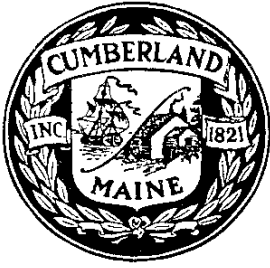


ITEM 17-020

Discussion re: Brown Tail Moth Spraying Spring 2017



MEMORANDUM

Town of Cumberland, Maine
290 Tuttle Road
Cumberland Center, ME 04021
Telephone (207) 829-2205 • Fax (207) 829-2214

To: George Turner, Town Council Chairman
From: William R. Shane, Town Manager
Date: February 9, 2017
Re: Item # 17-020 Brown Tail Moth Spraying

The Brown Tail Moth spraying program last year was basically a street tree spraying preservation program that was mildly successful in protecting our street trees. A more effective spray program will obviously require an aerial spray application. The cost, the chemicals, and the impact to shellfish are all challenges and may result in too many opt outs and little relief from the Brown Tail infestation. I am securing costs for the spray program and the chemicals. As was determined last year, anything less than an organic chemical application will be resisted by more homeowners and result in additional opt outs.

Lots to discuss. I hope to have an estimate of costs by Monday.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE – INSECT & DISEASE LABORATORY
168 STATE HOUSE STATION
AUGUSTA, MAINE 04333

PAUL R. LePAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

October 18, 2016

The Maine Forest Service has surveyed for Browntail Moth for decades and alerted towns when populations are high enough to impact residents. In the past two years there has been a dramatic increase in the browntail population. This letter is to forewarn towns that we believe will feel the effects of this insect in 2017 and allow towns and property owners time to survey their land and decide if they need to take against the BTM.

For the second year in a row there was enough late-summer damage to the leaves, particularly Sagadahoc County, that it could be mapped from the air (see attached map). The late summer defoliation indicates that populations are very high in those areas. The towns affected include **parts of Arrowsic, Bowdoin, Bath, Bowdoinham, Phippsburg, Richmond, Topsham, West Bath, Woolwich (Sagadahoc County), Brunswick, Cumberland, Freeport, Harpswell, Yarmouth (Cumberland County).**

For those who are unfamiliar with browntail, the hairs of the larvae cause a rash similar to poison ivy and can also cause respiratory distress in sensitive individuals. The hairs persist for a number of years and can continue to cause problems when mowing, raking or other activities that stir up the hairs. The caterpillars eat the leaves of oak, apple and other hardwood trees from May to early July and can cause branch dieback and may eventually kill the tree.

Browntail moth adults fly in July and lay their eggs on host trees. The eggs hatch in August and tiny -1/8" - caterpillars eat by skeletonizing the underside of leaves before they make overwintering webs.

Below is a link to the Maine Forest Service Browntail Moth website with more information including:

http://www.maine.gov/dacf/mfs/forest_health/invasive_threats/browntail_moth_info.htm

- Description of the browntail and how to control it
- What the overwintering webs look like
- A list of Licensed Pesticide Applicators for landowners to contact this winter about potential control work in the spring
-

Additional information on State Law specific to browntail

- Towns can declare browntail a public health nuisance
<http://legislature.maine.gov/statutes/22/title22sec1444.html>
- browntail control near tidal waters
<http://legislature.maine.gov/ros/LOM/LOM122nd/15Pub551-600/Pub551-600-02.htm>

Some affected towns have begun to take action to assist their residents in dealing with browntail. In 2016 the Town of Cumberland treated Route 88 with ground equipment. The Town of Bowdoinham has formed a committee to look into how the Town can protect public properties including schools and ball fields and support property owners. The Towns of Bowdoinham, Brunswick and Freeport have held informational sessions to inform residents of the issues surrounding

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the browntail moth outbreak and potential actions and precautions they can take. Some towns have browntail information posted on their websites and/or town newsletters.

