

From: Travis Drake [travis@wymans.com]
Sent: Monday, December 03, 2007 10:39 AM
To: Schlein, Paul B
Subject: Aerial Spray Comment

Attachments: Aerial Spray.doc

I have attached a document commenting on the aerial spray issue.

To: Board of Pesticides Control
From: Travis Drake
Jasper Wyman & Son
601 Rt. 193
Deblois, Maine 04622
Tel: 638-2201
E-mail: travis@wymans.com

Date: 12/03/07

Re: Comment on Aerial Spraying

My background:

I was raised on a farm.

I have a BS degree in Agriculture and Resource Economics from the University of Maine, Orono, Maine.

I have been with Jasper Wyman & Son for 28 years.

I am a Master Applicator supervising the spray program at our farm.

Comment:

I believe our aerial spray notification program had been well planed. People requesting notification was telephoned or visited prior to each application. We followed the drift regulations in the Regulations of The Board of Pesticides Control. We had set backs at sensitive and potential problem areas and ended applications when wind approached 10 MPH. We verified target spray sites with maps and visits to land areas prior to an application. Each aircraft had a ground person with radio communication during the spray application.

I believe the loss of our aerial spray program has been a great loss to Jasper Wyman & Son. We have lost two professional applicators that took a great deal of pride in their safety record and high quality of work. I fear the work we have done with the Boards drift studies and water quality testing has been the driving force to end our aerial spray program.

Jasper Wyman & Son has been forced to make spray applications with many ground sprayers rather than two professional applicators. There is no doubt that the quality of our spray program has suffered irreversible damage.

Travis Drake

From: Wendell [wcaler@207me.com]
Sent: Friday, December 14, 2007 9:24 AM
To: AF-Pesticides Internet
Subject: Fw: pesticide ariel spray comments

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

From: [Wendell](#)

To: [Wendell](#)

Cc: [p](#)

Sent: Friday, December 14, 2007 9:22 AM

Subject: pesticide ariel spray comments

Hello: I am Wendell Caler a blueberry grower from Washington county, farm bureau member and licensed applicator. Regarding Ariel spay we all understand that there are concerns especially that it don't mix well with heavily populated areas and some common sense needs to be used in those cases.

However I would like the board to consider keeping ariel spray in place for the following reasons. 1. Many of us feel the real agenda of some is to eliminate it all together. 2. With rising fuel costs it may be cost effective to use it.3. during sever outbreaks of disease or bad weather a lot of land may need to be sprayed fast and aerial is a good option. 4. Much of Washington, northern Hancock and Aroostook counties are very rural and ariel can be an option. I strongly encourage the board to look after the Maine farmers and not use a one size fits all approach to appease a few people.

Thank you Wendell Caler

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December 21, 2007

Paul Schlein
Public Information Officer
Maine Board of Pesticides Control
28 State House Station
Augusta, Me 04333-0028

ATTN; Paul Schlein,

Was planning on attending the meeting December 14, 2007 at the Hampton Inn, 425 Kennedy Memorial Drive, in Waterville. Just got out of the Hospital Wednesday December 12, 2007 after being operated on for Laparoscopic Nisswn Fundoplication.

It is very importation that a plan is developed to use aerial spraying on blueberry land as I have spent days and over 36 yards of sand filling in ruts in the fields from using a tractor to spray the land in early spring.

The aeral spraying if used correctly covers all the blueberry land with an even application before the blueberry vines get up to high.

Under the present plan with Coastal Blueberry, and managed by Paul Sweetland, this regulatory language is already in place. The neighbors are being notified, and they have a drift management plan in effect. Mr Sweetland is always at the lots being sprayed, so know they are always on the correct lot.

The aerial spraying is necessary because it saves rutting up the land with the tractors.

Sincerly,



Carl Cunningham
234 Winslows Mills Road
Waldoboro, Me 04572

151 Looks Pt. Rd.
Jonesboro ME
Dec 26, 07

Paul Schlein
28 State House Station
Augusta ME

Dear sir;

I am sending this letter to voice my opinion on the subject of aerial spraying.

A few years ago, when two of my grandchildren were small, they, and their mother, were "dumped on" in their own driveway, by a plane spraying pesticide.

I am very much against aerial spraying.

Yours Truly,
Barbara E. Look

From: jody spear [jodyspear@hotmail.com]

Sent: Wednesday, December 26, 2007 1:47 PM

To: Schlein, Paul B

Subject: drift-- postscript to testimony submitted on Dec. 14

The board's ranking of drift issues, summarized from the October 26 planning session, were not available to me prior to the December hearing (despite my having requested them), so I am expanding the comments I submitted two weeks ago. Recommendations are reordered here according to the most recent ranking.

