



Maine Organic Farmers and Gardeners Association

Common Ground Country Fair

April 13, 2021

Good morning Senator Dill, Representative O'Neil and members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking **in support of LD 1158 – *An Act Regarding the Application of Certain Pesticides for Nonagricultural Use***, with specific recommendations for a manageable approach to the bill's two sections. Because MOFGA's recommendations for moving this bill forward relate directly to another bill that **MOFGA supports, LD 1159 – *An Act To Amend the Membership Requirements of the Board of Pesticides Control*** (BPC), I am combining my testimony on the two bills. We are so appreciative of the leadership shown by Representative Collings and Representative Osher.

On LD 1158, MOFGA supports the spirit of Section One and we feel that an important and substantive initial step would be to focus on helping homeowners, schools, and public parks wean themselves from reliance on synthetic pesticides used simply to make gardens look pretty. The state should adopt a precautionary approach to land care and help people manage their landscapes using organic practices. It's time for Maine to rededicate itself to its stated policy of minimizing reliance on pesticides and move beyond the relative risk approach that has resulted in contaminated water, land, air, wildlife and human bodies. LD 1158 follows the commendable approach that Representative Grohoski has taken with her bill to phase out the landscaping use of neonicotinoid pesticides.

Since MOFGA started in 1971, members have advocated for policies that protect human health and the environment from the harmful effects of pesticides. Awareness is growing about the inherent danger of pesticides, yet Maine people are deprived of access to comprehensive pesticides sales and use data in the state. The last report about homeowner use of pesticides in Maine was released by the Board of Pesticides Control in 2015, indicating a dramatic increase in the use of pesticides -- a 700% increase in the use by homeowners and lawn and tree care companies over the previous two decades.

MOFGA and citizens throughout Maine were, and continue to be, astounded by that figure, especially after Governor Baldacci had signed, back in 2006, a visionary executive order calling on the Department of Agriculture and the University of Maine Cooperative Extension to educate homeowners about less toxic alternatives to pesticides commonly employed in and around Maine homes. Among many other important measures, the Order also required the Bureau of General Services (BGS), in consultation with the BPC and Cooperative Extension to prohibit use of fertilizer-pesticide mixtures or other pesticides for purely cosmetic purposes on state grounds.¹ What happened? We don't remember this executive order being repealed, but apparently it has been ignored. Seems like we need LD 1158 and LD 1159 to get us on track to a healthier future for Maine people and the environment.

Concern about pesticides exposure, combined with diminishing faith in the state's ability to promote healthier landcare practices, have prompted 31 Maine municipalities to adopt local pesticide use and sales ordinances. Towns are implementing these ordinances recognizing that pesticides are linked to asthma, cancer, learning disabilities, birth defects, reproductive dysfunction, diabetes, Alzheimer's disease, liver damage and other serious illnesses.² Children are especially sensitive to pesticide exposure.³ Pesticides also negatively impact wildlife and

¹ [An Order Promoting Safer Chemicals In Consumer Products And Services, Governor John Baldacci](#). February 22, 2006.

² [Health Effects of 30 Commonly Used Pesticides](#). Beyond Pesticides. May 2015.

³ [Children and Pesticides](#). Pesticides Action Network North America.

the environment. Aquatic animals are extremely sensitive to pesticide runoff. The EPA reported in November 2020 that 93% of plant and animal species on the endangered species list are threatened by the effects of glyphosate.⁴ And neonicotinoid pesticides, the most commonly used class of insecticides in agriculture around the world, are harming beneficial organisms essential to functional ecosystems and food production, including soil microbes, bees, butterflies, earthworms, reptiles, birds, aquatic organisms and even mammals. They are also toxic to human nervous system.⁵ The U.S. Geological Survey reports that 33% of major aquifers and 50% of shallow wells contain one or more pesticides at detectable levels.

We feel that LD 1158 could be streamlined further by dropping Section Two in deference to an amended version of LD 1159, which would restore the original intent of the membership credentials of Maine's Board of Pesticides Control and ensure no conflict of interest for the two seats assigned to public members with demonstrated interest in environmental protection. The interests of commercial applicators already are well represented and we need perspective of citizens who will prioritize the health of ecological systems. Adding 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. Here is the common definition for a public member:

"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." ⁶

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. We also feel that the scientist from the University of Maine should specialize in either agronomy or entomology.

