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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION, AND FORESTRY

NEITHER FOR NOR AGAINST LD 2189

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

Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Megan Patterson. I am the Division Director of Animal and Plant Health at the Bureau of Agriculture, Food and Rural Resources within the Department of Agriculture, Conservation and Forestry (DACF). I am speaking on behalf of the Department neither for nor against LD 2189, "*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.*"

The proposed amendments to Chapter 41: Special Restrictions on Pesticide Use pertain to plant-incorporated protectants or "PIPs." We understand that the Board of Pesticides Control (BPC) is seeking to update the existing rule to reflect the current state of the technology and grower practices.

This portion of the rule was originally incorporated in 2007 to outline the requirements for training, sales, recordkeeping, and refuge planting of corn plants expressing the pesticide *Bacillus thuringiensis* (Bt). In 2011, the Board amended this rule to reflect changes to training practices. There have since been subsequent modifications to how PIPs are grown. While recently revising its trainings, the Board saw a need to revisit this chapter of rule.

The Board has proposed to amend this rule by:

1. Changing the language from Bt corn to plant-incorporated protectants.
2. Removing the requirement that seed dealers sell a minimum quantity of seed to produce one acre of corn.
3. Replacing the requirements for retraining every three years with a requirement for a one-time training with product-specific trainings.

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The Board proposed revising the rule to include all plant-incorporated protectants, rather than the narrow description of Bt corn. The proposed amendment reflects recent or anticipated developments in the PIP technologies available to Maine producers.

The minimum sales requirement reflects how refuge areas were formerly established. Refuge areas are plots of non-PIP varieties planted adjacent to fields growing PIP varieties. These refuges are a tool intended to prevent or slow the development of pesticide resistance among targeted pests. Many products no longer require planting a large refuge area because the non-PIP 'refuge' seeds are mixed with seeds containing plant-incorporated protectants. As a result, retaining purchasing minimums for seed is of limited value.

Finally, as planting practices have been simplified, the BPC believes there is also no longer a need for refresher trainings for certificates required by the Board.

Should this rule be adopted, BPC staff will work diligently to educate growers on these new requirements.

Thank you for your time. I would be happy to answer any questions now or at the work session.