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**TESTIMONY OF PATTY CORMIER, DIRECTOR, MAINE FOREST SERVICE,
DEPARTMENT OF AGRICULTURE, CONSERVATION, AND FORESTRY
BEFORE THE JOINT COMMITTEE ON AGRICULTURE, CONSERVATION, AND FORESTRY**

**In Opposition to LD 2142, An Act Regarding Outcome-based Forestry and the Use of
Glyphosate**

March 10, 2020

Senator Dill, Representative Hickman, and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, I am Patty Cormier, Director of the Maine Forest Service (MFS), and I am testifying on behalf of the department in opposition to LD 2142, "An Act Regarding Outcome-based Forestry and the Use of Glyphosate."

Outcome Based Forestry is a science-based regulatory program that enables the MFS and private landowners to work together on implementing forest management methods outside of the politically-designed Forest Practices Act (FPA). The FPA was enacted to stop the large, rolling clear-cuts that large landowners were creating in the wake of the last spruce budworm epidemic. The FPA succeeded in that goal, but the resultant timber harvesting – a massive expansion of partial harvesting and smaller clearcuts - began to set up the conditions for a future forest that was not likely to sustain the many values of Maine's forests, including jobs, biodiversity, and clean water.

In the last eight years, the MFS and four participating landowners have reached agreements through OBF that have set us on a path of further improving Maine's forest conditions and sustaining the forests that Maine people hold dear. These agreements cover nearly 3 million acres of Maine's forests and include assurances that the goals and outcomes of soil and water quality protection and biodiversity, among others, are being met.

The remainder of my testimony focuses on specific sections of the bill.

Section 1: Panel members are appointed by the Governor based on recommendations by the MFS Director. All are subjected to background checks. The seven members currently serving have over 250 years of combined education and experience. Three members are certified pesticide applicators, and one member is a globally-recognized expert in the use of chemicals to prepare harvested sites for planting and control competition with preferred species. We are currently looking to fill one environmental, wildlife biology, background position.

The department believes that the best technical experts have been chosen for the panel based on their education and experience in the many facets of forestry. Requiring legislative confirmation of the panel members would discourage highly qualified individuals from serving. Setting three-year terms for panel members when agreements are for five years (renewable) would be a challenge, as the continuity and institutional memory of panel members would be subject to the direction of the political winds and changing legislators.

Sections 2-4: OBF was designed to allow landowners to operate outside the confines of the FPA, provided they addresses the principles outlined in the enabling statute. OBF was not designed to regulate participating landowners' use of chemicals, nor is MFS the entity to enforce regulation of chemical use. Sections 2-4 would transform MFS and the OBF panel into an agency that duplicates many of the functions already established in law for the Board of Pesticides Control (BPC).

Section 3: This section would be additive to BPC's Chapter 51 Rule, that establishes notification requirements for aerial pesticide applications. Section IV of this rule outlines the process for notification of pesticide applications in forestry settings. The landowner contracting for services submits the projection of what they intend to do. The aerial applicator, in compliance with end of year summary reporting, reports total use by site type, quantity of each pesticide used, EPA registration number, and total area treated for each pesticide. This is in addition to other records which must be maintained for at least two years following application.

Section 4: This section adds an additional, prescriptive layers of regulation on OBF landowners that are largely addressed in current BPC rules. For example, BPC's Chapter 50 Rule contains specific requirements for commercial applicators regarding record-keeping, reporting, and incident reporting. Section 4 further adds significant tasks to the work of a volunteer panel that already devotes significant time to do its current work, including periodic meetings and field trips with landowners, and observation of certification audits. It also creates a new certification and regulatory process for which OBF was not intended. The detailed analysis foreseen in this section would require MFS to seek contracted services at a cost to the General Fund.

Section 5: Although the department is generally supportive of new data in order to improve our work, the creation of an Environmental Risk Assessment Committee (ERAC) is duplicative given the proposed outcome of LD 1888 out of the ACF committee last week.

To conclude, the OBF statute defines outcome based forest policy as "a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the state's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests." By mandating legislative appointment approval for the technical panel and imposing additional layers of regulation on a single practice with limited application, LD 2142 will not advance the creative policy that is helping to establish a more productive, resilient forest which sustains the many values of Maine's forests.

We are available to answer any questions the committee may have and will have staff present at the work session.