximity to agricultural pesticide applications.

A study by D.E. Glotfelty and C.J. Schomberg, in a publication of the Soil Science Society of America (1989), reports health problems caused for people and pets from volatilization of pesticides, even after drying, causing toxic vapors to blow around areas of soil that have been treated.

"

Kathy Murray, Ph.D.
IPM Entomologist
Maine Department of Agriculture, Conservation and Forestry
28 State House Station
Augusta, ME 04333
207-287-7616 (phone), 207-287-7548 (FAX) kathy.murray@maine.gov www.maine.gov/ipm -----Original Message-----
From: Inger-Rabin [\[mailto:inger5@mac.com\]](mailto:inger5@mac.com)
Sent: Thursday, September 27, 2012 4:55 PM
To: Murray, Kathy
Subject: Chapter 27

Dear Ms. Murray and the Maine Pesticide Control Board,

As a physician, mother and citizen, I am writing to express my concern about the Maine Pesticide Board ruling on Chapter 27.

Chapter 27 will decrease restrictions on the use of pesticides on school grounds. I would advocate that we work to increase regulations and minimize the use of pesticides.

We must all work together to avoid children being exposed to pesticides as they are most vulnerable to their detrimental health effects.

Pesticides are shown to increase children's risk of cancer. Studies have confirmed that pesticides increase childhood leukemia by seven fold and significantly raise the rates of brain cancer and soft tissue sarcoma in children (sources: Journal of National Cancer Institute, American Journal of Public Health).

The Pesticide-Induced Diseases Database facilitates access to laboratory studies and lists 30 studies linking pesticides to brain cancer, 40 studies linking pesticides to leukemia.

Pesticides are implicated in multiple learning disorders. Pesticides are shown to increase learning disorders, developmental delays, attention deficit disorder and autism. The Pesticide-Induced Disease Database lists multiple studies linking pesticides to these childhood disorders and there is a clear link to levels of exposure. We know that the "caution" signs (wait 48 hours) do not prevent children from exposure as the "dry" pesticides are as toxic and harmful.

Please re-consider the passage of Chapter 27 as it will negatively impact not only children but their teacher's as well. Pesticide exposure is linked to infertility, breast cancer, prostate cancer and Parkinson's disease in adults.

We are all vulnerable to the neurological, endocrine and carcinogenic effects of pesticides. However, children, due to their weight, size and interests are the most vulnerable to their toxic impact. We must increase regulations and restrictions on the use of pesticides at school.

Through more restrictive regulations (as proposed by a recent bill), we can ensure that IPM coordinators minimize the use of pesticides on school grounds.

New restrictions will allow future generations of Maine students to lead healthier lives.

Thank you in advance.

Sincerely,

Leora Rabin, MD
Attending
Maine Medical Center
Portland, Maine

From: Schlein, Paul B
Sent: Thursday, September 27, 2012 12:37 PM
To: Schlein, Paul B
Subject: RE: voicemail comment 9/26/12

Margery Forbes, Blue Hill, Maine, 374-2068
2 voicemails (combined), September 26 and 27, 2012,

I was horrified to learn that pesticides could be used on our playing fields. I am opposed to using pesticides on school grounds. Pesticides do not belong where children are present, either inside or out. The rule should be revised to include nontoxic methods used to manage weeds and bugs. It would be much better for our health and our ecosystems. I am afraid that an IPM Coordinator, who is a pest management professional, would not be interested in non-toxic methods. The BPC should do more work on this to resolve some of these contradictions.

Paul Schlein
Public Education Specialist
Maine Board of Pesticides Control
28 State House Station
Augusta ME 04333-0028
207-287-2731 Phone
207-287-7548 Fax
<http://www.thinkfirstspraylast.org>

From: Ann Mullen <streettree@juno.com>
Sent: Thursday, September 27, 2012 6:09 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Ann Mullen
60 Salmond St
Belfast, ME 04915

From: Beedy Parker <beedyparker@gwi.net>
Sent: Thursday, September 27, 2012 9:07 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

I followed the BPC for years, for MOFGA, and I know the kind of pressure you are under, to protect the use of pesticides, those of you who know how dangerous pesticides are, particularly to children. I know you have been trying to regulate pesticides with in Maine, while keeping the applicators and chemical companies happy. I know that sometimes we must use some pesticides to protect ourselves from illness, but I also know that alternatives exist, though they may be more labor intensive.

