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

NEITHER FOR NOR AGAINST LD 1323

*An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of
Neonicotinoid-Treated Seeds*

April 15, 2025

Senator Talbot Ross, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Alex Peacock, Director of the Board of Pesticides Control (BPC) in the Department of Agriculture, Conservation and Forestry (DACF). I am here speaking neither for nor against LD 1323, *An Act to Prohibit the Use of Neonicotinoid Pesticides and the Use and Sale of Neonicotinoid-Treated Seeds*.

BPC is Maine's lead agency for pesticide oversight. Policy decisions are made by a seven-member public board. DACF's primary concern with LD 1323 is process oriented, as we believe that the BPC is the appropriate body to address the concerns and goals raised by LD 1323. BPC's structure, members' experience, and its required robust public input process make it well-suited to address the issues presented in this bill. It could thoroughly assess the concepts presented, such as considering:

- Available data, or resolving data gaps, that can best inform the potential application and impact of prohibitions or allowances of use presented in this bill;
- How to identify low or lower-risk alternative approaches to the management of pests routinely controlled with neonicotinoids;
- How to prevent transition to the use of pesticides with greater toxicity; and
- How to identify and best address other unintended consequences.

It should also be noted that BPC has unique primacy over pesticide regulatory actions pursuant to the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) Sections 26 & 27 (40 CFR Part 173). However, LD 1323 *removes* the BPC as the primary authority governing the use and distribution of neonicotinoid pesticides. Instead, it places responsibility on the Commissioners of DACF and the Department of Environmental Protection to determine emergency agricultural exemptions. This could jeopardize Maine's primacy over pesticide regulations and maintenance of BPC's cooperative agreement with EPA by usurping the Board's rulemaking powers under 7

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MRS §610 and returning regulatory oversight to the U.S. Environmental Protection Agency (EPA).

Furthermore, LD 1323 includes restrictions on applying pesticides during “bloom” for “neonicotinoid-treated seed for soybeans or for any crop in the cereal grains crop group.” This may be redundant language since most pesticide labels, which are legally binding and must be followed by anyone using them, already have language that restricts or prohibits applications to blooming crops or other flowering plants. These restrictions on pesticide labels are in place to protect pollinators and non-target organisms from exposure to any pesticide, including neonicotinoids.

The bill also raises concerns regarding exemptions. First, a lack of clear definitions for "integrated pest management" and "pest risk assessment report" creates uncertainty in the exemption process. Second, the requirement to submit detailed geographic and product usage information to the ACF committee may deter agricultural producers from seeking exemptions due to privacy concerns.

Similarly, DACF is concerned that the timeframe for compliance – January 2026 – is unrealistic. Finding alternative seeds for the next growing season could be challenging for producers, as would be identifying and procuring the necessary alternative crop treatments that some would need to revert to if no longer able to utilize treated seeds.

From a recent conversation with the bill sponsor, we do understand that she is willing to address some of the concerns in our testimony and to consider clarifying any crops that would be exempt from the scope of this proposed legislation. Should this bill move forward, we look forward to collaborating with the sponsor and Committee throughout the legislative process to ensure key concerns raised by DACF and others you will hear from today are resolved.

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