

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

No. 1726

S.P. 569

In Senate, April 1, 1997

Resolve, to Reduce Reliance on Pesticides.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Senator NUTTING of Androscoggin.

2 **Preamble. Whereas,** the current level of reliance on
pesticides in the public and private sectors significantly
4 increases risks to human health and to the environment, in
particular, risks of cancer, nervous system impairment,
immunological disorders, disruption of the endocrine system and
6 reproductive impairment for both humans and wildlife; and

8 **Whereas,** the current level of reliance on pesticides
substantially increases the costs of agriculture, forestry and
10 the maintenance of public and private lands, buildings and
rights-of-way; and

12 **Whereas,** the current level of reliance on pesticides is too
often ineffective in controlling pests and is often unproductive
14 by causing the development of pesticide-resistant species of
pests; now, therefore, be it

16
18 **Sec. 1. Committee established. Resolved:** That the Special
Advisory Committee on Pesticide Reduction of the Board of
20 Pesticides Control, referred to in this resolve as the
"committee," is established; and be it further

22 **Sec. 2. Membership. Resolved:** That the committee consists of
24 21 members as follows:

26 1. Two members of the Board of Pesticides Control,
appointed by the board, who cochair the committee. At least one
28 of these members must be a public representative or a
representative of the medical profession on the board;

30 2. The Commissioner of Agriculture, Food and Rural
32 Resources, or a designee;

34 3. The Commissioner of Environmental Protection, or a
designee;

36 4. The Commissioner of Transportation, or a designee;

38 5. The Commissioner of Conservation, or a designee;

40 6. The president of the Maine Farm Bureau Association, or a
42 designee;

44 7. The president of the Agricultural Council of Maine, or a
designee;

46 8. The president of the Maine Organic Farmers and Gardeners
48 Association, or a designee;

2 9. The president of the Maine Forest Products Council, or a
designee;

4 10. The Director of the University of Maine Cooperative
Extension, or a designee;

6 11. A representative of a nonprofit public interest
8 environmental organization, appointed jointly by the President of
the Senate and the Speaker of the House of Representatives;

10 12. A representative of an electric public utility,
12 appointed jointly by the President of the Senate and the Speaker
of the House of Representatives;

14 13. Four researchers of the University of Maine System, one
16 of whom is primarily involved in sustainable agriculture, one of
whom is primarily involved in entomology, one of whom is
18 primarily involved in applied ecology and one of whom is
primarily involved in forestry, appointed jointly by the
20 President of the Senate and the Speaker of the House; and

22 14. Four representatives of the general public who have
demonstrated an interest in and commitment to pesticide
24 reduction, public health, consumer education or the environment,
appointed jointly by the President of the Senate and the Speaker
26 of the House of Representatives; and be it further

28 **Sec. 3. Appointments. Resolved:** That all appointments must be
made no later than October 15, 1997. The appointing authorities
30 shall notify the Executive Director of the Legislative Council
upon making their appointments. When the appointment of all
32 members is complete, the Chair of the Legislative Council shall
call and convene the first meeting of the committee no later than
34 October 31, 1997; and be it further

36 **Sec. 4. Duties. Resolved:** That the committee shall study and
make recommendations to the Board of Pesticides Control and the
38 joint standing committee of the Legislature having jurisdiction
over pesticide matters on methods to accomplish a reduction in
40 the volume of pesticides sold for and applied in the areas of
agriculture; forestry; ornamental vegetation and turf pest
42 control, including commercial, private and homeowner
applications; right-of-way vegetation management; public and
44 private structural pest control, including school building,
commercial, private and homeowner applications; and aquatic pest
46 control without any corresponding increase in the toxicity of
those pesticides applied, in accordance with the following
48 schedule:

50 1. For 1998, a reduction of 3% over 1996 levels;

- 2 2. For 1999, a reduction of 8% over 1996 levels;
- 4 3. For 2000, a reduction of 15% over 1996 levels;
- 6 4. For 2001, a reduction of 23% over 1996 levels; and
- 8 5. For 2002, a reduction of 33% over 1996 levels.

