

# Morning Sentinel

## No consensus on pesticide rules

BY SCOTT MONROE

Staff Writer

01/24/2009

WATERVILLE—Should it be up to neighbors to find out about nearby pesticide use, or the crop-growers doing the spraying?

That's among the most contentious issues under debate as farmers, agricultural organizations and state officials consider a proposal to create a new online Maine Aerial Pesticide Application Notification Registry.

During public hearings Friday morning, held at the Hampton Inn on Kennedy Memorial Drive and attended by about 40 people, a handful of speakers weighed in on the registry and other rules proposed by the Maine Board of Pesticides Control.

Board member Daniel J. Simonds, a forestry consultant in Rangeley, said he recognized the inherent "tension" with the registry and wanted to strike a balance between protecting people's privacy and offering pesticide-spraying information to them, while not placing too much of a burden on growers and sprayers.

Simonds said he wanted to find a "good faith" system that "passes the straight-face test," but "in my view, it's a legitimate point: The ethical responsibility of first outreach is to the applicator (of pesticide)."

The pesticide board had originally proposed that farmers make the initial contact with landowners within 1,000 feet of the fields to be sprayed to check whether neighbors wanted to be notified, but that responsibility has since shifted to individuals after strong opposition from the agriculture community.

Heather Spalding, associate director of the Maine Organic Farmers and Gardeners Association, or MOFGA, said her organization thinks the current proposal is "inadequate" because it should require that all pesticide sprayers take the initiative to contact people within a quarter-mile of a spraying area, rather than placing the onus on neighbors. MOFGA is concerned about pesticide "drift" to nearby properties, she said.

"We should require people setting the ball in motion to notify," Spalding said. "...You can only exercise your right to know if you know about it."

She noted the pesticide board's motto is "think first, spray last," but she suggested a modified version: "Think first, notification next, spray last."

David Bell, executive director of the Wild Blueberry Commission of Maine, said his group supports the registry idea but opposes its current form. Already, growers affiliated with his organization work to communicate regularly with neighbors and update their own notification lists, he said. What's most important, Bell said, is that the registry be simple and easy to use.

"The whole communication piece is a shared responsibility between neighbors," Bell said. "We don't believe rules, legislation, whatever, promotes effective communication."

Blueberry farmer Peter Aldridge, owner of the Hatch Knoll Farm in Jonesboro, said he felt the proposed language was too restrictive and should be more "dynamic," by allowing, for instance, registrants to be contacted by e-mail instead of telephone, if they preferred. He also suggested the Web page for the registry should be a simple, one-stop-shopping center where people can select what types of pesticides they want to be notified about.

Other ideas suggested at the hearing included putting up signs on land for people to call a phone number, or to create an automated telephone message sent to abutting neighbors.

Jason Allen, owner of Allen's Blueberry Freezer of Ellsworth, said small farms would easily be able to notify a handful of abutting neighbors about pesticide spraying, but larger farms with lots of property would have a near-impossible task of contacting thousands of neighbors, because it's both expensive and complex.

"It would be very burdensome and very difficult," Allen said.

Lauchlin Titus, a crop consultant for AgMatters in Vassalboro, said last year he worked with the five largest dairy farmers in the state and notified all neighbors within one mile of a manure storage facility. They achieved a 60 percent response rate by sending a mailed notification with a self-addressed stamped envelope, and the rest of the people were contacted going door-to-door.

The state pesticide board will accept written comments on the proposals until Feb. 6.

# Morning Sentinel

## Environmental groups to lobby for six bills

BY SUSAN M. COVER

Staff Writer

01/30/2009

AUGUSTA -- Groups representing environmental interests said Thursday they will lobby on behalf of six bills, including one addressing pesticides and another to recycle light bulbs that contain mercury.

The Maine Environmental Priorities Coalition, a partnership of 27 groups, came to the Statehouse to talk about what they'd like to see the Legislature do this year.

"When we work together to protect our environment, Maine people and Maine businesses can thrive," said Maureen Drouin, executive director of Maine Conservation Voters.

Heather Spalding, associate director of the Maine Organic Farmers & Gardeners Association, said one bill would require farmers and others who spray pesticides to notify neighbors within a quarter mile that they intend to apply the chemicals. Neighbors who want more detailed information can then sign up to be part of a registry.

"This bill is a strong, simple, common-sense approach," she said.

In particular, the bill would help organic farmers who are located next to traditional farmers address their concerns over "pesticide drift," she said.

Another bill would limit how much mercury can be contained in light bulbs sold in Maine and would create a collection and recycling system for used bulbs.

Sandra Armington, a Hallowell nurse, said she wants a safe way to dispose of compact fluorescent bulbs.

"In preparation of a tsunami of burnt-out light bulbs that contain mercury, Maine needs to have a safe disposal and recycling program already established," she said.

She said manufacturers should be required to help pay for this type of program.

Other bills supported by the coalition:


- Additional funding, in the form of a bond, for the state's Land for Maine's Future program, which protects land from development, ensures public access and helps working farms and forests.
- The "Maine Climate and Energy Planning Act," which would guide planning decisions to make new development energy-efficient.
- A measure that would broaden energy-efficiency and weatherization programs.
- A bill that proposes to provide better protection for certain bodies of water, including The Basin, a coastal water body in Sagadahoc County.

