



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333

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May 8, 2019

Committee on Agriculture, Conservation and Forestry
Senator Jim Dill, Chair
Representative Craig Hickman, Chair
c/o Legislative Information Office
100 State House Station
Augusta, Maine 04333-0100

RE: LD 1691, "An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation"

Senator Dill, Representative Hickman and Agriculture, Conservation and Forestry Committee Members, I am writing neither in support nor against LD 1691. This testimony, offered on behalf of the Department, was collaboratively developed by the Maine Forest Service and the Board. The Maine Board of Pesticides Control (Board) is Maine's lead agency providing pesticide oversight. As a part of its responsibilities, the Board oversees compliance with notification, drift management, surface water buffering, and all other state and federal regulatory requirements pertaining to pesticide applications, aerial and otherwise, in managed forestry production. The Department offers the following comments and concerns with respect to the subject matter of this bill.

1. As written, LD 1691 lacks the clarity necessary to understand the intent of the bill, and we welcome the opportunity for further discussion with the sponsor and stakeholder groups.
2. In Maine, herbicides are not applied via aerial means for deforestation, but rather to promote reforestation. This is a vital tool for the forestry products industry of Maine.

If the intent of LD 1691 is to eliminate the use of aerial application of herbicides by landowners who operate managed forestry businesses then the following information should be considered. Aerial forestry applications, done in conformance with all applicable regulations and under appropriate conditions, are a tool used for:

- preparing a harvested timber area for planting trees (reforestation),
- controlling competing vegetation on areas that have been planted with trees (usually conifers),
or
- assisting in the acceleration of growth of naturally regenerated conifers.

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These practices are intended to accelerate the growth of quality trees to support Maine's forest industry.

Herbicide applications represent a cost that must be carried until the trees are harvested; such investments are made only on higher quality sites. The acreage treated in Maine each year varies, but it's generally less than 15,000 acres, around 5% of the total acreage harvested each year. When herbicides are used, applications are made on a site either once or twice every 60 years. Forestry aerial applications also involve more preplanning than almost any other pesticide application occurring in the state, with the following practices employed:

- Applications rely on ultra-low volumes of product with little active ingredient, so that vegetation is not typically killed, but is delayed in growth just long enough to allow quality tree saplings to gain a competitive advantage.
- Herbicide applications are unique inasmuch as there is no need to get thorough coverage of the foliage thus allowing the applicator to use extremely large spray drops which are not prone to off target movement.
- Historically, forestry practitioners have required the use of Accuflow nozzles which produce large, uniformly sized spray droplets resulting in very low drift potential.
- Planned application areas are carefully ground-truthed, which typically involves physically walking the application area and using drones for observation and recording of sensitive areas.
- Detailed ground observations combined with information on previously mapped sensitive areas result in the production of comprehensive digital site maps used to delimit the aerial application.
- Buffers for aerial applications around sensitive areas, such as surface water and occupied buildings are larger than required by state law.
- Although these applications are made on private property, companies employ additional measures to prevent accidental human exposure to the pesticides applied by posting signage and physically blocking all known access points.
- Notification of application is, at minimum, provided to the public through local newspapers or in person, to the Board of Pesticides Control, and to Northern New England Poison Control.
- Applicators must hold a commercial pesticide applicator's license.

Aerial forestry applications, done in conformance with all applicable regulations and under appropriate conditions are a clearly regulated, carefully considered, essential tool for the Maine forestry products industry. LD 1691 eliminates use of this tool.

Sincerely,



Megan Patterson
Director
Maine Board of Pesticides Control