Rec.1 -- buffers

I note pervasive insistence on establishing buffers that are "equitable" -- as if the practices of the organic grower could harm the grower spraying pesticides as much as occurs from the reverse scenario. I stand with the organic farmer Mark Jacoby, who expressed, during the last meeting of the Stakeholders Group, the inequity of his being put at an economic disadvantage by having to establish buffers on HIS side of the boundary.

Protecting surface waters from pesticide drift by any means possible is critical; buffers should not be the only means proposed.

A ban on the most toxic chemicals (OPs) -- which are being sunsetted anyway, both in Europe and at the US federal level -- should be accelerated in Maine. Aerial spraying should cease for the protection of field workers and bystanders on the ground (including roadways). And the most appropriate placement of buffer zones cannot be determined without systematic drift studies conducted annually. These three points were the platform of a petition submitted to the board in 2005 and reinforced by a group of people who spoke "off the record" at the July 2007 meeting. They remind us that individuals outside farm precincts are sickened from exposure to drifting pesticides. Why aren't their complaints weighted as heavily here as concern for the economic bottom line? Various types of damage control -- short of eliminating the source of the damage -- such as determining GPS locations of certified organic farms, will not alleviate bystander concerns when pesticides drift onto roadways.

Mark Jacoby's suggestion that there be an incentive for pesticide users to not cause harm to others is not captured here. Why not?

And if the establishment of Farm Zones should advance to the policy stage, to give the real-estate industry a basis for disclosures about the potential for drift, it would not be appropriate to trivialize the risk by referring to it as "a small amount" (Q. 3). The point of providing information to potential property owners would be not to make them "less frightened" (as we heard suggested at the December meeting) but to honor their right to know so as to go elsewhere, out of harm's way.

Rec. 2 -- "[Mandatory] notification within 24 hours, WEATHER PERMITTING" is not acceptable. Timely mandatory notification for all affected individuals would have to be a minimum of 24 hours, and it would have to be given by telephone as well as announced on radio stations as a dependable way for those who need to know to be given advance warning.

There should also be a mechanism by which neighbors are made aware that they can request notification (it is common that people do not know of that option, as we heard at the December meeting). The point is not to lower the volume of complaints (as suggested by Arthur Shaw's notification method: posting sites prior to applications) but to lower if not eliminate the incidence of chronic and acute injuries caused by pesticide exposure.

Individuals beyond 500 feet should be able to request notification, and provision should be made for those especially vulnerable -- such as members of the Brown family, formerly living in Hope. Denying humans the protection afforded to other endangered species by the CPCA statute would not have happened, subsequent to the Brown case in 2000, if the board were appropriately in balance.

I hope the "program to promote nonregulatory dispute resolution" advances no further. It implies that outside mediators should be able to forge agreements forcing an injured party to submit to intolerable conditions.

Rec. 3 -- funding (not discussed but ranked high)

Perhaps discussion will resume if the new toxics bill is approved by the legislature. The board could stand to receive funding for pesticide education, and we will urge that there be conditions attached to base such educational outreach solidly on the precautionary principle. It should not be for the express purpose of pacification --making the public "less frightened."

Rec. 4 -- drift management

For the remaining time that aerial spraying is permitted under law, any drift-management plan should mandate that every aerial applicator be charged with ascertaining that the land owner and/or manager (whoever contracts for the service) of any property sprayed can provide definitive methods for identifying boundaries. Notification of individuals who request it must be carried out with a minimum of 24 hours notice -- weather notwithstanding -- and through broadcast media (see Rec. 2).

A list of all "sensitive" areas -- water bodies and other natural resources, gardens, wells, schools, daycare centers, nursing homes, hospitals, and other occupied facilities -- should be published in newspapers so that the term is completely understood. Full transparency should be the goal.

Rec. 5 -- education

Fact sheets provided to "consumers" through real-estate agents or other channels should be based on information from Beyond Pesticides or another such reputable source. A subcommittee of the new governor's Task Force to Promote Safer Chemicals might be deputized for this purpose. Applicators are the least likely to provide precautionary advice.

Conventional growers do not "need" to use pesticides; they choose to use them, and in so doing they cause unacceptable damage and destruction to the environment and its inhabitants.

The proviso with the minus-2 value in this section -- that school-age students be instructed about the "harm" of pesticide use -- is of primary importance. The term "comparative," qualifying "benefit" (preceding item) as well as "harm" is a code word referring to a bogus risk-assessment procedure imposed by the chemical industry in recent decades. Its premise -- that a certain percentage of the population will have to suffer for the greater good -- is concealed in print and TV ads for pesticides, where no reference is made to the destructive effect on health and environment, but it should not be concealed in these proceedings. We have a right to expect transparency, and as long as the board is dominated by industry allies who give low rankings to educational directives, we will have to be strident in our insistence on fair treatment.

