



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

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June 25, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 125, *An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture*.

L.D. 125 would ban the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture, including reforestation, regeneration or vegetation control after any timber harvest. This bill does not ban herbicides, such as glyphosate; rather it focuses only on one method of application.

There are widespread concerns about the chemical glyphosate and whether the aerial application of herbicides is performed safely and responsibly. Responding to these concerns, the Agriculture, Conservation and Forestry Committee's majority report on L.D. 125 (which passed 9-4) focused on expanding buffers and setbacks to further protect waterbodies, wetlands, wildlife habitat, and other natural resources. It also proposed additional setbacks around residential property. I support this approach and will be issuing an Executive Order directing the Maine Forest Service and the Board of Pesticide Control to institute additional specific safeguards to further limit aerial application of herbicides, consistent with best practices and state policy.

I cannot, however, support L.D. 125's blanket prohibition. I note that at the request of the 129th Legislature, the Board of Pesticide Control authorized an independent assessment of Maine's pesticide use regulations concerning aerial application by industrial forest management companies. The independent auditor, SCS Global Services, reported: "no evidence was gathered during the course of the verification audit to contradict the following overall conclusion: The State of Maine regulatory framework, within which aerial application of herbicides in forest operations takes place, is functioning as designed."

The aerial application of herbicides in forest management is extremely limited. In 2018, the acreage treated amounted to less than five percent of the total annual forest acres harvested statewide. And, in the last 30 years, Maine has seen an 82 percent reduction in acres treated.

Forest landowners strive to maximize growth and yield of their forest at a time when consumers are hungry for wood products. They work under tight margins, are susceptible to erratic weather patterns, and are constantly looking at ways to improve yields and maintain a healthy and



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sustainable product for generations to come. For Maine's large forest landowners seeking to improve the growth of desirable tree species and control competition of undesirable species, such as disease-prone beech, limited spraying of herbicides is an integral tool. Moreover, researchers at the University of Maine have identified increasing the density of spruce plantations as one of the most effective and efficient ways to sequester carbon. These plantations cannot be established unless weeds and other competition are controlled, which is impossible without targeted herbicide treatments.

Spraying for site preparation is conducted once or twice over the course of a 40- to 60-year rotation of a forest stand. It is applied with careful thought, planning, and consideration. It is applied under strict adherence to practices that account for weather conditions, wind direction and speed, rate of application, and the location of streams, brooks, and other water bodies.

Banning aerial application, however, would force landowners to conduct ground application, which is manually intensive, has a potential for greater site disturbance and soil compaction, and may require multiple applications with higher and more dangerous concentrations levels to achieve the same level of effectiveness.

The environmental concerns associated with aerial application need to be balanced with the goal of decarbonization and the legitimate needs of silviculture enterprises. This bill, the minority report of the Committee, fails to achieve that balance.

For these reasons, I return LD 125 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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Office of
The Governor

No. 41 FY 20/21
DATE June 30, 2021

**AN ORDER ESTABLISHING THE GOVERNOR'S
REVIEW OF THE AERIAL APPLICATION OF HERBICIDES FOR
FOREST MANAGEMENT**

WHEREAS, Maine forests cover 89 percent of the state and support an important forest industry that is central to our natural resource-based economy, soil health, wildlife habitat, and quality of life, and its sustainable management is a top priority for the Administration;

WHEREAS, It is the policy of the State to promote the principles of integrated pest management and other science-based technology to minimize reliance on pesticides and herbicides while recognizing that outbreaks of disease, insects, and other pests will necessitate fluctuations in their use;

WHEREAS, State agencies, in cooperation with private interest groups, must work to educate pesticide users and the general public on the proper use of these chemicals and to determine other actions needed to accomplish the state policy and minimize the harm from the application of any harmful chemicals;

WHEREAS, The aerial application of herbicides in forest management is extremely limited, such that in 2019, the acreage treated amounted to less than five percent of the total acres harvested statewide and, in the last 30 years, Maine has seen an 82 percent reduction in acres treated;

