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Maine Sunday Telegram

SUNDAY, SEPTEMBER 30, 2012

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May 19

Lawn care company faces \$37,000 fine

The firm's founder, saying it did nothing wrong, is upset that a proposed consent agreement was made public.

By Gillian Graham ggraham@mainetoday.com
Staff Writer

A lawn care company that is accused of applying chemical pesticides for customers who believed they were getting organic treatments faces as much as \$37,000 in fines in a proposed consent agreement with the state pesticides board.

The state Board of Pesticides Control says Purely Organic Lawncare of York Harbor violated pesticides laws and regulations by applying chemical pesticides at Colby College in Waterville and the Wainwright Recreation Complex in South Portland.

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[PDF: Proposed Administrative Consent Agreement](#)

The company's founder and chief operating officer says his employees applied chemical pesticides only for customers who agreed to the treatment. James Reinertson said his company did nothing wrong and he is upset that the consent agreement was released publicly before it was finalized.

On May 11, the board tabled consideration of the proposed agreement pending further discussion. Reinertson said he will meet with the board again in September to take up the issue.

The proposed agreement describes the company as "engaged in a pattern of fraudulent business practices involving both commercial and residential customers."

The board's investigator also reported that employees were not wearing the protective gear needed for the pesticide that was found in tests. The federal Environmental Protection Agency requires workers who handle that pesticide to wear long-sleeve shirts, long pants, shoes and socks, and chemical-resistant gloves.

"The violations were not isolated incidents, but ingrained operating practices of the company. The types of violations were extensive," reads the proposed settlement. "The company realized an economic benefit and competitive advantage from their practices."

Purely Organic would have to pay \$18,000 of a \$37,000 fine under the consent agreement.

Reinertson said he employs seven service people. The lawn care company is part of a family of companies owned by Reinertson that also manufactures organic lawn care

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products in Seabrook, N.H. The company sells those products retail and wholesale.

The state pesticides board says it began its investigation in 2010, when two incidents involving Purely Organic came to its attention.

According to the proposed consent agreement, a board inspector who was doing a routine inspection of a Purely Organic job site at Colby College got positive test results for chemical herbicides, even though company signs on the turf said it had been treated with organic fertilizer.

A Purely Organic foreman told the inspector that the application was organic, and a Colby grounds supervisor said he had ordered an organic weed management product, according to the proposed agreement.

Reinertson said Friday that the contract with Colby allowed Purely Organic to use both organic fertilizer and traditional -- non-organic -- herbicides.

A week after the inspection at Colby, the board says, it got a complaint from a parent in South Portland, who said he believed the Wainwright fields had been treated with an herbicide but no signs were posted to notify the public.

Purely Organic had treated the fields a week earlier under an agreement with the city that dated to 2008. The city paid Purely Organic about \$10,000 per year for organic turf treatments.

Samples taken by an inspector from two locations at Wainwright tested positive for an herbicide not listed in any of the company's job proposals, product information sheets or invoices, according to the proposed consent agreement.

"Based on the above evidence," the proposed agreement says, "it was determined that Purely Organic engaged in fraudulent business practices in the application of pesticides at the South Portland Wainwright Recreation Complex."

Reinertson denied that Friday. He said his company applied only organic fertilizer at the field and his crews did not have weed control products with them. "Our view is that they tested a field we don't even treat at that property," he said.

In a letter to customers, included with the board's May 11 meeting agenda, the company said that at the time of the investigation in 2010, it had transitioned from using chemical applications, and chemical residues remained on trucks that were used to apply treatments.

"We believe that all of our products were safe and continue to be safe and what they are labeled as being," says the letter, which characterized the initiation of the investigation as a "witch hunt" started by competitors.

After the proposed agreement was released with the board's May 11 agenda, South Portland City Manager James Gailey said he felt "blindsided" by it, and decided to "step away" from using Purely Organic, which had continued to provide lawn care services for the city.