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# EPA a failure on chemicals, audit finds

## Assessment of toxic risks inadequate, says new chief

By [Meg Kissinger](#) of the Journal Sentinel

Posted: Jan. 24, 2009

The Environmental Protection Agency's ability to assess toxic chemicals is as broken as the nation's financial markets and needs a total overhaul, a congressional audit has found.

The Government Accountability Office has released a report saying the EPA lacks even basic information to say whether chemicals pose substantial health risks to the public. It says actions are needed to streamline and increase the transparency of the EPA's registry of chemicals. And it calls for measures to enhance the agency's ability to obtain health and safety information from the chemical industry.

Lisa Jackson, the EPA's new administrator, promised to take the report under consideration.

"It is clear that we are not doing an adequate job of assessing and managing the risks of chemicals in consumer products, the workplace and the environment," Jackson said in a prepared statement Friday. "It is now time to revise and strengthen EPA's chemicals management and risk assessment programs."

The Journal Sentinel has chronicled the failure of the EPA to disclose information about toxic chemicals in its series, "Chemical Fallout," which began in 2007. Last month, the newspaper reported that the agency routinely allows companies to keep new information about their chemicals secret, including compounds that have been shown to cause cancer and respiratory problems.

Earlier in 2008, the Journal Sentinel revealed that the EPA's Voluntary Children's Chemical Evaluation Program, which relies on companies to provide information about the dangers of the chemicals they produce, is all but dead. And it disclosed that the agency's program to screen chemicals that damage the endocrine system had failed to screen a single chemical more than 10 years after the program was launched.

Health and environmental advocates pounced on the GAO's findings as proof that the EPA has been shirking its responsibilities for years.

"This just shows that the EPA is not any better able to protect Americans from risky chemicals than FEMA was to save New Orleans or the SEC was to cope with the financial collapse," said John Peterson Myers, a scientist and author who has been writing about chemical risks to human health for more than three decades.

For the EPA to be compared to the collapsed financial markets dramatically underscores the need for a complete overhaul of the regulation of toxic chemicals, said Richard Wiles, executive director of Environmental Working Group, a health watchdog organization based in Washington, D.C.

"The EPA joins the hall of shame of failed government programs," Wiles said.

The EPA is at high risk for waste, fraud, abuse and mismanagement and needs a broad-based transformation, the auditors found.

"The EPA lacks adequate scientific information on the toxicity of many chemicals that may be found in the environment - as well as on tens of thousands of chemicals used commercially in the United States," the GAO report said. "EPA's inadequate progress in assessing toxic chemicals significantly limits the agency's ability to fulfill its mission of protecting human health and the environment."

The EPA's ability to protect public health and the environment depends on credible and timely assessments of the risks posed by toxic chemicals, the GAO found. Its Integrated Risk Information System, which contains assessments of more than 500 toxic chemicals, "is at serious risk of becoming obsolete because the EPA has been unable to keep its existing assessments current or to complete assessments of important chemicals of concern."

The EPA urgently needs to streamline and increase the transparency of this assessment process, the report says.

"Overall, the EPA has finished only nine assessments in the past three years," the report found. "At the end of 2007, most of the 70 ongoing assessments had been under way for more than five years."

The EPA needs additional authority to that provided in the Toxic Substances Control Act to obtain health and safety information from the chemical industry, the GAO auditors found.

"They need to shift more of the burden to chemical companies to demonstrate the safety of their products," the report found.

Strengthening the EPA is one of the GAO's three most urgent priorities for the Obama administration. The GAO also called for overhauling the nation's financial regulatory system, whose inattention helped trigger the global financial crisis, and improving the Food and Drug Administration's ability to protect the public from unsafe or ineffective drugs and other medical products.

The list is updated every two years and released at the start of each new Congress to help in setting oversight agendas. Recent Congresses and administrations have been particularly alert to GAO's High-Risk List and have used its findings to help tailor agency-specific solutions as well as broader initiatives across government.

**Find this article at:**

<http://www.jsonline.com/watchdog/38260974.html>

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## [Beyond Pesticides Daily News Blog](#)

### [New EPA Administrator Pledges To Uphold Science and Public Health](#)

(*Beyond Pesticides*, February 6, 2009) President Obama's new administration has introduced changes across the federal government, and those at the Environmental Protection Agency (EPA) have been on display with the confirmation of new Administrator Lisa P. Jackson. In her recent [testimony at her Senate confirmation hearing](#) and [open letter to EPA employees](#), Ms. Jackson pledges a return to scientific integrity and agency transparency.

"Science must be the backbone for EPA programs," she says in a memo to EPA staff. "The public health and environmental laws that Congress has enacted depend on rigorous adherence to the best available science. The President believes that when EPA addresses scientific issues, it should rely on the expert judgment of the Agency's career scientists and independent advisors. When scientific judgments are suppressed, misrepresented or distorted by political agendas, Americans can lose faith in their government to provide strong public health and environmental protection."

This promise contrasts the previous administration's strained relationship with EPA scientists, which resulted in [last spring's report](#) entitled, "Interference at EPA: Science and Policies at the U.S. Environmental Protection Agency." Francesca Grifo, director of the Union of Concerned Scientists's Scientific Integrity Program, said at the time, "Nearly 900 EPA scientists reported political interference in their scientific work. That's 900 too many. Distorting science to accommodate a narrow political agenda threatens our environment, our health, and our democracy itself." Reports of conflicts of interest within EPA's Science Advisory Panels [surfaced](#) around the same time, and the Agency has [acted against the urging](#) of scientists and physicians in critical public health matters.

