



*Maine Organic Farmers
and Gardeners Association
Common Ground Country Fair*

To: Henry Jennings, Dr. Carol Eckert, Lebelles Hicks, Paul Schlein, Gary Fish, Mary Tomlinson, Dr. Lani Graham, Dr. Tamas Peredy, Dr. Lauren Ball, Andy Smith, Diane Silverman, Dr. Stephen Sears

Fr: Heather Spalding

Da: August 31, 2010

Su: MOFGA Recommendations On Five Requirements In LD 1547 - An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

Thank you all very much for your attention to this important discussion regarding the development of a comprehensive notification registry for outdoor applications of pesticides. This has been a very long and challenging process and the participation of public health officials like you is much appreciated. We understand that you are buried in paperwork on this subject so we want to provide concise recommendations on each of the five action items specified in LD 1547. We are, of course, more than happy to discuss any of these items with any of you. We look forward to seeing you at the next meeting.

Among the many documents that you have received from Lebelles Hicks is a summary of recent scientific studies linking adverse human and environmental health problems to pesticides exposure, sometimes at low levels. Please note that there is a new resource available to the public that serves as an online clearinghouse for research on health affects of pesticides. The database provides an annotated bibliography of studies linking pesticides exposure to asthma, autism and learning disabilities, birth defects and reproductive dysfunction, diabetes, Parkinson's and Alzheimer's diseases, and several types of cancer. You can access it at:
<http://www.beyondpesticides.org/health/>.

These studies are why people want to know about pesticides being sprayed where they live, work and play.

- 1. Comprehensive Registry.** We welcome this opportunity to move beyond the focus of aerial and air carrier spraying. While those application technologies are the most dramatic and noticeable, we know that pesticides can volatilize and
294 Crosby Brook Road, P. O. Box 170, Unity, Maine 04988 • **Phone:** (207) 568-4142
Fax: (207) 568-4141 • **Email:** mofga@mofga.org • **Web:** www.mofga.org

drift even when directed downward at short range under optimum climatic conditions. The Environmental Protection Agency has convened a scientific advisory panel to assess the problems of volatilization drift recognizing that post-application drift is a real public and environmental health problem, as well as a threat to the livelihood of organic farmers.

We are encouraged by discussions at BPC meetings that seem to be heading toward bringing non-agricultural, aerial and air-carrier pesticide applications back into the registry. The ACF has been struggling with the scope of a notification system, as well as specific notification distances. Your support for registry notification based on technology, rather than the sector in which the technology is used will be extremely important. Hundreds of people in Maine have signed up for the registry expecting to be notified regardless of the context in which aerial or air carrier spraying happens. The BPC, with your support, now has an opportunity to advocate for a comprehensive program, and instill trust in the registrants who have proactively sought notification.

Comprehensive is a superlative and we certainly feel that the goal should be, over time, to bring all outdoor pesticide applications into the system, regardless of the sector in which they take place and the technologies being used. The Board of Pesticides Control reports that public concern about homeowner use of pesticides represents less than half of a percent of the complaints, and that homeowners are not using the kinds of technology that are generate significant off-site drift. Representative Andrew O'Brien, original sponsor of LD 1547 and member of the Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) has explained that he/the ACF did not intend to have the comprehensive registry include homeowner use. We recognize that there are significant administrative barriers to regulating homeowner use of pesticides as well. However, we urge this committee to consider the rising concern about and awareness of exposures to chemicals in general and feel that there are some steps that the BPC, pesticide merchants, and homeowners can take to inform their neighbors about outdoor pesticide use. These include: posting signs about the notification registry at points of pesticide sales, and requiring merchants to include BPC fliers about the registry with any sale of homeowner pesticides that will be applied without powered equipment. Advance notification times may be shorter than those specified for powered, outdoor applications. Homeowner regulation may be phased in over time.