We can do better to protect our children:

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

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I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Beedy Parker
68 Washington St
Camden, ME 04843

From: Carol Howell <rorrim3@roadrunner.com>
Sent: Thursday, September 27, 2012 8:11 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Carol Howell
2 Orff Rd.
Jefferson, ME 04348

From: Erica Rudloff <ericarudloff@gmail.com>
Sent: Thursday, September 27, 2012 8:39 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Erica Rudloff
195 Call Rd
Exeter, ME 04435

From: Heather Evans <shizzobizzy@gmail.com>
Sent: Thursday, September 27, 2012 7:10 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farm workers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Heather Evans
54 Sylvan Rd
South Portland, ME 04106

From: Paul Breeden <paulbreeden@roadrunner.com>
Sent: Thursday, September 27, 2012 7:26 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

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I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Paul Breeden
19 willow brook lane
sullivan, ME 04664

From: Scott Gaiason <sgaiason@yahoo.com>
Sent: Thursday, September 27, 2012 11:33 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

Having three grandchildren in Maine schools, I have great concern for their well being. If you have children or grandchildren, then perhaps you could understand why I am concerned.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Scott Gaiason
32 Huston St
Lisbon Falls, ME 04252

From: SUZANNE Hachey <bobhachey@tds.net>
Sent: Thursday, September 27, 2012 6:23 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

SUZANNE Hachey
PO Box 222, 875 Mullen RD
PO Box 222, 875 Mullen RD
Stetson, ME 04488

From: Jayne Chase [<mailto:jayne.chase@gmail.com>]
Sent: Friday, September 28, 2012 9:14 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

Some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools" are of utmost concern to me.

The original intent of this chapter is to PROTECT STUDENTS from dangerous pesticides by instituting IPM on school property and by allowing parents to be notified IN ADVANCE of pesticide applications.

Pesticides must NOT be used for aesthetic reasons---as this is CONTRARY to IPM PRINCIPLES---but rather, ONLY in emergency situations. Should pesticides be applied, the LEAST-toxic alternative should be used in accordance with sound IPM practices.

There should be NO exemptions for parental notification, as it is IMPERATIVE that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must NOT be treated as mini adults subject to the federal Worker Protection Standards that are known NOT to go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does NOT mitigate the unique circumstances that surround children's exposures to pesticides.

It is IMPERATIVE that the Board reconsider these amendments and update the 2007 regulation to INCLUDE the use of safer, least-toxic options to truly protect our students from the dangers of UNNECESSARY pesticide use.

Jayne Chase
45 Pleasant Street
Marlborough, NH 03455

From: Kathryn Stevens [<mailto:kas@warrenconstructiongroup.com>]
Sent: Friday, September 28, 2012 8:43 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Treating students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Kathryn Stevens
903 Mere Point Road
Brunswick, ME 04011

From: Molly Stone <molly3barnes@gmail.com>
Sent: Friday, September 28, 2012 6:44 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. There are many children nowadays with severe chemical sensitivities, and also it is important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Molly Stone
77 Chestnut St.
Camden, ME 04843

From: Mary Owen <mary_owen04330@yahoo.com>
Sent: Friday, September 28, 2012 6:46 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Mary Owen
81 Green St
Augusta, ME 04330

From: Natalie Lounsbury [<mailto:nplounsbury@gmail.com>]
Sent: Friday, September 28, 2012 9:24 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Natalie Lounsbury
505 W. Auburn Rd.
Auburn, ME 04210

From: Prescott McCurdy [mailto:prescott_mccurdy@yahoo.com]
Sent: Friday, September 28, 2012 8:39 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Prescott McCurdy
34 allen point rd
Harpwell, ME 04079

From: Read McNamara [<mailto:read.mcn@gmail.com>]
Sent: Friday, September 28, 2012 2:33 PM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

There should be no exemptions for parental notification, as it is imperative that Maine parents are aware of all chemical products their children may be exposed to. This is also important to facilitate the quick treatment of children that may have adverse reactions to these chemicals.

Maine students must not be treated as mini adults subject to the federal Worker Protection Standards that are known to not go far enough to protect adult farmworkers and their families. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Read McNamara
13 Depot St
Alfred, ME 04002

From: Alice Sheppard [<mailto:shepp6@gmail.com>]
Sent: Friday, September 28, 2012 9:09 AM
To: Jennings, Henry
Subject: Maine School IPM Chapter 27 Amendment

To the Maine Pesticides Control Board,

Scientific studies are increasingly documenting the health effects of pesticides in food and water.

