



Friends of Casco Bay Casco BAYKEEPER

May 1, 2017

Senator Paul Davis
Representative Danny Martin
State and Local Government Committee
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Re: Friends of Casco Bay Testimony in Opposition to LD 1505: An Act To Create Consistency in the Regulation of Pesticides

Dear Senator Davis, Representative Martin, and Distinguished Members of the State and Local Government Committee:

Please accept this letter as the testimony of Friends of Casco Bay in opposition to LD 1505: An Act To Create Consistency in the Regulation of Pesticides. We ask this Committee to vote that LD 1505 ought not to pass because: (1) under existing state law, pesticide use has escalated and threatens human and environmental health; and (2) it voids existing lawful municipal ordinances that seek to limit harmful pesticide use and eliminates municipal “home rule” authority to pass any future pesticide-related ordinances.

Friends of Casco Bay is a marine stewardship organization formed over a quarter century ago to protect and improve the health of Casco Bay. Our work involves education, advocacy, water quality monitoring programs, and collaborative partnerships. We test ambient water quality conditions and for the presence or absence of specific pollutants.

1. Concern that pesticides already are present in our coastal waters

Both by definition and by their very nature, pesticides are products which kill, control or repel living things. Pesticides are toxic by design; they are the only chemicals we release purposely into our environment to kill living things. Federal and state laws permit the use of pesticides only with strict adherence to the label directions which accompany every pesticide product.

No label cites marine habitat as a permissible site for lawn care/ornamental plant care pesticide use. Meanwhile, Friends of Casco Bay detects routine trespass of lawn care/ornamental plant care pesticides into Casco Bay.

Between 2001 and 2009, we collected rain water flowing into the Bay and analyzed the samples for a suite of pesticides. Our goal for this project, in collaboration with the Maine Board of Pesticide Control, was simply to determine “presence” or “absence” of pesticides. Lab results identified 10 different pesticides in 14 locations all around the Bay.

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Friends of Casco Bay, working in conjunction with the Maine Board of Pesticide Control, has detected pesticides in stormwater running into Casco Bay from fourteen neighborhoods. Chemicals we found are shown on this map.

With this information we were able to state with confidence that pesticides were getting into our coastal waters. Determining the impacts of pesticides on our marine ecosystems has been beyond the scope of our work, but clearly, especially in regard to our iconic Maine lobster, more research needs to be done.

Consider these six toxic pesticides detected in our waters:

- **2, 4-D:** banned in five countries, this herbicide is toxic to aquatic invertebrates and may be linked to non-Hodgkins lymphoma in humans
- **Clopyralid:** this herbicide has been linked to birth defects in animals
- **Diazinon:** banned from being sold to U.S. consumers but still legal for use, this insecticide has a high aquatic toxicity and is linked to reproductive problems
- **Dicamba:** found in groundwater throughout the U.S., this herbicide is toxic to fish and zooplankton
- **MCPP:** along with 2, 4-D, this herbicide is in the same family of chemicals as Agent Orange and is highly toxic to bay shrimp
- **Propiconazole:** this fungicide is a possible carcinogen

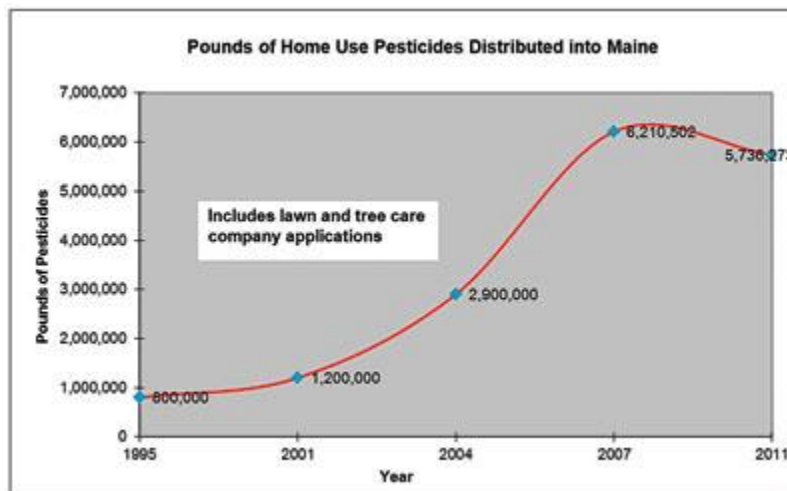
Overall, 9 of the 12 most dangerous and persistent chemicals in existence are pesticides.¹ Children exposed to pesticides in homes, schools, lawns, and gardens can develop lower IQs, birth defects, developmental delays, and higher risks of autism, ADHD, and cancer.²

¹ https://en.wikipedia.org/wiki/Health_effects_of_pesticides (citing scientific studies at notes 5 and 6).

