



April 15, 2025

Testimony of Rebecca Haynie, PhD, Director of Science Policy at CropLife America
RE: LD 1323, “Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-treated Seeds”

To: Members of the Joint Standing Committee on Agriculture, Conservation and Forestry
Position: Oppose

Senator Rachel Talbot Ross, Representative William Pluecker, and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry:

Thank you for the opportunity to submit written testimony about LD 1323, which would prohibit many uses of neonicotinoid pesticides and neonicotinoid-treated seeds. We respectfully oppose this legislation and request an unfavorable vote.

Introduction

With this bill, Maine farmers will lose valuable tools to manage emerging pests and protect seeds after planting. Maine is a specialty crop state with a short growing season. Often specialty crops have many fewer pesticide alternatives available than large commodity crops. Taking any pesticides away from specialty growers could leave them without any viable options for certain pest/crop combinations. A short growing season means that seed lost to early season pests are not likely to be replanted. The loss of these tools and options will potentially impact consumer food security and affordability and will certainly impact farmers. In addition, the bill doesn't recognize the investment and ongoing work done by the State and Maine Board of Pesticides Control (BPC) to implement science-based technology as a component of integrated pest management. CropLife America (CLA) supports decisions grounded in comprehensive scientific evaluation rather than precautionary bans.

Established in 1933, CLA represents the developers, manufacturers, formulators, and distributors of pesticides for agriculture and pest management in the United States. CLA's member companies produce, sell, and distribute virtually all the crop protection and biotechnology pesticide products used by American farmers. CLA member companies work to bring the best performing, safe and environmentally friendly products to market. Only approximately 1 in 10,000 chemistries make it from our members' concept to market, and it takes approximately 12.3 years to prepare for and complete the federal and state pesticide registration processes, costing approximately \$301 million over that time.

CLA supports and promotes science-based policy and regulatory processes necessary in the regulation of pesticide products at both the state and federal level. In addition to the extensive review and approval process U.S. Environmental Protection Agency (EPA) applies to pesticides, the BPC also reviews pesticides before they are registered or used in the state. This dual layer of oversight and enforcement helps ensure safe and proper pesticide use across Maine through

state registration of pesticides, certification of pesticide applicators, and enforcement and research activities. BPC registration and regulation of pesticides also promotes consistency with federal regulation and scientific standards, particularly those for human health and safety and the environment.

Under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), pesticides are rigorously reviewed, evaluated, and approved for sale and use by the EPA on an ongoing basis, ensuring they meet the most current safety and scientific standards. Under FIFRA, the EPA seeks to ensure that each pesticide will perform its intended function without unreasonable adverse effects on human health or the environment. To meet this risk-benefit standard, every new pesticide is evaluated for potential effects on humans, wildlife, plants and other organisms. EPA evaluates the toxicity and chemical properties, as well as the amount, frequency and length of exposure to a chemical, to determine if a product may cause unintended effects. EPA then re-evaluates existing pesticide registrations every 15 years under a process known as “registration review”.

This thorough and holistic approach relies on sound science and robust data and ensures that EPA’s risk conclusions are as closely tied to real-world conditions as practicably possible. We are concerned that this proposed legislation fails to recognize the robust pesticide regulatory review, oversight and enforcement system that is in place and ongoing for neonicotinoids.

Neonicotinoid Pesticides

Many uses for the neonicotinoids, hereafter neonics, were initially registered as “reduced risk”, which means EPA determined they pose less risk to human health and the environment than existing alternatives. Neonics have remained a vital tool not only in protecting a wide variety of Maine’s crops but also producing feed for Maine’s dairy industry.

EPA is now undertaking a complete “registration review” of this class of chemistry, due to be completed this year. See EPA’s Schedule for Review of Neonicotinoid Pesticides (<https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides>). During the registration review process, EPA may identify additional data that may be useful for assessing a pesticide and require that it be submitted, as well as review new scientific information and incidents reported by the public. Following the review, EPA will issue a registration decision that can require additional precautionary language, or restrictions be added to a pesticide label if necessary to mitigate a risk to human health or the environment.

As part of its preliminary work in the process of registration review, EPA stated that “In general, risks of neonicotinoid seed treatments to honey bee colonies are considered low.” CLA recognizes that farmers have a vested interest in the health of pollinators, considering many crops depend on them for pollination. The legislation being proposed here would ignore EPA’s ongoing analysis and upcoming registration review decision, and its underlying science, to simply ban many uses of neonic pesticides, denying Maine farmers these tools and options.

Seed Treatments

The bill under consideration would also ban the use of certain treated seed. This seed is treated with neonic pesticides that go through the same rigorous evaluation process as all other pesticides. In addition, the potential impacts of treated seed on non-target organisms (such as to birds due to potential ingestion of treated seeds or to pollinators due to potential dust-off) are assessed as part of the seed treatment registration process.

EPA also directs that seed that has been treated with pesticides include directions for use on the seed label or tag that specifically addresses the proper handling, storage, and disposal of treated seeds, as well as use restrictions. Additionally, the American Seed Trade Association and Crop Life America jointly produced *The Guide to Seed Treatment Stewardship*, (<https://seed-treatment-guide.com/>) which provides farmers and seed companies with up-to-date guidelines on how to comply with all pesticide registrations and how to safely use and dispose of treated seed to minimize environmental impacts. The American Farm Bureau Federation, National Corn Growers Association, and American Soybean Associations endorse the guide, and both EPA and U.S. Department of Agriculture have applauded the initiative.