As a resident of Maine I am concerned about some of the amendments proposed for Chapter 27, "Standards For Pesticide Applications And Public Notification In Schools." The original intent of this chapter is to protect students from dangerous pesticides by instituting IPM on school property and allowing parents to be notified in advance of pesticide applications. Pesticides should not be used for aesthetic reasons, as this is contrary to IPM principles, but only in emergency situations. Should pesticides be applied, the least-toxic alternative should be used in accordance with sound IPM practices.

It is imperative that Maine parents are aware of all chemical products their children may be exposed to. This also allows prompt treatment of children that may have adverse reactions to these chemicals.

Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children's exposures to pesticides.

I hope the Board reconsiders these amendments and update the 2007 regulation to include the use of safer, least-toxic options to truly protect our students from the dangers of unnecessary pesticide use.

Alice Sheppard
136 Canterbury Street
Presque Isle, ME 04769

From: Alyssa Owens <afowens1@msn.com>
Sent: Friday, September 28, 2012 1:03 PM
To: Jennings, Henry
Subject: Maine Pesticide Control in Schools, etc.

Dear Mr. Jennings:

I know that synthetic pesticides administered on land and in buildings (and from planes) cannot be called “safe” by the manufacturers or the purveyors. Pesticides were created to kill bad bugs and “weeds” but there are consequences to health and the environment. Peoples’ health issues from Cancers to Endocrine Disruption and Asthma are being linked to pesticide exposures. Only small amounts can cause problems and over time, more exposures bio-accumulate in our bodies and in frogs, fishes, bats, bees, too.

I am but a simple citizen who knows that she gets toxic symptoms from exposures to pesticides. I know a bit about them because I did my own research. The fact is, these chemicals were created for profit of big Chemical Industry without regard for human and animal and environmental health. These products were and continue to be, tested, by the manufacturers. When “tested” they are viewed separately and not together for their synergistic effect.

I ask you to please, be as prudent as possible wrt the use of synthetic pesticides which have been proven to be an ineffective long term solution to bugs and weeds. There are plenty of natural, SAFE alternative products. I enclose my blog which I put together as an educational piece on the topic.
Thank you for listening.

I live in New Hampshire and we are moving towards legislation to eliminate Pesticides and Synthetic Fertilizers off school grounds, playing fields and parks, following the excellent examples of New York State, New Jersey and Connecticut. Massachusetts is going to have such legislation soon, as well, most likely.

Please check out my blog site below which I have put together for educational purposes. The “older” entries are not old. They were submitted within the last two years. Thank you!

Sincerely,
Alyssa Owens,

Alyssa Owens

Safe Lawn Care Advocate: Leah Collective

Safer Chemicals Advocate: Safer Chemicals, Healthy Families Coalition

Blog: <http://backtoclover.blogspot.com>

From: Marsha Smith [<mailto:marsha@midcoast.com>]
Sent: Friday, September 28, 2012 4:05 PM
To: Jennings, Henry
Subject: chapter 27 comments

Maine Board of Pesticides Control

Pesticides do not belong in schools....period!!!

During last year's hearing on LD 837 the director of our (Camden) Parks and Recreation gave in part the following testimony.

..... stating that maintenance of all sports fields, town parks, and cemeteries is done "using organic fertilizers and mechanical methods (instead of chemical ones) to minimize unwanted plant and animal species." He goes on to report: "Parents are delighted that we no longer apply toxic chemicals to the turf their children are playing on, that the impact on the maintenance budget was small, and that the quality of the turf is ... high.... The composition of species on the ball field has changed somewhat, and we are still learning how to best maintain the turf in an organic way, but it remains green and ... people are glad that we have traded a chemical-free and healthy turf for a few weeds."

It is important in an educational setting that we be teaching the students the value of and how to control unwanted weeds and pests without poisons rather than dumbing it down by merely spraying a can of poison. Why are we educating our students that it is perfectly fine to poison our environment? We should be teaching them how to take care of our very fragile ecosystem. Teachers are as susceptible to the health hazards as the students.

The board is well aware of the consequences of using poisons. While we were working on LD 837, the Agricultural Committee was given reams of scientific reports to back this up.

Why...take a chance with a child's health?????

