

**CITY OF HALLOWELL LANDCARE MANAGEMENT ORDINANCE  
FREQUENTLY ASKED QUESTIONS (FAQs)  
As of 01/27/2024**

**1. What is the purpose of this Ordinance?**

There is a large body of evidence demonstrating that synthetic pesticides have serious detrimental effects on human health and the environment. The purpose of this ordinance is to safeguard the health and welfare of the residents of the City and their pets, and to conserve and protect the Vaughan Brook Watershed, waters of the Kennebec River, and our wildlife, plants, and soils, by curtailing the use of synthetic pesticides for all outdoor pest and plant management on both public and private property. This is in line with implementation strategies included in the City of Hallowell's March 2022 Comprehensive Plan.

**2. Where can I read the Land Management Ordinance (LMO) and when does it go into effect?**

The LMO was approved by the Hallowell City Council on September 26, 2023 and included in the Code of Ordinances on October 6, 2023 under [Chapter 4, Subchapter 7](#). The effective dates are:

- January 1, 2024: All Divisions with violations enforced by written notice and additional guidance.
- January 1, 2025: Division B - Pesticide use enforced per Section 4-704.

**3. Who will enforce the ordinance?** The Code Enforcement Officer will be responsible for enforcing the provisions of the LMO. Upon determining that a violation of any provision of the LMO has occurred, the CEO shall provide written notice to the violator to identify the violation and may designate a third party to provide education and guidance about how to achieve desired results in a manner compatible with organic landcare management practices. Subsequent violations of the LMO shall be subject to the penalties in 30-A M.R.S. #4452.

**4. Where will pesticides be restricted?**

The LMO limits the use of synthetic pesticides for all turf, lawns, landscape and outdoor pest-management, on both public and private property, whether managed by a commercial operator, licensed operator, business owner or a resident. The following areas are included:

- Lawns
- Ornamental gardens
- Sidewalks

- Driveways
- Parks, trails, school yards and playing fields

**Note:** Contained, small rodent bait boxes or stations around building foundations are permitted. Please use per manufacturer's label.

### **5. Are there any special restrictions around water bodies: ponds, rivers, streams?**

Yes. ALL pesticides, whether organic or synthetic, are prohibited within 75 feet of a water body or wetland within the City. Aquatic life is especially vulnerable to the harmful effects of these chemicals.

**6. If I need to use a pesticide, what products can I use?** You can use products labeled and permitted by any of these organizations:

- **OMRI:** Organic Materials Review Institute. Search the huge data base <https://www.omri.org/omri-search>
- **NOP:** the USDA National Organics Program. Label says "FOR ORGANIC GARDENING"
- **MOFGA:** Maine Organic Farmers and Gardeners Association
- **Yardscape:** for a healthy lawn (this is a label often seen in Southern Maine)

Products classified as "minimum risk" by the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) are included in the above.

Some examples are:

- Horticultural & Insecticidal soaps
- Vinegar-based herbicides
- Essential oil-based pesticides, castor oil
- Diatomaceous earth, corn gluten
- Biological-based pesticides (like bacillus thuringiensis)

Also, refer to the Grow Green & Healthy Hallowell document: *What Can I Use*.

### **7. Why are these products recommended?**

First, the goal is to a sustainable long-term solution, **building healthy SOIL**, filled with millions of microscopic organisms which make nutrients available to plants. Use organic matter (compost, decayed leaves/grass, etc.) to feed the microorganisms and improve soil structure so it can retain more water and resist erosion. An added value is that healthy soil also sequesters carbon from the atmosphere.

Second, organic lawn management is not a product-based approach. Since all products have some degree of risk, organic land managers urge that all products be used as a last resort and in accordance with instructions specified by the manufacturer on the label.

Third, unlike organic products, there is extensive evidence that synthetic pesticides are associated with serious illnesses, including many Cancers: Non-Hodgkin's lymphoma, leukemia, brain, prostate, breast; Neurotoxicity: ALS, Parkinson's Disease, ADHD; Endocrine disruption including diabetes, hypothyroidism, decreased testosterone; Birth defects; Reproductive problems: infertility, miscarriages; Respiratory: asthma and bronchitis and more.

