

**Elery Keene  
3 Pat Street  
Winslow, Maine 04901**

Paul Schliein  
Public Information  
Maine Department of Agriculture  
Food and Rural Resources  
Board of Pesticide Control  
28 State House Station  
Augusta, Maine 04333

Dear Sir,

This letter is a follow-up to the comments I offered to the Board of Pesticides Control at its meeting earlier today. I do believe that the method of deliberation required by state law, as I heard it outlined at the meeting, was not implemented in its vote to add another variety of Bt corn to the already approved list that can be used by farmers in Maine. I think that the procedure called for by state law may not be well understood by the members of the board. I don't remember all of the criteria for deliberation and I do not have a copy of the law. I do remember that one of the requirements is to show, in this case, that the additional variety of Bt corn is needed. As I explained, in my opinion, the discussion by the board prior to the vote would not meet this state law requirement. I admit that it may be that I don't really understand the requirement.

My opinion is based on my experience as a Planning Board member. Planning Board members are told that we must place in the record a statement of findings of facts and a statement explaining the conclusions from those facts that relate to our responsibilities defined by the ordinance that we are relating to. We call this "finding of facts and conclusions of law" which should be stated in a motion and voted upon showing that the board has agreed with these facts and conclusions before voting on the issue itself. Most of the time we would have one motion for findings of facts and another motion for conclusions of law. If there is an appeal to the Board of Appeals with respect to our decision this part of the record will be of great importance. It will be of even greater importance if the decision of the Board of Appeals should be further appealed to Court. We have been told that if we fail to do this it is very likely that the court will probably require that the decision that was made be taken back to the Planning Board so that we can do it again and get the process right this time. However, the court could reverse our decision.

The process for the Board of Pesticides Control would probably be somewhat different.

Let me add, that in my opinion, the Planning Board of which I am a member does not always do this process as it should be done. That is our mistake. During my earlier years as a planning board member, we had not been told that we should do this. This process is a recommendation of the lawyers at the Maine Municipal Association who from time

to time invite planning board members of various towns to a regional educational program designed to help planning board members do their job better. (Your process is defined in State law) We, the Planning Board, try to remember to do it right, but sometimes we forget. We have asked our code enforcement officer to remind us, but sometimes he doesn't. We are human beings and we sometimes make mistakes. Sometimes, when he we have what may be a high-profile decision to make the town manager will ask the town attorney to sit with us as we consider an application. He will certainly remind us, and make certain that we follow correct legal procedure. If he is required to defend our decision in court, he will want to have a good record in place to enhance his defense.

So, based on this experience that I have, I suggest that it would be good practice for the Board of Pesticides Control to be more diligent than what I observed this morning. This would not have occurred to me if I had not heard the citation of state law regarding decision-making criteria that should be applied. I believe that the board would be better off to place in the record a statement of the evidence that applies and a statement of the conclusions drawn from that evidence for each of the several criteria mentioned in the state law. Then the Board might vote on a motion to approve or deny a proposal.

I write this to you at this time because I want to be more clear and thoughtful in my attempt convey my message regarding this to the Board of Pesticides Control. It is my intent to try to be helpful and respectful, not obstructionist, with my message.

I do have my own concerns about the genetically altered variety of foods in question but I understand that the Maine State Legislature has voted some time ago to approve these and has given the responsibility for regulating them to the Board of Pesticides Control. I do believe, based on what I observed today, that the board is trying to be diligent and thoughtful in carrying out its responsibility.

Sincerely,

Elery Keene

## Schlein, Paul B

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**From:** Julie Bedard [juliebdrd@yahoo.com]  
**Sent:** Friday, March 05, 2010 11:17 AM  
**To:** AF-Pesticides Internet  
**Subject:** RE: Bt corn  
**Follow Up Flag:** Follow up  
**Flag Status:** Yellow

I am writing in regards to the letter in today's Portland paper.

[http://www.kjonline.com/news/monsanto-seeksstate-approval-for-new-modified-corn\\_2010-03-04.html](http://www.kjonline.com/news/monsanto-seeksstate-approval-for-new-modified-corn_2010-03-04.html)

I do not know if I am writing this email to the correct person. If not, please forward this to the appropriate contact. It is not often that I write to someone in our capital, unless it is something I feel strongly about. I cannot stress enough the importance of our independent farmers in Maine. I cannot stress enough the health of maine families. If MOFGA is against the registration of this new Bt corn, please heed their warnings and do not approve. I am hoping that those reading this email are educated in our country's problems with Monsanto, and hope that you do everything in your power to not approve their registration of this product. Please listen to our state farmers and MOFGAs recommendation, and DO NOT approve this. Thank you.

Julie C. Bedard  
559 Ocean Street  
South Portland, ME 04106

Taken from today's paper:

"Maine Organic Farmers and Gardeners Association Executive Director Russell Libby said current data on Bt corn is inadequate to perform a human health risk assessment.

He also said there is a relative absence of nonindustry-controlled safety data on Bt foods, he said.