Respectfully submitted by:
Marsha Smith
Camden, ME

From: Abigail King [<mailto:abigailking@nrcm.org>]
Sent: Friday, September 28, 2012 11:04 AM
To: Jennings, Henry
Subject: public comment regarding proposed BPC rule changes to chapter 27

Dear Mr. Jennings,

Please see the attached public comments regarding the Board of Pesticide Control's proposed changes to the Standards for Pesticide Application and Public Notification in Schools in Chapter 27. Please confirm receipt of this attachment. Thank you for the opportunity to comment.

Sincerely,

Abby King
Policy Advocate
Natural Resources Council of Maine
3 Wade St, Augusta, ME 04330
Email. Abigail@nrcm.org
Phone. 207.430.0144



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Henry S. Jennings, Director
Maine Board of Pesticides Control
28 State House Station, Augusta, ME 04333-0028
Telephone: 207-287-2731
E-mail: henry.jennings@maine.gov

Dear Mr. Jennings,

Thank you for the opportunity to comment on the Board of Pesticides Control's proposed changes to the Standards for Pesticide Application and Public Notification in Schools in Chapter 27. NRCM supports the positive improvements to the existing rule around notification, record-keeping, and training. However, we object to the changes to Section 5 Part A, which state, "In addition, it is the Board's policy that pesticide applications on school grounds, strictly for aesthetic purposes, should be avoided."

NRCM believes that the costs to the health of Maine's children, families, and environment from pesticide use outweigh the benefits of use for aesthetic purposes; and that this practice should be banned, not simply avoided. Pesticide exposure to children has been connected to lymphoma and leukemia. We can expect no comparable costs, but equal benefits, from safer alternatives, such as the use of non-pesticide-based, organic land care systems on school lawns, playgrounds and ball fields. For example, the Northeast Organic Farming Association of Massachusetts (NOFA-MA) runs a certification program for organic land care. Access to certified organic land care specialist businesses is expanding, with more than 20 NOFA-accredited organic land care professionals in Maine.

Practicing organic land care on school grounds for all purposes, including aesthetic ones, will protect the health of Maine's children – our future, and the health of Maine's environment – our greatest resource.

Sincerely,

Abigail King
Toxics Policy Advocate
Natural Resources Council of Maine

From: Nichelle Harriott [<mailto:nharriott@beyondpesticides.org>]
Sent: Friday, September 28, 2012 4:43 PM
To: Jennings, Henry
Cc: Jay Feldman; Stephanie Davio
Subject: Comments for proposed amendments to Chapter 27

Mr. Jennings,

Please see attached Beyond Pesticides' comments on the proposed amendments to Maine's Chapter 27.

Thanks

--
Nichelle Harriott
Staff Scientist
Beyond Pesticides
Tele: 202-543-5450
Fax: 202-543-4791

September 28, 2012

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

Re: Chapter 27, Standards For Pesticide Applications And Public Notification In Schools

Dear Mr. Jennings,

Beyond Pesticides is submitting comments regarding the amendments to Chapter 27, *Standards for Pesticide Application and Public Notification in Schools*. These regulations establish procedures and standards for applying pesticides in school buildings and on school grounds. The amendments to Chapter 27, initially adopted in 2007, are intended to give additional authority to the designated school integrated pest management (IPM) coordinator to ensure that there is at least one person in each school knowledgeable about all pesticide use. It also requires training for the IPM coordinator and consolidates recordkeeping requirements. However, there are several shortcomings to the proposed amendments that we believe must be addressed as part of any revisions to Chapter 27. It is particularly important that IPM is approached with much more clarity and precision than is currently contained in the proposal so that there is clear guidance on management practices that eliminate unnecessary pesticide use. Unfortunately, the proposed amendments, as described below, are imprecise in both the utilization of terms (practicable, effective and affordable) and the lack of definition (health endpoints of concern not addressed). In the end, too much discretion is given to applicators who are often predisposed to using pesticides that are registered with known hazards and uncertainties associated with serious health effects, and do not generally have the expertise to make determinations on pesticide exposure and safety.

Beyond Pesticides, founded in 1981, has worked extensively in advancing sound IPM and organic policy in communities throughout the country. The organization's board of directors consists of experts in the field, including scientists and practitioners who have successfully implemented organic and IPM programs. We have provided support and guidance to numerous communities throughout the United States, helping them to implement pesticide reduction policies and create pesticide free zones and parks. To that end, we would like to use this opportunity to comment and make recommendations to the Chapter 27 amendment.

