

**Testimony of Paul Schlein**  
**in support of LD 1770, “An Act to Improve Pesticides Sales and Use Data Collection and Accessibility by the State”**  
**addressed to the Joint Standing Committee on Agriculture, Conservation and Forestry**  
**May 1, 2023**

Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Paul Schlein, I reside in the Town of Arrowsic, I was the Public Information Officer for the Maine Board of Pesticides Control (BPC or Board) from 2005 to 2013, and I am writing to you to strongly urge your support for LD 1770, “An Act to Improve Pesticides Sales and Use Data Collection and Accessibility by the State.”

This is the third bill on this subject in as many years, and my third time testifying, and I will begin with what I see as the bottom line, followed by some brief reasoning, and my previous testimony: It’s time to pass this into law. Maine made a promise 26 years ago that has not been kept. In essence, it was to protect health and the environment for all inhabitants—plants and animals—of the wonderful and beautiful State of Maine. Without the highest quality of protection of the aforementioned, nothing else of importance can occur and continue with any quality of life—not jobs, not the economy, not agriculture, not fishing, not tourism, not government, and on. This issue is as far from politics as can be.

The sponsors of these three bills have listened carefully and made every attempt to accommodate and address all concerns that have been raised. However, as we know, bills and laws are always works in progress, from day one and all years hence. We enact, we monitor, we listen, and, when needed, we revise and amend. That’s the beauty of our system. But first, we must enact something. Clearly, the time has come for this one.

In my previous testimony, I have tried my best to lay out the arguments to explain and justify the need for a comprehensive pesticides database, but rather than repeat this information, I am resubmitting my 2022 testimony which also includes my 2021 testimony. Please see below.

Respectfully submitted,

Paul Schlein  
Arrowsic, Maine

**Testimony of Paul Schlein**  
**in support of the Amendment to LD 2021, “An Act To Collect Pesticide Sales and Use Records**  
**for the Purpose of Providing Information to the Public”**  
**addressed to the Joint Standing Committee on Agriculture, Conservation and Forestry**  
**March 15, 2022**

Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Paul Schlein, I reside in the Town of Arrowsic, I was the Public Information Officer for the Maine Board of Pesticides Control (BPC or Board) from 2005 to 2013, and I am writing to you to strongly urge your support for the Amendment to LD 2021, “An Act To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public.”

Just to be clear from the start, it is the *amendment* to LD 2021 that I am asking you to support. The amendment is essentially a revision of LD 1599, “An Act To Establish A Maine Pesticide Sales and Use Registry,” brought to your committee in the last session. Unfortunately, and for whatever reason, there was confusion, miscommunication, and misunderstanding around the original bill, and by the time it was amended, it was simply too late in the process for it to receive due consideration. However, and fortunately, the amended LD 2021 has benefitted from testimony from all stakeholders, as well as comments from your committee, and, as a result, has effectively addressed all the issues and concerns that were brought forward relating to LD 1599.

A major point of contention was that of the confidentiality of the information entered into the database, and this has been very clearly addressed.

Two other major sticking points relating to LD 1599—the purported extreme cost and difficulty of creating an online database—have already been very nicely taken care of by the BPC in the time since the last session, and, did not rise to the level of extreme cost or difficulty, as noted in the Board’s Report to the 130th Maine State Legislature on LD 524 (pages 10 and 12, <https://legislature.maine.gov/doc/7755>). In fact, on a limited basis, this has already been put into action by the BPC through its Online Portal: <https://www.maine.gov/dacf/php/pesticides/pega.shtml>.

One point of clarification, critical to the understanding of the nature of LD 2021, is that entering information into an online database would mean more work for the regulated community. This is clearly and irrefutably incorrect: pesticide applicators already have to fill out on paper a daily Pesticide Applicator Log (<https://www.maine.gov/dacf/php/pesticides/documents2/WPS%20Forms/logbook.pdf>), and the only change with LD 2021 will be that the exact same information will instead be entered into a very accommodating online form. By all standards today, this will, in fact, be easier and less burdensome than writing it out on paper.

