



Maine Potato Board

744 Main Street

Presque Isle, ME 04769

(207) 769-5061

FAX 764-4148

mainepotatoes.com

Maine Potato Board Comments on Board of Pesticides Control Summary of Discussions on Aerial Spraying and Drift.

Please consider these our comments on the work to date; the Maine Board of Pesticides Control has taken, regarding aerial spraying and drift.

The Maine Potato Board was created in 1986 by an act of the Maine Legislature for the purpose of establishing a cohesive framework for effective leadership within the potato industry. The mission of the Maine Potato Board is to provide a competitive environment for its growers, processors, and dealers creating both stability and the infrastructure for future growth, while promoting the economic importance to the state and quality of the product.

Our interest in this issue is associated with our mission of creating stability for future growth within our industry.

The Maine Potato Board has been, and continues to be concerned, with the success of existing rules and regulations relating to aerial spraying and drift. During our participation in the Stakeholder Drift Committee, we became aware of eighteen drift related enforcement cases that occurred from 1996 to 2005. We also are well aware of a petition submitted in the spring of 2006, to ban agricultural aerial spraying. We have been made aware of incident reports (not resulting in enforcement action) that have also been occurring. We have been present at public hearings on more than one occasion where testimony was given regarding the issue of aerial spraying and drift. In light of all of this information, we are not able to make a determination about the validity of all of the allegations against aerial spraying and drift. It seems that there have been eighteen valid allegations resulting in enforcement cases that have occurred from 1996 to 2005.

We would suggest that another valid documentation of the frequency and severity of the drift problem, particularly associated with organic production, would be the records that exist with the certifying agent who certifies organic producers. In Section 205.400 of the National Organic Program under the heading of General Requirements for Certification, the following is stated:

A person seeking to receive or maintain organic certification under the regulations in this part must:

(f) Immediately notify the certifying agent concerning any

(1) Application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock or product that is part of an operation.

As a certifying agent, MOFGA Certification Services, LLC. (MCS) should be able to supply the Maine Board of Pesticides Control with documentation of each case where an organic crop in Maine has been drifted upon by a prohibited substance. This information is available for public review as stated in MSC's Organic Certification Practice Manual A Guide for Producers on page 32. "Results of all analyses and tests performed during an inspection will be available for public access unless testing is part of an ongoing investigation." We believe that this information will help to put the issue of drift as it relates to organic production into context.



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We are concerned that the justification for any new rule or regulation regarding aerial spraying and drift be developed in the context of the severity of the situation. The severity of the situation should be based on credible evidence such as cases that resulted in enforcement actions taken by the Board of Pesticides Control or cases of drift as documented by an organic certifying agent accredited by the Secretary of the United States Department of Agriculture. The acceptance of anecdotal evidence provides those who want to influence the perceived severity of the situation an opportunity to misrepresent the situation.

It is unclear in the summary of the recent Maine Board of Pesticides Control discussions on aerial spraying and drift, whether or not all of the drift discussion is about drift that is related to aerial application or drift from other types of applications. A statement clarifying this would be helpful in developing more specific comments.

The two bullets under the section **Positive Identification of the Target Area** seem to be redundant if both were required. We would suggest either would be sufficient in ensuring positive identification of the target area.

Under the section **Standard of Harm**, The AAPCO model that is quoted would lead people to believe that products can be applied aerially and not drift. “Do not apply this product in a manner that allows spray to drift from the application target site....”. What is the position of the Maine Board of Pesticides Control on whether or not pesticide drift is preventable? This position will be important as the BPC moves forward in defining standard of harm. If pesticide drift is not preventable, then the discussion should be what is the tolerable level. If pesticide drift is preventable, then more effort should be spent on preventing pesticide drift as opposed to managing it.

Two approaches to preventing harm from spray drift that have merit, have been discussed by the workgroup created under the existing Pesticide Program Dialogue Committee (PPDC) to address issues involving pesticide spray drift from agricultural and other applications.

The “No Residues at Toxic Levels” standard, and the “FIFRA” standard are the two standards that we would suggest that the BPC examine further for adoption in Maine.

Thank you for the opportunity to comment on your progress this far. We will remain engaged in the process and hope to have further opportunities to provide comments on this issue in the future.

