

MAINE BIOTECHNOLOGY INFORMATION BUREAU

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Maine Board of Pesticides Control
28 State House Station
Augusta, ME 04333-0028

Board Members:

I applaud the Board of Pesticides Control for its action on July 27 to approve seven applications for *Bt* field corn. In particular, I commend the Board for its reliance on science and real-world experience in considering the applications. I fear, however, the Board may be poised to take a step backward as it undertakes the rulemaking process for the recently registered products.

The draft rule published on the Board's Website contains several requirements that are unsupported by science or the 10 years of actual experience in the planting of *Bt*-containing corn crops. The draft rule proposes conditions and restrictions that are unsupported by the Board's own finding that *Bt* corn poses no health or environmental risks and are contrary to the findings of the Board's Technical Committee.

Specifically:

Licenses Required -- Is it necessary that farmers who plant *Bt* corn obtain an applicator's license? There certainly are aspects to the use of the technology that farmers should understand, but most of the education required for an applicator's license would be irrelevant and wasteful of the farmer's time. It would seem to be a more reasonable reflection of risk to require that a farmer present evidence that he or she has attended one of the training sessions that will be set up specifically for the products as proposed in Section E-Ib.

As for distributors, what is it about the distribution of *Bt* corn that requires a restricted use pesticide dealer's license? Again, the proposed requirement appears to be administratively excessive. The record keeping requirements for dealers (C-I, II, III, IV) should be sufficient.

Product Specific Requirements – Here the proposed rule departs from accepted practice in agriculture and places requirements on the grower of *Bt* corn that heretofore have resided with the grower of seed or organic crops. For what reason? The claims of potential contamination from *Bt* corn are without substance. Ten years of experience in the U.S. and other countries have shown that growers working together can minimize the potential for cross pollination.

The proposed rule is in conflict with the recommendation of the Board's own Technical Committee.: "It is the opinion of this committee that there are likely no buffer distances that can guarantee GMO free corn." How then, by rulemaking, can the Board set a distance of 660 feet in an effort to achieve what its Technical Committee says cannot be attained?

The proposed rule again contravenes the Board's own Technical Committee which found that the organic standards *require* that the *organic grower* maintain buffers: "Certified organic producers are supposed to identify buffers of sufficient size to protect their materials from unintended contact with unapproved pesticides or genetic drift." This is also true for the proposed rule regarding seed corn crops: "In the production of seed, the standard pollen buffer between different varieties is 660 ft."

To place the requirement for buffers solely on the grower of *Bt* corn ignores 10 years of practical experience, established farming practices and the findings of the Board's own Technical Committee.

I urge the Board of Pesticides Control to continue it's reliance on science and real-world experience in considering the proposed rule and reject the sections relating to licensing (B-I and II) and buffers (E-I,a).

Respectfully,

A handwritten signature in cursive script that reads "Douglas R. Johnson". The signature is written in black ink and is positioned above the typed name.

Douglas R. Johnson, Ph.D.
Executive Director