



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
OFFICE OF THE COMMISSIONER
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

AMANDA E. BEAL
COMMISSIONER

TESTIMONY BEFORE THE JOINT COMMITTEE ON AGRICULTURE,
CONSERVATION AND FORESTRY

Neither For Nor Against LD 1599

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

May 4, 2021

Senator Dill, Representative O'Neil, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Megan Patterson, Director of the Board of Pesticides Control (BPC) within the Department of Agriculture, Conservation and Forestry. I am here today to speak Neither For Nor Against LD 1599, *An Act To Establish A Maine Pesticide Sales and Use Registry*.

Background

In 1997, the Maine Legislature passed LD 1726, *An Act to Minimize Reliance on Pesticides*. One of two major provisions created a state policy for finding ways to use the minimum amount of pesticides to effectively control targeted pests in all application areas. The second provision directed BPC to implement a system of record-keeping, reporting, data collection, and analysis that provided information on the quantities and brand names of pesticides sold.

BPC produced reports of the 1998 and 1999 sales and use data, but legislation passed in 2000 released BPC from reporting in 2000 and 2001 because the effort did not produce a useable report that allowed evaluation of the relative levels of pesticide use by principle use sectors within the state. Subsequently, in 2001, the legislature underscored its preference for small, focused reports that summarized sales of agricultural pesticides by pounds of active ingredient by passing legislation with this new reporting requirement.

LD 1599 is once again asking BPC staff to compile and publish sales and use reports for pesticide use in Maine. This bill appears to require reporting of pesticide sales and use as an alternative to a notification registry.

HARLOW BUILDING
18 ELKINS LANE
AUGUSTA, MAINE



PHONE: (207) 287-3200
FAX: (207) 287-2400
WEB: WWW.MAINE.GOV/DACF

Learning from the Past

BPC staff have attempted to prepare partial reports of sales and use information on numerous occasions. Past reporting legislation did not fund these new tasks, and production of the required reports presented major hurdles for BPC staff, which included: spending hundreds of hours checking the veracity of reports and quality of the reported data; ensuring reporting requirements were met by all impacted parties (distributors and commercial applicators); and, developing a system capable of summarizing sales and use amounts.

It appears that the above concerns remain relevant to this bill. BPC staff recommendations from its 2001 reporting review effort are attached for additional context.

LD 1599 Considerations

BPC has practical concerns with the demands presented by LD 1599, including:

- The extensive reporting outlined in this bill will still present an incomplete picture of pesticide sales and use in Maine.
 - For instance, the bill applies only to EPA registered products. Maine also requires registration for EPA registration exempt 25(b) products, also known as minimum risk pesticides. These pesticides primarily contain essential oils as their active ingredients, but use of these materials is not without risk. Cornell University provides a detailed review of the active ingredients in these products: <https://nysipm.cornell.edu/environment/active-ingredients-eligible-minimum-risk-pesticide-use/>
- The mandated reporting will place a substantial burden on general use pesticide dealers that vary in size from large department stores to small retailers.
- The mandated reporting places a similar burden on applicators, ranging from all commercial applicators to agricultural producers licensed to use pesticides, which may include large crop producers, small roadside stands, organic farmers, and cannabis producers.
- This bill assumes a calendar-based approach to agricultural pesticide application that allows for the advanced submission of application information. This is contrary to the tenants of Integrated Pest Management and is not reflective of typical agricultural management decision-making.
- The addresses of locations where applications are made will be posted on a public website. This includes addresses and coordinates for indoor applications in private residences, for cannabis grow facilities, including the caregiver grow sites where the caregiver may also be a patient, food-producing establishments managing pests, etc.
- BPC inspectors, four of whom are seasonal employees, will not have adequate available time to monitor submission and accuracy of sales and use reports.
- Data sent to the BPC on a weekly basis would need to be reviewed by staff for quality control. Additional staff will be needed to conduct outreach and education and assist applicators and dealers with system use, data entry, quality control, etc.
- This bill includes the term “certified applicators,” which needs to be clarified as it includes most agricultural producers licensed to use pesticides.

Board Reporting on Minimizing Use of Pesticides

The bill further cites minimizing the reliance on pesticides. BPC produces reports thorough GEA, which detail efforts to address regulatory requirements and projects the BPC's future actions. The most recent GEA report was prepared in 2019. BPC advises adding this reporting requirement addressing "minimizing reliance on pesticides" to the GEA report rather than producing a separate, annual reporting requirement.

Thank you for your time. I would be happy to answer your questions. I will also be available to answer questions at the work session.