WHEREAS, There are widespread concerns about the chemical glyphosate and whether the aerial application of herbicides is currently being performed safely and responsibly;

WHEREAS, It is State policy to allow the full growth of our forests to decarbonize our environment and achieve goals related to the disastrous effects of climate change, and eliminating undergrowth that limits the growth of these forests is done by limited application of synthetic pesticides and herbicides for which there is no known organic substitute;

WHEREAS, The Board of Pesticides Control authorized an independent assessment of Maine's pesticide use regulations concerning aerial application by industrial forest management companies

in 2020, and the independent auditor, SCS Global Services, concluded, “The State of Maine regulatory framework, within which aerial application of herbicides in forest operations takes place, is functioning as designed.”

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to *Me. Const. Art V, Pt 1, §1 and §12*, do hereby Order as follows:

I. ESTABLISHMENT AND PURPOSE

The Board of Pesticides Control shall, in consultation with the Maine Forest Service and other stakeholders and interested parties, review and amend rules related to the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture, including reforestation, forest regeneration, or vegetation control in forestry operations.

The process shall include:

A. A review of the existing BMPs for aerial application of herbicides including:

- a. A review of the findings and recommendations of the independent assessment on aerial applications conducted in 2020.
- b. A review of the current international scientific literature regarding the aerial application of herbicides for forestry purposes, taking into account the species addressed in other states and countries.
- c. A review of Integrated Pest Management guidelines as they apply to aerial application of herbicides for forestry purposes to assess the relative effectiveness and costs of other treatment methods.

B. Development of a surface water quality monitoring effort to focus on aerial application of herbicides in forestry to be conducted in 2022.

C. A review undertaken by the Department of Inland Fisheries and Wildlife to assess wildlife habitat impacts related to sites treated by aerial application of herbicides.

D. A review of the existing regulatory framework for aerial application of herbicides in forest operations, to include:

- a. A proposal to amend rules to expand the buffers and setbacks to further protect rivers, lakes, streams, ponds, brooks, wetlands, wildlife and human habitats and other natural resources.
- b. A proposal to amend rules to expand the buffers for areas next to Sensitive Areas Likely to be Occupied (SALO) and other sensitive areas to include farming operations.

E. A series of public meetings to share and obtain public input on the results of the review before finalizing.

II. PROCEEDINGS

The Board of Pesticides Control and the Maine Forest Service shall solicit feedback from, and consult with, the University of Maine School of Forest Resources, Department of Inland Fisheries and Wildlife, forest landowners, foresters, licensed applicators, conservation groups, and others as necessary to complete their tasks.

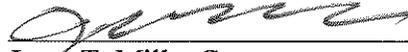
The effort shall be led jointly by the Board of Pesticides Control and the Maine Forest Service and co-chaired by the respective directors. The meetings shall be held in locations determined by the chairs or will be held virtually but the proceedings of the group are not otherwise “public proceedings” within the meaning of 1 M.R.S. section 402.

III. RECOMMENDATIONS

The Board of Pesticides Control and the Maine Forest Service shall submit a summary of the review process and findings and any corresponding recommendations to the Governor on or before January 2, 2022, after which the authority of this Executive Order will dissolve.

IV. EFFECTIVE DATE

The effective date of this Order is June 30, 2021.



Janet T. Mills, Governor

From: [Governor Janet Mills](#)
To: [Couture, Amanda](#)
Subject: Governor Mills Directs Maine Forest Service & Board of Pesticides Control to Review & Recommend Changes to Aerial Application of Herbicides for Forest Management
Date: Wednesday, June 30, 2021 1:05:09 PM

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Governor Mills Directs Maine Forest Service & Board of Pesticides Control to Review & Recommend Changes to Aerial Application of Herbicides for Forest Management
June 30, 2021

Executive Order, which seeks to balance environmental concerns with forest management needs, follows veto of LD 125

Governor Janet Mills today signed an Executive Order directing the Maine Forest Service and the Board of Pesticides Control to review rules related to the aerial application of synthetic herbicides and to recommend changes to further protect rivers, lakes, streams, ponds, brooks, wetlands, wildlife and human habitat and other natural resources.