Transparency at EPA has also been criticized, most recently by the Government Accountability Office (GAO) in its [High Risk Series update](#) last month. Ms. Jackson's letter promises, "Public trust in the Agency demands that we reach out to all stakeholders fairly and impartially, that we consider the views and data presented carefully and objectively, and that we fully disclose the information that forms the bases for our decisions. I pledge that we will carry out the work of the Agency in public view so that the door is open to all interested parties and that there is no doubt why we are acting and how we arrived at our decisions."

Environmental groups, which have been frustrated by years of unresponsive regulators, hope that Ms. Jackson's EPA will use this promise of scientific integrity and transparency to increase protections for human health and environment that have been ignored, removed, or spent years in the system waiting for action. Beyond Pesticides has a clear vision of immediate EPA priorities, enumerated in *Transforming Government's Approach to Regulating Pesticides to Protect Public Health and the Environment*, which can be viewed and signed on to [here](#).

# Seattle Post-Intelligencer

[http://seattlepi.nwsourc.com/local/398832\\_pesticides05.html](http://seattlepi.nwsourc.com/local/398832_pesticides05.html)

## Pesticide panel on chopping block

### Group advises on protecting public

*Last updated February 4, 2009 9:23 p.m. PT*

**By ROBERT MCCLURE**  
P-I REPORTER

A small state panel that tracks pesticide exposures and is considered a national pioneer -- but caused political heartburn for Gov. Chris Gregoire -- is being eliminated just as research it supported is revealing pesticide spraying close enough to homes harms residents.

Seeking to close a budget gap of \$5.7 billion, Gregoire's proposed budget calls for eliminating the Pesticide Incident Review and Tracking panel, or PIRT. It spent about \$13,000 last year and was budgeted at \$10,000 this year.

The panel, composed mostly of state employees, identifies shortcomings in laws to protect the public from dangerous pesticide exposures.

At the same time Gregoire proposes to eliminate the panel, her budget slashes by about half the staff of the Department of Health unit that investigates how pesticides affect public health.

Meanwhile, though, Gregoire's budget leaves standing the Pesticide Advisory Board, an industry-dominated committee that advises the Department of Agriculture.

"I'm concerned. (PIRT) is the only resource that looks at health impacts of pesticides on people in our state," said state Rep. Zack Hudgins, D-Tukwila. "No matter what you believe about how safe pesticides are, not having the data hurts you."

The panel became a flashpoint last year after agricultural interests pushed for Gregoire to appoint a toxicologist with ties to the pesticide industry. Industry officials said the panel was too one-sided.

But Gregoire's appointment of the toxicologist, who previously worked at Dow Chemical and still collaborated with scientists there, set off protests by environmentalists.

The toxicologist, Charles Timchalk of Pacific Northwest National Laboratories in Richland, decided not to accept the appointment. The episode ruffled feathers both of Gregoire's agricultural and environmental supporters just as she was struggling to win re-election.

Eight months later, the position remains open.

Karina Shagren, a spokeswoman for Gregoire, said the Timchalk incident didn't affect the governor's thinking.

"With a \$5.7 billion deficit, the governor had to look at every board and commission," Shagren said. "There was no board or commission being targeted."

Ten thousand dollars "doesn't sound like a lot when you look at a multibillion-dollar budget," Shagren said, "but when you add \$10,000 over and over again, it does add up."

She said up to half the state's board and commissions are expected to be eliminated under Gregoire's plans. She would

not say if that includes the Pesticide Advisory Board.

Environmental advocates and the member of the general public Gregoire appointed to PIRT are raising questions about whether cutting the panel's \$10,000 is going to help much.

"How can we be an agricultural state and not have anybody watching pesticide exposures?" asked Liesl Zappler, the PIRT public member. "There will be no one watching and analyzing."

Earlier this decade, PIRT highlighted the need for studies to gauge whether pesticides drifting from farm fields might be harming nearby residents.

Two studies resulted. One, covering a chemical commonly used on potato fields, is not complete but did show levels "of concern" at nearby homes. Next week another study, covering four pesticides in a broad class known as organophosphates, is due out in preliminary form.

PIRT annually issues a report cataloging pesticide exposures. In addition to pesticide drift, its recent investigations have included pesticide use in schools, pesticides used to combat mosquitoes carrying West Nile virus and farm worker protection.

"Just gathering the information so people can have an informed discussion about what people are really breathing -- all that's going away with this one little phrase in the budget," said Carol Dansereau of the Farm Worker Protection Project.

Shagren said the responsibilities for such agencies as Ecology, Health, and Labor and Industries haven't changed.

But at Health, the pesticide program is slated to see its staff slashed from 7.5 to 3.4 "full-time equivalent" employees.

That office has always served as a place for citizens who think they might be sick from pesticides to report their concerns, although the Washington Poison Control Center was often citizens' first stop. With the poison control center also being eliminated, it's likely that the remaining workers in Health's pesticides unit will be scrambling just to respond to calls from the public, said Cynthia Lopez, a Health administrator. That won't leave time to analyze exposures and figure out fixes, she fears.

