



**Testimony of the Maine Organic Farmers and Gardeners Association
in support of
LD 1697 - An Act to Increase Penalties to Deter Violations
of the Laws Regarding Improper Pesticide Use
April 29, 2025**

Good afternoon Senator Talbot Ross, Representative Pluecker and members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). Thank you for the opportunity to advocate for LD 1697 - *An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use*. We are so grateful to Representative Doudera for her leadership in bringing forth this important legislation and we also thank the Maine Board of Pesticides Control for their encouragement to get this much needed increase in fines for illegal pesticide applications.

A broad-based community, MOFGA is transforming our food system by supporting farmers, empowering people to feed their communities, and advocating for an organic future. MOFGA currently certifies 520 organic farms and processing operations representing more than \$120 million in sales. We're 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.

MOFGA has been advocating for stronger regulations of pesticide sales and use for more than 50 years. Since our beginning we have advocated for policies that reduce all farmers' and homeowners' reliance on pesticides, and all citizens' exposures to pesticides in their diets and in the air and drinking water. We believe that the dramatic increases since the 1950s in childhood and adult cancer rates, as well as abnormalities of the endocrine, immune, nervous and reproductive systems, are directly related to the toxins that increasingly contaminate our environment and threaten the very existence of the pollinators on which our food systems rely.

Many times we have come to this committee seeking support for Maine's Board of Pesticides Control so that it can fulfill its directive of helping Maine minimize its reliance on pesticides. While our opinions about Maine's reliance on pesticides and viable options for minimizing that reliance often are at odds with various sectors of Maine agriculture and the state bureaus that serve them, holding scofflaws accountable and authorizing Maine's Board of Pesticides Control (BPC) to assess meaningful fines are actions on which we can agree.

The high-profile intentional violations of pesticide law threaten the health of residents and their surrounding environment and appear to be happening more often. In the case of Camden, a neighbor's stealth application of Tebuthiuron resulted in the death and necessary removal of 80 bushes, shrubs and trees, including mature oaks, and the contamination of soil with persistent chemicals that leached onto an adjacent public park and beach. In Rockport, the injection of herbicides Imazapic and Triclopyr to trees within 75 feet of the harbor, led to a four-year investigation though, despite a modest consent agreement administered by the BPC, the perpetrator hasn't come forward to admit the crime. And in Kittery, the BPC investigated yet another clandestine case of chemical trespass that spanned more than a decade with evidence of injection of Tebuthiuron and Triclopyr into trees near the shore that obstructed a neighbor's site line.



LD 1697 would give the BPC greater authority to penalize bad actors, allowing the BPC staff to establish a fine schedule that significantly increases the maximum fine for violating Maine pesticide laws, raising the maximum for a common infraction from \$1,500 to \$25,000, and going up to \$50,000 when it's clear that a violator had a personal gain from the perpetration of the crime, as we have seen several times in Maine recently. The BPC could assess up to \$75,000 for a second offense and up to \$150,000 for a third. The bill also doubles the fines for private applicators who violate recordkeeping rules, increasing from \$500 to \$1,000, and from \$1,000 to \$2,000 for subsequent infractions. This legislation also lays out terms for how public citizens can bring claims against violators when illegal applications of pesticides impact neighboring properties. Importantly, the bill also adds the broad-spectrum, systemic herbicide Tebuthiuron to the list of restricted-use of pesticides, which limits application to those certified by the BPC to have required training for the approved application. We appreciate that BPC is aligned in making this pesticide a restricted use chemical.

The BPC's fine schedule has been unchanged for more than 20 years and seems to be ineffective in preventing pesticide law violations. MOFGA has attended BPC meetings for decades regularly bearing witness to Board member debates about pesticide use violations and the BPC staff's heroic efforts to address the infractions and discourage future violations. It is encouraging to see that the board members are aligned in their frustration about the outdated fine schedule and the need to increase penalties. Current fines seem to be the cost of doing business and getting a desired outcome for the property owner. We believe that the proposed significant increases in maximum fines that the BPC may administer are reasonable. We would hope to see further deterrents, such as those passed last year for wrongful development activities in shoreland zones -- *i.e.* stop work orders for contractors and liens on properties. Current fines of a few thousand dollars are not serving their purpose.

Thank you for your consideration of this important bill to give Maine's Board of Pesticides Control the control it needs to prevent further incidents like the ones we have seen in Camden, Rockport, Kittery and, no doubt, many other communities in Maine.