Pesticides also harm wildlife. For example, neonicotinoid pesticides have gained notoriety lately for leading to the demise of bees, causing them to forage less and produce fewer offspring.³

Neonicotinoids that reach surface waters, including marine waters, adversely affect survival, growth, emergence, mobility, and behavior of many sensitive aquatic invertebrates, even at low concentrations.⁴ Other pesticides may sicken shellfish and possibly harm lobster larvae. Our understanding of the impacts of pesticides on marine life is still evolving and is compounded by other threats to marine health. For example, scientists have found that larval oysters and hard clams can withstand low levels of pesticide use, but become more sensitive to the toxic effects of pesticides if their ecosystem is suffering from local climate stressors such as hypoxia and acidification-conditions, which occur on occasion in Casco Bay.⁵ The impacts of pesticides on lobsters still require further study, but Pyrethroids have been implicated in lobster die-offs in Long Island Sound.⁶

Current state law does little to restrict the use of pesticides, and as a result, **pesticide use has surged**. Lawns are where families play, picnic and relax. Unfortunately, the desire for the perfect lawn is leading residents in our communities to use toxic pesticides and synthetic fertilizers to make their yards green. In 1962, Rachel Carson sounded the alarm about pesticide pollution in her landmark book, *Silent Spring*. While some pesticides have been banned since then, household use of pesticides has increased dramatically. According to the Maine Board of Pesticides Control, more than 6 million pounds of lawn care pesticides were used in 2007 alone, nearly an eight-fold increase over 1995 (see chart). This exceeds the amount of pesticides used by all agribusinesses in Maine, including farmers and foresters.



Source: <http://maine.gov/dacf/php/pesticides/yardscaping/lawn/index.htm>

2. Maine municipalities take steps to ban or limit pesticides

² <http://www.panna.org/human-health-harms/children>.

³ www.hiveandhoneyapiary.com/Honeybeesandpesticides.html.

⁴ <https://www.beyondpesticides.org/assets/media/documents/WillapaBay.pdf>.

⁵ http://www.noaanews.noaa.gov/stories2014/20140609_mosquitoinsecticide.html.

⁶ <https://ctmirror.org/2012/07/10/pesticides-found-li-sound-lobsters-first-time-more-study-planned/>.

In 1987, this legislature passed 22 MRS § 1471-U requiring the Maine Board of Pesticide Control to maintain a centralized listing of municipal ordinances that apply to pesticide storage, distribution or use. Section 1471-U does not affect or limit the ability of municipalities to enact ordinances.

The Maine Board of Pesticide Control web site contains links to 27 municipal ordinances. A review of these ordinances shows the thoughtful process each city or town employed to study its need and illustrates how the municipality tailored its ordinance to address a specific local health concern. The cities and towns that have passed ordinances range from Allagash to Wells, and include both rural and urban regions. Some ordinances apply to agricultural uses, others to forestry, and others to sensitive environmental areas.

Along Casco Bay, Harpswell has passed a pesticide ordinance that bans the use of neonicotinoids (blamed for bee die-offs) and insect growth regulators (used to kill browntail moths and linked to harming lobsters). The ordinance bans use of pesticides or fertilizers within 25 feet of the shoreline. South Portland has passed an ordinance that phases in a pesticide ban on public property after one year, on private property after two years, and requires a comprehensive review of the ordinance in year three. Education will be emphasized over enforcement. More recently, the Portland Pesticides Task Force came out in support of an ordinance that bans the use of pesticides on lawns, patios and driveways, and within 75 feet of water. The draft ordinance would also have Portland form an advisory committee to develop data on pesticide use. Most recently, Falmouth has begun its work to study and develop a pesticides ordinance.

LD 1505 would void all 27 ordinances and revoke the authority of towns – like Portland and Falmouth – to pass future ordinances related to pesticides. **This Committee should not sanction this infringement on the broad "home rule" powers granted to cities and towns by the Maine Constitution.**

In light of the alarming increase in pesticide use, Maine cities and towns are leading the way by passing ordinances that limit pesticide use, in ways that safeguard public health, safety and welfare, and protect natural resources.⁷ There are no state or federal laws in place that provide comparable protections.

Please keep these municipal ordinances in place. Please encourage continued protections for our children and for our environment. Please vote that LD 1505 ought not to pass. Thank you.

Respectfully,



Ivy Frignoca
Casco Baykeeper, Friends of Casco Bay

CC: Rebecca Harvey, Clerk

⁷ 22 MRS § 1471-A (stating intent of law to ensure pesticides are applied safely to protect public and environmental health)