The unit's annual budget is being cut by \$842,000, or a little less than 50 percent. That comes out of the same unit that also handles much of the Spanish-language translation for Health.

Even farming groups say they want to see the pesticide poisoning data collected. But Heather Hansen, who represents growers as a lobbyist for Washington Friends of Farms and Forests, said that doesn't require holding public meetings.

"Given the economic realities the state is in, I don't know that it's important to have ... different state employees drive around the state and have a meeting once a month and buy lunch for everybody," Hansen said.

The panel meetings are held in Tumwater, Tukwila and Yakima. One of the money-saving measures taken before the governor's budget was released was elimination of catering, which had usually included coffee and nibbles, but sometimes included lunch. The catering was discontinued last year.

"I made cookies for the last meeting," Zappler said.

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# Petition calls for ban of popular herbicide

By [Dennis Sherer](#)  
Staff Writer

Published: Sunday, February 1, 2009 at 3:30 a.m.

When homeowners seek advice from local home and garden centers for controlling weeds in their lawn, they will likely be told to use a herbicide containing the chemical 2,4-D.

"2,4-D is a very valuable tool for homeowners battling weeds in their lawn," said Reggie Shook, general manager of Lauderdale Farmers Cooperative, which operates stores in Florence and Elgin. "If we ever lost 2,4-D, it would leave a big void for homeowners trying to kill weeds in their lawn."

The New York-based Natural Resources Defense Council is urging the U.S. Environmental Protection Agency to ban the sale of 2,4-D, the common name for 2,4-Dichlorophenoxyacetic acid and products containing the herbicide.

EPA spokesman Dale Kemery said the agency will accept comments through Feb. 23 about National Resources Defense Council's request to stop the use of 2,4-D in the United States. Comments can be submitted on the Internet via the Federal eRulemaking Portal at [regulations.gov](http://www.regulations.gov). The docket identification number of the 2,4-D petition is EPA-HQ-OPP-2008-0877.

Many agricultural organizations are opposed to the request.

"This herbicide is critically important to Alabama farmers and American agriculture in general," said Perry Mobley, equine, hay and forage director for the Montgomery-based Alabama Farmers Federation. "Livestock and row crop producers alike depend on 2,4-D."

Randall Armstrong, Lauderdale County coordinator for the Alabama Cooperative Extension System, said cattle farmers often use 2,4-D to control weeds in their pastures.

While 2,4-D is an efficient way for farmers to kill broadleaf weeds in pastures, they must apply it carefully to avoid creating vapors that can kill nearby farm crops, Armstrong said.

"It's highly volatile and vaporizes easily; that's why we recommend farmers only use it in their pastures in the early spring and late fall when there are no row crops around," he said. "If someone is not careful and uses 2,4-D on a hot summer day, they can damage cotton on



*Matt McKean/TimesDaily*

Jennifer Cofield reads the instructions on a bottle of 2,4-D herbicide, which is the most common one used by homeowners to control weeds in their lawns, at the Lauderdale Farmers Cooperative. The EPA is considering banning the herbicide.

another farm down the road."

Proponents of the effort to ban 2,4-D contend its dangers extend beyond damage to nearby farm crops.

The Oregon-based Northwest Coalition for Alternatives to Pesticides contends 2,4-D can possibly cause cancer and birth defects in humans and can harm pets and wildlife.

Mae Wu, staff attorney for the Natural Resources Defense Council, said 2,4-D is dangerous and should be taken off the market.

"Most homeowners don't understand the dangers," she said. "We think EPA has really dropped the ball by allowing it to remain on the market."

She said there are safer chemicals available for farmers and homeowners to use for weed control.

Jim King, vice president of investor relations and corporate affairs for Ohio-based Scott's Miracle-Gro Co., which manufactures 2,4-D, said the chemical has been tested repeatedly by government and independent laboratories and found to be safe.

"It's widely agreed in the scientific community to be safe," King said. "We are confident and comfortable in the use of the product."

Shook said farmers and commercial pesticide applicators have access to other herbicides for controlling broadleaf weeds in grass, but homeowners have limited options. "There's really not anything other than 2,4-D that homeowners can use when they have weeds in their lawn."

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## **Solution used for ripening fruits was pesticide: Report**

27 Dec 2008, 0134 hrs IST, Paul Fernandes, TNN

PANAJI: Laboratory tests have confirmed that the solution found by Food and Drugs Administration (FDA) inspectors near a banana vending outlet at Mapusa and apparently use in ripening fruits was ethephon, a pesticide. But authorities cannot enforce any legal action in the matter as it is not banned for use as a ripening agent.

"There is no express provision under Prevention of Food Adulteration, 1955 rules prohibiting the use of Ethephon for artificial ripening of bananas or any other fruit," Pramod Jain, director, FDA said.

FDA has no clue as to how widely the pesticide, also called by its brand name etherel, is used by fruit wholesalers and vendors for this purpose. "In view of the possible use of this solution for artificial ripening, we are requesting the central government to study the matter, and if need be, make appropriate provisions under the rules," Jain told TOI on Friday.

