

Written testimony neither in favor nor against regarding LD 1697 An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use.

My name is Michael Peaslee, a resident of Lisbon Falls, Maine, the State Policy Affairs Representative for the National and New England Pest Management Associations and a Master Pesticide Applicator license holder with over 47 years' experience in the pest management industry in Maine.

We understand the reason for the desired increase in fines for intentional misapplication(s) of pesticides, as in the recent case in Camden, Maine where an abutter intentional misapplied a pesticide on the property of their neighbor without consent to do so with the intent to kill trees to enhance their harbor view. That being said, we do have some concerns with the bill as written.

- LD 1697, as written, would dramatically increase the fines from \$1,500 to \$25,000. **This is over a 1,500% INCREASE** and is not aligned with the intentions of the Maine Board of Pesticide Control which is a recent meeting discussed doubling the current fines. We recognize the current fines have not been increased in many years and may not be sufficient to prevent an intentional misapplication but believe the proposed fines are excessive and unwarranted.
- We recognize the Department of Agriculture, Board of Pesticides Control, will be responsible for establishing a penalty schedule, that is tiered and includes common sense increases. We are committed to working with the Department to support those increases, that are clear and transparent for professional pest management companies, but fines of \$25,000 or more could potentially put some pest management firms out of business. Many of these companies are small family-owned businesses that could not bare fines of this level for inadvertent errors, not intentional misapplications as in the Camden case.
- LD 1697 seeks to ensure that if a pesticide is misused, especially by a private applicator or an unlicensed individual, that the penalty is sufficient to deter further intentional misuse but believe the proposed fines are excessive.
- Any misuse of a pesticide that contradicts the pesticide's labeled instructions for use **is illegal**, and our certified applicators are trained to use all products in accordance with the label. We are also knowledgeable of existing regulations regarding proper identification of target sites for pesticide applications. As licensed professionals we would never intentionally make an unauthorized application on a property and should not be subject to such potentially excessive fines.
- LD 1697 also seeks to designate an active ingredient registered by Maine as a general use pesticide, to be reclassified as a state restricted use pesticide. **NEPMA encourages the legislature to defer to the Board of Pesticides Control for registration decisions, as they have the expertise and resources to make a scientific decision that will protect Maine's environment.**