

Town of Scarborough Pest Management Policy

Adopted September 21, 2011 – Amended April 6, 2022

SECTION I. POLICY.

All pesticides are toxic to some degree and the widespread use of pesticides is both a major environmental problem and a public health issue. Federal regulation of pesticides is no guarantee of safety.

Scarborough recognizes that the use of pesticides may have profound effects upon indigenous plants, surface water and ground water, as well as unintended effects upon people, birds and other animals in the vicinity of treated areas. Scarborough recognizes that all citizens, particularly children, have a right to protection from exposure to hazardous chemicals and pesticides.

Scarborough recognizes that it is in the best interest of public health to eliminate the use of pesticides on town- owned lands; to encourage reduction and elimination of pesticide use on private property; and to introduce cultural and management practices to prevent, and when necessary, address pest problems on town-owned land.

Scarborough supports the Precautionary Principle (as defined by the Wingspread Statement of January 1998) as the basis for its Pest Management Policy. The Precautionary Principle states, "When an activity raises threats of harm to the environment or human health, precautionary measures should be taken, even if some cause and effect relationships are not yet fully established."

Therefore, it is the express policy of Scarborough to refrain from the use of pesticides upon property it owns, uses or controls, except in situations that pose an imminent threat of serious injury to persons, property or agriculture.

SECTION II. AUTHORITY.

The Scarborough Town Manager shall oversee the implementation of the Pest Management Policy applicable to town-owned land. The Scarborough Conservation Commission shall serve as a Pest Management Advisory Committee and shall have the following responsibilities:

- Act in an advisory capacity to develop and oversee a Pest Management program consistent with this policy.
- Advise the Town Manager of any problems encountered or amendments required to achieve the full and successful implementation of this policy.
- Advise the Town Manager on all matters related to this policy and shall consider granting waivers in emergency situation (see Section VIII).
- Seek the participation, advice and counsel of experts in the fields of organic turf and landscape management, maintenance of trees and shrubs, and organic pest management/integrated pest management (see definitions section) protocol. Broad community participation, from parents, schools, advocates, and local arboriculture and landscaping businesses, will be encourage (on a non-voting basis).

SECTION III. DEFINITIONS.

The following words and phrases, whenever used in this Pest Management Policy, shall be construed as defined in this section:

Pests are considered undesirable terrestrial or aquatic plants, insects fungi, bacteria, virus, nematodes, rodents, birds, animals, or other micro-organisms (except viruses, bacteria or other micro-organisms on or in living persons or other living animals) declared to be a pest under federal or state laws. Common examples in turf grass and the landscape can be, but are not limited to, crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Pesticides are defined by the State of Maine as "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture substances intended for use as a plant regulator, defoliant, or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails, or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency." Herbicides, fungicides, insecticides, miticides, avicides and rodenticides are all considered pesticides. The State of Maine considers pheromones pesticides only if the label advertises it to act as such.

Allowable Products are pesticides or products which should be considered and/or used first. This Section can be expanded by the Conservation Commission and includes:

- 1.) Products not considered pesticides by the State of Maine, such as:
 - (a.) Multicellular organisms as defined by the State of Maine including nematodes, parasites, wasps, lady beetles and other biological controls including the introduction of natural predators and enhancing the environment of a pest's natural enemies.
- 2.) Products considered pesticides by the State of Maine, such as:
 - (a.) Single celled organisms as defined by the State of Maine including Bt, insecticidal soap, corn gluten, vinegar, nematodes, and milky spore disease.
 - (b.) Pesticides contained in baits or traps for the purpose of rodent control.
 - (c.) Pesticides classified by the US EPA as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) regulation.
- 3.) Products listed on the Organic Materials Review Institute (OMRI) of Eugene, Oregon.

Organic Pest Management is a problem-solving strategy that prioritizes a natural, organic approach to turf grass and landscaping management, and care of trees and shrubs without use of pesticides. It mandates the use of natural, organic cultural practices that promote healthy soil and plant life as a preventative measure against the onset of turf and landscape pest problems.

Essential Organic Pest management practices include, but are not limited to:

Regular soil testing;

- Addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Maine Organic Famers and Gardeners Association or the Northeast Organic Farming Association;

- Selection of plantings using criteria of hardiness; suitability to native conditions; drought, disease and pest-resistance; and ease of maintenance;
- Modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing and mulching; * The use of physical controls, including hand-weeding and over-seeding;
- The use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- Through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and,
- Eliminating pest habitats and conditions supportive of pest population increases.

SECTION IV. PROHIBITION.

The use and application of pesticides by Scarborough Town employees and/or private contractors is prohibited on all town-owned lands except as provided in SECTION VII and section VIII.

