

Testimony in Support of
LD 1697: An Act to Increase Penalties to Deter Violations of the Laws
Regarding Improper Pesticide Use

April 29, 2025

Chairpersons Senator Talbot Ross and Representative Plueker and honorable members of the Agriculture, Conservation and Forestry Committee:

My name is Jeremy Martin, and I am the Planning and Development Director for the Town of Camden and have been a planner and a Certified Code Enforcement Officer in the State for over 25 years. I have worked for small, medium and large communities from central Maine to Eastern Maine and now in the Midcoast, and have been responsible for administering local environmental, shoreland, floodplain and land use codes and regulations.

I am testifying today in support of LD 1697. For those that don't know the Town of Camden has been dealing with an illegal pesticide application for more than two years. Specifically, a property owner from the Midwest brought with them a pesticide to Maine and subsequently applied it on an abutter's property, ultimately damaging and killing numerous mature trees and other vegetation, ultimately requiring the removal of all of the trees, soil and vegetation. The removed materials were then disposed of as hazardous waste. In this case the affected property owner reached out to professional consultants, lawyers, the Town and the State Board of Pesticide Control. After conducting a lengthy investigation, the parties were able to determine what pesticide was used and who applied the pesticide. The Town then issued a Notice of Violation and after lengthy negotiations entered into a consent agreement with the violator.

The approved Consent Agreement settled over a yearlong investigation and enforcement action over the application of a prohibited herbicide that ultimately required the removal of trees and other plant material as well as the removal and appropriate disposal of contaminated soils, and the implementation of a remediation plan requiring the importation of new soil and revegetation. Prior to the approval of the consent agreement the parties entered into a significant settlement agreement that was over \$1.5 million.

The approved consent agreement with the Town required that the violator pay a penalty of \$180,000 to the Town of Camden and to pay for the costs of environmental monitoring and testing at the Town-owned Laite Beach property, which is adjacent to the application site. The costs of environmental monitoring were over \$45,000. The Town had to hire an environmental consulting firm to install monitoring wells and to conduct a monitoring and sampling program - testing surface and ground water samples at multiple locations on the Town-owned Laite Beach property including multiple locations on the beach. The first round of monitoring showed evidence of the herbicide at the Town beach. Subsequently and thankfully, monitoring a year later showed no signs of the herbicide in the water samples,

and it appears now that after 3 or so years the herbicide has finally dissipated in the environment. These penalties were assessed based on the potential significant impact and egregious actions by the violator. Municipal fines are based on Title 30-A §4452 which provides for fines from \$100 to \$25,000 per day per violation. The Town of Camden is committed to protecting the environment and takes these types of violations very seriously, as demonstrated by the significant financial penalty that was agreed to by both parties, again which were \$180,000 for the two violations and over \$45,000 for testing.

Prior to the approval of the municipal consent agreement, but after the settlement between the two property owners, the alleged violator entered into a consent agreement with the State of Maine Board of Pesticide Control. The State Board of Pesticide Control ordered the violator to pay the State of Maine \$4,500 for off label use of an herbicide.

Due to the malintent and egregious nature and use of the herbicide, the Townspeople of Camden and its elected officials were shocked and appalled at the small fine that was assessed by the State Board of Pesticide Control. The Town understood that the Board of Pesticide Control's fines were based on the penalties provided for in State statute, but we also understand that it is high time that the State revisit these penalties and make them appropriate based on the egregious, inappropriate, off-label use of these toxic substances.

In closing I strongly urge you to support LD 1697 increasing the penalties for improper and off-label use of pesticides, while directing the Board of Pesticide Control to adopt appropriate rules that assist property owners impacted by pesticide application off-site, and to require restoration of pesticide impacted sites, while also designating tebuthiuron as a restricted use pesticide.