

**Testimony of Donald E. Flannery, Executive Director, Maine Potato Board to the
Agriculture, Conservation and Forestry Committee**

May 4, 2021

LD 1599 – An Act To Establish A Maine Pesticide Sales and Use Registry

Senator Dill, Representative O’Neil and members of the Joint Standing Committee on Agriculture, Conservation and Forestry; I am Donald Flannery, Executive Director of the Maine Potato Board (MPB) and here today to speak in opposition to LD 1599: An Act to Establish A Maine Pesticide Sales and Use Registry.

The Maine Potato Board (MPB) represents growers, dealers and processors across the State of Maine, from Fort Kent to Fryeburg and Bethel to Belfast. We are opposed to LD 1599 for two reasons: first that we believe most of the information required to be submitted to the Board of Pesticides Control (BPC) is currently being submitted to the BPC; second that the additional requirements being proposed on applicators is cumbersome if not impossible to comply with.

To our first objection, the need for submission and collection of the information outlined in LD 1599, we believe that under current BPC regulations and rules that most of this information is made available to the BPC, if this committee wants additional reporting from the BPC, we are sure that can be done with a request to the BPC so this legislation would not be required.

The most concerning part of LD 1599 is our second concern, the additional requirements put on applicators as it relates to notification of applications of pesticides. Licensed applicators are required by the BPC to successfully pass a test to obtain their license, and have annual continuing education to keep their license current. They are also required to follow all label instructions relating to the amount of pesticide that can be applied with any one application, the total amount allowed to the season, any necessary notification (on the labor or set by BPC) and observe any restriction relating to application area stated on the label or by the BPC. Applicators are also required to keep a spray log of all applications that includes, the date, time and location of the application, the product applied, amount of product applied and weather conditions at the time of application. In the case of commercial applicators, this information is required to be submitted to the BPC annually.

LD 1599 would require, except in an immediate threat to an agriculture crop, that an applicator provide the BPC a report of each pesticide application to be performed at least one day prior to the application. While in a perfect world this may be possible, growing crops in Maine is far from a perfect world. The requirement for reporting ahead of application is cumbersome and will often be impossible to predict due to weather, pest pressure, outbreaks and product availability. An example would be that on Friday a grower scouts fields following IPM guidelines and determines that there is a need to apply a certain pesticide, they call the BPC and provide them the necessary

information required as part of LD 1599 and after checking the weather forecast that they will do the application the following Monday morning. When Monday morning comes, the weather forecaster was wrong and it is raining and the forecast has changed that will rain all day Monday. Now the farmer can't do the application on Monday as he notified the BPC and maybe not even on Tuesday depending on how much rain falls and how wet the fields are on Tuesday. So, the farmer now has to notify the BPC that he will do the application Tuesday (maybe) or call again on Tuesday and tell them the application will be done on Wednesday. The same application will be done on the same fields, depended on weather, notification to the BPC wouldn't change anything it only puts unnecessary pressure on the farmer and causes additional work for both the farmer and the staff of the BPC.

Again, our opposition to LD 1599 and would ask that the ACF Committee vote ought not to pass on this bill. I will be glad to answer any questions and be part of a work session.