

Testimony of Paul Schlein
in support of LD 1159, “An Act To Amend the Membership Requirements of the
Board of Pesticides Control,” addressed to the Joint Standing Committee on
Agriculture, Conservation and Forestry
April 12, 2021

Senator Dill, Representative O’Neil, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Paul Schlein, I reside in the Town of Arrowsic, I was the Public Information Officer for the Board of Pesticides Control (BPC or Board) from 2005 to 2013, and I am writing to you to strongly urge your support for LD 1159, “An Act To Amend the Membership Requirements of the Board of Pesticides Control,” along with the suggested new amendments I will offer here.

First, as you may know, an almost identical bill was presented to your committee two years ago, which was amended and changed to the point where it no longer represented its original intent: essentially to restore balance to and public trust in the BPC. Therefore, as nothing has changed since the last bill, I would ask you to review the testimony I presented at that time, herewith resubmitted directly from the Legislature website: <https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=131243>, and copied again below, for your convenience, following this new testimony.

While I am asking you to read my 2019 testimony in full, and apply it to LD 1159, in summary, it asks for the restoration of the public member requirement for “a demonstrated interest in environmental protection,” already in LD 1159, but also asks for the restoration of the university member requirement to be an agronomist or entomologist, herewith proposed as an amendment to LD 1159. The current university member, who has served on the Board for about 25 years, is an agronomist, and has been a major and essential presence during the time served there; this requirement should not be lost.

From my perspective, the heart of LD 1159 is all about what a public member of the BPC should be. With five of the seven current board members holding pesticide applicator licenses, I think we would all have to agree that pesticide expertise—in agriculture, horticulture, crop science, forestry, and commercial applications—is very well represented. However, what is missing are members to represent the public perspective and concerns about pesticides and their effects on human health and the environment, one of the reasons the Board came into being in the first place. For this to happen, a clear definition and understanding of what the requirements are for the members of the public is needed.

While the BPC has done much over the years to address public concerns, clearly it has not been enough, or why, as already stated in my previous testimony, have two of Maine's largest cities enacted the strongest pesticide ordinances in the country? Therefore, since health and environmental concerns are at the top of the public’s list, the environmental requirement for public members, already included in LD 1159, is right on the mark, but something of equal, and perhaps even greater, importance, needs to be

added to the requirements: that public members should be free of any conflict of interest with respect to pesticides, in any commercial or professional capacity. On the State webpage for Boards and Commissions (<http://legislature.maine.gov/statutes/5/title5sec12004-A.html>) is the definition of public member that applies to the 49 boards listed there:

“For purposes of any occupational or professional licensing boards which have a public member or members, "public member" means 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.”

Why doesn't the BPC have a similar definition and requirement? How is this possible? I'm not suggesting that this exact language be used, but something specifically tailored to the BPC. And this is the last amendment I have to offer.

Again, please support LD 1159 and the amendments I have proposed, and vote OTP.

Respectfully submitted,

Paul Schlein
Arrowsic, Maine

Testimony of Paul Schlein
in support of LD 36, “An Act to Change the Composition of the Board of Pesticides Control”
before the Joint Standing Committee on Agriculture, Conservation and Forestry
February 5, 2019

Senator Dill, Representative Hickman, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Paul Schlein, I reside in the Town of Arrowsic, and I am writing to you to strongly urge your support for LD 36, “An Act to Change the Composition of the Board of Pesticides Control.” which would restore the requirement that two members of the Maine Board of Pesticides Control (BPC) have a demonstrated interest in environmental protection.

From 2005, until my retirement in 2013, I was the Public Information Officer for the BPC, during which time I participated in about one hundred Board meetings. To my constant amazement, I witnessed the Board boldly taking on the most contentious issues, one after the other, and through careful listening, debate, and deliberation, somehow, almost miraculously, managed to reach compromise, where all parties concerned seemed to find at least a certain level of satisfaction in the results.

However, there was nothing miraculous about how the Board did its work. It began with the carefully determined statutory requirements for the composition of the Board, plus the careful work done during the selection and confirmation of appointees. And so there was always a balance on the Board that affected everything it did, where the result, in most cases, was that the citizens of Maine received the broadest and fairest representation possible—a model for how government should work. I was proud to be one of the staff that assisted this board in its work.

Removing the requirement that the two public members of the BPC have a demonstrated interest in the environment in 2011 was clearly a step in the wrong direction, and has led to a loss of trust on the part of the public itself, where the BPC could no longer be counted on to be faithful to the part of its mission to protect the public health and the environment. Witness the fact that two of Maine's largest municipalities have recently enacted the strongest pesticide ordinances in the country; this should not have been necessary. The State of Maine should be ensuring these protections.

Please restore the environmental requirement for the two public board members, and help restore public confidence in the BPC.

Two final points, if I may. First, I would like to suggest that LD 36 be amended to also restore the previous requirement for the university member to have expertise in agronomy or entomology, in addition to integrated pest management. I believe this broader requirement is important in having the best, most qualified board. The original language can be found at http://lldc.mainelegislature.org/Open/Laws/2011/2011_PL_c119.pdf.

Second, looking ahead, I would ask, when considering BPC appointments and reappointments, that the ACF Committee do everything possible to restore and maintain the "balance" of the Board, and look for ways to broaden representation for large and small communities, large and small farms, and both conventional and organic agriculture.

Respectfully submitted,

Paul Schlein
Arrowsic, Maine