"We didn't even know there was an investigation going on," Gailey said.

The city received the results of the 2010 lab test, but didn't hear anything else from the board.

In Scarborough, Town Manager Tom Hall said Purely Organic recently submitted a bid to provide organic turf management services in town, but he decided to consider other bids after learning about the proposed consent agreement.

"That was reason enough for me to look elsewhere," he said. "There's nothing they can

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say or do to cause me to think differently."

Henry Jennings, director of the pesticides board, would answer questions only by email Friday.

He said the board investigates an average of 100 complaints each year and ratifies an average of 13 administrative consent agreements annually.

Under state law, a pesticide is "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests" and any substance or mixture that is used as a plant regulator, defoliant or desiccant.

Companies that apply pesticides must be licensed by the state. In his email, Jennings said about 300 companies are licensed in Maine, and the state does not differentiate between organic and non-organic application companies.

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[Jeff McDonald](#) • 4 months ago

The inspector should grab a sample from the truck's hose. Just finding chemicals in the dirt is hearsay.

10 / ⋮ * * Reply * Share ›



[joemapper](#) · 4 months ago · parent

Only if you don't understand what the word 'hearsay' means...

4 / ; * · Reply · Share ›



[WesleyEric](#) · 4 months ago

Why were the names of the chemicals involved left out of the article? The omission makes it impossible for anyone with knowledge of pesticides to come to a conclusion on the severity of the act, if it even occurred.

8 / ; * · Reply · Share ›



[cleanearth](#) · 4 months ago

Why have large, expensive-to-maintain "lawns," anyway? Food gardens would be a much better use of the land.

Have the Colby College students build 2' high raised beds, fill with good soil (not "biosolids," because that's sewer sludge - not good to eat!), plant seeds, weed, eat. Not at all difficult, no machines needed, no pesticides, no noisy, polluting lawn mowers, and nearly-free food for the College.

Same with parks' departments and individuals' yards which are nothing but large swaths of grasses cut to within an inch of their lives.

Cut lawns are ecological dead zones.

Pesticide-treated lawns are deadly to birds and bees, as well as harmful to children, pets, and all creatures who contact the grasses. And these poisons seep down into your drinking water.

Using a machine lawn mower for 1/2 hour equals the pollution created by driving a car about 55 miles.

Are we never going to get past poisoning our own environment? Our children's earth? . . .

7 / ; * · Reply · Share ›



[Naran Row-Spaulding](#) · 4 months ago · parent

No lawns? Dude, you can't play Frisbee on raised garden beds.

:)

I hear you, seriously. We all need to move to less traditional lawns, use far less chemicals, implement more edibles, along with using clover and other less--maintenance-intensive plants in grassy areas. Clover not only feeds the bees, but it's dense, feeds the soil, and needs far less maintenance than grass. It's also very friendly to bare feet.

9 / ; * · Reply · Share ›



[Workfort](#) · 4 months ago · parent

I can now tell anyone that sees my lawn that the clover patches are on purpose. I'm not being lazy, I'm trying to save the earth.

7 / ; * · Reply · Share ›



[Naran Row-Spaulding](#) · 4 months ago · parent

You're trying to save the honey bees! That's right!

:)

6 /  * * Reply * Share ›



[cleanearth](#) · 4 months ago · parent

Excellent points.

4 /  * * Reply * Share ›



[Naran Row-Spauling](#) · 4 months ago · parent

Thank you. I love clover, and always avoid mowing it too short. Both bees and butterflies love the flowers.

Clover also works well in areas that are surrounded by pine trees, which are death to the usual grass species. As a baby, my son took his first outdoor steps on a clover lawn, and it was very kind to the tiny feet.

2 /  * * Reply * Share ›



[MaineJane](#) · 4 months ago · parent

[@Naran Row-Spauling](#): I can't believe I just clicked on "like" for several Naran comments. What is the world coming too? We have a common ground against the random classification of weeds. Clover is good. We both like bees and butterflies. Aren't they beautiful?