If seed treatments, which commonly include neonic pesticides, were not available to protect seeds and young seedlings, about one pound of the insecticide used in seed treatments would be replaced with five pounds of other insecticides, resulting in an increase in insecticide application rate per acre of 375%, and farmland would have to increase between 340,000 and 410,000 acres to offset losses in yield and quality.

Seed treatments provide a precise mode of applying pesticides, protecting the seed during its most vulnerable developmental stages and before emergence from the soil. This method of protection helps to suppress and control pathogens, insects, or other pests that threaten seed viability and health from the time the seed is planted through its development. Seed treatments help safeguard expensive, high-value, high-quality seed and, thus, growers' seed investments.

Insecticide seed treatments must be used prophylactically or preventatively to protect the seed and seedling from soil-inhabiting and early season insect pests. There are no rescue treatments, other than re-planting once the crop has been infested. This reduces the need for a grower to apply rescue treatments, if any are available or replant a failed crop, which may not always be possible in cold climates such as Maine's. Early season seed and seedling protection typically result in stronger, more uniform stands, healthier plants, and higher crop yields. Removing these tools will erode integrated pest management protocols, which could leave applicators to address pest pressures with other chemistries that require other application methods, or greater application frequency and amounts.

In addition, seed producers and other crop input providers are continually working to improve seed treatment processes such as:

- Using closed application systems and continuously improving mixing and drying processes to create a better application of pesticides to the seed.
- Enhancing seed coating polymers to keep pesticides on the seed and reduce dust-off.
- Creating new flow agents for use with planting equipment to help further minimize the amount of dust-off during planting.
- Implementing an ISO standard for planting equipment to better control dust emissions.

Maine Regulations

Since 2013, there have been six neonic-related bills introduced in Maine. There are continual efforts to remove neonic uses for Maine farmers and applicators. We must recognize the importance of these tools to growers and support their judgement and Integrated Pest Management (IPM) processes to use them as needed.

Maine already has in place strong regulatory oversight measures on pollinators and pesticides under the BPC. Current Maine IPM guidance clearly identifies the need to have access to pesticide tools and indicates 'that outbreaks of disease, insects, and other pests will necessitate fluctuations in pesticide use.' The BPC participates annually in numerous pesticide applicator

recertification training courses. Appropriate use of pesticides, IPM, and pollinator protection are all emphasized in these trainings.

Established by law, the BPC is the State's lead agency for pesticide oversight. As an independent, and stakeholder-led body, they are responsible for ensuring the responsible access, use and distribution of pesticides throughout the state. This bill erodes their authority to safeguard public health, protect the environment and promote sustainable pest management practices. As the leading authority on pesticide regulation, the Board is best suited to consider the impacts of pesticide use on humans, the environment, and Maine farmers.

Maine farmers

Maine is home to 7,000 farming operations in 2024; 95% of which are family-owned—but the state has seen a net loss of 600 farms over the past five years. If important tools like this are removed, on-farm costs could rise dramatically, severely impacting the viability of Maine's family farming operations and the 200,000 plus jobs that depend on agriculture in the state. Alternative pest management methods, mid-season rescue treatments, the possibility of field replants, and/or the potential for yield reductions under any of these scenarios, can raise farmer costs and lower production, all of which impact downstream food costs and consumers.

In Maine's condensed growing season, the risk of crop failure due to pests and the inability to replant can drastically impact a farmer's growing season and yield. This factor underscores the need for Maine farmers to have access to treated seed.

Maine's Healthy Soils Program calls healthy soils 'the foundation of a resilient agricultural system' and was created to support farmers as they adapt to a changing climate. Prohibiting these tools would severely impact climate resilient farming practices and initiatives. Low/no till and cover cropping help to improve soil health, erosion and greenhouse gas sequestration. In some instances, soil health management practices can increase pest presence and soil moisture which cause wetter and cooler soil conditions which are ideal for disease and insects that seed treatments are able to protect against.

Conclusion

It is unclear what specific problem this bill seeks to solve. CLA encourages you to place a premium on farmers and listen to their needs. Maine farmers should make the decision that is best for them and trust in the risk-based regulatory system we rely on in the United States to help ensure pesticides are safe for people and the environment. CLA's members have submitted voluminous scientific data, comments, and analyses, and have spent countless hours meeting with EPA and, for some products, scientific advisory panels (SAPs), to support EPA's finding that these pesticides and their specific uses meet the legal safety criteria required for pesticide registration under FIFRA.

This bill would be detrimental to Maine farmers, would increase food and farm input costs, reduce on-farm climate resilient farming practices, preempt the latest scientific review of neonics, and force farmers to use older methods of managing pest pressures. This bill's unintended consequences negatively impact pollinators, farmer livelihoods, agribusinesses, and Maine Soil Health and climate progress.

We do not support a bill that legislates competitive business advantages by removing farmers' tools and pest control options. Simply because a product is banned, it does not mean you ban the pest. Pest control alternatives and options may not be readily available, may be much more

costly to the applicator, require more application, and may be less efficacious. We remain committed to supporting efforts to enable the continued, responsible use of pesticides by farmers and helping to ensure these products are safe and effective.

We are concerned that this proposed law would supersede existing Federal and State law, would pick winners and losers among Maine farmers, leave them with fewer options to address pests and threats – impacting their agricultural output, climate resilient farming practices, and resistance management.

This bill would undermine existing regulatory processes, expertise and authority of the State Board of Pesticide Control and EPA, agencies qualified and equipped for review and evaluation of neonicotinoid pesticide use and treated seed products. For these reasons we respectfully request your opposition to this bill and urge your NO vote.

Sincerely,

Rebecca Haynie, Ph.D.

Director of Science, CropLife America