Rec. 6 -- prohibition of pesticide spraying onto occupied/sensitive areas

Transparency is lacking here. No subrecommendations are listed, and the vague editorial allusion to the "concept that drift is not okay at any level" is our only clue to the board's intransigence. In fact, no one should ever be exposed involuntarily to toxic substances that make them sick, acutely or chronically. Their houses, their yards, their gardens, their wells, their animals, their children should not be poisoned by pesticide spraying, either ground or aerial. Why does the precautionary principle not govern in this case, above all others? We can only hope that the direction given by the governor's Task Force to Promote Safer Chemicals will lead to much-needed changes in the board's composition in addition to prescriptions to change pesticide policy.

Rec. 7 -- drift monitoring

Transparency is lacking. Drift monitoring may be difficult because of landowners' objections, but it can and must be mandated. How else can educated decisions be made about putting in place the most effective buffers?

"Research on a prioritized basis"? No. Research is preliminary to beginning a monitoring program -- not the same thing. Evaluating on a case-by-case [prioritized] basis is not good enough. This exercise is about setting and upholding standards, of which drift monitoring is an essential component.

Rec. 8 -- standards for determining harm

Transparency is lacking. The 20% allowance onto others' property (a high fraction of the amount sprayed on the target area) before enforcement action is triggered is admittedly arbitrary. It should be discarded.

Tolerance levels set by EPA are notoriously inadequate. They do not reflect the 10-fold margin of safety required under the Food Quality Protection Act to protect those at highest risk. In the case of phosmet (Imidan), the OP insecticide applied most widely in Maine, EPA used a safety factor of 3 instead of 10 to account for the specific sensitivity of children to pesticides, and they failed to consider neurotoxicity of a compound that targets the nervous system of humans as well as insects. EPA's Inspector General issued a report last year recommending revisions needed for meaningful implementation of FQPA (referenced in the governor's task force report [cited in Rec. 6], issued by Maine DEP).

Moreover, EPA tolerances do not take into account the greater consumption of a given crop -- e.g., blueberries -- in the area in which it is produced. Workers and children are especially at risk.

EPA's abysmal performance in setting protective standards is being challenged in court; the thresholds it has imposed should not be the basis for Maine's standards. (Inevitably, there will be food crops for which no "labeled use" exists. What then?)

What is the meaning of the sentence fragment (Q. 37) "nondetectable levels for human exposure and organic crops"? I might speculate, given its minus-3 vote sum, that the idea come from someone who was overruled by the majority, in which case I would concur that any amount of drift witnessed -- even if undetectable and unmeasurable -- warrants regulatory action.

Missing from this recommendation is mention of damage to beneficial species, including pollinators, which must incur severe penalties. Whether pesticides -- including but not limited to Bt and neonicotinoids -- are a prime cause of Colony Collapse Disorder or one of several contributing factors, they do kill bees, without question. This poses a threat to the food supply -- a threat that cannot be "managed" away

dependably by such strategies as buffers (regardless of size) and by refuges bordering GM crops. Given the severity of the CCD crisis already manifest, strong proactive measures should be taken without delay.

Rec. 9 -- annual list of complaints

"What are the criteria for a 'complaint'?" The editorial comment implies that not all complaints are valid, whereas in fact any involuntary exposure to pesticide drift is a legitimate grievance.

The board's response to complaints like that in June 2006 lodged by Stacy Jacques (who was doubted and ridiculed by PCB inspector Arthur Shaw) should not depend on "proof of harm" being established.

Full transparency should mean that I and others (such as those who came before the board in July) would have advance notice -- at least a week -- to prepare for a hearing. A notice in the Free Press, which I saw after the hearing had taken place, specified that testimony should address notification (Rec. 2) and drift management/verification of correct site (Rec. 4). Does this mean that the board was/is not inviting comment on the other seven recommendations RE: buffers, funding, education, drift monitoring, measuring harm from drift, annual record of complaints, and especially prohibition of spraying onto occupied/sensitive areas? [I assume this notice was not placed by Paul Schlein, as the location was stated as Augusta, not Waterville.]

Given all the ambiguity and obfuscation -- and the subsequent lack of public participation in the hearing process -- I respectfully suggest that another hearing be held. A detailed description of the points on which testimony is being solicited should be publicized in advance.

Jody Spear, Harborside

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