The following is a list of some of the actions a town can undertake:

- Post browntail information - in town office, library, on website, in newsletter
- Host an informational session on browntail - libraries, garden clubs, conservation committees can organize
- Declare browntail a public health nuisance - allows towns more flexibility in treatment options
- Form a browntail committee – to research the issue and advise town officials
- Assist in coordinating browntail control for property owners
- Treat public properties, coordinate with school district to treat school properties and playing fields

The Maine Forest Service is working with

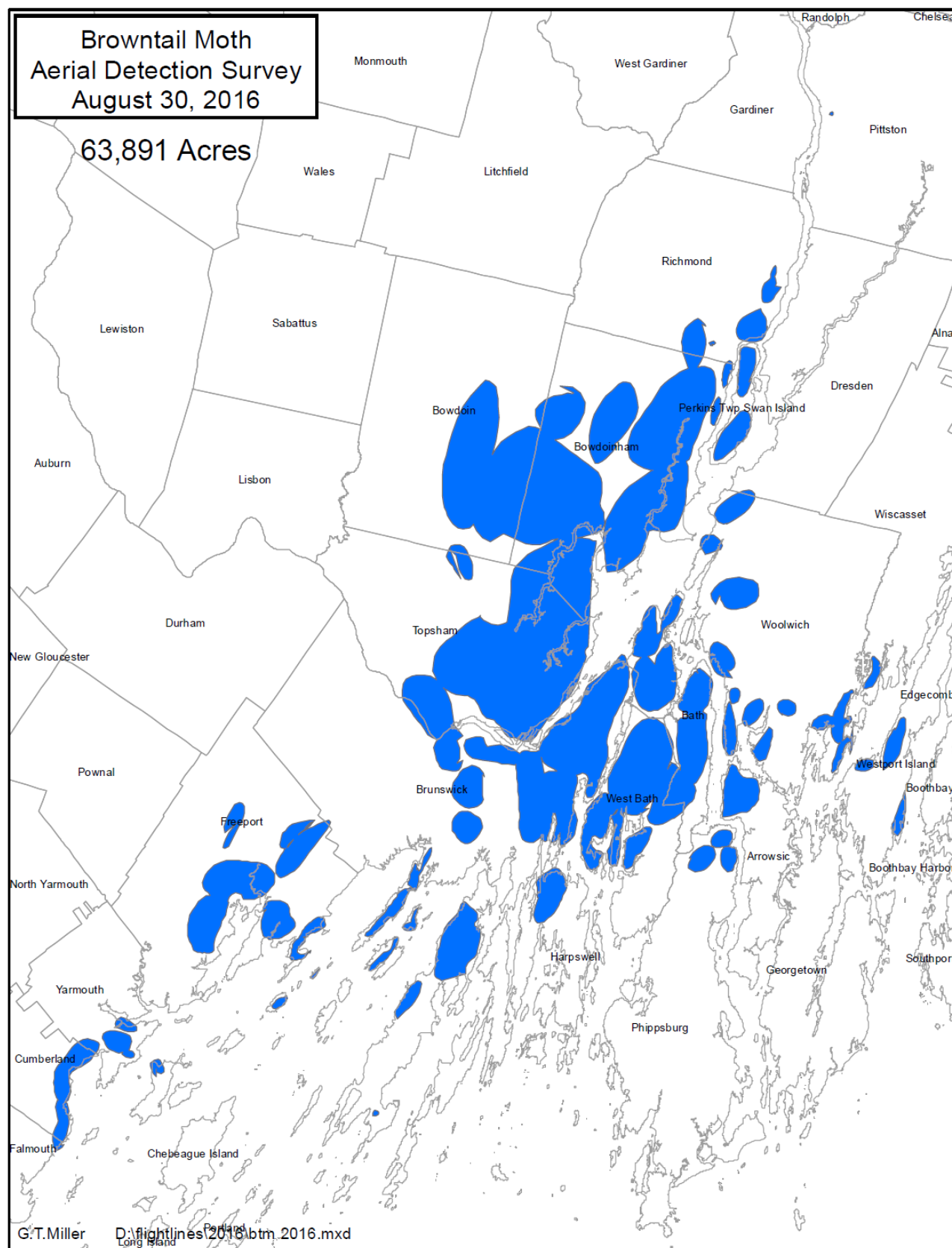
- the Vector Borne Working Group on the health effects of browntail and developing information on this aspect of the outbreak
- Pesticide Control on control options
- The University of Maine looking at additional control possibilities
- individual Licensed Pesticide Applicators who are exploring novel approaches to control

Please feel free to contact me if you have questions or would like to address a group in your town.

Sincerely,

Charlene Donahue
Forest Entomologist
Maine Forest Service, ACF
charlene.donahue@maine.gov

This map is a draft and does not show what areas are generally infested and what ones have more localized populations.