Sincerely,

Timothy Hobbs
Director of Development / Grower Relations
Maine Potato Board

Schlein, Paul B

From: mlpelletier [mlpelletier@maine.rr.com]
Sent: Thursday, July 31, 2008 6:46 PM
To: Schlein, Paul B
Subject: Re: Aerial pesticide applications
Follow Up Flag: Follow up
Flag Status: Red

Mr. Schlein,

Your reply and the expedience in which it was received is very much appreciated.

There will definitely be notice provided to land owner and or land manager of our concern and we will require that we be notified of any future pesticide applications. Public information will allow me to locate the contact information of the property owner once there is further communication with local officials.

As previously stated there is understandable reasons for use of these chemicals at times. The biggest concern is the haphazard means and disregard for public safety from this pilot/ applicator and also that there were never any communication ever attempted for notification of such application. Sure, after the fact we now see the signs posted on the field on the other side of the tree line when we go further away from our normal travels but never knew it was there and also as with normal pest control posting procedures there is no contact information on this sign nor is there any dates listed.

The pictures taken as mentioned has wind direction at the time of the aerial application similar to the windsocks that would be used for airport safety and landing zones and also have pictures of the plane coming over the tree line and over our property. The pictures that were taken of the plane coming over the trees does not show (with the brightness of the sky in the backdrop) the spray mist drafting from the plane but it was visible to the eye so proof of such overspray and drift are not easily proven short of having element trace testing done. The concerns of well contamination may or may not be present immediately but as you know it may take some time for these traces to be evident.

Feel free to use this as feed back to Aerial Application concerns in the present reviews .

Please let me say that it should not be up to the complaintant or abutter to find the land owner making application; in contrast , it should be deemed a responsibility for the land owner to locate and contact all abutters within a reasonable distance that may be susceptible to drifting. There should be both criminal and civil penalties resulting from direct or indirect harm or damage that are binding against the land owner / manager and should be a minimum of a felony for the applicator if found to be in violation of any regulations or perform the application carelessly.. Please remember that I was a commercial applicator and completely understand that there will always be concerns from people that have Chemophobia and the compliance we ask for are legitimate concerns in knowing pesticide safety and proper use that is imperative for public saftey.

Should you need the pictures of the plane ascending over the tree line or the picture of the somewhat primitive proof of wind direction please let me know and I will gladly send them in digital format. I will make an attempt this evening to even take pictures of the posting sign that would be thought to be sub standard to regulation for any pesticide application. Also ; thank you for the links the the available regulations that are currently in effect.

Respectfully;

M.Paul Pelletier
 Caribou, Maine

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

From: [Schlein, Paul B](#)
To: [mlpelletier](#)
Sent: Thursday, July 31, 2008 9:14 AM
Subject: RE: Aerial pesticide applications

Dear mlpelletier,

Thank you for sending your message expressing your concerns about aerial spraying. Are you submitting your message

8/11/2008

below in response to the Board's request for input on aerial spraying and drift (see: <http://www.maine.gov/agriculture/pesticides/about/aerial-drift-input.htm>)? If so, it will be directed to the Board in that context. Or are you just writing to express your concerns? In either case, the Board will receive a copy of your message.

In answer to some of your questions, the Board of Pesticides Control does maintain a notification registry (<http://www.maine.gov/agriculture/pesticides/public/registry.htm>), but this is intended for use in urban and suburban, not agricultural areas. However, you are entitled to receive prior notification (see Chapter 28 of the Board's rules: <http://www.maine.gov/agriculture/pesticides/laws/regs.htm>) for any pesticide application if you reside within 500 feet of the spray area and you first request notification from the land manager. You are also entitled to receive a list of chemicals applied and the MSDS and/or pesticide label upon request.

It should be noted that all of the Board's regulations regarding aerial spraying and spray drift are up for review and possible revision at present, and that is why the Board is requesting input from the public.

Regarding possible spray drift, if you have any evidence of drift, contact our office and we will send one of our enforcement staff to do an inspection.

If any questions have been left unanswered, or you have any other questions, please don't hesitate to ask.

Again, your input is greatly appreciated.

Finally, as we only have "mlpelletier" from your e-mail address, it would be good to have your full name and contact information for the record. *Thank you!*

Paul Schlein

Public Information Officer
Maine Board of Pesticides Control
28 State House Station
Augusta ME 04333-0028
207-287-7533 Phone
207-287-7548 Fax
<http://www.thinkfirstspraylast.org>

From: mlpelletier [mailto:mlpelletier@maine.rr.com]
Sent: Wednesday, July 30, 2008 7:56 PM
To: Schlein, Paul B
Subject: Aerial pesticide applications

Hello,

When coming home this evening I was greeted with a tree top level crop duster ascending from his application from a field that borders our property. After this plane turned and descended back over our property and started to spray the field within very close proximity of the property line. There is a small tree line bordering the property that may extend maybe 15 feet. In a return fly over we could see the spray descending while he topped the trees.