Further, and the last point I would like to make, is that the original LD 2021 proposes that the Annual Summary Report required by the BPC (already shown in the preceding link), will provide the necessary information on sales and use. Very simply, and I ask you to compare the two, it very clearly will not. Most interesting is that, with the move to online entry, this form will no longer be needed, as the necessary information can be easily extracted from the resulting database—a very significant savings for pesticide applicators. Consider how much

time is needed to compile the information for a year's worth of daily forms, even just for one applicator, let alone firms with many applicators.

In view of the fact the amended LD 2021 is a new version of LD 1599, my testimony submitted for LD 1599 still stands—word for word, especially considering that at least one critical recommendation has already come to pass (online data entry), I am hereby resubmitting that testimony, below, for your review, and ask that you give it a fresh look, in your consideration of LD 2021. It tells the story and provides the basis for why we must be able to answer the question of whether Maine, in the 22 years since Maine Title 22, Chapter 258, §1471-X was enacted (<https://www.mainelegislature.org/legis/statutes/22/title22sec1471-X.html>), has achieved the critical goal of reducing reliance on pesticides.

Respectfully submitted,

Paul Schlein  
Arrowsic, Maine

**Testimony of Paul Schlein**  
**in support of LD 1599, “An Act To Establish A Maine Pesticide Sales and Use Registry,”**  
**addressed to the Joint Standing Committee on Agriculture, Conservation and Forestry**  
**May 2, 2021**

Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Paul Schlein, I reside in the Town of Arrowsic, I was the Public Information Officer for the Maine Board of Pesticides Control (BPC or Board) from 2005 to 2013, and I am writing to you to strongly urge your support for LD 1599, “An Act To Establish A Maine Pesticide Sales and Use Registry.”

Twenty-four years ago, what is now Maine Title 22, Chapter 258, §1471-X was enacted:

*“State policy; public and private initiatives to minimize reliance on pesticides. It is the policy of the State to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application. The agencies of the State involved in the regulation or use of pesticides shall promote the principles and the implementation of integrated pest management and other science-based technology to minimize reliance on pesticides while recognizing that outbreaks of disease, insects and other pests will necessitate fluctuations in pesticide use. These agencies, in cooperation with private interest groups, shall work to educate pesticide users and the general public in the proper use of pesticides and to determine other actions needed to accomplish the state policy.”<sup>1</sup>*

At the same time, §1471-M, sub-§7 was enacted:

*“Data collection; annual report. The board shall implement a system of record keeping, reporting, data collection and analysis that provides information on the quantity of product and brand names of pesticides sold. The board, in cooperation with the University of Maine Cooperative Extension Service,*

*shall study ways to improve pesticide information data bases and to optimize the useful analysis of reported information.*