- 2. Notification Distances.** While we strongly advocate for a consistent notification zone of 1,320 feet for all aerial and air carrier applications, we recognize that there may be different standards for other methods of application. We recommend the following:

Type of Equipment	Notification Distance	Justification
Aerial/ Air Carrier	1,320 ft.	<ul style="list-style-type: none"> ▪ Some states allow for notification of neighbors up to ½ mi. away ▪ Other states use ¼ mi. buffer zones or notification distances ▪ This should include all uses of this equipment ▪ Exemptions provided for non-agricultural use, orchards, and Christmas trees should be lifted
Powered Ground Equipment and Motorized Backpack Sprayers	500 ft.	<ul style="list-style-type: none"> ▪ Some areas allow for buffer zones for this type of equipment up to 660 feet ▪ Buffers around salmon streams for this type of equipment are recommended at 500 feet
Non Powered Equipment Pesticide spray equipment which pumps and disperses pesticides without utilization of an electric, gasoline, wind-driven or other motorized power source. By way of example, non-powered equipment includes manual pump spray equipment and self-contained aerosol spray cans or bottles but does not include equipment which employs a motor, except one powered only by hand.	250 ft. or abutters	<ul style="list-style-type: none"> ▪ Not much data available for notification for this type of use ▪ Typical homeowner use category ▪ Mirrors existing non-agricultural use registry

- * States allowing for notification or buffer up to ½ mile include: Florida,
- * States allowing for notification or buffer up to ¼ mile include: Arizona, New Hampshire, Texas, Wisconsin (block or adjoining block)
- * States allowing for notification or buffer up to 500 ft include: Pennsylvania
- * States allowing for notification of abutters include: Colorado, Connecticut, Illinois, Iowa, Louisiana, Maryland, Michigan, New Jersey, New York, Rhode Island, Washington, West Virginia, Wisconsin

Please return the notification distance to 1,320 feet for orchardists and Christmas tree growers. Keep it consistent for aerial and air carrier technologies. There is evidence of chlorpyrifos contamination in homes 400 meters from orchards where the pesticides are applied. This study was conducted by the Department

of Environmental Health, School of Public Health and Community Medicine, University of Washington, Seattle; the Centers for Disease Control and Prevention, National Center for Environmental Health in Atlanta.

Think of a quarter mile notification zone as a neighborhood. A quarter mile is the distance in which families might go for a walk with their dogs, or the range in which kids might ride their bikes to friends' houses.

3. **Efficacy of Public Awareness Campaign.** We appreciate the initiative that the BPC staff has taken to gather information about the efficacy of the registry awareness campaign. While we are hopeful that the number will rise significantly over the current 18%, we feel that this number is encouraging and we are hopeful that the BPC, other state agencies, businesses and organizations will continue to promote the public availability of the registry.
4. **Signage.** Given the Legislature's dismissal of the mandatory, written, advance notification of neighbors within a quarter mile of aerial and air-carrier spray zones, simple signage must be a part of Maine's pesticide spray notification program. Sign posting is an easy way for land managers to be more proactive in informing neighbors about the existence of the registry. A simple posting requirement could look like this:
 - * A poster shall be posed conspicuously at least two weeks prior to the planned spray activity and shall not be removed by the land manager for at least 2 days (48 hours) after spray activity ceases.
 - * The poster shall have a standardized template designed by the Board of Pesticides Control, and contain the following information: simple message about the use of pesticides on the property; simple message about the existence of the registry and the public's right to enroll; contact information for enrolling in the registry; contact information for the land manager.
 - * Areas that shall be posted include federal, state, municipal and private roads open to the public bordering or leading into the intended spray area, utility crossings of these roads and any place a maintained public trail enters the application site.
 - * Posters shall be posed at intervals no less than 300 feet along property boundaries visible to the public.
 - * Land managers are encouraged to post positive messages about their businesses alongside the standardized template of information outlined above.
5. **Internet-based Notification Process.** We would like to see the registry evolve into an automated system that is seamless, inexpensive, and easily accessed by all stakeholders. We appreciate the efforts that the BPC staff is making to

research internet-based technologies. We also appreciate the comments that many pesticide users have made indicating the importance of person to person communication, and we feel that land managers should have a choice of participating in an automated system administered by the BPC or carrying out their own personal notification system, as long as it ensures that neighbors within established notification zones are informed. We understand that in the interest of notifying a broader audience, specificity of boundaries may be effected. If the automated system could ensure that members in a township, for example, would be notified about spraying in their community, then people could modify their behavior and travel plans to minimize or limit exposure.