About five months back, FDA inspectors had conducted raids amidst complaints of artificial ripening of fruits, and seized *agarbattis* from a few places and etherel solution in one raid at Mapusa. The analysis at Central Food Laboratory, Pune, has confirmed that the solution is ethephon.

"We are not aware about its side-effects insecticide and it is a matter for a scientific study," Jain said.

On the other hand, Goa State Horticulture Corporation has recommended its suppliers not to use the pesticide for ripening bananas. "We only procure bananas which are ripened in smoke chambers without use of any chemical," said Orlando Rodrigues, managing director of the corporation.

"If the liquid comes in contact with the fruit, it may seep into the core through a cut," he said. Fears are being raised that fruit suppliers often dip the bunch of bananas in the liquid. "Smoking bananas to ripen them may not give the attractive colour, but it is healthier to eat the fruit," Rodrigues added.

The FDA raids had also seized *agarbattis* in raids from sub yards stocking bananas. However, laboratory tests to determine if they were mixed with calcium carbide, which is banned under PFA rules, did not yield much information, as traces disappear by the time they are sent to the laboratories.

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## Nurses: Disinfectants Linked To Increased Asthma Risk

A new study from the University of North Carolina suggests that nurses with occupational exposure to hospital cleaning products and medical instrument disinfectants have a greater risk of developing asthma.

"I think it's time that hospitals start exploring substituting products containing chemicals known to be respiratory irritants/sensitizers with products that may pose less health risk, just like what they did with substituting powdered latex gloves with powder free/vinyl gloves," said Dr. Ahmed A. Arif of the University of North Carolina at Charlotte during an interview with Reuters.

"It is important to recognize that ours is not the only study, although it is one of the larger studies, that has shown association between exposure to cleaning-related chemicals and asthma in nurses," he said.

Dr. Arif and his team questioned a representative sample of 3650 Texas health care professionals, 941 of which were nurses.

After accounting for factors that might influence the results, such as smoking status, age, weight and seniority, nurses who consistently cleaned medical instruments were 67 percent more likely to report an asthma diagnosis since beginning their job, the researchers found.

Furthermore, nurses who were routinely exposed to general cleaning chemicals and disinfectants were 72 percent more likely to report being newly-diagnosed with asthma and 57 percent more likely to report asthma-like symptoms.

Interestingly, nurses working with glues and solvents were 51 percent more likely to report asthma-like symptoms, the researchers found. This particular finding was "less expected," Arif acknowledged.

"We need more studies to further evaluate the significance of this finding," he said.

The study was published in the journal Occupational and Environmental Medicine, February 2009.

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On the Net:

- [University of North Carolina](#)
- [Occupational and Environmental Medicine](#)

Story from REDORBIT NEWS:  
<http://www.redorbit.com/news/display/?id=1631874>

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## Pesticide use bugs lawmakers: Link to lobster die-off comes into focus



Written by Chipp Reid

Monday, February 09, 2009



A pair of Democratic lawmakers say they plan to grill the state Department of Environmental Protection over its efforts to restore the state's lobster industry while ignoring industry experts on the effects of pesticides lobstermen say continue to kill the animals.

Commercial fishermen claim pesticides many communities used to combat mosquitoes caused the lobster die-off in 1999 that all but wiped-out the state's \$40 million lobster industry. The DEP, however, says there is not enough scientific data pointing specifically to the pesticides malathion or Altosid as the root cause of the die-off. Without that evidence, the DEP says, it cannot and will not ban the use of the

chemicals.

“It’s time we stop looking at Long Island Sound like it’s just a recreational body of water and start looking at it like it’s a job site. We lost an entire industry on the Sound,” said Senate Assistant Majority Leader Bob Duff, D-Norwalk. “If we had a massive die-off on a farm in northern Connecticut, you can bet the DEP would still be conducting tests and would ban everything to find out why. I don’t understand why it’s different with the Sound.”

Connecticut has spent \$1 million trying to restore the lobster fishery and could spend another \$200,000 on the program. State Rep. Richard Roy, D-Milford and chairman of the House Environment Committee, said he finds the DEP stance puzzling.

“They’re trying to restore an industry, but they don’t listen to the industry about potential problems with pesticides. That’s odd,” Roy said. “It doesn’t make much sense to work to restore the lobster fishery if we’re allowing chemicals to keep killing the lobsters.”

### Environmentalists agree

Fishermen and environmentalists agree with Roy. They say the restoration program little more than a waste of money if the DEP doesn’t ban malathion or Altosid.

“It doesn’t make a lot of sense to spend money on restoring a fishery if we’re just going to allow people to keep using the pesticides that killed the lobsters in the first place,” said Nick Crismale, president of the Connecticut Lobstermen’s Association.

“We know. We were there. We saw what can only be the effects of pesticide poisoning. If the DEP doesn’t do something about the pesticides, there’s no way we can restore the lobsters.”

The 1999 die-off came days after towns in Fairfield County, Westchester County and Long Island as well as New York City, sprayed malathion to kill mosquitoes carrying the West Nile virus. At the same time, the remnants of

Hurricane Floyd inundated the state. Fishermen say the storm washed the pesticides into Long Island Sound, resulting in the die-off. The DEP, however, says the storm caused many other factors that led to the mass die-off.