5 /  * * Reply * Share ›



[KayInMaine](#) · 4 months ago · parent

Naran, are you a tree hugging socialist?

1 /  * * Reply * Share ›



[Whoaisme](#) · 4 months ago · parent

High five for clover. I have also let ajuga, angelica, bee balm and assorted other goodies take over some lawn space. More flowers. Less mowing.

1 /  * * Reply * Share ›



[loudbikessuck](#) · 4 months ago · parent

You don't know what you are talking about. Grasses have major benefits are themselves uses for erosion control.

So what are you going to have forest all the way right up to your house?

I have a very nice lawn and don't have to put on "pesticides". Proper fertilizing and soil testing goes a long way.

Oh yeah, and my lawn has plenty of earth worms (because it's fertile soil with good organic matter) that birds love.

Spare me the classic, "it's for the children". It's fear mongering nonsense.

1 /  * * Reply * Share ›



[munjoyfan](#) · 4 months ago

Please update this article with specific information about the herbicide or pesticide used. In addition, you neglected to mention the levels of licenses held by the applicators--again, please update the article. Violation of state law is rampant in the lawn care industry--it is highly unlikely the crew showing up to treat your lawn, organically or otherwise, holds the level of licensing required by state law to do that work. This is a VERY important topic for the public health, and the PH needs to do more reporting on this issue. Some cities have laws prohibiting the application of ANY lawn or garden chemicals without evidence of need provided by a soil test or positive pest identification. Portland area towns are way behind in this, and our cancer rates are out of sight.

7 / ; * · Reply · Share ›



[grimaldii](#) · 4 months ago

Want to find some really toxic areas?
Just go to the local golf course after rain. They refer to it as a "toxic soup."

7 / ; * · Reply · Share ›



[oldportguide](#) · 4 months ago · parent

MMMM...much better than 'stone soup' - more nutritious!!!

0 / ; * · Reply · Share ›



[cleaneearth](#) · 4 months ago

The Pesticide Control Board doesn't fine anyone very often - has to be truly egregious misuse of these poisons for them to get fined. And then they're going to cut the fine in half? Why?

Pesticides don't go away, they all have final metabolites which stay in our soil and water for many years, some for hundreds of years. It's simply suicidal to keep permitting this completely unnecessary poisoning of us all. I say this as an organic farmer who's never used pesticides, whether called "organic" or not. No need.

"Lawn Care?" Please. Why are people afraid of Dandelions when they are among the more nutritious of greens? Better to pull them after a rain, eat the greens and flowers, grind up the roots as a coffee substitute, OR just let them grow because they're hardy and beautiful.

So, the real issue is, why does the Pes. Ctl. Bd. allow pesticides (all of them are poisonous) to be used in public areas, schools, apartment buildings, old folks' homes, and on/in our food crops?

Because they're part of the Dept. of Agriculture, which culture is still controlled by the big chem. guys because virtually all gubernatorial appointees on the Pes. Ctl. Bd. are in pay of, one way or another, Big Chem.Big Pharma.

To those complaining about "small business" being harmed - - if a "small business" wanted to spread nuclear waste around a public park, would that be okay, too? What wouldn't be all right for a "small business" to do?

Harming the public health just to make a dollar is unconscionable, and there's too much of it around. Time to get serious about what's important, and it's not a "small business" spraying poisons around our habitat.

5 / ; * · Reply · Share ›



[bagburger](#) · 4 months ago · parent

a likely reason for cutting the fine in half is to forestall any litigation over it. Kind of like a guilty plea for a lesser sentence.

1 / * * Reply * Share ›



[NoBull2Day](#) · 4 months ago

Purely Organic = Purely BS

5 / * * Reply * Share ›



[sacotaxman](#) · 4 months ago

This sounds like an all out attack on a small company by its competitors. Maybe someone planted some chemicals on the sites before they notified the authorities. Then the leak to the public causing Purely Organic to lose business. I wonder if Mr Reinertston is a republican?? ????????