After review of many sites from Maine DEP and the like I found that like many states there is a registry list of abutters that must be notified of any pesticide applications. From what was read it is found that Aerial spraying is exempt from this notification. In working as a Certified applicator with Mastery level in both ME and CT I think this is totally profound. Land level application has virtually no drifting if done by competent licensed applicator compared to aerial application.

Understandably the spraying is and should be used if all other forms of IPM are utilized in prevention of crop loss. In no way should it endanger the health and safety of the general public or area abutters. If we weren't home I am certain there would be trace elements of the pesticide application that drifted into our open windows and Lord forbid if the grand children were outside playing at the time (4:30 to 5:30 pm) of application I would certainly be looking for this persons applicators license.

Would it not be advisable to have laws incorporated to ensure all residents be notified prior to having a crop duster fly within 50 feet of your roof top? There are pictures that were taken that depict the wind direction from a paper towel being held and is horizontal and blowing towards our property.

Also should our grandson have been over it is almost with certainty that he would have had a respiratory emergency within minutes.

Not knowing the stabilities of the pesticides that were sprayed can we even be certain that there will be no trace elements found in our well that is within 50 or so feet from this bordering property. The standing water in the fields at the time of

treatment would make one think about the effectiveness of such application as well.

Now we sit in our house that is an oven because of the wind direction that is coming from this field and have closed off all circulation from any cooling that would otherwise be available if our windows were open.

I'm asking that whatever laws there are they should not put public safety second to commercial operating profits.

Is it town ordinance that now regulates Aerial applications and like most other regulations State and Federal authority should be there to oversee that they are carried out and take action should they not be upheld to protect public health..

Concerned in Caribou.

Concerned in Caribou Maine

Schlein, Paul B

From: Peter Aldridge [peter@hatchfarm.com]
Sent: Monday, August 04, 2008 4:17 PM
To: Jennings, Henry
Cc: Schlein, Paul B; Deborah Aldridge
Subject: Aerial Spraying; DuPont Express

Hi Henry

A couple of points to bring to the Board's attention please:

1. Aerial Spraying

Two minutes reasearch found this : <http://www.winddirection.com/>

A windsock which lists spray drift minimization as one of it's applications, available for around \$ 100 and visible for 1/4 mile, why not insist on this or a similar tool to allow aerial applicators to check wind speed and direction, not necessarily at every field but at least in strategic places.

2. DuPont Express

We continue to worry about Fall application. Consider: applying the material in the fall means than animals that browse dropped fruit or plant residue are exposed to the product. One such animal is undoubtedly the white-tail deer, some number of which enter the human food chain every November. Given the coyness in the MSDS (talks about avian and aquatic toxicity, not a murmur about mammals - or bees) how can we be confident this is harmless?

Thanks

Peter

Peter Aldridge
Hatch Knoll Farm
Wild Maine Blueberries
Jonesboro ME
www.hatchfarm.com
Phone: 207 434 2674

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Adapts to existing windsock poles. Mounts atop structures, portable and ground units available, and in stock.

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Hazardous Sites
Railroad
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Bomb Disposal
Ammonia Storage
Gold Mines
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Safety Features of the Wind Tracker Wind System:

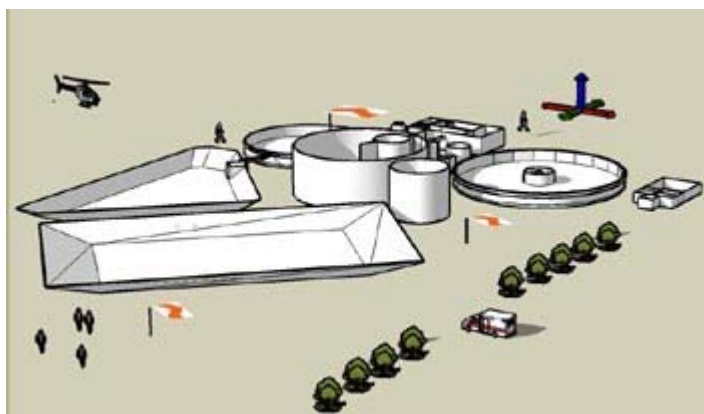
- Adjustable mast with variable range of heights.
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Sample Site Plan

Two Wind Tracker Wind System units are at ground level & 1 unit is atop a tank.