“You had a number of effects from the storm, from hypoxia [lack of oxygen] to extremely low salinity to a major increase in water temperature,” said Penny Howell, an environmental scientist with the fisheries division of the DEP. “Those had to have been bad things for the lobsters. There is simply no evidence pesticide could have covered the entire Sound to have the kind of effect that caused the die-off.”

The DEP uses a series of tests Stony Brook University in New York conducted in the wake of the die-off. Those tests concluded water conditions as well as a parasite killed the lobsters rather than a particular chemical. However, the School of Pathobiology and Veterinary Medicine at the University of Connecticut, in a test it conducted in 2003, found even minute traces of malathion can have lethal effects on lobsters. According to the UConn study, 0.55 parts per billion of malathion — equivalent to a teaspoon of chemical in an Olympic-sized swimming pool — either kills lobsters outright or severely degrades its immune system.

“If a lobster’s immune system is degraded, of course it’s susceptible to a parasite,” Crismale said.

Crismale also said attempts at the Lobster Institute of the University of Maine to infect healthy lobsters with the parasite the Stony Brook report cited failed.

“A healthy lobster killed the parasite,” he said “Lobsters affected by pesticides died. You be the judge.”

Roy said he believes there is more than enough circumstantial evidence for the DEP “to act on the side of caution.”

“We really don’t know what killed the lobsters,” he said. “But we are trying to bring them back, and we are spending money. I think the only way to find out is to begin to eliminate possible causes. We can’t do much to change the water temperatures. We can do something about pesticide use. If we eliminate the pesticide, and the lobsters get better, then we know we’re onto something.”

### **The Commissioner’s Office**

Roy said he would take up the issue with DEP Commissioner Gina McCarthy.

The DEP itself appears divided over whether to enact even a limited ban on malathion and Altosid. Scientists in the fisheries division believe the pesticides pose a potential threat, but they also say there is not enough direct evidence linking the pesticides to the die-off.

Dennis Schain, a spokesman for McCarthy, took a much firmer tack.

“If there isn’t any science to support a ban, we won’t ban it,” he said. “Case closed.”

At least one lawmaker disapproved of that approach.

“We’ve banned other pesticides without hard scientific data, and I see no reason why this should be different,” said Duff. “We’re talking about jobs and the health of Long Island Sound. We should err on the side of caution, and if that means stopping the use of some chemicals, then we should stop.”

The debate over pesticides could rise to the federal level as well. The U.S. Environmental Protection Agency tells the states which pesticides it allows. Ray Putnam, a scientist in the pesticide division of the EPA office in Boston, said it was then up to the states to decide whether to shorten that list.

U.S. Senator Joseph I. Lieberman said he believes it’s time for Connecticut to adopt a shorter list.

“I will continue to fight the dumping of pesticides in Long Island Sound and will remain a staunch defender of the

Sound's shorelines and its marine life," Lieberman said in a statement. "Long Island Sound is a precious natural resource, and it is essential that we remain good stewards by preserving the Sound's environmental integrity."

Roy said the state has already taken steps to ban pesticide use on playgrounds and at nursery and pre-schools.

"We want to protect children under 3 from exposure to harmful chemicals," Roy said.

The Milford Democrat also said adding malathion to a banned list would bring the state one step closer to his eventual goal.

"I would like to see the state go completely organic in pesticide and fertilizer," Roy said. "I really don't see the issue when it comes to a certain pesticide of not using it if it's a problem chemical."

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**February 1, 2009**

**WILDLIFE**

## **A Farmer's Loss Leads to a Shower of Dead Starlings**

**By DERRICK HENRY**

THEY were supposed to die quietly from heart and kidney failure.

Instead, thousands of dead starlings rained down on the Griggstown section of Franklin Township a week ago, startling residents and drawing attention to federal agriculture officials who poisoned the birds after a farmer complained that his fields were under siege by the speckled feathered creatures.

“He had a situation in which an increasing number of starlings were feeding on his farm,” said Carol A. Bannerman, a spokeswoman for the [United States Department of Agriculture](#)'s Animal and Plant Health Inspection Service. Ms. Bannerman declined to identify the Somerset County farmer who she said had for months tried nonlethal techniques like noisemakers to repel the 3,000 to 5,000 hungry birds that were landing on his fields to gobble up feed he had put down for his livestock.

“Those sorts of things don't bother them after awhile,” Ms. Bannerman said. “If they want the food badly enough, they'll ignore all those things.”

Starlings are notorious for eating livestock feed and then contaminating the feed and water with their droppings. In the fall, vineyard managers in the region keep an eye out for starling flocks that can destroy hundreds of acres of grapes within hours and then continue on, curling like dark banners in the sky.

Ms. Bannerman said the starlings had been costing the farmer \$1,500 a month in feed. The farmer raises beef and poultry on a farm of fewer than 100 acres, she said.

So, early on Jan. 23, federal wildlife officials put out bins of food pellets containing a pesticide called DRC-1339. The plan was that the birds would die more or less where they ate the pellets, Ms. Bannerman said. But some fell from trees near neighbors' homes. Others died in flight and fell onto frozen lawns and narrow roads in and around Griggstown, a historic community in central [New Jersey](#).

Without having formal notification of how the birds had died, some residents became concerned that they had been felled by the West Nile virus or avian influenza. Both diseases are fatal to birds and can be passed on to humans.

