

## MEMORANDUM

TO: Cape Elizabeth Town Council  
FROM: Ordinance Committee  
DATE: September 28, 2020  
SUBJECT: Pesticide regulation

### Introduction

At the October 16, 2019 meeting, the Town Council referred to the Ordinance Committee the following Comprehensive Plan Recommendation:

#51 Consider town action to require residents to minimize pesticide use and take advantage of programs such as the Cumberland County Soil and Water Conservation District (CCSWCS) Healthy Yardscaping Initiative.

### Committee review

The Ordinance Committee engaged in an information gathering program over three meetings, as follows:

**May 13, 2020:** The committee discussed the purpose of a local ordinance, existing state regulation, what other towns are doing and agreed to pursue a series of speakers to learn about options.

[https://www.capeelizabeth.com/council\\_packets/2020/05-13-2020%20Ordinance%20Committee/Ord%20Comm%20Min%204-29-2020.pdf](https://www.capeelizabeth.com/council_packets/2020/05-13-2020%20Ordinance%20Committee/Ord%20Comm%20Min%204-29-2020.pdf)

**August 5, 2020:** The committee heard a presentation from Ali Clift, Cumberland County Soil and Water Conservation District (CCSWCD) about the Healthy Yardscaping program.

[https://www.capeelizabeth.com/council\\_packets/2020/09-02-2020%20Ordinance%20Committee/Ord%20Comm%20Min%208-5-2020.pdf](https://www.capeelizabeth.com/council_packets/2020/09-02-2020%20Ordinance%20Committee/Ord%20Comm%20Min%208-5-2020.pdf)

**September 2, 2020:** The committee heard a presentation from Nancy Lightbody, Falmouth Conservation Commission Chair, about adoption and ongoing implementation of Falmouth's Pesticide Ordinance adopted in March, 2020.

[https://www.capeelizabeth.com/council\\_packets/2020/10-05-2020%20Ordinance%20Committee/Ord%20min%209-2-2020.pdf](https://www.capeelizabeth.com/council_packets/2020/10-05-2020%20Ordinance%20Committee/Ord%20min%209-2-2020.pdf)

### Ordinance elements to consider

The Ordinance Committee liked the approach in the Town of Falmouth's Pesticide and Fertilizer Ordinance (attached) and would like the Town Council to discuss next steps at a workshop. Features that the Ordinance Committee would recommend as a model for Cape Elizabeth include:

- Data driven. The ordinance requires that data which is already collected and submitted to the State Board of Pesticide Control (BPC) by professional landscapers also be submitted to the Town of Falmouth. The state does not process the data by town or neighborhood, and submission to the town may allow regulations to be tailored to local conditions. Falmouth has noted that once the reports are collected, assistance is still needed to interpret the information.
- Impacts on water quality. Falmouth's approach focuses on water quality. The town's original intent was to collect water samples to establish a baseline before regulations were implemented. Sampling has been put on hold due to funding limits. It should be noted that water sampling challenges include not just funding, but also decisions about where to collect samples, how often and what to test the samples for. Testing for chemicals runs about \$1,000 per sample, less to test for fertilizers.
- Education. Falmouth also emphasized education as part of the ordinance implementation. Falmouth retained A marketing professional who prepared an education program to be supplemented with outreach events, however program rollout has been put on hold.
- Carrot v. stick. Falmouth is emphasizing more of cooperative approach to ordinance implementation rather than immediately moving to penalties for noncompliance.

### Recommendation

The committee recommended, by a vote of 3-0, to send pesticide regulation back to the Town Council for discussion of adopting the Town of Falmouth's approach of tracking community application of pesticides and logging volume before adopting restrictions, and then consider additional steps.