Phone: 800-707-3524

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It is commonly thought that placing a windsock at a high elevation (at the top of a silo or large building) for everyone to see is generally a good location. This is true for inbound assistance (approaching fire equipment, ambulance, etc.) to the facility but actually can be misleading at ground levels. The direction, force, and speed of the wind at those heights is not necessarily what is occurring at ground level where personnel are evacuating. Wind direction and wind action at lower elevations can vary dramatically. Structures, landscaping, temporary impediments like parked cars, type of area paving, elevation, climate, and other conditions can effect the wind direction, speed, and movement. Along with this, many airborne agents are heavier than air or are prevented from rising due to weather conditions such as fog, which keeps them close to the ground.

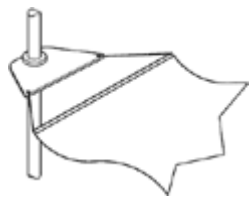
There are two major field placement factors to consider. The first is line of sight, and the second is accuracy. Place one or more Wind Tracker Wind Systems where they can be seen from the ground from various locations throughout the facility. We recommend you first identify the lanes of evacuation, the assembly areas that will be used for evacuation and the line of sight associated with each of these. Place the Wind Tracker™ units in various locations and or heights to assure line of sight, and accuracy of wind speed and direction.

How To Place Your Wind Tracker Wind System:

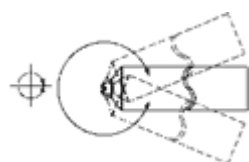
Is very important when considering placement of the Wind Tracker Wind System™ at your location that the differences between a visual only location, and, the "true wind" within the evacuation lanes be taken into consideration. Improper placement could lead to an unsafe evacuation of personnel to a safe assembly area.

The Wind Tracker is visible from ½ mile away without any obstructions. The Wind Tracker is mounted on a fiberglass telescopic Wonder Pole and is adjustable within a range of heights depending on the model you choose.

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The pivotal harness & flag come assembled. As air currents move along the flag it rises & falls with side-to-side movement as the wind changes directions. When the flag attempts to "dive off", it is pulled back into the winds force by the harness cords. This patented harness and its ability to keep the flag in position allows it to animate the wind at any speed, and at all times.



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Vertical flag movement from side view. The flag lifts the Glide Plate from the surface of the collar and rotates with a minimal amount of surface contact. There are no mechanical parts to jam or wear out.



The harness cords allow the side-to-side tilting motion of the flag which not only detects wind shear and variability of direction, but also creates an animation, and visual recognition of wind variability at a glance.

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Link Resources: <http://www.allflags.com>

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Schlein, Paul B

From: Dan Peavey [dkpv@tidewater.net]
Sent: Saturday, September 06, 2008 7:01 PM
To: Schlein, Paul B
Subject: pesticide spraying in Maine

Dear Paul,

Please convey that we feel that a 500' buffer from occupied dwellings such as homes, schools, hospitals, etc is appropriate. Anything less puts citizens and their homes at risk for accidental pesticide spraying. We know of two people personally that have health problems due to accidental spraying.

Thank you,

Kelly & Dan Peavey

Damariscotta, Maine

Schlein, Paul B

From: ARnn87@aol.com
Sent: Saturday, September 06, 2008 8:58 AM
To: Schlein, Paul B
Cc: deborah@hatchfarm.com
Subject: RE: buffer for spraying

We feel that there should be **no spraying** within a 500' buffer from occupied dwellings - schools, hospitals, homes, just as there is for hunting. This would be best for the environment and also for the organic growers - and it would still allow the larger businesses to spray.

Ann and Dave Rennie
York County residents.

