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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES
DIVISION OF PLANT INDUSTRY
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To: Agricultural Commodity Groups and Other Interested Parties
From: Bob Batteese
Subj: Notice of Agency Rulemaking for New Chapter 9, Rule Requiring Best Management Practices for Growing Crops to Minimize Crop Contamination
Date: November 24, 2009

The use of genetically engineered (GE) crops has been expanding in this state, and over the past few years, the Maine Legislature has considered several bills seeking to regulate these crops to prevent potential cross contamination of non GE crops. In 2007, legislation was enacted directing the Department to adopt rules to establish best management practices (BMPs) to maintain the integrity of crops and minimize potential conflict between farmers. Later that year, the Department convened a broad based workgroup that by consensus developed a six page document containing best management practices, information on Board of Pesticides Control requirements for the use of plant-incorporated protectants and several references for additional information. Afterwards, the Department drafted a short rule that simply would have required GE crop growers to follow the BMPs. When members of the Agriculture, Conservation and Forestry Committee looked at the two documents earlier this year, they stated they wanted to have the actual BMPs included in the rule. In attempting to meet their request, the Department determined it would not be appropriate to include another agency's rule or references that could change over time in the proposed rule. The Department therefore incorporated the actual BMPs into the proposed rule and expanded its scope to give equal consideration for both conventional and GE crops, thereby making sure all growers utilize BMPs to minimize cross contamination.

A copy of the proposed rule may be viewed at

<http://www.maine.gov/agriculture/pi/laws/documents/Ch9Proposed112509.pdf>

or a hard copy requested by calling 207-287-3891 or e-mailing robert.batteese@maine.gov.

Details about a public hearing and written comment period are included in the notice on the reverse side of this page.

Notice of Agency Rule-making Proposal

AGENCY: Agriculture, Food & Rural Resources, Division of Plant Industry

CHAPTER NUMBER AND TITLE: Chapter 9, Rule Requiring Best Management Practices for Growing Crops to Minimize Cross Contamination

PROPOSED RULE NUMBER *(leave blank; assigned by Secretary of State)*:

CONTACT PERSON FOR THIS FILING: Robert I. Batteese, Jr.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING (if any): Monday, December 14, 2009 at 10:00 A.M. in Room 319 Deering Building at the AMHI Complex in Augusta.

COMMENT DEADLINE: 4:00 P.M on Monday, December 28, 2009

BRIEF *SUMMARY:

This rule requires any person planning to grow a crop to follow best management practices in order to maintain the integrity of all crops and minimize potential conflict between farmers. It also describes several best management practices a person must consider in planning and producing the crop.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): NONE

STATUTORY AUTHORITY FOR THIS RULE: 7 M.R.S.A. Chapter 1, §12 and 7 M.R.S.A. Chapter 103, §1051 - §1054