



Chairman Dill, Chairwoman O’Neil, Members of the Agricultural, Conservation and Forestry Committee:

For over 40 years the National Association of Landscape Professionals (NALP) has represented tens of thousands of certified professional pesticide applicators across the United States. Tasked with providing plant health services to millions of residential and commercial clients, the core values of our association include advocating on behalf of our members as to the benefits of healthy plants in our landscapes, fostering the highest standards of professionalism, and educating both our members and the public in caring for their landscapes in an environmentally responsible way.

Please accept this testimony in opposition to LD 1599 – An Act to Establish a Maine Pesticide and Use Registry.

Professional pesticide applicators are already required by both state and federal law to keep true and accurate records – including the data outlined in LD 1599 - of each pesticide application that is performed. Those records must be retained and made available to the Board of Pesticides Control. Already in place in Maine law, but seldom utilized, are provisions for medically sensitive persons to register with the state for advance notice of a pesticide application in their locality.

Why then is more data necessary? If the goal of this legislation is to inform the committee to guide future policy to reduce overall pesticide use, would not an annual report to the BOPC be sufficient? Why the requirement of reporting daily? Reporting so frequently does not impart meaningful data, it *sensationalizes* it. Clearly, legislation such as this is motivated by anti-pesticide sentiment; an end-run attempt to make pesticide applications so burdensome and onerous through law and regulation that a reasonable person will simply give up in frustration. However, the hard truth of the matter is this: pesticides are a necessary part of our lives – a highly regulated part – and we will pay a heavy price due to overzealous regulation.

Has the committee considered the quantity of applications that are performed by professionals daily across the many industries that provide pesticide services? Every individual agricultural field, every home visited by a pest control professional, every lawn and landscape application, every application to treat trees will need to be submitted to the BOPC individually and daily. The sheer number of applications will doubtless bury the BOPC under a mountain of data. And to what purpose? What exactly is the intent of such a requirement?

Sadly, we live in a nation today in which persons, their families and their property being targeted for harassment, doxing, protesting and worse based upon their political beliefs – and make no mistake that pesticide use falls squarely beneath that political umbrella. Does this committee understand that the on-line publication of personal and identifiable information, including the name, address, telephone number and email address of the applicator, and the name and address of the homeowner receiving the application, *in advance of the performance of the application* is an invitation for the unscrupulous to plan and to target applicators and homeowners alike? The committee should not take this lightly – agroterrorism¹ is not hyperbole and data are its lifeblood. Professional lawn care applicators can tell you firsthand of angry encounters with aggressive people confronting them when treating a customer’s private property in a perfectly legal manner. The provisions of this bill simply automate this aggressive tendency.

The publication of such sensitive and personal information exposes the Board of Pesticides Control to litigation based on privacy concerns. No provision in this legislation addresses the additional costs involved in collecting and

¹ https://www.rand.org/pubs/research_briefs/RB7565.html



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managing this data, never mind the potential legal costs. Is defending ill-conceived laws in court really what we want our regulatory officials doing with their limited time and money?

What of the pest targets for these applications? Does the committee really want sensitive information such as treatment for bed bugs in a hotel, or rats in a restaurant to be openly published in real time? It's unfortunate but true that incomplete and inaccurate information gets repeated without context in social media. Facebook, Twitter, Instagram, and other platforms are no place for the airing of pesticide use data and no good can come from the publication of such data by the state, most especially in advance of an application. It should be plain to the committee after hearing some of the testimony on other pesticide related legislation that pesticide policy is an enormously complex and technical topic. It should also be noted that a little knowledge is a dangerous thing.

And what of this requirement to file records with the BOPC in advance of any application? This information is to include the name and quantity of active ingredient used in the application. Professional applicators utilize Integrated Pest Management protocols, scouting for pests and treating only as necessary. Please explain to our professional applicators why the legislature would be requiring them to submit falsified records in violation of Federal law under this legislation. Why should professional applicators even bother with a scientific approach to their craft, employing best management practices and following integrated pest management when Maine law is instructing them to fill out pesticide records ahead of when applications are performed? Instead of empowering and improving integrated pest management practices, this bill destroys it.

Indeed, the United States Congress and fifty state legislatures have worked tirelessly over the past sixty years to right the initial wrongs of pesticide use. The federal EPA and Maine BOPC have worked closely to ensure that logical, science-based regulations for the registration, sale and use of pesticides are in place. Have we as a society always gotten every detail of this complex puzzle correct? Of course not – we are fallible human beings. But we all deserve tremendous credit for the progress we have made since the publication of Silent Spring in 1962.

We no longer live in that world; we have fixed those problems. We must stop pretending otherwise.

LD 1599 is an abhorrently regressive piece of legislation and we strongly urge this committee to recommend that it ought not to pass. We further urge the committee to recognize the professionalism and expertise of the staff at the Board of Pesticides Control and for the committee to place their trust in their advice and recommendations. It is indeed tragic that BOPC staff is repeatedly called upon to explain elementary aspects of pesticide use in an adversarial forum such as a committee hearing. The committee would do well to arrange for educational sessions with members of the BOPC staff prior to authoring legislation that pours sand into the gears of a carefully thought-out system of regulation.

Respectfully,

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Please accept the attached testimony in opposition to LD 1599 from the National Association of Landscape Professionals.