We believe that a strong, defined Integrated Pest Management (IPM) policy in the context of Chapter 27 is key to successful pest management of school buildings and/or grounds. We have found that with proper design and preventive practices, there is little to no need to use any pesticide product. Existing buildings can be repaired and retrofitted and grounds can be planted with tolerant, native species, virtually eliminating the use of pesticides. Defined least-toxic pesticides should only be used as a last resort, and the aesthetic (cosmetic) use of pesticides is never appropriate. While many use the term IPM, most do not adopt the notion that IPM should seek to eliminate the use of toxic pesticides through the adoption of preventive management practices. Toxic chemicals will continue to be used under the guise of IPM if stipulations for the use of least-toxic chemicals, only as the last resort, are not defined at the onset.

Chapter 27 and the proposed amendments do not go far enough to institute a definition of safer pest management practices, or the use of least-toxic chemical alternatives as the last resort. This oversight means that students in Maine will not receive the same protections as students in other states that have been eliminating unnecessary pesticide use by adopting pest prevention practices and using least-toxic pesticides as the last resort.

IPM Training

There are several short-comings to the proposed amendments to Chapter 27. First, according to Sec. 2.B.(1), the IPM coordinator must complete training within one month of being appointed. There is no stipulation as to what kind of training the coordinator should receive. As mentioned, IPM is a program of prevention, monitoring, and control that eliminates or drastically reduces the use of pesticides. This is accomplished by utilizing a variety of methods and techniques, including cultural, biological, and structural strategies. The IPM coordinator must be knowledgeable in these core principles of IPM and must be trained by professionals in the field to be able to:

- (1) identify pest species and conduct site inspections regularly to determine infestation levels,
- (2) keep proper written records of findings, trends and treatments used,
- (3) utilize pest exclusion methods and understand the importance of proper sanitation to reduce pest populations
- (4) incorporate prevention measures into grounds management and structural maintenance, including identifying and eliminating pest habitats and entryways and developing and maintaining healthy soil and watering levels,
- (5) employ physical, cultural and biological methods to control pests, including weeding when necessary, setting traps and barriers, as well as knowing how and when to use biological controls.
- (6) use pesticides as a last resort only; these are least-toxic chemicals not linked to cancer, reproductive problems, endocrine disruption, neurological and immune system effects, respiratory impacts and acute effects;

These knowledge requirements must be defined, especially (6) to ensure the IPM coordinator is harmonized with the principles of IPM and the intent of Chapter 27. Third party training from accredited land management professionals to help the IPM coordinator understand turf and structural management, soil science, pest biology, and behavior is a must. We recommend, according to Sec.2.B. (1) and (2), that training must be completed, done annually, and staff certified. There are a number of

organizations, including the IPM Institute of North America and Rodale Institute, as well as university extension services that provide these services at little cost. For turf management, we maintain a training course for land managers conducted by Chip Osborne of Osborne Organics.

IPM Techniques

Also of concern, as it relates to the principles of IPM, is the seeming contradiction in Sec. 5.A and Sec. 5.C(3). Sec 5.A states that the application of pesticides on school grounds for aesthetic purposes should be avoided. However, Sec. 5.C(3) states that prior to pesticide applications it should be determined whether pest populations exceed aesthetic threshold levels. Aesthetics should not be a determining factor for whether pesticides are applied. Further aesthetics are highly subjective and would lead to the unnecessary application of pesticides. This is not in keeping with the principles of IPM.

Pest Management Records

The requirements for the "Pest Management Activity Log," to be maintained by the IPM coordinator, as stipulated in Sec. 2.B(3)i, should be strengthened by prioritizing the information to be recorded. This would provide the IPM coordinator a better management perspective and increase effectiveness in instituting IPM methods for subsequent pest problems.

Thus, IPM steps taken prior to pesticide application should be recorded first, followed by the reason for pesticide application, and then by the list of pesticide applications (date, time, location, etc.) and product information. The amount of pesticide used should also be recorded.