SECTION V. CONTROL OF POTENTIAL PEST PROBLEMS.

Organic Pest Management practices (i.e., natural, organic turf, tree, shrub and landscape cultural practices and maintenance) shall be the method of choice to understand, prevent and control potential pest problems.

Control products used under the terms of this Policy shall be "Allowable Products" as defined in SECTION III.

SECTION VI. TRAINING AND EDUCATION.

All Town of Scarborough personnel involved in the evaluation, approval, or implementation of organic turf and landscape maintenance and/or outdoor pest control, should receive regular hands-on training and education in natural, organic cultural and technical methods. Examples of acceptable training and educational programs include Northeast Organic Farmer Association's (NOFA) one-day workshop that focuses on organic maintenance of lawn and turf; NOFA's five-day Organic Land Care Accreditation Program; or similar workshops. Suggested reading includes the NOFA Organic Lawn and Turf Handbook by NOFA's Connecticut and Massachusetts Chapters; Standards for Organic Land Care; Practices for Design and Maintenance of Ecological Landscapes by NOFA's Connecticut and Massachusetts Chapters; Handbook of Successful Ecological Lawn Care by Paul D. Sachs; Managing

Healthy Sports Fields by Paul Sachs; and Organic lawn Care Manual by Paul Tukey. The Conservation Commission can provide town staff with additional training resources and reference materials upon request. The University of Maine and the Maine Board of Pesticides Control (BPC) offer pesticide training. The BPC's Yardscaping Partnership provides some information that would be useful in implementation of this Policy (although alone will not meet the requirements of this Policy).

SECTION VII. USE OF PESTICIDES.

- 1.) No town department shall authorize or apply non-allowable pesticides (see SECTION III) to town-owned property except as permitted by this policy. Prior to granting approval of non-allowable pesticide use, the Town Manager is encouraged to seek advice from the Conservation Commission.
- 2.) Authorization for pesticide use shall not be given without consideration of allowable products and alternatives to pesticide use; potential property damage; potential effects upon ground or surface water; proximity of the application to sensitive areas and/or sensitive individuals; and other potential impacts upon people, pets and the environment.
- 3.) Any person applying pesticides to public property must possess a valid Maine Commercial Master Applicator License or a Maine Commercial Operator License issued by the Maine Board of Pesticides Control. (See ADDENDUM II. MAINE COMMERCIAL PESTICIDE LICENSES ISSUED BY THE MAINE BOARD OF PESTICIDES CONTROL) Any government employee applying pesticides must be licensed as a commercial pesticide applicator.
- 4.) Any pesticide application authorized under this policy shall be administered in accordance with all state and federal statutes and applicable administrative regulations.

SECTION VIII. EMERGENCY SITUATIONS AND EXEMPTIONS.

- 1.) The decision to grant a waiver is the responsibility of the Town Manager. In emergencies, if practical, the Town Manager shall meet with the Conservation Commission, to seek advice on granting a waiver. In the event that the Commission is not able to be consulted prior to the decision, the Town Manager shall provide timely notice of the decision and the Commission is encouraged to meet as soon as possible thereafter.
- 2.) Any person applying pesticides under this exemption must possess a valid license issued by the Maine Board of Pesticides Control.
 - (a.) Exceptions: Control of stinging insects can be done by anyone as long as he/she purchases a "ready to use" product (including organic and synthetic products) and follows the instructions for proper use of the product.
- 3.) Exempted Property. The Scarborough Town Manager may exempt a pesticide application from some or all requirements of this policy. The Town Manager and/or the Conservation Commission must be shown by the town department or person seeking the exemption that the potential for any adverse effect upon the public or to adjoining property is minimal and compliance with the terms of this policy is unduly burdensome or impractical. The following guidelines must be considered in determining whether to exempt a pesticide application from any or all of the policy's requirements:
 - (a.) Whether the area to which pesticides are to be applied is sufficiently removed from residences, sensitive areas or other places frequented by the public so that the potential for drifting airborne chemicals or groundwater transport poses no unreasonable adverse effect to persons or property.
 - (b.) Whether access to the area to be exempted is sufficiently restricted or remote that members of the public are unlikely to come into contact with pesticides applied to the exempted area.

- (c.) Whether the type of pesticide application to be performed is so highly controlled or so extremely localized that it is highly unlikely the application will expose other persons or property to the pesticides during or after application.
- (d.) Whether the pesticide application would pose an undue threat to sensitive individuals in the vicinity of the application or in the community at large.
- (e.) Whether the pesticide application could pose a risk of contamination to water bodies or other sensitive ecological habitats.
- (f.) How best to address pest issues through Integrated Pest Management (ADDENDUM I).