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

Schlein, Paul B

From: Kim Roos [kimroos@tds.net]
Sent: Saturday, September 06, 2008 3:42 PM
To: Schlein, Paul B
Subject: aerial drift

Dear Board,

I hate to have to tell you this issue is a no brainer! As citizens we deserve the right to clean air and a 500 foot buffer zone sounds like the least you can do. Notify the residence of the area to be effected would also be nice. I am a Jonesboro mother of 5 trying very hard to raise healthy kids and wish you would consider the fact that we all don't feel these pesticides are perfectly safe to breath and consume! Thank you for at least hearing opinions of average folks, Kim Roos

Schlein, Paul B

From: Rick [rick@snyderman-works.com]
Sent: Sunday, September 07, 2008 2:30 PM
To: Schlein, Paul B
Cc: mavey2_2000@yahoo.com
Subject: Aerial spraying of pesticides

Dear Mr. Schlein

It seems clear to me that, knowing what we know about high cancer rates in Maine - and I certainly have seen the evidence of it in our area of Addison-Jonesport - and knowing what we know about the inability to control the dispersion of aerial spray pesticides, and knowing what we know about the need to change the way we deal with long-term pesticide ground and water pollution resulting from generations of aerial spraying, it's fairly self-evident for everyone except the growers and processors that aerial spraying must be stopped.

I'm not saying growers and processors don't need help in keeping their business activities viable and cost effective. Government's role here should be two-fold: Halt the practices that cause harm to the general health and well-being of fellow citizens; and work with growers and processors to develop new alternative technology for pest control. Aerial spraying isn't viable in the 21st century. When Rachel Carson's observations changed the use of long established pesticides more than 50 years ago, the same knee jerk reactions to those changes occurred then, and were mitigated by new technologies and methods. It's not brain surgery.

Rick Snyderman
Addison, Maine

Schlein, Paul B

From: Helen Waite [helen_waite@attglobal.net]
Sent: Sunday, September 07, 2008 2:32 PM
To: Schlein, Paul B
Subject: pesticide drift

Dear Mr. Schlein....

My husband and I live at 1620 Mason Bay Rd, Jonesport Maine. We are surrounded by blueberry fields our own and the neighbors as well. We do not spray but our neighbor does. We do not approve of aerial spraying at all and certainly do not want to experience any poisonous drift. We also support our local song birds and the bees that live in the fields. So we support as minimal as possible effect from exposure from the drift of other spraying near by. Thank you Helen and Moseley Waite

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Version: 7.5.524 / Virus Database: 270.6.17/1657 - Release Date: 9/6/2008 8:07 PM

Schlein, Paul B

From: Lisa Marin [mavey2_2000@yahoo.com]
Sent: Sunday, September 07, 2008 12:34 PM
To: Schlein, Paul B
Subject: 500' Spray Buffer

Dear Mr. Schlein,

I would appreciate it if you would share the following, my personal views, on aerial spraying with the Board of Pesticides Control.

As a citizen of, and school teacher in, the town of Jonesport, Washington County, Maine. I am very concerned about the practice of aerial spraying particularly as it pertains to drift issues.

I personally have been in a situation where I had to literally run for cover, to keep from being sprayed, inside a barn when very unexpectedly a helicopter was spraying a neighbors' land. The wind was blowing the blueberry pesticide spray not just over this land but on me as well! I had no prior warning about this and even if I had I had no wish to have my land sprayed, let alone worry about ground water runoff from my neighbor's land onto my own.

I do not think that it is unreasonable to expect that the Board of Pesticides Control should recommend the creation of a law instituting a 500' spray buffer from occupied dwellings. This is not a call to outlaw spraying but rather, I feel, a responsible compromise to protect the health and rights of all Maine's citizens.

Thank you for giving ordinary Maine citizens an opportunity to express our thoughts on this important issue.

Sincerely,

Lisa Marin

Schlein, Paul B

From: Carol Mead [cameadme@yahoo.com]

Sent: Monday, September 08, 2008 9:30 PM

To: Schlein, Paul B

To Paul B. Schlein,

Please consider less toxic solutions that will reduce the amount of chemicals that humans, pets, and wildlife are exposed to by aerial spraying, instead of putting generations at risk. Carol A. Mead, North Bridgton, Maine.

Schlein, Paul B

From: Will Sugg [willsugg@yahoo.com]
Sent: Tuesday, September 09, 2008 7:58 AM
To: Schlein, Paul B
Subject: pesticide drift

Dear Mr. Schlein,

I live in Palermo on a road with hundreds of acres of blueberry fields. I can hear and see the helicopters spraying. I am very concerned about the drift of the chemicals to our property. My son has asthma and my daughter has suffered from allergies. This is distressing enough without the specter of toxic chemicals drifting into our yard and home.

I request and demand that the BPC adopt rules that:

Include a strong buffer from homes, schools, and other sensitive areas occupied by humans; and

Include clear and strong notification provisions for people who want to know before nearby fields are sprayed.

Thank You,

Will Sugg
1368 Level Hill Road
Palermo 04354