10 The committee shall consider both regulatory and
12 nonregulatory approaches to accomplishing this reduction,
including public education, commercial applicator licensing and
14 training, best management practices and economic incentives. The
committee also shall make recommendations regarding the
16 enhancement of research based in the University of Maine System
and cooperative extension support with respect to integrated pest
18 management and other alternatives to pesticide use; and be it
further

20 **Sec. 5. Pesticide sales and application data. Resolved:** That the
Board of Pesticides Control shall implement a system of record
22 keeping, reporting, data collection and analysis that establishes
a baseline of the volume and brand names of pesticides sold and
24 applied in 1996 in each of the areas identified in section 4 of
this resolve. To the extent that the board determines that
26 existing records are inadequate to establish this baseline, the
board shall adopt any rules necessary to generate adequate
28 records to establish this baseline. Rules adopted pursuant to
this section are routine technical rules pursuant to the Maine
30 Revised Statutes, Title 5, chapter 375, subchapter II-A.

32 No later than September 15, 1997, and each year thereafter,
the board shall publish an annual pesticides volume report
34 containing the total volumes, broken down by the name and
chemical abstract society number, of all pesticides sold and
36 applied in each of the areas identified in section 4 of this
resolve for the prior year; and be it further

38 **Sec. 6. Report. Resolved:** That the committee shall submit its
40 report, with any accompanying legislation or proposed rules to
the Board of Pesticides Control and the joint standing committee
42 of the Legislature having jurisdiction over pesticide matters no
later than February 1, 1998. If the committee requires an
44 extension, it may apply to the Legislative Council, which may
grant the extension; and be it further

46 **Sec. 7. Implementation and oversight by Board of Pesticides Control.**
48 **Resolved:** That the Board of Pesticides Control, with the
cooperation of other state agencies, shall implement such
50 recommendations

2 of the committee as it considers necessary and appropriate to
accomplish the reductions in the sale and use of pesticides
4 specified in section 4 of this resolve. The board shall
recommend legislation, adopt rules, which are routine technical
6 rules pursuant to the Maine Revised Statutes, Title 5, chapter
375, subchapter II-A, or propose executive action. The board
8 shall exercise general coordination and oversight of private and
public sector activities with respect to pesticide reduction.
10 The board shall review the annual pesticides volume report and,
with the assistance of the State Toxicologist and the board's
12 Medical Advisory Committee, the board shall determine whether any
percentage reduction in the volumes of pesticides sold and
14 applied must be discounted for purposes of determining
accomplishment of the reduction levels specified in section 4 of
16 this resolve because more toxic pesticides have been substituted
for less toxic pesticides. If the yearly target percentages in
18 section 4 of this resolve have not been met for any given year in
any given area, the board shall implement such additional steps
20 as the board considers necessary and proper to accomplish the
target percentages for the following year; and be it further

22 **Sec. 8. Contingent regulatory action. Resolved:** That if, in any
of the areas identified in section 4 of this resolve, a 33%
24 reduction over 1996 levels in the volume of pesticides sold and
applied is not accomplished by 2002, as documented by the annual
26 pesticides volume reports, the Board of Pesticides Control shall
adopt, for that area, emergency rules, which are routine
28 technical rules pursuant to the Maine Revised Statutes, Title 5,
chapter 375, subchapter II-A, that accomplish the reduction by
30 2003. These rules may include but are not limited to: mandatory
maximum pesticide usage levels; a ban on applications for purely
32 cosmetic purposes; a ban on aerial spraying of pesticides; a ban
on aerial spraying of restricted-use or limited-use pesticides;
34 and implementation of a permit system for aerial or other
pesticide applications. The board may also submit recommended
36 legislation to the Legislature, including legislation relating to
sales tax exemptions for pesticides; and be it further

38 **Sec. 9. Reimbursement. Resolved:** That the committee members
40 receive reimbursement for travel and other necessary expenses
from the Board of Pesticides Control; and be it further

42 **Sec. 10. Staff assistance. Resolved:** That the Board of
44 Pesticides Control shall provide staff assistance to the
committee at the request of the committee.
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SUMMARY

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4 This resolve establishes the Special Advisory Committee on
6 Pesticides Reduction of the Board of Pesticides Control to study
8 and make recommendations to the board and the Legislature
10 regarding methods to accomplish incremental reductions in the
volumes of pesticides sold and applied so that for the year 2002
a reduction of 33% over 1996 levels is achieved. It also
provides that if this reduction is not achieved for 2002, the
board must adopt rules to achieve that reduction by 2003.