4.) If pesticides are applied (except outdoor marked bait stations), the following Posting Requirements are to be followed:

- (a.) Whenever pesticides are to be applied to any town land subject to this policy, the responsible department or person shall post warning signs that meet the requirements of this policy. These signs must be posted at least 48 hours prior to application and left in place for at least 72 hours after actual application or until expiration of the restricted entry interval or reentry time indicated by the pesticide label, whichever is longer.
- (b.) All signs required under Section VIII shall be at least five inches high and four inches wide in size. Signs shall be attached to the upper portion of a dowel or other supporting device so that the bottom of the sign is not less than 12" and the top of the sign is not more than 48" above the ground. The signs shall be of rigid, weather resistant material substantial enough to be easily read for at least 48 hours when placed outdoors.
- (c.) All notification signs must be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue or green). They shall have lettering that is conspicuous and clearly legible.
- (d.) The sign must bear the following state requirements:
 - 1.) The word "CAUTION" in 72 point type;
 - 2.) The words "PESTICIDE APPLICATION" in 30 point type or larger;
 - 3.) The Maine Board of Pesticides Control designated symbol;
 - 4.) Any reentry precautions from the pesticide labeling;
 - 5.) The name of the company making the pesticide application and its telephone number;
 - 6.) The date and time of the application;
 - 7.) A date and/or time to remove the sign.
- (e.) All notification signs shall state the chemical and trade name of the pesticide, the date to be applied, the length of time to remain off the treated area as indicated by the pesticide label, and a phone number for more information.

5.) Emergency Situations. Time frames for notice and posting requirements under this policy shall not apply where a town department or other person makes an appropriate showing to the Scarborough Town Manager that emergency conditions warrant exemption from these requirements. Emergency situations shall be defined by the Conservation Commission and shall be limited to those cases where the application of pesticides is needed to control a life-threatening situation or situation which poses an imminent threat of serious injury to persons, property or agriculture. A list of alternatives to pesticides and

least toxic pesticides for every foreseeable emergency will be available to town employees and should be given first consideration.

- 6.) Upon emergency application of pesticides, posting and notice shall take place as soon after application as practicable or as otherwise required by law.

SECTION IX. NOTIFICATION PROCEDURES.

In addition to the notice and posting requirements for pesticide use in emergency situations noted in Section VIII of this policy, as a precaution, public notification shall be required whenever "allowable products" are applied as well. Such notification shall conform to the standards of the Maine Board of Pesticide Control as more clearly defined in Section VIII, Subsection (4). In addition to posting in the field, the Town shall maintain an on-line notification, by way of posting on the Town's website, relating to the application of pesticides or allowable products.

SECTION X. OTHER APPLICABLE LAWS.

This Pest Management Policy shall not be interpreted or construed to permit the application or use of pesticides or other hazardous materials where such use or application is restricted by other applicable health, environmental, safety or fire codes, regulations or statutes.

SECTION XI. SEVERABILITY.

If any section, sentence or clause of this policy is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of the policy.

SECTION XII. EFFECTIVE DATE.

This policy shall be in force from and after its passage, publication and recording according to law. Dated this 21st day of September, 2011.

ADDENDUM I

INTEGRATED PEST MANAGEMENT POLICY **DEFINED FOR USE IN EMERGENCY SITUATIONS**

Organic Pest Management (OPM) strives first and foremost to prevent pest problems by using natural, organic horticultural and maintenance practices. OPM can incorporate some principles of integrated pest management (IPM) in its program when deemed necessary by the Conservation Commission.

Integrated Pest Management (IPM) is an approach to suppressing and eliminating pest populations. IPM involves a decision-making process for managing pests that uses monitoring (to determine pest injury levels) and combines biological, cultural, physical, and chemical tools to minimize health, environmental and financial risks. The method uses extensive knowledge about pests, such as infestation thresholds, life histories, environmental requirements and natural enemies to complement and facilitate biological and other natural control of pests. IPM uses site-specific information about pest biology and behavior, environmental conditions and the dynamics of human characteristics and activities to prevent and control pests. The method uses the least toxic synthetic pesticides only as a last resort.

