

**TESTIMONY OF GARY FISH, STATE HORTICULTURIST DIVISION OF
ANIMAL & PLANT HEALTH
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

April 18, 2017

**BEFORE THE JOINT STANDING COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY
IN OPPOSITION TO
LD 993**

"An Act To Protect Pollinators from Neonicotinoid Pesticides"

Senator Davis, Representative Dunphy, members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Gary Fish, State Horticulturist at the Division of Animal and Plant Health in the Department of Agriculture, Conservation and Forestry speaking in opposition to LD 993 An Act To Protect Pollinators from Neonicotinoid Pesticides.

The goal of this bill has merit. Pollinators are an essential part of our ecosystem. Maine's wild blueberry crop and many other fruits, vegetables, flowers and trees depend on honey bees, bumble bees and many other organisms for pollination. The Department takes pollinator decline seriously and has developed a pollinator protection plan. That plan describes the Department's commitments to support pollinators and prescribes best management practices for beekeepers, pesticide applicators, growers and other landowners.

As State Horticulturist I supervise the Apiary program. Our Apiarist is constantly on the watch for honey bee declines and carefully documenting the presumed or proven causes for those losses. Overall, Maine's pollinators appear to be in better health than those in many other states. We have not yet observed colony collapse disorder in the state. Even with a generally healthy prognosis, Maine honey bee health is clearly being impacted by parasites, diseases, management practices, and, in a few cases, the presence of pesticides.

After careful review of the proposed statute the Department has a number of concerns with the bill. First and foremost Maine bee scientists do not find associations between neonicotinoids and pollinator decline. Secondly, the Board of Pesticides Control has never received a report of a bee hive loss from neonicotinoids. Without these associations there seems to be little or no basis for this new law.

Neonicotinoids are a more recent class of insecticides that have partially replaced the pyrethroids, organo-phosphates and carbamates which are more toxic to humans and pollinators. They are also used at much lower doses than the older classes of insecticides. The reduced risk aspect makes them popular with homeowners, farmers and other pest managers. The most current research and historical data from the University of Maine and our State Apiarist indicate that neonicotinoids do not present a threat to honey bees or bumble bees in Maine. In fact, Dr. Frank Drummond, University of Maine Professor of Insect Ecology stated in a 2015 study that, "Neonicotinoids were not a threat to honey bees in 2015 and are probably not a threat most years in most parts of the state." Additionally, the State Apiarist inspects 1000's of hives every year and has documented that the majority of hive losses in Maine are due to Varroa mite parasites and the diseases that they transmit to the honey bee brood and adults.

Because almost all insecticides may be harmful to insect pollinators, there is no scientific basis for singling out the neonicotinoids by requiring a sign or label that indicates that they are harmful to pollinators. In many situations plant sellers will have no way of knowing if a seed, plantlet, liner plant or other unfinished plant they have imported has been treated with a neonicotinoid. That will make it very difficult for them to comply with the bill as written. Many Maine nurseries and greenhouses practice a high level of integrated pest management and even utilize beneficial insects and mites to control pests. They have seen the negative press on neonicotinoids and many have already reduced their use dramatically. Spot treatments with neonicotinoids like imidacloprid, dinotefuran or acetamiprid are compatible with the beneficial organisms growers use, while the earlier generation of insecticides, such as pyrethroids or organo-phosphates, is very harmful and incompatible. Also, a substantial portion of the vegetable and forage seed planted by Maine farmers is treated with neonicotinoids. Virtually all of the treated seed is purchased from out-of-state retailers who will not need to comply with this law.

This bill places responsibility for enforcement on the Department, but enforcing the plant labeling requirement poses significant practical and financial challenges. Testing for pesticide residues is extremely expensive (approx. \$300.00 per sample) and generally requires that samples be shipped to out-of-state laboratories. How many samples will be needed to assure compliance?

Growers will have added costs for printing plant tags and signage and added labor costs to place tags and post signs that will need to be moved as plants are moved throughout the business. This could mean the difference between making a profit and losing money on a particular plant.

There are some structural problems with the statute, these include:

- The bill requires a neonicotinoid only be sold by a person who also sells a restricted use pesticide.
- It is not clear if this means that a purchaser would have to buy a restricted use pesticide at the same time that individual purchases a neonicotinoid pesticide.
- Since this statute would reside in a separate Chapter of Title 7 than pesticide law it is not clear that the person also selling the restricted use pesticides would be doing so lawfully.

We have concerns about how the bill limits the use of neonicotinoids to certified applicators, farmers and licensed veterinarians.

- Since “farmers” is not defined in the bill, will non-certified greenhouse and nursery growers no longer be able to use neonicotinoids as they can presently?
- Also, neonicotinoid pesticides are some of the lowest risk insecticides available from a human health perspective. Taking these products away from homeowners, who – unlike certified applicators – receive no pesticide safety training, means that users without training will be shifted to other more acutely toxic products.

Some neonicotinoids are used on cats and dogs. Access to these products is vitally important for protecting dogs from Lyme disease and preventing pets from carrying ticks into the home. Over 56,000 cases of Lyme disease have been detected in Maine dogs over the last 5 years. The bill only exempts the flea and tick collars but leaves out the most popular “spot-on” products. There are over 100 “spot-on” flea and tick products registered for use in Maine that contain neonicotinoids. At a minimum, the Department would want to see the bill amended to allow for pet owner use of the “spot-on” topical veterinary products.

Thank you for giving us the opportunity to comment today. I am happy to answer questions now or during the work session.