And fourth, materials allowed under the federal organic standards are subject to more rigorous review than those used in conventional systems (see #13).

### **8. Which pesticides will be restricted?**

The use of **synthetic (man-made)** pesticides is prohibited for lawns, landscape, and outdoor pest management on public and private property. Also included are ornamental gardens, patios, driveways, parks and playing fields. There are exemptions in #9.

Synthetic examples include products such as: 2,4-D, Glyphosate, Triclopyr, MCPP, Dicamba, Bifenthrin, Fipronil, Permethrin, and many others.

### **9. Are there any exemptions?**

Yes, if necessary, synthetic pesticides may be used in the circumstances listed below per the LMO, Section 4-712. All pesticides must be used in the manner specified by the manufacturer on the label.

- A.** Pet supplies for tick and flea treatment.
- B.** Disinfectants, germicides, bactericides, miticides, and virucides.
- C.** Insect repellents for bodily application.
- D.** Indoor pesticide use.
- E.** Rodent control supplies.
- F.** Swimming pool and hot tub supplies.
- G.** General use paints, stains, wood preservatives, and sealants, structural wood preservation.
- H.** Products used to treat drinking water and wastewater.
- I.** Poison ivy control in frequently used areas. Poison ivy in unused areas should be left alone as it is an important source of food for pollinators and other wildlife.
- J.** Treatments used to eradicate carpenter ants (but not other species of ants) or

termites that are causing external damage to a structure. European fire ants can be treated with Spinosad bait.

**K.** Treatments used to eradicate wasps (including yellow jackets and hornets.) There are safe alternatives such as mint oil which is highly effective.

**L.** Treatments used to reduce infestations of deer-ticks.

**M.** Treatments used to reduce mosquito-borne diseases when the Maine CDC reports credible evidence of the spread of a serious mosquito-borne disease.

**N.** Brown Tail Moth infestations, which may be treated by injecting trees with a prohibited pesticide (without a waiver). However, a waiver application is required for the use of any foliar spray treatment. The Maine Forest Service recommends limiting treatment to trees overhanging walkways or work or play areas and recommends that treatment be done by a licensed pesticide applicator. Many of the affected trees are 30 - 80' high and spraying would result in serious unwanted pesticide drift. A waiver application is required for the use of any spray treatment.

**O.** Right-of-way spraying. Prohibited pesticides may be used by a public utility that maintains a right of way through the city. Residents may request that their property be exempt from spraying by submitting a "No Spray" form to the Maine Department of Transportation or Central Maine Power.

**P.** Treatments used to reduce infestations of invasive, woody plants that pose a significant threat to the environment and are listed as "very invasive" or "severely invasive" by the Maine Natural Areas Program of the Department of Agriculture, Conservation and Forestry may be treated by strategic application of herbicide on cut stems. A waiver application is required for any broadcast spray treatment.

**Q.** Treatments used to reduce infestations of invasive insects that pose a significant threat to the environment that are listed with the Maine Forest Service – Invasive Threats to Maine's Forest and Trees. A waiver application is required for any broadcast spray treatment.

**R.** Production of fruits, vegetables, or livestock. Home grown fruits, vegetables, and livestock for personal use. A waiver application is required for any broadcast spray treatment. This exemption does not override local community garden rules, policies, or guidelines.

## **10. Can I apply for a waiver?**

Yes, for situations that pose a threat to public health and safety or for the control of invasive species that pose a threat to the environment, people may apply to the CEO for a waiver. Waiver applications must include a management plan without broadcast and preemptive applications, a pest identification and threshold report, and reason for requesting the use of a prohibited pesticide. It will include the following information:

- (1) Reason for requesting the use of a prohibited pesticide

- (2) Project information (Proposed pesticide name and amount to be applied)
- (3) Pest/plant identification
- (4) Products and strategies you have already used and results
- (5) How will you minimize the impact of this application on abutting properties?

### **11. What type of neighborhood notification or reporting is required?**

No fewer than 2 days in advance of applying synthetic pesticides on their property, the owner or applicator shall notify in writing any direct abutters with whom they share a property line or who are within 250 feet of the spray area (including across the street). The notification shall include the name of the pesticide(s). The owner or applicator shall post clearly legible warning signs with information specified by the City.

