



**Testimony of the Maine Organic Farmers and Gardeners Association
in opposition to**

LD 2149 - *Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control*

February 7, 2024

Good afternoon, Senator Ingwersen, Representative Pluecker and members of the Agriculture, Conservation and Forestry Committee. My name is Heather Spalding, and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking today in opposition to LD 2149 - *Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control*.

MOFGA is working to build a food system that is healthy and fair for all of us. Through education, training, and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities. MOFGA certifies 526 organic farms and processing operations representing more than \$120 million in sales and we are working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.

It is no secret that MOFGA opposes the use of genetically modified organisms (GMOs) in agriculture, in line with the federally defined National Organic Practices that require our crops to be free from any GMO contamination. For decades we have advocated against the proliferation of GMO crops in Maine and around the world due to the threat they pose to our products and markets. We have raised concerns about herbicide resistant crops and plant-incorporated protectants that continually rely on additional novel genes to stay ahead of resistance. This management system runs counter to the BPC's much-heralded practice of Integrated Pest Management, as it relies on prophylactic spraying of carcinogenic herbicides and preemptively introduces GMO crops over vast acreage throughout the growing season, year after year, encouraging resistance among pests and threatening the integrity of non-GMO seed supply. The continual use of the euphemistically named "Plant Incorporated Protectants" (PIPs) is not a good long-term solution for minimizing reliance on pesticides or elevating organic management practices.

We understand that Maine's Board of Pesticides Control seeks to align policies and procedures with those mandated in federal law. However, Chapter 41 is where Maine exercises its right to go above and beyond the U.S. Environmental Protection Agency's industry driven pesticide standards. With this in mind, we strongly urge the BPC to prominently include the term "genetically modified organism" (GMO) in the "Section 5. PLANT-INCORPORATED PROTECTANTS" header. We understand that "genetically modified organism" and "GMO" are not official trade names, but they are immediately recognizable by the public, whereas the term "Plant Incorporated Protectant", or PIP, is relatively unknown and masks the herbicide resistance and dependence commonly engineered into these products.

We would like to see added to the rule that the responsibility for notification of planting GMO crops be placed squarely on the shoulders of the planter. The spread of pest resistance and cross contamination from the pollen should be the responsibility of the one growing these crops rather than their neighbors feeling the effects. There have been relatively complicated requirements with setbacks and refuge planting, and neighbors

should have the opportunity to ensure the safety of their own property and natural habitats from improperly planted GMO crops, especially considering studies with monarch butterfly caterpillars, *Danaus plexippus*, suggesting monarch butterfly populations would be reduced from feeding on milkweed leaves coated with *Bt* maize pollen (Jesse & Obrycki 2000, Losey et al. 1999).

We question the need to eliminate recurring training (once every three years) for growers of these GMO crops. The technologies continue to evolve, and new crops are being proposed for registration. This coming Friday, the BPC will consider several new PIP registrations, including GMO soy, and whether to revise its PIP technical policy. Refuge in a bag products do change the difficulty of adhering to the guidelines for insect resistance management, but the refuge in a bag products particularly rely upon stacked genetic traits that will change as new combinations of gene technologies produce different resistances in pests. Insect resistance evolves in order to overcome the newest technologies. The ways that recommended products are used in conjunction with chemical pesticides will change. Farmers using these products deserve access to the newest information regarding all these changes in the agricultural landscape and should not depend solely on the manufacturers for information. Taking a class once every three years does not seem an undue hardship for the opportunity to plant these technologies.

We oppose the rule change that would eliminate the requirement to sell GMO seeds in quantities sufficient to plant at least one acre. While planting backyard gardens with GMO crops might be a marketing opportunity for the owners of this technology, it will only accelerate the resistance of pests and increasingly make these products not useful to growers. Growers then become dependent on the newest genetic technologies, because of pest resistance. This is a marketing technique used to rake in profit at the expense of small farmers. We oppose this and maintain that small acreage growers have a much better alternative than spraying with conventional pesticides – they can grow organic sweet corn and be assured of a market.

In conclusion, we appreciate the BPC's mission, as stated in MRSA title 22, subsection 1471-A, of assuring the "proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the further purpose of protecting natural resources of the State," but in this case we feel that the existing rules in Chapter 41 achieve these goals to a much greater extent than the proposed changes. We are especially concerned about the contamination of the non-GMO seed supply, and we feel that if any changes are made to Section 5 of Chapter 41, restrictions should be tightened, not loosened. We urge the committee to vote in opposition to proposed changes.

Thank you for your consideration. I would be happy to answer questions if you have any.

The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$120 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people, and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.