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STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 20, 2006

The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Board of Pesticides Control under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

Handwritten signature of Senator John M. Nutting in black ink.

Senator John M. Nutting
Senate Chair

Handwritten signature of Representative John F. Piotti in black ink.

Representative John F. Piotti
House Chair

cc: Robert Batteese, Director, Board of Pesticides Control
Patrick Norton, Director, Office of Policy and Legal Analysis

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March 20, 2006

To: The Honorable John Richardson, Chair
The Honorable Beth Edmonds, Vice-Chair
Legislative Council, 122nd Maine Legislature

From: Senator John M. Nutting, Senate Chair *JMN.*
Representative John F. Piotti, House Chair *JF*
Joint Standing Committee on Agriculture, Conservation and Forestry

Subject: Government Evaluation Act Review of the Board of Pesticides Control

This memorandum is to inform you that the Joint Standing Committee on Agriculture, Conservation and Forestry has submitted its findings and recommendations from the review and evaluation of the Board of Pesticides Control under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35.

cc: Members, Legislative Council
David Boulter, Executive Director, Legislative Council

Joint Standing Committee on Agriculture, Conservation and Forestry

Review of the Board of Pesticides Control under the Government Evaluation Act March 2006

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency's program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

In May of 2005, the Joint Standing Committee on Agriculture, Conservation and Forestry notified the Board of Pesticides Control of its intent to review the department pursuant to the schedule established in 3 MRSA, §959. The Board submitted its program evaluation report as requested in November of 2005.

On January 9, 2006, Robert Batteese gave an oral presentation of the report. In addition to the GEA review, the committee discussed the duties of the board in the context of bills referred to the Joint Standing Committee on Agriculture, Conservation and Forestry this session.

Findings and Recommendation

The Joint Standing Committee on Agriculture, Conservation and Forestry has reviewed the Board of Pesticides Control and finds that it is operating within its statutory authority. The four major program responsibilities of the board and its staff are: pesticide registration, certification and licensing of pesticides applicators and dealers, compliance with all state and federal regulations, and education. The board and staff are also involved with worker protection standards, monitoring ground water for pesticides contamination and the collection of obsolete pesticides.

The Committee found that while the Board is currently meeting its legislative mandates it is struggling to cope with an ever-increasing workload. Public interest in pesticide issues may be at an all-time high. Concerns include addressing vector borne diseases such as West Nile Virus and Eastern Equine Encephalitis, potential risks to lobsters and other marine organisms from browntail moth control programs, pesticide drift and lack of notification regarding aerial spraying in blueberry growing areas, anticipated registration requests for genetically modified crops, potential ground and surface water contamination from pesticide use and the skyrocketing home

use of pesticides. It is imperative that the Board has adequate resources to address these and future issues.

The Board's ability to continue these programs is jeopardized by plummeting year-end cash balances. The Board has not received a General Fund appropriation since 1990. All expenses of the board and staff are covered by registration and licensing fees deposited into the dedicated Pesticides Control Fund and federal grants. The Board is experiencing significant increases in salary and benefits and is receiving 5 to 10 % reductions in its U.S. Environmental Protection Agency grants in each of the next few years. In FY'05, the revenues in the Board's dedicated account exceeded expenditures by \$14,279. The increase in personal services costs alone for FY' 05-06 is \$46,633 and for FY' 06-07 is \$53,054.

The committee briefly discussed the feasibility of transferring positions to a General Fund account. Ultimately, the committee decided instead to recommend an increase in pesticides registration fees. The committee has submitted a bill to increase the annual registration fee for a pesticide from \$125 to \$150. This bill, LD 2065, An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry, is scheduled for public hearing on March 20, 2006. Based on the 7,900 products that were registered in 2007, an additional \$197,500 should be realized from this increase. This increase should meet the Board's financial needs for the near future.

Detailed information about the Board of Pesticides Control can be found in the Board's Program Evaluation Report, which meets the criteria set in statute (3 MRS §956). Financial information and justification for the fee increase are found on pages 7-1 and 7-2 of the report. The Joint Standing Committee on Agriculture, Conservation and Forestry is recommending that the Board of Pesticides Control be reviewed again in 2011.