In addition, all licensed applicators are required to submit an annual summary report to the City.

### **12. What have other communities in Maine done?**

A growing number of municipalities and organizations in Maine now limit synthetic pesticide use on public and private property. A total of thirty-one municipalities, as of December 2023, have enacted a variety of local ordinances which regulate the use of synthetic pesticides. Examples of community organizations that do not use synthetic landcare products are the Coastal Maine Botanical Gardens in Boothbay and Wilson Museum in Castine.

### **13. Aren't pesticides regulated for safety by the US EPA and Maine Board of Pesticide Control (MBPC)?**

Not adequately. Pesticides are supposed to be regulated for safety by the EPA and MBPC. However, the “unreasonable adverse effects standard of federal pesticide law” allows the U.S. Environmental Protection Agency (EPA) to establish allowable harm and uncertainty associated with adverse effects to people, wildlife, and the environment. Independent scientific findings have revealed serious inadequacies in the current regulations governing pesticide use including the lack of testing chemical mixtures which often cause toxic synergistic effects. The EPA requires testing on only the reported “Active ingredient” which is a mere 1-5% of the product. The remaining 95-99% consists of “Inert” ingredients which are often “trade secrets,” and many are highly toxic by themselves. **Forever chemicals like PFAS are an example of supposed “inert” ingredients which are used in pesticides.** Also, many toxic pesticides have been registered under a “conditional registration,” which does not require independent peer-reviewed health and safety data. Sadly, EPA approval is no guarantee that pesticides are “safe”. (Additional references and information are available on the Grow Green & Healthy Hallowell website, <https://growgreenhallowell.org/>).

**14. If our goal is to reduce toxins in our environment, why not go with Integrated Pest Management (IPM)?**

This Ordinance is consistent with the beginning steps of Integrated Pest Management (IPM): identify the pest problem, determine the underlying causes, and then utilize mechanical or biological approaches. Pesticides should be used only if everything else fails. **IPM actually allows the use all types of synthetic pesticides and there is no oversight on the use of pesticides.** In fact, while IPM was established to stop the prophylactic use of pesticides and limit toxic materials, most landcare professionals have embraced the term while using toxic pesticides for pre-emergent treatments and on a routine basis. An organic land care approach follows the beginning steps of the IPM process, and emphasizes soil health to support healthy plants, and delineates a set of allowed organic pesticides to be used only as needed. The LMO allows for exemptions only in very specific circumstances (see #9).

**15. Why can't we just implement an education and outreach campaign, instead of an Ordinance?**

Education and outreach, while important, do not ensure adherence to organic practices or ensure change of habits. Many people and businesses will not be incentivized to limit their use of toxic synthetic pesticides unless it is required by law. The LMO sets a standard for them to follow.

**16a. Can I continue to use my lawncare company?**

Yes, as long they guarantee they will follow the LMO directives and use OMRI listed organic products. Organic practices/methods are the key to a long-term healthy attractive yard that does not need chemical treatments.

**16b. Will local lawncare businesses be adversely affected?** Quite the opposite. Increasing numbers of communities in Maine are adopting similar ordinances and many companies are expanding to include organic lawn care packages to meet the preferences of their customers. We anticipate excellent opportunities for these professionals. The demand for organic and non-toxic landcare is clearly growing throughout Maine.

**17. What are the basics for growing a nice lawn in Maine?**

"The cool climate of Maine favors healthy landscapes. Grass will grow lush and with few problems as long as basic plant needs are met. To maintain vibrant lawns and gardens, ensure healthy soil, mow at higher levels, top dress with compost, over-seed, and water deeply, but infrequently. These organic land care practices will reduce, if not

eliminate, the needs for pesticides and fertilizers over time.” (Used with permission, South Portland Landcare Ordinance, “What you need to Know”).

There is also a brochure available from the [University of Maine Cooperative Extension, Publication #2166](#).

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**Contact:** City of Hallowell Code Enforcement Office, 207.430.4405

**Link:** [Landcare Management Ordinance](#)

**Additional resources:**

- Grow Green & Healthy Hallowell website: <https://growgreenhallowell.org/>
- Hallowell Conservation Commission email: [hallowellconservation@gmail.com](mailto:hallowellconservation@gmail.com)

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**NOTES:**