The Governor's Executive Order follows her [veto of LD 125 \(PDF\)](#), which she objected to because of its "blanket prohibition" over aerial application of glyphosate for the purposes of silviculture, the science and practices underpinning the sustainability of Maine's forests.

In [a Bangor Daily News op-ed](#) yesterday, Bob Seymour of Orono, a Professor Emeritus of Silviculture at the University of Maine and forestry expert, called the bill "flagrantly anti-environmental and discriminatory", noting that it would imperil the ability to manage Maine's forests and jeopardize the state's efforts to combat climate change and "stifle" long-term investments in forest stewardship to build climate resilience and support rural economies.

In her veto message, the Governor noted that "banning aerial application...would

force landowners to conduct ground application, which is manually intensive, has a potential for greater site disturbance and soil compaction, and may require multiple applications with higher and more dangerous concentration levels to achieve the same level of effectiveness.” However, she recognized concern over the aerial application of glyphosate and pledged to issue today’s Executive Order.

“I recognize the legitimate perspectives on all sides of this debate and believe this approach strikes the appropriate balance between environmental concerns and the legitimate needs of silviculture enterprises while also ensuring that we can harness the carbon-cutting power of our forests to combat climate change,” **said Governor Mills**. “I look forward to the recommendations that result from this review.”

The Executive Order directs the Maine Forest Service to consult with the Board of Pesticides Control to review and amend rules related to the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture, including reforestation, forest regeneration, or vegetation control in forestry operations. The process will include:

1. A review of the existing BMPs for aerial application of herbicides including: a review of the findings and recommendations of the independent assessment on aerial applications conducted in 2020, a review of the international scientific literature regarding the aerial application of herbicides for forestry purposes, taking into account the species addresses in other states and countries, and a review of Integrated Pest Management guidelines as they apply to aerial application of herbicides for forestry purposes to assess the relative effectiveness and costs of other treatment methods
2. Development of a surface water quality monitoring effort to focus on aerial application of herbicides in forestry to be conducted in 2022.
3. A review undertaken by the Department of Inland Fisheries and Wildlife to assess wildlife habitat impacts related to sites treated by aerial application of herbicides.
4. A review of the existing regulatory framework for aerial application of herbicides in forest operations, to include: a proposal to amend rules to expand the buffers and setbacks to further protect rivers, lakes, streams, ponds, brooks, wetlands, wildlife and human habitats and other natural resources; a proposal to amend rules to expand the buffers for areas next to Sensitive Areas Likely to be Occupied (SALO) and other sensitive areas to include farming operations.
5. A series of public meetings to share and obtain public input on the results of the review before finalizing.

The Executive Order requires the Board of Pesticides Control and the Maine Forest Service to submit a summary of the review process and findings and any corresponding recommendations to the Governor on or before January 2, 2022.

[Read the Executive Order \(PDF\).](#)



Questions for Governor Mills? [Contact Us](#)



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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 58, L.D. 125, “An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 7 MRSA §606, sub-§3 is enacted to read:

3. Aerial spraying of glyphosate and other synthetic herbicides. A person may not conduct an aerial application of glyphosate or other synthetic herbicides for the purpose of silviculture, including reforestation, regeneration or vegetation control after any timber harvest, including but not limited to a timber harvesting activity conducted in accordance with Title 12, chapter 805, subchapter 3-A.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the committee. It clarifies that the prohibition on aerial application of glyphosate or other synthetic herbicides for the purpose of silviculture also applies to a timber harvesting activity conducted in accordance with the laws governing forest practices.