Notification

There must be notification of all pesticide applications to school staff, and parent and guardians of students. Further, advance notice should be given to all parents of all pesticide applications, regardless of whether they "wish to receive" notification or not. There should not be an opt-out option. This is to ensure that should a student have an adverse reaction to pesticide use, the parent and medical professionals will be able to quickly diagnose and recommend treatment based on the information provided in the notification. Parents who opt out of receiving notification will not be aware of pesticide use in schools, not be provided the option to protect their children from pesticide exposures, and be at a disadvantage in receiving quick medical treatment as they will be unable to correlate pesticide exposure to adverse incident.

The language in Sec 4.A, which states that the notification form, "...must indicate whether the parent or legal guardian wishes to receive advance notice of pesticide applications....," and, Sec 4.B.(1), "...to those interested in receiving such notification, as indicated on the form described in Section 4A.,," should be struck from Chapter 27.

In this vein, there should also be no exemptions to the notification requirement. Thus, pesticide applications, as detailed in Sec 3.B. -D, must be given advance notice to staff and parents. While bait blocks, and crack and crevice injections may reduce primary pesticide exposures, they do not completely eliminate exposures. Pesticides applied in these ways can volatilize and remain in the air for long periods of time, causing continuous repeated secondary exposures. Residues may seep out of and remain on walls and fabrics where students, especially infants, can be exposed through dermal and oral (hand to

mouth) routes. Similarly, pesticide application for mosquito control also requires advance notification, as many mosquito control methods include aerosol and ultra-low volume (ULV) spraying that can trigger asthmatic incidents and other respiratory effects, and lead to residues on hard and soft surfaces, as well as in the air, turf, and soil. Parents must always be notified of these pesticide applications, especially those that may have chemically sensitive or immune-compromised children.

Students are Not Adult Farmworkers

Sec. 3.D. is especially alarming. It states that greenhouses, nursery plots and other agricultural educational centers are exempt from the stipulations in Sec. 5.E and Sec. 4.B, which mean that pesticide information and notification will not be provided to staff, students and parents, and potentially dangerous agricultural pesticides will be sprayed in the small confines of a greenhouse where students will be exposed. Sec. 3.D goes on the state, “Students entering treated areas must be trained as agricultural workers, as defined by the federal *Worker Protection Standard*.” First, students are not agricultural workers and must not be considered as such. Children are especially vulnerable to chemicals due to physiological, metabolic, and behavioral characteristics that differ from adults. Training students as agricultural workers does not mitigate the unique circumstances that surround children’s exposures to pesticides.

The federal *Worker Protection Standards*, while aimed to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers, do not prevent the hundreds of farmworkers and their families from suffering the short and long-term chronic effects such as cancer, Parkinson’s disease and birth defects, which are associated with pesticide use. Studies have found that the incidence rate of pesticide poisoning, illness or injury each year, is extremely high among U.S. agricultural workers. Despite this, the U.S. Environmental Protection Agency (EPA) has not effectively updated worker protections for almost 20 years.

Children must not be treated as “mini” adults and most certainly should not be exposed to pesticides that have a lasting legacy on farmworker populations. Sec. 3.D should therefore be stricken from Chapter 27. IPM methods and least-toxic chemicals can be applied in greenhouses, nursery plots and other agricultural educational centers so that students are not harmed while conducting agricultural studies.


Children Are Especially Vulnerable To Chemicals

School is a place where children need healthy bodies and minds in order to learn. Despite a successful trend toward non-chemical strategies, pesticides remain prevalent and are widely used today in schools and daycare facilities. Due to the large amount of time children spend in school, eliminating toxic pesticide use through the adoption of school pest management policies and programs at the local, state, and federal level will create healthier learning environments. EPA, National Academy of Sciences, World Health Organization (WHO), and American Public Health Association, among others, have voiced concerns about the danger that pesticides pose to children. Children have different susceptibilities due to physiological, metabolic, and behavioral characteristics that differ from adults. They are especially sensitive to pesticide exposures as they take in more pesticides relative to their body weight than adults and have developing organ systems that are more vulnerable and less able to detoxify toxic chemicals.