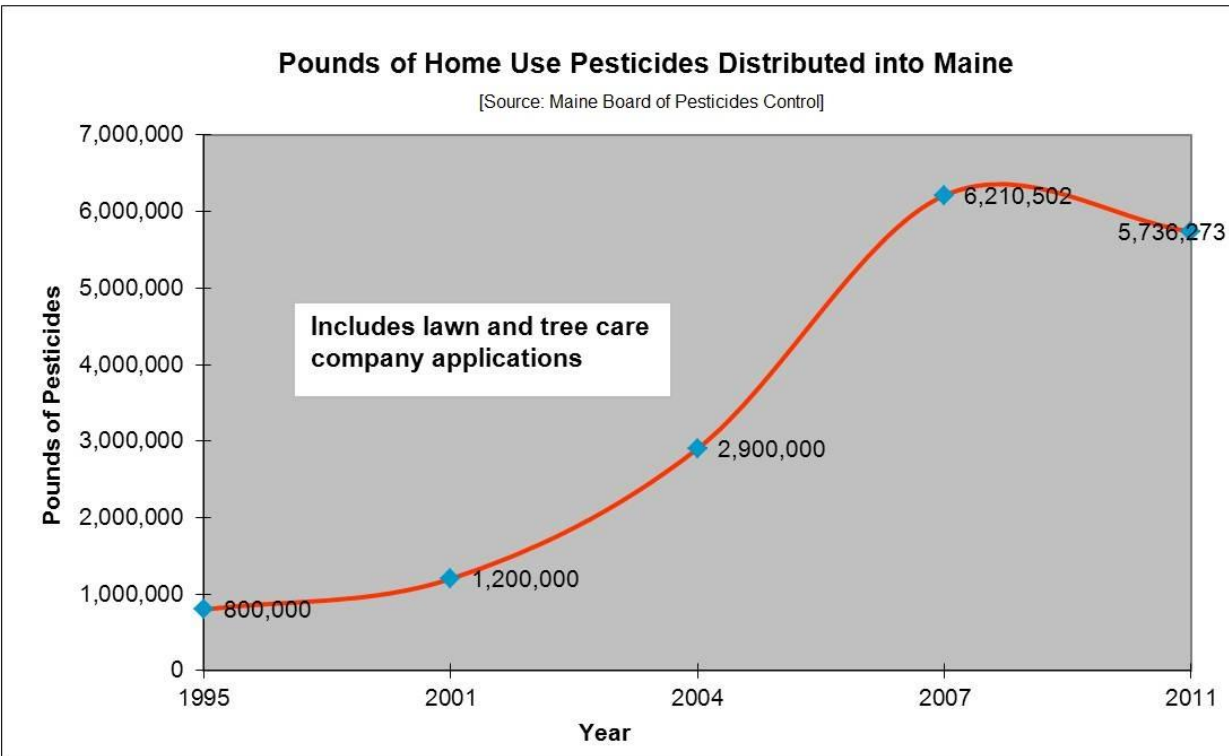
*No later than October 1, 1998, and each year thereafter, the board shall publish an annual pesticides report containing the quantity of product, sorted by the name and United States Environmental Protection Agency registration number, of all pesticides sold in the prior year, with the data further sorted by sector of use wherever possible.*"<sup>1,2</sup>

Logically, without §1471-M, sub-§7, how could it be determined whether pesticide use was decreasing or increasing? The BPC nobly attempted to collect data, analyze it, and report on it, as required. However, as the year 2000 BPC report indicates in detail,<sup>3</sup> as well as the BPC 2011 GEA Program Evaluation Report, the reporting requirement was short-lived. Excerpts from the latter report explain the history:

*“. . .A separate provision of this legislation directed the Board to publish an annual report on pesticide sales and use data so there could be some determination if the new policy was resulting in decreased pesticide use. No funds or positions were provided to produce these reports. . . .The [ACF Committee's] discussion during [the first BPC GEA Program Evaluation Review in 2000] focused on the difficulty in obtaining useful, reliable information on pesticide use in the state. After studying the issue, the Board reported back to the Committee in 2002 and presented several recommendations for change. These included requiring all in-state dealers to report their pesticides sales and all commercial agricultural producers to report their pesticide use on an annual basis. The Committee agreed the current reports were of little value, but did not take any action to require additional groups to report or to extend the requirement for annual reports of incomplete data.*"<sup>4</sup>

As the current §1471-M, sub-§7 indicates, 2002 was the last year any reporting was required.<sup>5</sup> §1471-X remains unchanged—and unsupported.<sup>6</sup>

Since 2002, with only one exception, no new attempt has been made to gather pesticide sales and/or usage data in a comprehensive manner, as a way to determine the extent of pesticide use in Maine. The exception was in 2011, when Board staff gathered all available data on pesticides and produced a graph that indicated a dramatic 700% increase of home-use pesticides distributed into Maine between 2005 and 2011. That graph appears below, as it is evidently no longer posted on the Board's website.