I attend and regularly report on BPC meetings, and I witness a recurring frustration for BPC staff and board members -- the public has lost trust in the institution and has taken regulation into its own hands -- more and more frequently in the form of municipal ordinances on pesticide use and sales. There is a public perception that the BPC prioritizes the interests of the pesticide industry rather than the public and the environment. This is a challenge for all farmers, conventional and organic. And we hope that a board with well-balanced expertise and opinion will monitor challenges and opportunities. Organic farmers need the public to have faith in the BPC just as much as do conventional farmers.

The makeup and purpose of the BPC has been adjusted a few times through the years, in attempts to present a good balance of perspectives, and, until 2011, it had withstood scrutiny for nearly 30 years. We acknowledge that in 1983, MOFGA proposed and helped pass legislation requiring that a member of the BPC must have knowledge and practical experience in Integrated Pest Management (IPM). It wasn't partisan or biased. The requirement sought to raise awareness about viable alternatives to pesticide spraying in support of the BPC's goal of minimizing Maine's reliance on pesticides. Indeed, MOFGA felt that all members should have a basic understanding and appreciation of IPM. That certainly is the case with the BPC today.

⁴ [Glyphosate likely harms nearly all endangered species](#), Chemical and Engineering News, November 30, 2020.

⁵ ([Contamination of the Aquatic Environment with Neonicotinoids and its Implication for Ecosystems](#), Frontiers in Environmental Science, Francisco Sánchez-Bayo, Koichi Goka and Daisuke Hayasaka), ([As Pesticide Turns Up in More Places, Safety Concerns Mount: A growing body of research is challenging the assumption that neonicotinoids are safer and less likely to spread than other pesticides](#), Scientific American. Jim Daley, April 30, 2019.

⁶ [Maine State Website for Boards and Commissions](#). (<http://legislature.maine.gov/statutes/5/title5sec12004-A.html>)

Public awareness about the harmful effects of pesticides exposure is growing and that is why Maine now has 31 municipal pesticide ordinances. People want access to information, they want to have faith in the conduit that provides that information, and they want to trust that their viewpoints have adequate representation. The BPC has the opportunity to gain credibility if the Legislature restores the public seat with demonstrated commitment to the environment. Such an action would help shift the perception from a Board of Pesticides Applicators back to a Board of Pesticides Control.

Implementing these measures through state law would help Maine reduce its dependence on pesticides and restore public faith in the work of Maine's Board of Pesticides Control. We urge you to support Section A of LD 1158 and an amended version of LD 1159, as described above. Thank you for your consideration.

About MOFGA

MOFGA is celebrating its 50th anniversary this year. We are the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have a staff of just under 50 employees, a membership of more than 10,000, and an amazing community of about 2500 volunteers, many of whom we rely on to help organize hundreds of educational workshops for farmers, farm workers, homesteaders, gardeners and the general public, throughout the year and at our annual Common Ground Country Fair.

MOFGA is a statewide organization that has experienced significant growth over the past couple of decades. By the year 2030, we aim to increase the number of certified organic growers from 550 to 750 and the amount of organically managed land from 7% to 10% of the state's agricultural land.

MOFGA offers an introductory farm apprenticeship program, beginning farmer training through our two-year Journeyperson program, and a Farm Resilience Program for farmers in years 5-10 of their business when they're statistically the most likely to experience business failure. As an organization working hard to develop Maine's agricultural economy and farm labor pool, our focus has not been on collective bargaining. We have dedicated vast human and financial resources to training the next generation of Maine farmers. Many farmers who own MOFGA-certified operations got their start as apprentices on MOFGA farms decades ago. They now are hosting apprentices and committing to being mentors as well as bosses.

MOFGA Certification Services (MCS) is our USDA accredited organic certification program. MCS also administers MOFGA's Certified Clean Cannabis program for medicinal and adult cannabis use in Maine. MCS certifies more than 70,000 acres of farmland in Maine, representing more than \$60 million in organic farm product sales. MOFGA-certified operations are run by Maine businesspeople for whom economic health and environmental health are interdependent. While we envision a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum. We are members of the Agricultural Council of Maine and, while we don't always agree on all policy measures, we recognize and wholeheartedly agree that farmers must be financially successful if we expect to have a healthy Maine agriculture.