Even at low levels, exposure to pesticides can cause serious adverse health effects. Nausea, dizziness, asthma, respiratory problems, headaches, rashes, and mental disorientation, may appear even when a pesticide is applied according to label directions. Of the 40 most commonly used pesticides on school grounds, 28 are linked to cancer, 14 can disrupt hormones and 37 are skin irritants. These include chemicals such as glyphosate (Roundup), permethrin and dicamba. The most popular and widely used chemical, 2, 4-D which kills broad leaf weeds like dandelions, is a hormone disruptor with predicted human health risks ranging from changes in estrogen and testosterone levels, thyroid problems, prostate cancer and reproductive abnormalities. 2,4-D has also been linked to non-Hodgkin's lymphoma. Many believe that pesticides "wear off," and that children are not being exposed. However, the Centers for Disease Control and Prevention (CDC) found multiple pesticide residues, including 2,4-D, in the bodies of children ages 6-11 at significantly higher levels than all other age categories. 2,4-D and other herbicides are also tied to respiratory ailments, and are found in 15 percent of children tested, ages 3 to 7. Breakdown products of organophosphate pesticides are present in 98.7 percent of children tested.

We hope the Maine Board of Pesticide Control seriously considers these comments on the proposed amendments to Chapter 27. Maine students deserve the same levels of protection as students in several other states that have been eliminating unnecessary pesticide use in their schools. By not clearly defining IPM to ensure the adoption of preventive measures and only the use of least-toxic chemicals as a last resort, Chapter 27 will allow the continued use of hazardous pesticides under the guise of IPM. Staff, parents and students must always be notified of all pesticide applications, both indoor and outdoor, so that parents and students have the option of safeguarding themselves from unnecessary exposures. By bolstering Chapter 27 with a strong prevention-oriented IPM and notification mandate, students in Maine can be assured of having a healthy and safe place to learn.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Feldman", with a long horizontal flourish extending to the right.

Jay Feldman
Executive Director


SEP 28 2012



MAINE SCHOOL MANAGEMENT ASSOCIATION

49 Community Drive, Augusta, Maine 04330
Telephone: (207) 622-3473 Fax: (207) 626-2968
Website: www.msmaweb.com

TO: Henry Jennings, Director
Maine Board of Pesticides Control

FROM: Ed Antz, Risk and Safety Manager
Maine School Management Association 

DATE: September 28, 2012

RE: Written Comments for Proposed Changes to Chapter 27

Maine School Management Association (MSMA) submits the following written comments in response to proposed changes to CMR 01-096 Chapter 27, "Standards for Pesticide Applications and Public Notification in Schools."

Summary:

MSMA opposes several of the proposed changes to Chapter 27 and submits that the changes are not necessary or warranted for public schools. MSMA contends that the proposed rule changes are over and above the intent of Resolve 2011, Chapter 59, and the findings detailed in the subsequent report to the Agriculture, Conservation and Forestry Committee dated February 1, 2012. The proposed rule changes will place needless financial and administrative burdens upon school administrative units (SAUs). The Resolve charged the Board of Pesticides Control (BPC) to only make recommendations for change if the recommendations are appropriate. Most importantly, the report to the legislature concludes the following points with regard to MSMA's assertion that some of the proposed rule changes are not necessary and not warranted:

- Records show that relatively few pesticide applications actually occur on school properties.
- Most SAUs contract out their pesticides services to professional applicators.
- Compliance with indoor applications in schools is high and monitoring activities are adequate. Structural (indoor) pesticide professionals have voluntarily taken on recordkeeping responsibilities and compliance appears adequate.

Comments in Opposition

MSMA opposes the following proposed rule changes as they have burdensome, expensive and unnecessary requirements for public schools:

