



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

In opposition to LD 125

*An Act to Prohibit the Aerial Spraying of Glyphosate and Other
Synthetic Herbicides for the Purpose of Silviculture*

March 2, 2021

Senator Dill, Representative O'Neil, members of the Committee, my name is Patty Cormier, and I am the Director of the Maine Forest Service, speaking in opposition to LD 125, "An Act to Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture," on behalf of the Department of Agriculture, Conservation and Forestry.

The Department recognizes that herbicide use is a polarizing issue, and we feel strongly that safety guardrails and Best Management Practices must continue to be improved upon in order to balance health, safety, and sustainability. We also know that certain herbicides are currently used and valued as an important tool for the forest industry and that herbicide use in forestry has decreased markedly over the past few decades. Please see graph A attached to this testimony.

With that said, we have concerns with this bill, specifically:

- Aerial herbicide application in forestry is an efficient and effective method, and the amount that is used and the way in which it is used has substantially been reduced;
- Banning aerial herbicides will likely result in landowners moving to ground application, which is manually intensive, has a potential for greater ecological ground disturbance, and requires multiple applications with a higher potential for site disturbance; and,
- Other technical concerns as outlined below.

Important Tool for the Forest Products Industry

Maine forest landowners strive to maximize growth and yield of their forest at a time when consumers are hungry for wood products. They work under tight margins, are susceptible to erratic weather patterns due to climate change, and are constantly looking at ways to improve

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

yields and maintain a healthy and sustainable product for generations to come. Herbicides are an important tool for Maine's large forest landowners seeking to improve the growth of desirable tree species and control competition of undesirable species. Banning aerial application has the potential to drive landowners to rely on less practical and less reliable ground application.

Alternatively, landowners may simply give up on intensive silviculture, which would reduce forest growth rates and the allowable harvest, thereby impacting Maine's forest industry and the forestry sector economy overall.

A cursory review of herbicides registered in Maine for aerial application by the Bureau of Pesticides Control program for site prep and/or conifer release returned no alternatives to synthetic herbicides.

This aerial application ban will also limit landowners' ability to deal with the ongoing challenges of controlling beech sprouting. In addition, climate change has contributed to the arrival of invasive plant species that will affect Maine's future forests if we do not have the means to control them - for example, Blue Lettuce in northern Maine, which suppresses spruce fur regeneration.

Herbicide Use Trend in Forestry

Landowners are required to report to the Maine Forest Service each year the acreage treated for site preparation and competition control. The acreage treated amounts to less than five percent of the total acres harvested each year and is significantly lower than it was in the 1980's. In fact, current acres treated were 82% lower in 2018, or 16,417 acres, than in 1989, when the Forest Practices Act was passed, where herbicides were applied to 91,970 acres. This represents real improvements on the part of the forestry industry to fine-tune their practices and achieve this level of reduction.

It is also our understanding that there have been 2 known incidents associated with aerial application in forestry in the last 20 years, one of which was a ground spill and was not affiliated with the aircraft.

The use of glyphosate in forest management is extremely limited. To be clear, the frequency and intensity of use of these chemicals in forest management is very different from how herbicides are used in cultivating annual crops. Spraying for site preparation and/or competition control rarely happens more than once or twice over the course of a 40 to 60-year rotation of a forest stand. Further, the use of these tools is largely limited to the most productive forest acres where landowners seek to improve yields. Herbicides are only applied with careful thought, planning, and preparation.

Last year, a report prepared by a third-party auditor at the request of this Committee confirmed that aerial applications in forestry were conducted in compliance with BPC regulations and pesticide label requirements. This [report](#) was presented to the Committee, and we've also shared a copy with the Clerk, in hopes that it will be added to the Committee materials webpage. The Board of Pesticides Control also adopted Forestry Best Practice Guidance in 2015 in order to limit the risk of discharges to surface waters. This [document](#) has also been resubmitted.

With that said, we recognize that Best Management Practices should be reviewed thoroughly and regularly with an eye toward improvement, and with consideration of emerging technology and new scientific data.

Technical Concerns

We'd like to point out that if the use of aerially applied herbicides is prohibited in Title 7, there is no need to further ban it in Title 12, section 8869, as that section does not address the application of chemicals. Section 8869 only deals with the size, arrangement, and regeneration of clear-cuts.

Further, there is no need to explicitly call out the Outcome-Based Forestry (OBF) program, as the application of OBF is already explicitly limited to the size, arrangement, and regeneration of clear-cuts (12 M.R.S. §8869 (7-A)). If the Legislature chooses to ban the aerial application of herbicides in Title 7, there is no overriding authority in Title 12 to allow the Maine Forest Service to bypass the ban. Therefore, Section 3 of the bill is unnecessary.

I will note that the Maine Forest Service reports annually to the Committee on OBF. Our [2020 report](#) has also been resubmitted to the Committee Clerk. Transparency and dialog with the Committee and the public is important to the Department, and we'd welcome the opportunity to present the OBF report, as I did last year, especially for the new Committee members.

Lastly, on the administrative side, should this bill pass in its current form, I should note that it would require rulemaking by both the Board of Pesticides Control and the Maine Forest Service. In the latter case, this rulemaking would be major substantive, and there will likely be a cost to rulemaking and enforcement.

In summary, this bill would have significant impacts on the practice of intensive silviculture in Maine and takes away a valued tool for the industry that helps maintain a robust and sustainable crop. The Department is open to working with the forestry industry and other stakeholders to address concerns raised by LD 125, and ensure that any relevant data that the Department has access to is readily available to inform discussion about this bill.

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

Graph A: Chart showing herbicide use statewide 1989-2018