Examples of Buffer Zone Laws (updated 6/21/2010)

Fresno County, CA - No pesticide applications to occur within 1/8 mile while school is in session or while grounds are occupied. Fresno County's gross value (2008) of agricultural production - \$5,669,527,000 - the largest in CA.

Tulare County, CA - No aerial application of restricted use pesticide within a 1/4 mile of a school in session. Second year with this condition. Applications of penncap-M, Sevin and Furadan shall not be made within 1 mile of pollinating bees, except when there are no blooming plants in the treatment area. Tulare County's gross value (2008) of agricultural production - \$5,017,955,000.

Kern County, CA - No application of restricted use materials within 1/4 mile of a school that is in session or during school-sponsored activities or when children are present. For applications of methyl parathion, carbaryl, and carbofuran there is a 1-mile buffer zone around almond orchards that are being pollinated by bees, except when there are no blooming plants. Kern County's gross value (2008) of agricultural production - \$4,032,830,000.

Monterey County, CA - No application within 500 feet of schools during school hours. Adjacent applications not permitted within one hour of school hours. Monterey County's gross value (2008) of agricultural production - \$3,829,123,000.

Merced County, CA - For restricted use materials, 1/4-mile aerial spray buffer zone around schools/hospitals/other sensitive sites. 1/8-mile buffer zone for ground spray. No aerial applications when sensitive crops such as vegetable and truck crops, nurseries, grapes, sugar beets and open greenhouse plantings, etc are within 1/2 mile up-wind or one mile downwind. Merced County's gross value (2008) of agricultural production - \$2,972,698,000.

Kings County, CA - No aerial application of restricted materials are to be made within 1/4 mile of residential areas, occupied labor camps, or schools in session. Restricted use dust applications by air shall not be applied within 1/2 mile of crops where there is a residue problem and not within 1/4 mile for ground rig applications. Applications of phenoxy herbicides shall not be made within 2 miles of any commercial grape vineyard after bud break. Kings County's gross value (2008) of agricultural production - \$1,760,168,000.

Imperial County, CA - 1/2 mile buffer zone on restricted use materials when school is in session or when school grounds are occupied. 1/4 mile for aerial applications within 12 hours of school hours; no aerial dust applications within 1/2 mile. Imperial County's gross value (2008) of agricultural production - \$1,684,522,000.

Ventura County, CA - 1/4 mile buffer zone on California restricted materials for schools in session. Ventura County's gross value (2008) of agricultural production - \$1,611,091,000.

San Diego County, CA – Presence of bees in intended treatment area prohibits use of pesticides labeled “toxic to bees”. San Diego County’s gross value (2008) of agricultural production - \$1,552,102,000.

Riverside County, CA - For Palo Verde Valley District only, no applications of restricted use materials shall be made within one mile of any school. Due to past complaints the district has made this buffer for all pesticides. Riverside County’s gross value (2008) of agricultural production - \$1,268,590,000.

San Luis Obispo County, CA – For restricted use materials, ½ mile buffer for aerial and 500 ft buffer zone for ground app while children are present. San Luis Obispo County’s gross value (2008) of agricultural production - \$606,746,000.

Glenn County, CA - Restricted Materials: no ground applications within ¼ mile of a school in session. No aerial applications within 1/4 mile of a school at ANY time. Looked at by a case-by-case basis. Propanol cannot be applied within 4 miles of rice fields by aerial app. Glenn County’s gross value (2008) of agricultural production - \$558,609,000.

San Bernardino County, CA - Pesticides applied by powered equipment when the application is to foliage or trees higher than 36 inches from the ground and the spray is directed perpendicular to the ground may not be applied within one hour of the business hours of the adjacent school. Pesticides bearing the word "DANGER-POISON" shall not be applied within one hour of the opening of a school or within 2 hours of closing. San Bernardino County’s gross value (2008) of agricultural production - \$547,158,000.

Sutter County, CA - 1/4 mile buffer zone around schools, dwellings and daycares for aerial, air carrier and ground applications when school is in session or children present. Between 1/2 mile and 4 miles from prune crop, no applications can be made when wind speed exceeds 10 miles per hour. Sutter County’s gross value (2008) of agricultural production - \$498,195,000.