Work Plan and Timeline for Municipal Browntail Moth control Projects

Timeframe	Tasks
December	MFS will provide Towns with general level of infestation Council/Select meeting decision to <u>offer</u> local BTM control program
January	Map proposed treatment areas in GIS form Decision to <u>proceed</u> with control project Hire a BTM project coordinator Contract with a LPA applicator Decide on pesticide Contact Maine Bureau of Health to have browntail declared a Public Health Nuisance
February	Conduct informational sessions Could include applicator, MFS entomologist, BPC toxicologist Contact School administration if school grounds are to be included Written permission to include grounds May have bus delays depending on treatment timing Suggested but not required at this time: <ul style="list-style-type: none">• Mail all affected landowners a notice of Intent to Treat<ul style="list-style-type: none">○ Give a seven (7) day response time to be <u>in or out</u> of project• Local notice to inform all residents/landowners<ul style="list-style-type: none">○ Solicit those from outside proposed area to be included
March 15	<u>Official Notice must be mailed to residents in spray area</u> <u>Allow 30 days to opt in or out</u>
April 1	<u>Written notice of intent to spray to property owners within 500 feet of blocks</u>

April 20 Final Opt-Outs marked on maps

Suggested that property owners that were dropped are notified

Notice in local newspaper of Intent to Spray

Notices to:

Board of Pesticide Control, Megan Patterson

(207) 287-8804 Megan.L.Patterson@maine.gov

Maine Poison Control Center (800) 222-1222

Maine State Apiarist, Jennifer Lund

(207) 287-7562 or Jennifer.Lund@maine.gov

(She will contact local beekeepers)

Keep school administration apprised of project as they need to contact all parents and school personnel about the project

Coordinate school bus schedule and timing of aircraft to spray blocks

Assess winter mortality

April 25-May 1 Place posters at entry point to spray blocks

Facebook/Twitter/Cable TV etc to air notice of potential spray times

Personnel coordinating aircraft should familiarize themselves with start and stop blocks and no spray areas

Notify Public Safety personnel of potential spray date and need for early morning traffic control

May 1-25 **Likely time for pesticide application**

Contact chemically sensitive people in spray block

Mark no spray areas for pilot

Aid pilot in location of spray blocks

Coordinate with Public Safety personnel and aircraft

Final notice to chemically sensitive people

Chapter 51: NOTICE OF AERIAL PESTICIDE APPLICATIONS

SUMMARY: These regulations describe the notification requirements for persons contracting aerial pesticide applications to control forest, ornamental plant, right-of-way, biting fly and public health pests.

Section I. Content of All Newspaper Articles/Advertisements, Written Notices to Property Owners and Posters

- A. All newspaper articles/advertisements and written notices to property owners required by this chapter shall contain the following:
 - 1. Description of the target area sufficient to inform people who may be in the vicinity.
 - 2. Name of the person who contracts for the application or her/his representative or the applicator and the address and telephone number to contact for more specific information about the intended application.
 - 3. Intended purpose of the pesticide application.
 - 4. Pesticide(s) to be used.
 - 5. Date or reasonable range of dates on which application(s) are proposed to take place.
 - 6. Telephone number of the Maine Board of Pesticides Control.
 - 7. Telephone number of the Maine Poison Control Center.
 - 8. Public precautions which appear on the pesticide label.
- B. All newspaper articles/advertisements must be printed in a minimum of 10 point types and at least 2 inches wide.
- C. All posters required by this chapter shall contain the following:
 - 1. Name of the person who contracts for the application or her/his representative or the applicator and the address and telephone number to contact for more specific information about the intended application.
 - 2. Intended purpose of the pesticide application.
 - 3. Pesticide(s) to be used.

4. Telephone number of the Maine Board of Pesticides Control
5. Telephone number of the Maine Poison Control Center.
6. Public precautions which appear on the pesticide label.

Section II. Forest Insect Applications

A. Responsible Parties

1. In the event of a forest insect spray program administered pursuant to Title 12, Chapter 801, the Maine Department of Conservation, Bureau of Forestry, is responsible for notices.
2. In the case of any other forest insect aerial spray activity, responsibility for notices lies with the landowner, her/his representative or the lessee if the land is leased.