For some residents, the carcasses conjured up scenes from [Alfred Hitchcock's](#) movie "The Birds." Most of the carcasses were found about a quarter-mile east of the Millstone River, south of Bunker Hill Road, said Brian D. Levine, the mayor of Franklin Township.

"We had never seen raining birds before," Mr. Levine said. "It was just a little bizarre."

Alarmed residents started calling the Franklin Township offices on Jan. 24, a Saturday, and officials scrambled for an explanation. An Agriculture Department phone number for people with questions about the program was not monitored over the weekend, making information hard to come by.

"That's probably the thing that's most regrettable," Ms. Bannerman said. "That we had the information and it wasn't distributed."

On Monday, residents were told by federal and local officials that the carcasses were not a hazard to people or pets, because the birds metabolize the poison before they die. Ms. Bannerman said that DRC-1339, which requires a permit, is not used often in New Jersey.

The chemical causes irreversible kidney and heart damage to blackbirds, starlings, pigeons, crows, ravens, magpies and gulls, according to the Agriculture Department's Web site, which also notes that "a quiet and apparently painless death normally occurs one to three days following ingestion."

The federal government's assurances that the pesticide, and not a disease, had killed the starlings did not hold back a gentle scolding from the township.

"A little communication would have helped," Mayor Levine said. Although the Agriculture Department called the township to say that starlings were going to be culled, "we didn't really know what that meant," he said.

Animal rights groups, which have criticized bear and deer culling programs in the state in recent years, also weighed in.

"As always, this problem was created by man, as were the bear and deer issue," said Janet Pizar, director of the Bear Education and Resource Group in Hewitt. "Sportsmen and others have manipulated animal populations for their own special interests."

By midweek, most of the starling carcasses had been removed and life settled back into the routine of country living, where people are more likely to encounter road kill like deer and raccoons than the black, light-speckled birds with stumpy tails. Meanwhile, the farmer reported that there were still starlings freeloaded on his feed, Ms. Bannerman said.

She emphasized that the Agriculture Department was not trying to eradicate starlings, which some people keep as pets. The birds can be trained to mimic speech and song. The composer [Wolfgang Amadeus Mozart](#) had a pet starling and composed a poem for it when it died.

**“It’s not that we don’t like starlings,” Ms. Bannerman said. “Our intent was to assist a local farmer with a problem.”**

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

**From:** NANCY ODEN [mailto:cleaneearth@verizon.net]  
**Sent:** Thursday, January 29, 2009 7:49 PM  
**To:** Jennings, Henry  
**Subject:** For the Board - I'm pretending they care

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

**Sent:** Thursday, January 29, 2009 11:47 AM  
**Subject:** Co-op bans eight pesticides after worldwide beehive collapse

## **Co-op bans eight pesticides after worldwide beehive collapse**

**First UK supermarket chain – and Britain's biggest farmer – to prohibit chemicals implicated in the death of over one-third of British bees**

- [Alison Benjamin](#)
- [guardian.co.uk](http://guardian.co.uk), Wednesday 28 January 2009 11.40 GMT
- [Article history](#)



A bee collects nectar from a flower in a garden in Pontevedra. Photograph: Miguel Vidal/Reuters

The Co-op today became the first UK supermarket to ban the use of a group of [pesticides](#) implicated in [billions of honeybee deaths](#) worldwide.

It is prohibiting suppliers of its own-brand fresh produce from using eight pesticides that have been connected to [honeybee colony collapse disorder](#) and are [already restricted in some parts of Europe](#).

The [Co-op](#) said it will eliminate the usage of the neonicotinoid family of chemicals where possible and until they are shown to be safe. The Co-op has over 70,000 acres of land under cultivation in England and Scotland, making it the largest farmer in the UK. Since 2001, it has already prohibited the use of 98 pesticides under its pesticide policy.

Simon Press, senior technical manager at the Co-op group said: "We believe that the recent losses in bee populations need definitive action, and as a result are temporarily prohibiting the eight neonicotinoid pesticides until we have evidence that refutes their involvement in the decline."

Laboratory tests suggest that [one of the banned chemicals, imidacloprid](#), can impede honeybees' sophisticated communication and navigation systems. It has been banned in France for a decade as a seed dressing on sunflowers. Italy, Slovenia and [Germany banned neonicotinoids](#) last year after the loss of millions of honeybees. And the [European Parliament](#) voted earlier this month for tougher controls on bee-toxic chemicals.

Paul Monaghan, the Co-op's head of social goals accused the UK government of failing to recognise that "pesticides could be a contributing factor" in the breakdown of nature's number one pollinating machine.

Elliott Carnell, coordinator of [Pesticide Action Network \(Pan\) Europe](#), said he hoped the Co-op's pioneering stance would persuade the UK government to back the proposed European legislation. "The government has fought against any attempts to protect bees, which pollinate a third of the average [Error! Hyperlink reference not valid.](#) It argues that banning pesticides jeopardises crop yields, but if that was the case why would a leading [food](#) retailer be introducing this measure?"

The pesticide ban is part of the [Co-op's 10-point Plan Bee](#) launched today, which includes £150,000 for research into the impact of pesticides on the decline of honeybees in England, where more than a third of hives were wiped out last year. It will also give away bee-friendly wildflower seeds to Co-op members and customers.

