



Eric Venturini, Executive Director of the Wild Blueberry Commission of Maine

Testimony in Opposition

LD 928, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment

Senator Stacy Brenner, Representative Lori Gramlich, and esteemed members of the Committee on the Environment and Natural Resources, my name is Eric Venturini and I am the Executive Director of the Wild Blueberry Commission of Maine. In this role I strive to represent the diverse voices of Maine’s 485 wild blueberry producers.

Wild blueberries are one of Maine’s icons, a veritable gem that is understood and appreciated for its cultural, economic, and environmental significance to the state. Our farmers and businesses work closely with University of Maine Extension to sustainably grow and harvest this berry. As an industry we have shifted from burning fields as a management method—a traditional method going back thousands of years—to mowing which reduces our carbon emissions. This crop is quite possibly the most sustainable fruit that you can purchase in the supermarket, as demonstrated by its continued management and harvest for literally thousands of years. Part of the vision of the Wild Blueberry Commission itself is to “...promote...the social, economic, and environmental sustainability of Maine’s wild blueberry farms and food processors...”

It is because of this commitment to sustainability that we so carefully considered our position on this bill prior to providing you with this testimony in opposition.

We see two major problems with the proposed constitutional amendment.

1. There is a complete lack of legal clarity around terms such as, “clean and healthy” and “natural, cultural and healthful qualities”, and
2. The environment, our waterways, the air we breathe, are all already protected under state and federal law.

Lack of legal clarity

The broad, all-encompassing scope of the proposed amendment is too vague and will effectively turn the judicial branch into policymakers. What does “clean and healthy” mean to you? What does “natural, cultural and healthful” mean? What do these terms mean to a farmer? What does it mean to a farmers’ neighbor? To the State? A judge? If this amendment becomes part of Maine’s constitution, the



individuals that define “clean and healthy” will be litigators and courts. Under this constitutional amendment, a farmer spreading manure on her fields could be challenged in court for violating their neighbor’s right to “clean air.” A farmer using Integrated Pest Management to monitor and conduct targeted treatments in their field to control an invasive pest, following all State and Federal laws and regulations that guide pesticide usage, could be sued for infringing upon a citizen’s right to a “clean and healthy environment.”

Existing federal law

The Clean Water Act¹ establishes and regulates quality standards for surface waters. The Clean Air Act² comprehensively regulates air emissions of hazardous pollutants to protect public health and welfare. The Toxic Substances Control Act³ requires reporting, record keeping, testing, and imposes restrictions on specific chemical substances. The Federal Insecticide, Fungicide, and Rodenticide Act⁴ regulates the registration, distribution, sale, and use of pesticides. These regulations are specific and predictable, providing specific laws and regulations pertaining to specific pollutants, chemicals, and scenarios. Specificity in law and regulation allow businesses and individuals to comply and avoids the pitfalls of risk and uncertainty posed by overly broad and sweeping constitutional amendments.

On behalf of wild blueberry farms and businesses in the state of Maine, I oppose this bill. Thank you for the opportunity to present our comments.

¹ EPA Summary of the Clean Water Act ([epa.gov/laws-regulations/summary-clean-water-act](https://www.epa.gov/laws-regulations/summary-clean-water-act))

² EPA Summary of the Clean Air Act ([epa.gov/laws-regulations/summary-clean-air-act](https://www.epa.gov/laws-regulations/summary-clean-air-act))

³ EPA Summary of the Toxic Substances Control Act (www.epa.gov/laws-regulations/summary-toxic-substances-control-act)

⁴ EPA Summary of the Federal Insecticide, Fungicide, and Rodenticide Act (<https://www.epa.gov/enforcement/federal-insecticide-fungicide-and-rodenticide-act-fifra-and-federal-facilities#Summary>)