B. Newspaper Articles/Advertisements and Written Notices to Property Owners

1. An article about/advertisement of a major forest insect aerial spray application shall be published in a newspaper of general circulation in the affected area at least 14 days but not more than 30 days prior to commencement of planned spray activity.
2. An article about/advertisement of a minor forest insect aerial spray application shall be published in a newspaper of general circulation in the affected area at least 4 days but not more than 10 days prior to commencement of planned spray activity.
3. An addition of spray areas not specified in the original newspaper article/advertisement and any change from the insecticides specified in the original article/advertisement shall be published in the same newspaper at least 24 hours before the change is effected.
4. A written notice of all forest insect aerial pesticide applications shall be provided to the person(s) owning property or using residential rental, commercial or institutional buildings within 500 feet of the intended target site at least 3 days but not more than 60 days before the commencement of the intended spray applications. The notice shall contain the information required in Section I(A). For absentee property owners who are difficult to locate, certified or equivalent mailing of the notice to the address listed in the Town tax record shall be considered sufficient notice.

C. Posting of Areas Subject to Major and Minor Forest Insect Aerial Spray Applications

1. A poster shall be posed conspicuously just prior to the planned spray activity and shall not be removed by the landowner or landowner's agent for at least 2 days (48 hours) after spray activity ceases. Areas that shall be posed include each major point of ingress and egress of the public into the area to be sprayed. Major points of ingress and egress include federal, state, municipal and private roads open to the public and known to be used by the public that lead into the area to be sprayed; utility crossings of these roads; known boat launching sites on rivers leading through spray areas and within the boundaries of the land owned by the person authorizing the spray activity; and marked points of access to foot trails known to be used by the public.
2. Posters shall be constructed of brightly colored, weather resistant stock and shall be at least 11 x 14 inches in size. They shall contain the information required in Section I(C). The information shall be printed in both English and French.

D. Written Notice to the Board and the Maine Poison Control Center

1. A written notice shall be given to the Board and to the Maine Poison Control Center according to the following schedule:
 - a. Written notice of major forest insect aerial spray applications shall be given to the Board and the Maine Poison Control Center at least 15 days but not more than 30 days prior to the commencement of planned spray activity.
 - b. Written notice of minor forest insect spray application shall be given to the Board and the Maine Poison Control Center at least 5 days prior to the commencement of planned spray activity.
 - c. Any addition of spray blocks not specified in the original notice to the Board and any change in pesticide assignments to particular blocks shall be given to the Board as soon as practicable, and in any case every reasonable effort shall be made to give notice of change to the Board prior to initiation of pesticide application. Notice under this subsection may be accomplished by telephone communication with the Board's office.
2. **Notice to the Board.** These notices shall be prepared on forms provided by the Board and shall consist of:
 - a. A description of the proposed spray activity including detailed spray application maps showing sensitive areas and major public routes of ingress and egress. Use of *The Maine Atlas and Gazetteer*, by DeLorme Mapping Company or some other similar atlas is the suggested format for the base map.
 - b. The date or dates on which spraying is proposed to take place.

- c. The name, address, telephone number and license number of the spray contracting firm which will carry out the spray activity.
 - d. Pesticide(s) to be used, dilution agent(s), ratio(s) and notation of any experimental applications.
 - e. A listing of precautions taken to insure notice to the public, including copies of the newspaper notice and the poster to be used.
 - f. The name, address and telephone number of a contact person who will be reasonably accessible by telephone and who will make reasonably current and detailed information about the project available to the Board promptly upon request.
3. **Notice to the Maine Poison Control Center.** These notices shall be prepared on forms provided by the Board and shall consist of:
- a. A description of the general area the proposed application activity will take place.
 - b. The date or dates on which spraying is proposed to take place.
 - c. Pesticide(s) to be used, dilution agent(s), ratio(s) and notation of any experimental applications.
 - d. The name, address and telephone number of a contact person who will be reasonably accessible by telephone and who will make reasonably current and detailed information about the project available to the Maine Poison Control Center promptly upon request.

Section III. Ornamental Plant Applications

A. Responsible Parties

The licensed applicator must provide the person contracting for services with the proper materials to provide notification according to the provisions described in this chapter. The licensed applicator must not commence spray activities until the person contracting for the services provides written proof that the notification procedures contained Section III(B) and (C) have been completed. The person who provides the notification and certifies that the requirements have been fulfilled is responsible for that notification.

