

Testimony of the Division of Licensing and Regulatory Services
Department of Health and Human Services
Before the Joint Standing Committee on Agriculture, Conservation and Forestry

In Support of LD 1531
"An Act To Maintain Access to Safe Medical Marijuana"(Emergency)
Sponsored by Senator Thomas Saviello

Public Hearing: May 16, 2013

Senator Jackson, Representative Dill and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Kenneth Albert, Director of Licensing and Regulatory Services, Department of Health and Human Services. I am here today to speak in support of LD 1531, *An Act To Maintain Access to Safe Medical Marijuana*. This bill would allow the limited use of certain pesticides when cultivating marijuana plants. Current rules prohibit the use of pesticides on marijuana plants that are legally grown pursuant to the Maine Medical Use of Marijuana Act. The Department of Health and Human Services administers the Maine Medical Use of Marijuana Program.

The Department has enlisted the expertise and advice of the Maine Board of Pesticides Control when addressing pest and pesticide use questions. Upon learning that Maine medical use of marijuana growing facilities were grappling with pest problems that could not be entirely controlled through the use of non-pesticide strategies, the Board's staff agreed to research state and federal pesticide laws to determine whether it would be legal to apply any pesticides to medical marijuana if the Department's rules allowed.

That research indicates that a few pesticides, which are part of a group of products exempt from the registration requirements under the Federal Insecticide, Fungicide and Rodenticide Act – the so-called minimum-risk pesticide – may be legally used on medical marijuana. These products must be manufactured from only a small list of active ingredients that primarily include plant extracts and plant oils.

The Board's staff also joined a working group at the Department of Health and Human Services that was formed to help address the difficult pest problems that medical marijuana producers are facing in Maine. They have strongly advocated for implementation of the lowest risk pest management strategies, commonly referred to as Integrated Pest Management or IPM.

If pesticides of any type are allowed for use on medical marijuana, the Board's staff has advocated for basic pesticide safety training for applicators, similar to that which commercial food producers undergo.

The Board also recommends that a set of best practices be implemented covering the use of pesticides to further reduce any potential risks to the qualifying patients. The Environmental Protection Agency (EPA) requires similar practices on food crops to minimize pesticide residues.

In summary, though DHHS believes best practice must first include non-pesticide control strategies, DHHS nonetheless supports LD 1531 as a reasonable pest control solution for the growers of medical use marijuana.

Thank you for your time and attention. I would be happy to answer any questions and I also plan to make myself available for questions during the work session.