"MOFGA opposes the registration of the new Monsanto field corns and sweet corns," Libby said. "So far, the (state Board of Pesticides Control's) Medical Advisory Committee hasn't seen studies with conclusive scientific evidence that these plants pass safety standards. We agree with the Medical Advisory Committee."

So does Spencer Aitel, who grows feed corn for Jersey cows on his dairy farm in China.

"We're also an organic farm trying to maintain our crops free of transgenic pollution," Aitel said. "With the increasing popularity with transgenic products, you can't grow corn very easily in the U.S. that isn't cross-pollinated with something genetically engineered, on purpose or by accident."

He alleged most genetically engineered products are designed to increase herbicide sales. He said many of the more advance genetics are coming "stacked" together with the herbicide tolerant traits that one company or another wants to sell.

"They're stacking all these traits that farmers might or might not want on top of the herbicide-tolerance traits," he said. "Monsanto has Roundup, another herbicide is LibertyLink. If you walk out onto your lawn and spray it with Roundup

it will die. It kills almost all plants. When you walk into a cornfield that has been genetically engineered and spray it with a herbicide, it doesn't die. It kills everything but the corn."

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-----Original Message-----

From: walter c. isgro [mailto:wisgro@me.acadia.net]  
Sent: Friday, March 05, 2010 10:55 AM  
To: Jennings, Henry  
Subject: Monsanto

Director Jennings,

I urge you and members of the Maine Board of Pesticides Control to please research the legal havoc Monsanto causes farmers because of so-called patent infringements. Monsanto agents have been known to trespass on farm land in search of GM plants. A case in Canada: Monsanto agents found a few of their GM flaxseed plants growing alongside a public road. Although it was determined that seeds had likely blown from one of many passing trucks Monsanto sued the small farmer who owned the land for patent infringement. The court fined the farmer. That is just one of many such instances in this country and Canada where GM plants are permitted.

Please don't put our children at risk. Only approve GM plants if scientific studies prove beyond doubt that such plants are not harmful to humans and the environment. Scientists note that studying the effects of GM plants require a long time. The jury is still out on safety of GM plants.

Sincerely,  
Walter Isgro

## Schlein, Paul B

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**From:** Schlein, Paul B  
**Sent:** Tuesday, March 16, 2010 9:36 AM  
**To:** 'Jean Marie Guzzetti'  
**Subject:** RE: Monsanto Corn Ruling

Dear Jean,

Thank you for contacting us with your questions about the recent registration request from Monsanto for its new Bt-corn product. The Maine Board of Pesticides Control decided at its March 5 meeting to approve the registration of the new product. Until the minutes of the meeting are available, the follow-up article in the KJ provides a fairly accurate accounting of the proceedings. Here's the link to the article:

[http://www.kjonline.com/news/panel-clears-modified-corn\\_2010-03-05.html?searchterm=monsanto](http://www.kjonline.com/news/panel-clears-modified-corn_2010-03-05.html?searchterm=monsanto)

More information on can be found on our website under agenda item #4 at:

[http://www.maine.gov/agriculture/pesticides/about/agenda\\_archive.htm#mar10](http://www.maine.gov/agriculture/pesticides/about/agenda_archive.htm#mar10)

Since this new product was not significantly different than the other Bt-corn products already approved for use in Maine, the Board saw no reason not to approve it. As you may know, Maine was the last of the 50 states to approve Bt-corn, but only after careful study, with much input from the public and the agricultural community. It should be noted that Maine imposed additional restrictions on these products, beyond what is required at the federal level, that no other states have, including dealer and grower training and licensing, protection for non-Bt-corn growers, and additional cultural requirements to prevent insects from developing resistance to Bt.

The Board, and its Medical Advisory and Technical committees, will continue to monitor and study all developments concerning these products. As with all pesticides, registrations must be renewed annually.

Please let us know if you have any further questions or concerns.

Thank you again for contacting us.

Sincerely,

### **Paul Schlein**

Public Information Officer  
Maine Board of Pesticides Control  
28 State House Station  
Augusta ME 04333-0028  
207-287-7533 Phone  
207-287-7548 Fax  
<http://www.thinkfirstspraylast.org>

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**From:** Jean Marie Guzzetti [mailto:jmguzzetti@yahoo.com]  
**Sent:** Saturday, March 13, 2010 8:24 AM  
**To:** Schlein, Paul B  
**Subject:** Monsanto Corn Ruling

Mr. Schlein,

According to a March 5 article in the Kennebec Journal, "The State Board of Pesticides Control is considering an application from multinational biotech company Monsanto to register a new genetically engineered corn with a built-in pesticide for use in Maine." The article further stated that your Board was meeting with the Medical Advisory

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Committee that day to discuss the topic.

Has a decision been made?

I'm writing as an interested citizen who has ecological concerns about the safety of inserting pesticides in foods and am not associated with the press, a farming organization or any other lobbying group.

Thank you for your time,  
Jean Guzzetti