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Testimony of Representative Laurie Osher introducing
LD 1159, An Act To Amend the Membership Requirements of the Board of Pesticides Control

Before the Joint Standing Committee on Agriculture, Conservation and Forestry

Senator Dill, Representative O’Neil and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Representative Laurie Osher from Orono. Thank you for the opportunity to introduce **LD 1159, An Act To Amend the Membership Requirements of the Board of Pesticides Control**.

This bill amends the membership requirements of the Board of Pesticides Control such that the two public members appointed to the board must have demonstrated interest in environmental protection and represent different geographic areas of the state.

The requirement that two members “have demonstrated interest in environmental protection and represent different geographic areas of the state” was previously included in the law, but the wording was changed in 2011 to “have experience and knowledge of sustainable management of ... pests,” removing the emphasis on environmental protection and broad geographic representation. The impact of this change was to undermine the core mission of the Board.

LD 1159 would restore the original intent of the required credentials for the two public members of the Board of Pesticides Control and ensure no conflict of interest. While membership on the board does not exclude citizens who will prioritize the health of ecological systems now, there is no guidance for those making appointments to the board that states demonstrated interest in environmental protection as a priority. In addition, including a restriction on conflict of interest for the public members of the BPC would align with requirements for many boards and commissions of Maine state government.

The Maine State Boards and Commissions’ definition for a public member is: “a person who has no financial interest in the profession regulated by the board to which that member has been appointed and who has never been licensed, certified or given a permit in this or any other state for the occupation or profession that member is appointed to regulate.” ([Title 5, §12004-A: Occupational and professional licensing boards](#))

It is appropriate that the BPC's public members should have a demonstrated interest in environmental protections and should never have been employed in the manufacture, distribution, sale, promotion or commercial application of pesticides.

Maine citizens appear to have lost faith in the BPC's management of pesticide use and are seeking more restriction on use of pesticides than the BPC. Evidence of this includes the large number of pesticide related bills we hear in this committee and the increasing number of municipal ordinances banning or regulating pesticide use and sales.

The Board of Pesticide Control is, by Maine statute, tasked with finding ways to minimize reliance on pesticides to control targeted pest populations. Specifically the statute says that it "shall promote the principles and the implementation of integrated pest management and other science-based technology to minimize reliance on pesticides" ([MRSA 22 §1471-X](#)).

Without a requirement that environmental advocates have seats at the Board's table, the membership of the BPC has shifted. To citizens with interest in pesticide regulation for public health and environmental protection, the BPC is now seen as having been 'captured' by the industry that it regulates and is no longer meeting the goals of the statute that created it.

It is our job as members of the Joint Standing Committee on Agriculture, Conservation and Forestry to correct this shift in the BPC that has occurred since the requirement for environmental advocates was removed in 2011. LD 1159 will improve the decision making and accountability of the Board of Pesticide Control.

In order to bring membership requirements back into compliance with the Board's governing statute, I request that you vote Ought to Pass with an amendment to include a restriction on conflict of interest for the public members.