B. Newspaper Articles/Advertisements and Written Notices to Property Owners

- 1. An article about/advertisement of ornamental plant aerial pesticide applications shall be published in a paper of general circulation in the affected area at least 3 days but not more than 60 days prior to the commencement of the intended spray activity. The article/ advertisement shall contain the information required in section I(A) and (B) and shall not be limited to a legal notice.

2. A written notice of ornamental plant aerial pesticide applications shall be provided to the person(s) owning property or using residential rental, commercial or institutional buildings within 500 feet of the intended target site at least 3 days but not more than 60 days before the commencement of the intended spray applications. The notice shall contain the information required in Section I(A). For absentee property owners who are difficult to locate, certified or equivalent mailing of the notice to the address listed in the Town tax record shall be considered sufficient notice.

C. Written Notice to the Board and the Maine Poison Control Center

Written notices to the Board and the Maine Poison Control Center must be given according to Section VI of this rule (Notices to the Board and the Maine Poison Control Center for Other Than Aerial Forest Insect Applications).

Section IV. Rights-Of-Way, Forest Vegetation Management and Other Forest Pest Applications

A. Responsible Parties

The licensed applicator must provide the person contracting for services with the proper materials to provide notification according to the provisions described in this chapter. The licensed applicator must not commence spray activities until the person contracting for the services provides written proof that the notification procedures contained Section IV(B) and (C) have been completed. The person who provides the notification and certifies that the requirements have been fulfilled is responsible for that notification.

B. Newspaper Articles/Advertisements or Written Notices to Property Owners

1. An article about/advertisement of rights-of-way, forest vegetation management or other forest pest aerial pesticide applications shall be published in a paper of general circulation in the affected area at least 3 days but not more than 60 days prior to the commencement of the intended spray activity. The article/advertisement shall contain the information required in Section I(A) and (B) and shall not be limited to a legal notice or;
2. In areas where there is no regular newspaper circulation, the person contracting for services may substitute individual notice to all landowners within 500 feet of the target site. This individual notice shall be provided to the person(s) owning property or using residential rental, commercial or institutional buildings within 500 feet of the intended target site at least 3 days but not more than 60 days before the commencement of the intended spray applications. The notice shall contain the information required in Section I(A). For absentee property owners who are difficult to locate, certified or equivalent mailing of the notice to the address listed in the Town tax record shall be considered sufficient notice.

C. Posting Requirements for Rights-of-Way, Forest Vegetation Management and Other Forest Pest Aerial Applications

1. A poster shall be posed conspicuously just prior to the planned spray activity and shall not be removed by the landowner or landowner's agent for at least 2 days (48 hours) after spray activity ceases. The poster shall contain the information required in Section I(C). Areas that shall be posed include each major point of ingress and egress of the public into the area to be sprayed. Major points of ingress and egress include federal, state, municipal and private roads open to the public and known to be used by the public that lead into the area to be sprayed; utility crossings of these roads and any place a maintained public trail enters the application site.
2. Poster shall be constructed of brightly colored, weather resistant stock and shall be at least 11 x 14 inches in size. The information shall be printed in both English and French.

D. Written Notice to the Board and the Maine Poison Control Center

Written notices to the Board and the Maine Poison Control Center must be given according to Section VI of this rule (Notices to the Board and the Maine Poison Control Center for Other Than Aerial Forest Insect Applications).

Section V. Biting Fly and Public Health Pest Applications

A. Responsible Parties

The licensed applicator must provide the person contracting for services with the proper materials to provide notification according to the provisions described in this chapter. The licensed applicator must not commence spray activities until the person contracting for the services provides written proof that the notification procedures contained Section V(B) and (C) have been completed. The person who provides the notification and certifies that the requirements have been fulfilled is responsible for that notification.

B. Newspaper Articles/Advertisements and Written Notice to Property Owners

1. An article about/advertisement of biting fly and public health pest aerial pesticide applications shall be published in a paper of general circulation in the affected area at least 3 days but not more than 60 days prior to the commencement of the intended spray activity. The article/advertisement shall contain the information required in Section I(A) and (B) and shall not be limited to a legal notice.
2. A written notice shall be provided to the person(s) owning property or using residential rental, commercial or institutional buildings within 500 feet of the intended target site at least 3 days but not more than 60 days before the commencement of the intended spray applications. The notice shall contain the information required in Section I(A). For absentee property owners who are

difficult to locate, certified or equivalent mailing of the notice to the address listed in the Town tax record shall be considered sufficient notice.

