

# **BASIS STATEMENT FOR ADOPTION OF AN AMENDMENT TO CHAPTER 41—SPECIAL RESTRICTIONS ON PESTICIDE USE**

## **Basis Statement**

Chapter 41 of the Maine Board of Pesticides Control's rules describes special limitations placed upon the use of (1) aldicarb (Temik 15G) in proximity to potable water bodies; (2) trichlorfon (Dylox, Proxol); (3) hexazinone (Velpar, Pronone), (4) aquatic herbicides in the State of Maine, and (5) plant-incorporated protectants (PIPs). This Chapter was originally adopted in March of 1981.

The amendment to Chapter 41, requested by a constituent, would eliminate the requirement for training prior to purchasing or using genetically modified corn containing *Bacillus thuringiensis* (*Bt*) genes. Because little has changed with the use of this product, many users believe that it is no longer necessary to require training, and that a network exists of experienced professionals who can provide guidance to new users.

After careful consideration of the concerns expressed about the use of this technology and the operation of the current rule, the Board elected to make three changes, as detailed below.

- 1) The Board decided that the training requirement for growers is still important and should be retained. However, because the Board found there was not sufficient new information to warrant refresher training every two years, it decided to extend the refresher training interval to three years.
- 2) The Board concluded that it was appropriate to revise the rule so that training on the use of *Bt* corn is required prior to planting the seed, but not prior to purchasing it.
- 3) The Board repealed the requirement that seed distributors verify training prior to selling affected products, based on the following reasons:
  - a) It is unnecessary, because Board inspectors check compliance for this requirement.
  - b) An unfair advantage is given to out-of-state seed distributors, since the Board's staff cannot enforce the distributor obligation with catalog and/or Internet sales.

## **Impact on Small Business**

In accordance with 5 MRSA §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the Maine Board of Pesticides Control office, State House Station #28, Augusta, Maine 04333-0028, telephone 207-287-2731.

## **Provisional Adoption**

At its December 16, 2011 meeting, the Board provisionally adopted the major substantive amendments to Chapter 41.

## **Legislative Approval**

On January 31, 2012, The Joint Standing Committee on Agriculture, Conservation and Forestry (ACF) held a public hearing on LD 1734, the resolve authorizing final adoption of the amendments, and a work session was held on February 7, 2012. Subsequently the ACF reported the resolve out as ought-to-pass. The Legislature enacted the resolve and the Governor signed it into law on March 5, 2012.