Posted by <http://www.guardian.co.uk/environment/2009/jan/28/bees-coop-pesticide>

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# MAINE BIOBLOG

PUBLISHED BY THE MAINE BIOTECHNOLOGY INFORMATION BUREAU.

MONDAY, FEBRUARY 16, 2009

## Conversation with an organic grower

*Shortly after "The Board of Pesticides Control has it backwards" was posted, I received an e-mail from an organic blueberry grower. I thought you might find our e-mail exchange interesting, so I've reproduced it below.*

Dear Mr. Johnson

I've just read your blog and submission to the BPC regarding sweetcorn, and I find your logic alarming. You appear to be using the organic rule as a blanket justification for a perceived unlimited right to genetic or chemical trespass, and if a nearby organic farm isn't large enough to buffer the trespass that's just tough on the organic farm.

I don't understand this interpretation of "right-to-farm" which refuses to recognize any negative effects on adjacent land as being the responsibility of the farmer whose practice creates the negative effect in the first place. How can it be that your right to maximize private profit from your land by your preferred crop and management philosophy should trump my right to do the same?

There is only one rational, fair, neighborly - dare I say "Maine" - way to approach this problem. The two farmers responsible for their respective fields should negotiate the required buffer space and share it equally. And each should approach the other with mutual respect for the choices they make in their lives, not demonize them for their perceived ignorance, arrogance or unacceptable political slant. We are all Maine farmers. Our common interests should at least balance our conflicting ones!

Sincerely, Peter (I've deleted the rest of his name and address to protect his privacy.)

Peter,

You and I agree on at least one thing, the best way to resolve

### LINKS

[Maine Biotechnology Information Bureau](#)

[Let Farmers Decide -- news and views on threats to farming](#)

### BLOG ARCHIVE

▼ [2009 \(2\)](#)

▼ [February \(1\)](#)

[Conversation with an organic grower](#)

▶ [January \(1\)](#)

▶ [2008 \(10\)](#)

### ABOUT ME



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conflicts in agriculture is "over the fence," as they say. On the rest of your comment, I'm afraid we don't see eye-to-eye. First of all, you use the terms "genetic trespass" and "chemical trespass." These are terms cooked up by activists to advance their agenda. They have no foundation in science or law. And yes, an organic farm is required to provide a buffer against prohibited substances. That's the way the NOP rules are written (paragraph 205.202). You can't blame me for that.

Finally, I'm not advancing the notion of a "right to farm" that refuses to "recognize any negative effects on adjacent land." There is a well established body of common law that recognizes an individual's right to recover damages from harm caused by an adjoining farmer. The point in my Blog post is that the Maine Board of Pesticides Control is ignoring NOP rules, agricultural tradition and established law in their proposed rule for Bt sweet corn.

With your permission, I'd like to post your comment to the Blog.

Thanks for taking the time to comment,-- Doug Johnson

Hi Doug,

Well, we could substitute a less catchy phrase like "inadvertent cross-pollination of non-gmo crops by the drift of genetic material from gmo crops" for "genetic trespass", and a similar phrase about pesticides if you prefer. These things happen, even if the terminology was coined by "activists". You of course, being active in defense of your position, presumably are also an "activist" - it's not necessarily a bad thing to be.

So why is it a fair, neighborly and reasonable thing for your chosen system of agriculture to trump mine? I genuinely don't understand why this is felt to be "OK" on a personal level, never mind what the rules say. If you think it's fair and OK to pursue your style of agriculture at the cost of mine, then you are making a value judgment about my values and how I earn my living. Yet if I make such a judgment about you and yours I get to be labeled a luddite activist. Odd.

As a point of detail I'm not sure about your interpretation of the National Organic Rule. While I agree it says that I must provide a buffer, I don't think it cares who owns the land on which it sits. Thus if, whether by mutual agreement or in accordance with BPC rules, if some of that buffer is on your land, I am still "providing" the buffer between your crops and my crops. I think it's a red herring to assert

that because my crops have to be buffered I have to own the land that does so!

And sure, post away. I would have done so direct except I was put off by the registration requirement.

Peter

Why don't we call it what it is -- outcrossing. And the problem is not unique to genetically modified crops. Outcrossing is a problem for blue corn growers and producers of plant seeds. Would it be reasonable for me as a blue corn grower to plant an acre of blue corn next to your corn field and ask you to put up buffers so your corn does not pollinate mine, causing white or yellow seeds to appear in my ears of blue corn? Or if I was growing squash for seed, could I plant squash next to your farm and ask that you not plant any squash that could pollinate my seed crop? The answer to both of these questions is no. The grower of the identity preserved crop is responsible for the purity and integrity of the crop. The reason for this is simple. IP crops fetch a premium price, which compensates the IP producer for the added cost associated with maintaining the crop's integrity. The USDA recognized this tradition when it crafted the rules for organic production and required the organic producer to maintain buffers. If you don't think the requirement for the buffer should reside with the organic producer, then ask the USDA to change the regulations.

Meeting YOUR buffer requirement by forcing your neighbor to give up land through a regulatory process is simply "rent seeking" -- using the government to gain an advantage in the marketplace (i.e. shifting your costs to your neighbor). What happened to working this out farmer-to-farmer as you first suggested. -- Doug

No response from Peter.

POSTED BY DOUG JOHNSON AT 9:09 AM 0 COMMENTS

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