- Section 2B(1): IPM Coordinators would be required to complete formal BPC training within one month of appointment, to obtain BPC documentation, and to complete 1 hour annual refresher training. The initial training requirements, and the process to obtain “board documentation”, are not spelled out in the proposed rule. Depending on the details of the initial training requirements, this proposed rule could be expensive and time-consuming for SAUs. MSMA contends that one-time awareness level training for IPM Coordinators should be sufficient for them to carry out IPM school requirements. Importantly, “knowledges and abilities” above awareness level, should rest with the pesticide professionals (commercial applicators) who perform most applications in schools anyway. It simply makes no sense to increase requirements on IPM Coordinators in public schools when already trained professionals conduct most of the pesticide applications in and around Maine public schools. Perhaps, changing the proposed rule to require that all new (and untrained) IPM Coordinators view an Awareness Level Training Video (a 20 minute video prepared by the BPC staff, similar in concept to the asbestos video that has been used for almost 2 decades) within 30 days of appointment to the position would suffice.
- Section 2C: The proposed rule would require SAUs to announce names of IPM Coordinators to the BPC within the first two weeks of the school year. This requirement will be cumbersome and administratively difficult for both the BPC and the SAUs. The first two weeks of school are extremely busy for SAUs, including conducting two life-saving fire drills and a host of other beginning-of-the-year administrative duties. MSMA believes this is an additional unnecessary administrative burden on schools especially at this time of the year. No other agency that MSMA can think of has an “announcement” requirement for job positions, rather they have assigned positions (chemical hygiene officer, asbestos designated person, person who needs training for universal waste, etc.) specified in rule.
- Section 2B(4) and Section 6A(1): The proposed rule seeks to have IPM Coordinators authorize pesticide applications by signing a “log book” before an application occurs and by signing a written authorization for the commercial applicator before each event. MSMA believes this is duplicative and unnecessary and also that authorization of such events is not within the scope of the IPM Coordinator’s job responsibility. Additionally, these applications are undoubtedly authorized by contract. MSMA questions the very need for this requirement - are “unauthorized or unnecessary” applications happening? The report to the legislature did not note a significant problem in this area.
- Sections 4A and 4B: The proposed rule (4A) would require that schools provide an annual “notice” to parents, guardians, and staff within the first two weeks of school. The current rule allows this notice to be simply mailed or otherwise sent, and provides for a “registry” for concerned parents/guardians, whereas the proposed rule (Section 4B) requires that this notice be an actual form sent to all parents and guardians that must be signed and sent back to the school. No evidence has been put forth suggesting that that the current system does not function well, making the new proposal unnecessary for the relatively few applications conducted.

- Section 4: The proposed rule has errors in this section: there are no Sections 4C(1) and 4C(2) in the proposed Section 4B rule. The references should be 4B(1) and 4B(2).
- Section 4B: The proposed rule seems to alter the meaning of when school is “in session” to now include weekends and long weekends. Is there data suggesting that weekends and long weekends are being abused for pesticide applications? Why should weekends/long weekends be excluded provided that notification and re-entry requirements are followed? As per Section 4B(2), fields and other treated areas would still need to be posted with warning signs. MSMA questions the necessity of the proposed change and recommends leaving the current rule as is.
- Section 3D: The proposed rule would require training for students working in secondary school education center areas that are treated with pesticides. This would require formal “worker” training according to the federal Worker Protection Rule (WPR), 40 CFR Part 170. This rule change will place significant expense on certain schools as it would require several hours of training by a professional pesticide trainer if the school does not have one on staff. Fundamentally, the WPR rule is intended for occupational exposures to workers in commercial greenhouses, farms, etc., not students in greenhouses, fields, etc. in a primarily classroom setting here in Maine. Additionally, the WPR exempts persons working in greenhouses, fields, and areas (that use pesticides) that are used for non-commercial and non-research purposes. Secondary school education center areas likely are not considered either commercial or research in scope. MSMA submits that students should be taught by existing horticulture/agricultural teaching staff to avoid pesticide hazards and to stay out of treated areas until hazards have dissipated, rather than be taught occupational safety procedures for pesticide handlers/workers.

Comment in Support With Modification

MSMA supports, with modification, the following proposed rule changes:

- Section 6: MSMA supports the concept of increasing the regulatory requirements for pesticide monitoring, notification, and application upon commercial applicators. Commercial applicators are, by and large, managing most public school pesticide applications now, and in the case of indoor applications, voluntarily managing most of the paperwork requirements as well. It seems to make sense to place any further regulatory requirements, which help correct “recordkeeping deficiencies” identified in the report, onto the commercial applicators. Commercial applicators develop, maintain, and submit adequate records for monitoring, notification, and application activities of indoor applications now. Commercial applicators are paid professionals that are much more familiar with regulatory requirements than IPM Coordinators. An example of the suggested approach is asbestos in schools. Asbestos contractors and consultants are required to send records of sampling, analysis, and abatement activities to schools in a timely manner following those activities. Schools are then required to maintain those records and make them available to

parents/regulatory agencies upon request. This type of approach seems to make perfect sense for IPM in schools.

Conclusion

In conclusion, MSMA believes several of the proposed changes to Chapter 27 are unjustified and unwarranted and believes these changes will place significant administrative burden and expense on public schools. The conclusions of the report to the legislature simply do not justify some of the proposed rule changes. MSMA believes the current IPM regulations already work effectively and that, with some adjustment, can even more effectively protect students and staff from any ill effects of pesticide usage on public school property.