At the December 18, 2015, Board meeting, staff were questioned about the graph, and responded as follows:

*“The 700% increase in pesticide sales originates from a graph on [www.yardscaping.org](http://www.yardscaping.org) [no longer posted on this site, see above]. Those numbers may be inexact because the data collected is distribution data so it does not report the quantity that is actually sold. The data from pesticide application companies should be fairly accurate. The upward trend is reliable. The Board now receives a larger percentage of these reports than in the past. There are more lawn and landscape companies out there and more people hiring them.”<sup>7</sup>*

So where does all this leave us in 2021? The State of Maine has the most admirable policy of reducing reliance on pesticides, but no way to accurately gauge that this is occurring. Unfortunately, all that leaves is a rather hollow policy. However, and fortunately, with the passage of 24 years, technology has made tremendous advances in computer science and online access to information, which should address and solve all the problems that brought the §1471-M, sub-§7 reporting to an abrupt end in 2002.

LD 1599 provides a phased-in plan, with step-by-step detail and structure, including which information to include and when to start, to begin work on the pesticides sales and use registry. It provides for primary, direct-from-the-source data, eliminating the endless, previously required, labor-intensive data entry from incomplete sources that, in the end, did not provide the desired result.

With the existing online portal that the BPC has already developed, for product registration, licensing, and recertification,<sup>8</sup> that applicators and companies are already familiar with, it may very well be that much of the work has already been done, and all that is needed is to add a new module and functionality for this new use. It

may also be that, with this new functionality, the daily and annual reporting requirements for applicators and companies of the Board's Chapter 50<sup>9</sup> will have been, or can be, incorporated into the new database, ending in an overall streamlined, more efficient and precise reporting process.

Should a model and technical assistance be needed, the State of California's Pesticide Use Reporting database is a prime example of what has been, and what can be, accomplished.<sup>10</sup>

If cost is a consideration, the BPC 2020 budget<sup>11</sup> lists income of more than \$2 million in pesticide registration fees, with, unless there has been a change from when I was there, a large percentage taken to fund programs and positions entirely unrelated to the business and mission of the BPC. If this is not sufficient to justify support for this bill, I would further ask the ACF to consider the reasons for wanting to reduce unnecessary pesticide use, and the potential *true cost* to human health and the environment, if it turns out that Maine is not where it hopes to be regarding §1471-X.

In closing, this is the perfect time for the ACF Committee to pick up where it left off 21 years ago, and vote in favor of LD 1599, to create the most-needed database, to gather the necessary information to show Maine is on track with pesticide reduction, or, if we all need to work harder to accomplish this. Please vote OTP on this important bill.

Respectfully submitted,

Paul Schlein  
Arrowsic, Maine

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Citations:

1. <http://legislature.maine.gov/ros/LOM/LOM118th/LOM351to393-46.htm>
2. <http://www.legis.maine.gov/ros/LOM/LOM119th/5Pub701-750/5Pub701-750-23.htm>
3. [https://www.maine.gov/dacf/php/pesticides/documents2/bd\\_mtgs/sept16/2000%20Report%20on%20Sales%20%20Use%20Data.pdf](https://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/sept16/2000%20Report%20on%20Sales%20%20Use%20Data.pdf)
4. [https://www.maine.gov/dacf/php/pesticides/documents2/bd\\_mtgs/jun19/6c-BPC-GEA-Report\\_11-1-2011\\_final.pdf](https://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/jun19/6c-BPC-GEA-Report_11-1-2011_final.pdf)
5. <http://www.mainelegislature.org/legis/statutes/22/title22sec1471-M.html>
6. <http://www.mainelegislature.org/legis/statutes/22/title22sec1471-X.html>
7. [https://www.maine.gov/dacf/php/pesticides/documents2/bd\\_mtgs/jan16/Dec15Min.pdf](https://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/jan16/Dec15Min.pdf)
8. <https://www.maine.gov/dacf/php/pesticides/pega.shtml>
9. <https://www.maine.gov/sos/cec/rules/01/026/026c050.docx>
10. <https://www.cdpr.ca.gov/docs/pur/purmain.htm>
11. [https://www.maine.gov/dacf/php/pesticides/documents2/bd\\_mtgs/Nov20/4-BPC%20Projections%20FY21-23\\_2.xlsx.pdf](https://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/Nov20/4-BPC%20Projections%20FY21-23_2.xlsx.pdf)