The Town of Scarborough shall follow the Integrated Pest Management (r" n) approach outlined below:

- 1.) Identify the pest or disease. For assistance, contact the State of Maine Insect and Disease Laboratory. (Insect and Disease Laboratory, 50 Hospital Street, Augusta, Maine 04330-6514 Phone (207) 287-2431).
- 2.) Monitor and scout each pest ecosystem, turf, landscape, tree or shrub to determine pest population, size, occurrence, and natural enemy population, if present. Identify decisions and practices that could affect pest populations. Keep accurate records of such monitoring and potential pest problems.
- 3.) Set an injury level, based on how much aesthetic or economic damage the site can tolerate.
- 4.) Evaluate the site with regard to any injury caused by a pest in question.
- 5.) Consider a range of potential treatments for the pest problem.
 - Employ non-chemical management tactics first.
 - The chosen treatment will be the least damaging to the general environment and one that best preserves the natural ecosystem.
 - The chosen treatment must minimize negative impact to non-target organisms.
 - The chosen treatment must be the least disruptive of natural controls available.
 - The chosen treatment must be the least hazardous to human health.
 - The chosen treatment must have the lowest potential for human exposure.
 - The chosen treatment must be the most likely to produce long-term reductions in pest requirements.
 - The implementation must be feasible and cost-effective in the short- and long-term.
- 6.) Consider the use of chemicals only as a last resort, and select and use chemicals only within an IPM program and in accordance with other provisions of this policy.
 - Determine the most effective treatment time, based on pest biology and other variables, such as weather and local conditions.

- Design and construct indoor and outdoor areas to reduce and eliminate pest habitats.
- Modify management practices, including watering, mulching, waste management, and food storage.
- Modify pest ecosystems to reduce food and living space.
- Use physical controls such as hand weeding, traps, barriers, probing, hand removal,
- pruning, and removing fallen diseased leaves and fruit. Sanitation measures such as cleaning tools and proper disposal of diseased materials shall be employed to prevent re-infection and spread of diseases and pests to other plants, trees, shrubs, and sites
- Use biological controls, including introducing or enhancing pests' natural enemies.

7.) Conduct ongoing educational programs with guidance and support from the Conservation Commission:

- (a.) Acquaint staff with pest biology, the IPM approach, new pest management strategies as they become known, and toxicology of pesticides proposed for use.
- (b.) Inform the public of the town's attempt to reduce pesticide use and respond to questions from the public about the town's pest management practices.

ADDENDUM II

MAINE COMMERCIAL PESTICIDE LICENSES ISSUED BY THE MAINE BOARD OF PESTICIDES CONTROL

A commercial license is required for any one of the following situations:

- Application of any restricted/limited use pesticide for purposes other than producing and agricultural commodity
- Use of any pesticide as a service for which compensation is received (examples include lawn care, pet grooming, tree & shrub care and pest control)
- Use of any pesticide on sites open to public use. Property is considered open to use by the public when the owner permits routine access by the public, even if a fee is charged for such use. Examples range from office and apartment buildings to golf courses and other outdoor recreation facilities.
- Use of any pesticide by a government employee as part of their job duties. Government employees include but are not limited to school, town, county, housing authority, water district, State, Federal and Defense officials.

Operator's Certificate: The commercial applicator/operator certification is the minimum license requirement for individuals employed as technicians under supervision of a licensed master applicator. The operator's license is in effect only if the employing company or organization has at least one licensed master applicator.

Master's Certificate: The commercial applicator/master certification is required for one individual within each company, organization or agency and at every branch office of that company. This license is generally intended for the owner, supervisor or manager as long as it is the person responsible for major pest control decisions, for establishing policies related to proper pesticide use, and for employee training and overall work practices.

License Categories: Pesticide applicators must have the proper license category for which they are applying pesticides. See below:

- **1A Agricultural - Animal**
- **1B Agricultural - Plant**
 - Option I - Limited Commercial Blueberry
 - Option II - Chemigation
 - Option III - Agricultural Fumigation
 - Option IV - Post-Harvest Treatment
- **2A Forest General**
- **2B Forest Vegetation Management**
- **3A Outdoor Ornamentals**
- **3B Turf**
- **3C Indoor Ornamentals**
- **4 Seed Treatment**
- **5 Aquatic Pest Control**
- **6A Utility Right of Way Vegetation Management**
- **6B Roadside Vegetation Management**

- **6C Railroad Vegetation Management**
- **6D Industrial/Commercial/Municipal Vegetation Management**
- **7A Structural General Pest Control**
- **7B Food Processing & Fumigation**
- **7C Disinfectant and Biocide Treatments**
- **7D Wood Preserving**
 - Option I - Pressure Treatment
 - Option 11 Sapstain/Blue Stain Treatment
 - Option III - Remedial Treatment
 - Option IV - General Wood Treatment
- **7E Biting Fly & Other Arthropod Vectors**
- **7F Antifouling Paints**
- **7G Termite Pests**
- **8A Public Health - Biting Fly (a)**
- **8B Public Health - Other (a)**
- **9 Regulatory Pest Control (a)**
- **10 Demonstration & Research Pest Control (b)**
- **11 Aerial Pest Control (b)**
 - (a) *for government officials only*
 - (b) *requires another certification category*