5 / * * Reply * Share ›



[joecool](#) · 4 months ago · parent

That would be a question the local newspaper should answer. Any bets on whether they will?

4 / * * Reply * Share ›



[sharon hansen](#) · 4 months ago · parent

Why should they, joe?

0 / * * Reply * Share ›



[Mike Mitchell](#) · 4 months ago · parent

I bet he is sounds like something a Republican would do and say.

0 / * * Reply * Share ›



[Tyke](#) · 4 months ago · parent

Personal reponsibility is only for other people.

0 / * * Reply * Share ›



[jack33w](#) · 4 months ago

That they did it "only for customers who agreed to the treatment" is irrelevant. Misusing pesticides is a crime and a danger to us all. The federal law (watch out, Governor LePage, it's a safety regulation!) says it's a crime to use pesticides other than what it says on the container label.

In other words, what part of "READ THE LABEL" don't you understand??

5 / * * Reply * Share ›



PatsFan78 · 4 months ago · parent

"Thanks" for making this partisan.Idiot.

12 / ; * · Reply · Share ›



Bowdoin · 4 months ago

Purely Organic, not so much.

4 / ; * · Reply · Share ›



weatherfreak · 4 months ago

Clover was something that used to be desired in a lawn. But the weed killer killed the clover as well, so it was changed into a weed. I've got a good amount of moss -which I like - and I saw a bottle of moss killer. Who doesn't like moss?

4 / ; * · Reply · Share ›



Naran Row-Spauling · 4 months ago · parent

Moss is great in shady areas. Holds the soil, and very interesting forms result.

Violets are another plant that disappears with weed-killer, along with bluets, or "Quaker Ladies," as they used to be known. I never use weed killers or chemical stuff on my yard and gardens.

<http://wiseacre-gardens.com/pl...>

Bluets, or Quaker Ladies. They can be very successfully transplanted into spring gardens, where they will re-seed the following year. Free flowers!



4 / ; * · Reply · Share ›



Whoaisme · 4 months ago · parent

I have these on the hill.

0 / ; * · Reply · Share ›



bit_torrent · 4 months ago

There is such a thing as 'chain of evidence' and that was broken at the get go. We have a "dime dropper" in Portland call on a field in Waterville (Colby) because of an olfactory sniff of the wind! The test was done on the field and the business is charged enough money to probably kill 2012 profits. Is said dime dropper a competitor who might have dabbled and dribbled chemicals at midnight as a plant?

This just doesn't pass my 'sniff test', but yet again the reporting in most Maine newspapers is atrocious.

3 / ; * · Reply · Share ›



bagburger · 4 months ago · parent

So - did the company apply chemicals in direct breach of their contract with the lawn owners? Did they then not post that the lawns were treated with chemicals?

Sounds like they did - who cares who called whom?

For some reason, you're just mad they were caught.

0 / ; * * Reply * Share ›



Don Robertson · 4 months ago

As the owner said, the customers agreed to the chemical application. There was no misrepresentation involved.

Here we have another instance of regulation by the State of Maine that is inflexible and onerous.

The state should be forced to give the benefit of doubt to the company here, that they knew what they were doing and were being responsible. This is likely very petty, and every one of us could probably go to the hardware store and buy worse chemicals to apply to our own lawns.

If the state really wants the \$18,000 fine imposed, then they should be forced in court to demonstrate harm to the environment and they should then get that fine from the people/businesses for whom this service was knowingly rendered. They agreed to the application of this horrible -unnamed chemical-.

This is all -just far too draconian. Its ends a message to Mainers everywhere: -don't go into business -because the State of Maine is going to murder it with regulations and fines.

3 ; * * Reply * Share ›

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