



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

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

March 30, 2016

Senator James Hamper, Chair
Representative Margaret Rotundo, Chair
Members of the Joint Standing Committee on Appropriations and Financial Affairs
c/o Office of Fiscal and Program Review
5 State House Station
Augusta, ME 04333

Walter Whitcomb, Commissioner
Maine Department of Agriculture, Conservation and Forestry
22 State House Station
Augusta, ME 04333

RE: Maine Board of Pesticides Control's Concerns Relating to LD 1099

Senator Hamper, Representative Rotundo, Members of the Committee, and Commissioner Whitcomb:

At its November 13, 2015 meeting, as it does regularly, the Maine Board of Pesticides Control (Board) discussed priorities and identified several important emerging issues. Subsequently, the Board reviewed its annual operating budget in an effort to determine whether funding resources are available to direct toward these priorities. Currently, the difference between projected annual revenues and expenditures shows a small, short-term buffer of approximately 6% until pay raises and inflation catch up. The Board instructed the staff to direct available resources toward current issues and concerns. The Board's position is that it is best to maintain control over pesticide related revenue so that it can remain nimble to address evolving issues.

At its March 25, 2016 meeting, the Board reviewed the latest iteration of LD 1099 which charges the Department of Agriculture, Conservation and Forestry (DACF) with responsibility for identifying \$400,000 annually from Other Special Revenue Accounts in order to fund an expansion of programs at the University of Maine Cooperative Extension. First year funding is to be derived from the Pesticide Control Fund, but subsequent funding has not been identified in the bill.

The Board staunchly opposed the precedent, spirit and likely impacts of LD 1099 for the following reasons:

- Enactment of LD 1099 will soon necessitate elimination of DACF positions that are currently attached to the Pesticide Control Fund. The Board is concerned about a precedent in which important state programs are eliminated and, instead, dedicated state funds are diverted in favor of expansion of University programs.
- The Board recognizes that there may be the appearance of a robust Pesticide Control Fund to those unfamiliar with its operation. At the end of any state fiscal year, calendar year accounts generally have received all of the revenue but made only half of the expenditures. This is often confusing for people accustomed to assessing accounts on the normal fiscal year basis.

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- In addition, the fund has been managed carefully and frugally in order to build reserves to provide resources for a much overdue and needed comprehensive technology upgrade to manage Board operations. This project is strongly supported by the regulated community, is still underway and only partially paid for to date. If funding became unavailable to finish this project, a great deal of time, effort, and money would be wasted and the staff and the regulated community would be forced to continue to struggle with an outdated, inefficient system.
- The Board already provides \$200,000 annually in grants to the University of Maine Cooperative Extension for Integrated Pest Management (IPM) related programs.
- Homeowner education about the proper use of pesticides and sustainable approaches to pest management has long been a priority of the Board and its staff. This effort precedes the enactment of Public Law 1997 Chapter 389 which mandates the Board to work to minimize reliance on pesticides and “to educate pesticide users and the general public in the proper use of pesticides.” The Board believes that the recent proliferation of municipal pesticide ordinances relates—in part—to a perception that homeowner use of pesticides is adversely affecting coastal water quality and the urban quality of life. This led the Board to seek ways to enhance the homeowner education effort. Consequently, it instructed the staff to direct available resources toward increasing homeowner outreach.
- While the Board and the DACT acknowledge that the current balance in the Pesticide Control Fund allows for some flexibility in the short term, an assessment of the projected annual revenue and expenditures leaves little margin to account for inflation and for pursuit of current Board priorities.
- The Board is not aware of a single other state in which pesticide registration revenue is diverted to fund expansion of University programs.
- The Board and its staff have had ongoing discussions with the Maine Center for Disease Control and Prevention (Maine CDC) about concerns over mosquito-borne diseases in the state. There are indications that more diseases with increasing severity are headed our way. The best defense against mosquito-borne diseases is accurate and timely information about the presence and location of disease-carrying mosquitoes. The State of Maine—with the exception of minimal funding provided by the Board—has not allocated any resources to mosquito monitoring. This is in sharp contrast to states to the south and west of Maine that invest heavily in mosquito monitoring as a means of preventing disease. The Board sees enormous public benefit from funding improved mosquito monitoring which holds the potential as a stand-alone strategy for saving lives in the future. Moreover, the Maine Legislature created a fund to respond in the event of mosquito-borne disease outbreak, but never funded it. The Pesticide Control Fund is the most logical funding source for both of these efforts, but only if resources are available.
- A series of questions arose for the Board about both the urgency and propriety of the funding requested through LD 1099.
 - Among other things, LD 1099 purportedly will be used to fund operation of a laboratory that has yet to be built and will not be completed during the current fiscal year. Why are funds needed in this fiscal year if there is no laboratory to fund?
 - The new laboratory that will be built using bond funds will consolidate existing University laboratories into a single location. Consolidations generally improve efficiency and result in cost savings. Why does the University need increased funding for a consolidated laboratory?
 - LD 1099 states that funding will be used to test ticks for pathogenic organisms. The Maine CDC and the Board’s own medical expert agree that testing ticks for pathogens serves no medical purpose and is no longer recommended.
 - The University has never clearly indicated exactly why the new funding is needed. Expansion of state programs always requires a clear accounting of how the money will be spent and what the associated public benefit will be.

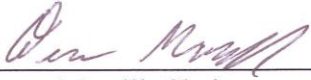
The Board thanks the Joint Standing Committee on Appropriations and Finance for considering its concerns. Please feel free to contact us if you have questions or seek additional information.

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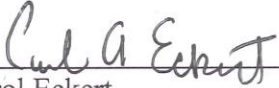


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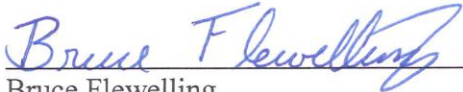
Signed, Maine Board of Pesticides Control



Deven Morrill, Chair



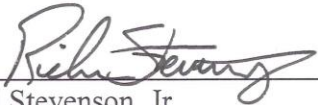
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