C. Written Notice to the Board and the Maine Poison Control Center

Written notices to the Board and the Maine Poison Control Center must be given according to Section VI of this rule (Notices to the Board and the Maine Poison Control Center for Other Than Aerial Forest Insect Applications).

Section VI. Notices to the Board and the Maine Poison Control Center for Other Than Aerial Forest Insect Applications

A. A written notice shall be given to the Board and the Maine Poison Control Center at least 7 days but not more than 30 days prior to the commencement of planned spray activity.

B. These notices shall be prepared on forms provided by the Board and shall consist of:

1. Written notice to the Board

- a. A description of the proposed spray activity including detailed spray application maps showing sensitive areas and major public routes of ingress and egress. Use of *The Maine Atlas and Gazetteer*, by DeLorme Mapping Company or some other similar atlas is the suggested format for the base map.
- b. The date or dates on which spraying is proposed to take place.
- c. A description of the delivery mechanism which shall include the name, address, telephone number and license number of the spray contracting firm which will carry out the spray activity.
- d. Pesticide(s) to be used, dilution agent(s), ratio(s) and notation of any experimental applications.
- e. A listing of precautions taken to insure notice to the public, including copies of the newspaper notice or the notice given to person(s) owning property or using residential rental, commercial or institutional buildings within 500 feet of the intended target site.
- f. The name, address and telephone number of a contact person who will be reasonably accessible by telephone and who will make reasonably current and detailed information about the project available to the Board promptly upon request.

2. Written notice to the Maine Poison Control Center

- a. A description of the general area the proposed application activity will take place.

- b. The date or dates on which spraying is proposed to take place.
 - c. Pesticide(s) to be used, dilution agent(s), ratio(s) and notation of any experimental applications.
 - d. The name, address and telephone number of a contact person who will be reasonably accessible by telephone and who will make reasonably current and detailed information about the project available to the Maine Poison Control Center promptly upon request.
- C. Any addition of spray blocks not specified in the original notice to the Board and any change in pesticide assignments to particular blocks shall be given to the Board as soon as practicable, and in any case every reasonable effort shall be made to give notice of change to the Board prior to initiation of pesticide application. Notice under this subsection may be accomplished by telephone communication with the Board's staff.

Section VII. Emergencies

A. Disease Vectors

When the Maine Center for Disease Control and Prevention (CDC) recommends control of disease vectors, government sponsored vector control programs are exempt from this chapter provided that the responsible governmental entity submits the written notice to Board and the written notice to the Maine Poison Control Center as described in this chapter.

B. Other Emergencies

The Board's staff may grant an emergency variance from the notice requirements set forth in Sections III, IV, V and VI of this chapter if the notice requirements prevent efficacious application of pesticide(s) and the staff determines that an emergency situation exists.

- 1. An emergency situation:
 - a. Involves the introduction or dissemination of a pest new to or not theretofore known to be widely prevalent or distributed within or throughout the United States and its territories; or
 - b. Will present significant risks to human health; or
 - c. Will present significant risks to threatened or endangered species, beneficial organisms, unique ecosystems or the environment; or
 - d. Will cause significant economic loss due to:
 - i. an outbreak or an expected outbreak of a pest; or

- ii. a change in plant growth or development caused by unusual environmental conditions where such change can be rectified by the use of a pesticide(s).
 - 2. Any emergency variance granted by the staff under this section shall include provisions demonstrating the applicant will furnish substantially equivalent notification as provided by this chapter and shall include:
 - a. Documented notification of person(s) owning property or using commercial or institutional buildings within 500 feet of the intended target site prior to the pesticide application and where appropriate;
 - b. Radio or television announcements or,
 - c. Prominently positioned poster.
 - 3. No variance may be granted if the emergency situation is the result of an unjustifiable delay created by the person seeking the variance or the person requesting the pesticide application.
 - 4. If the staff does not grant the variance, the applicator or the person requesting the pesticide application may petition the Board for exemption following the requirements set forth in 22 M.R.S.A. §1471-T, "Exemption".
-