

MAINE STATE LEGISLATURE

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Office of
The Governor

No. 41 FY 20/21
DATE June 30, 2021

**AN ORDER ESTABLISHING THE GOVERNOR'S
REVIEW OF THE AERIAL APPLICATION OF HERBICIDES FOR
FOREST MANAGEMENT**

WHEREAS, Maine forests cover 89 percent of the state and support an important forest industry that is central to our natural resource-based economy, soil health, wildlife habitat, and quality of life, and its sustainable management is a top priority for the Administration;

WHEREAS, It is the policy of the State to promote the principles of integrated pest management and other science-based technology to minimize reliance on pesticides and herbicides while recognizing that outbreaks of disease, insects, and other pests will necessitate fluctuations in their use;

WHEREAS, State agencies, in cooperation with private interest groups, must work to educate pesticide users and the general public on the proper use of these chemicals and to determine other actions needed to accomplish the state policy and minimize the harm from the application of any harmful chemicals;

WHEREAS, The aerial application of herbicides in forest management is extremely limited, such that in 2019, the acreage treated amounted to less than five percent of the total acres harvested statewide and, in the last 30 years, Maine has seen an 82 percent reduction in acres treated;

WHEREAS, There are widespread concerns about the chemical glyphosate and whether the aerial application of herbicides is currently being performed safely and responsibly;

WHEREAS, It is State policy to allow the full growth of our forests to decarbonize our environment and achieve goals related to the disastrous effects of climate change, and eliminating undergrowth that limits the growth of these forests is done by limited application of synthetic pesticides and herbicides for which there is no known organic substitute;

WHEREAS, The Board of Pesticides Control authorized an independent assessment of Maine's pesticide use regulations concerning aerial application by industrial forest management companies

in 2020, and the independent auditor, SCS Global Services, concluded, “The State of Maine regulatory framework, within which aerial application of herbicides in forest operations takes place, is functioning as designed.”

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to *Me. Const. Art V, Pt 1, §1 and §12*, do hereby Order as follows:

I. ESTABLISHMENT AND PURPOSE

The Board of Pesticides Control shall, in consultation with the Maine Forest Service and other stakeholders and interested parties, review and amend rules related to the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture, including reforestation, forest regeneration, or vegetation control in forestry operations.

The process shall include:

A. A review of the existing BMPs for aerial application of herbicides including:

- a. A review of the findings and recommendations of the independent assessment on aerial applications conducted in 2020.
- b. A review of the current international scientific literature regarding the aerial application of herbicides for forestry purposes, taking into account the species addressed in other states and countries.
- c. A review of Integrated Pest Management guidelines as they apply to aerial application of herbicides for forestry purposes to assess the relative effectiveness and costs of other treatment methods.

B. Development of a surface water quality monitoring effort to focus on aerial application of herbicides in forestry to be conducted in 2022.

C. A review undertaken by the Department of Inland Fisheries and Wildlife to assess wildlife habitat impacts related to sites treated by aerial application of herbicides.

D. A review of the existing regulatory framework for aerial application of herbicides in forest operations, to include:

- a. A proposal to amend rules to expand the buffers and setbacks to further protect rivers, lakes, streams, ponds, brooks, wetlands, wildlife and human habitats and other natural resources.
- b. A proposal to amend rules to expand the buffers for areas next to Sensitive Areas Likely to be Occupied (SALO) and other sensitive areas to include farming operations.

E. A series of public meetings to share and obtain public input on the results of the review before finalizing.

II. PROCEEDINGS

The Board of Pesticides Control and the Maine Forest Service shall solicit feedback from, and consult with, the University of Maine School of Forest Resources, Department of Inland Fisheries and Wildlife, forest landowners, foresters, licensed applicators, conservation groups, and others as necessary to complete their tasks.

The effort shall be led jointly by the Board of Pesticides Control and the Maine Forest Service and co-chaired by the respective directors. The meetings shall be held in locations determined by the chairs or will be held virtually but the proceedings of the group are not otherwise “public proceedings” within the meaning of 1 M.R.S. section 402.

III. RECOMMENDATIONS

The Board of Pesticides Control and the Maine Forest Service shall submit a summary of the review process and findings and any corresponding recommendations to the Governor on or before January 2, 2022, after which the authority of this Executive Order will dissolve.

IV. EFFECTIVE DATE

The effective date of this Order is June 30, 2021.



Janet T. Mills, Governor