TESTIMONY

March 26, 2019

Senate Environment & Natural Resources Committee
Chair Michael Dembrow

RE: Opposition of SB 853 -- *Relating to pesticides. Prohibiting sale, purchase or use of chlorpyrifos and making neonicotinoid pesticides Restricted Use Pesticides*

Submitted by: Katie Fast, Executive Director

Oregonians for Food & Shelter (OFS) is a grassroots coalition of farmers, foresters, and other technology users focused on natural resource issues involving pesticides, fertilizer, and biotechnology. We are writing you today in opposition to Senate Bill 853 which would ban chlorpyrifos insecticide and list neonicotinoid insecticides as Restricted Use Pesticides (RUP) with the Oregon Department of Agriculture (ODA). We thank you for the opportunity to submit comments on this important issue.

Chlorpyrifos is a critical tool for growers of more than 50 different crops in nearly 100 countries. Oregon farmers rely on chlorpyrifos because of its efficacy, low cost, and compatibility into Integrated Pest Management and resistance management programs. For many pests that can cause serious economic impact, farmers face limited alternatives especially here in Oregon.

Due to our diversity of over 200 crops, many Oregon farmers face additional challenges in managing pest problems. Many of Oregon crops are grown on small acreage and considered minor specialty crops. Most of these specialty crops do not have many pesticides labeled for their use. Many times, chlorpyrifos is the only product available to address certain pests.

To address some of these issues, the Environmental Protection Agency (EPA) allows the states to use Special Local Need (SNL) registration authority for specialty crops that may not otherwise have products available to control crop pests. Three specific criteria which need to be met before a SLN request will be considered in Oregon are:

1. There is no pesticide product registered by the EPA for such use.
2. There is no EPA- registered product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration.
3. An appropriate EPA- registered pesticide product is not available.

In Oregon, Christmas trees and many crops grown for seed such as clover, carrots, radish, daikon, table beets, sugar beets, swiss chard and perennial grass seed rely on SLN registrations of chlorpyrifos to control insects.

Chlorpyrifos exhibits moderate mammalian toxicity and is not carcinogenic, a selective reproductive or developmental toxicant, or an endocrine disruptor. Chlorpyrifos is biodegradable and has only short-to-moderate persistence in most environmental settings.

The widespread international registration approvals for chlorpyrifos and the establishment of more than fifty international residue limits by the Codex Alimentarius Commission for chlorpyrifos residues on food crop commodities have facilitated global free trade of treated crops. This is especially important for Oregon's many crops that rely on export markets.

In March 2017, EPA denied a petition filed by the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) asking to revoke all pesticide tolerances (maximum residue levels in food) for chlorpyrifos and cancel all chlorpyrifos registrations. Currently there is an ongoing judicial review by the full U.S. Ninth Circuit Court to determine the action EPA must take regarding chlorpyrifos use and the revocation of all chlorpyrifos tolerances. The resulting regulatory measures from this pending court decision will determine the outcome of chlorpyrifos. The supporting science of chlorpyrifos covers over 45 years of research and EPA has produced a vast collection of science-related documents to support pesticide registration decisions. EPA reviews data and current research on each pesticide at least every 15 years to determine if it still meets registration standards and address any changes that may be relevant to the use of chlorpyrifos. EPA is conducting this ongoing registration review and will complete their assessment by the statutory deadline of October 1, 2022

OFS respectfully requests that you allow the federal court and EPA determine the future of chlorpyrifos and not make an uninformed decision at the state level to ban this much needed pesticide. Whatever actions are taken federally would apply to all crops and all states. ***OFS asks that you oppose this bill as it will single out Oregon growers and put them at a significant disadvantage in a competitive and national market.***

Neonicotinoids as Restricted Use Pesticides

Neonicotinoids are an entire CLASS of insecticides including seven different active ingredients and over 625 products registered in Oregon. Farmers *and* homeowners use neonicotinoids to safely protect a wide variety of crops, crop seed prior to planting, ornamental flowers, trees and shrubs, and even outdoor school areas and dog and cat flea collars.

"Neonic" products have replaced older, more toxic insecticides because of their effectiveness and they are less toxic to birds and mammals. Neonicotinoid products are classified as 'general use' by the U.S. Environmental Protection Agency (EPA) and have been registered under EPA's Conventional Reduced Risk Program due to their favorable mammalian safety and environmental profile.

Changing neonicotinoid pesticides to Restricted Use Pesticides (RUP) in Oregon will remove these tools from homeowners and growers without scientific justification. There has been much discussion over the last few years around neonicotinoids and pollinators. It must be highlighted that the concerns around pesticide use and potential effects on bees are very important, but especially important to those involved in agriculture. Oregon farmers depend on bees to pollinate many of their crops, but also depend on pesticide tools to control destructive pests. Similarly, commercial beekeepers rely on healthy crops to optimize their pollination services. This means that Oregon growers and beekeepers have a lot at stake in this conversation and

each share a vested interest in ensuring that protecting bee health, and the use of pesticides, are not mutually exclusive. Bee health is important to all of us and nobody wants to see adverse incidents that add to bee population declines. That being said, it is easy to let emotion drive the conversation around these issues, when we should instead let science be our guide.

The science-based labels on pesticide products are the law and we regularly remind our members of the importance of reading and following them. Incidents of illegal applications should be addressed on a case by case basis but should not be used as a reason to add more restrictions on legal use.

Any person who uses a RUP is required to be certified (by taking and passing one or more pesticide examinations) and then licensed by the Oregon Department of Agriculture (ODA) as a pesticide applicator. Many growers only use general use pesticides and would now be required to get a license. ***The pesticide licensing process is not designed for homeowners and ODA does not have a process available for licensing homeowners as pesticide applicators.***

Since neonics are classified as general use by the EPA making them a RUP in Oregon would **require changing the registration, distribution and use of over 625 products**. This would be costly, confusing and would create immediate violations as distribution of these products (currently as General Use Pesticides) are available in many pet stores, garden centers, big box stores, local farm stores and agricultural pesticide dealers.

When considering regulations surrounding pesticides it is always important to look at what regulations are already in place. All pesticides used in Oregon must go through the EPA and ODA registration processes. At the federal level this happens under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Initial and ongoing re-registration is subject to a substantial review process and registered products must meet the high standard of having "no unreasonable adverse effect on health or the environment." This means that the pesticides of concern in these cases have had extensive human health and environmental safety testing including:

- Honeybee acute contact toxicity (all outdoor use products)
- Honey bee toxicity of residues on foliage (if high acute toxicity and exposure likely)
- Field testing for pollinators (specific conditions)

The issue of declining bee populations unfortunately has no simple answer. In fact, research on Colony Collapse Disorder (CCD) has highlighted a complex interaction of numerous factors that play a role in bee health and found no singular cause of the problem. While pesticides are often noted as one factor, they are not considered the primary one.

While the current research is not showing neonicotinoids as a primary factor in bee health decline, we know that it may be tempting to place restrictions on their use for precautionary reasons. Unfortunately, this approach ignores the important role these products play in managing pests that can have devastating effects on the environment. Neonicotinoids provide unique environmental, economic and public health benefits, such as:

- Effective protection against invasive species which can harm important urban landscapes. (i.e. control of the Emerald Ash Borer which can devastate urban forests).
- Systemic insect control not provided by other chemical classes.

- Lower impact on many non-target organisms than the older products they replaced, protecting natural enemies which allows for greater use of Integrated Pest Management (IPM) strategies.
- Effective control of disease carrying vectors. Neonics are some of the most effective tools for the control of bedbugs.
- Extended control which limits the needed number of applications, and therefore limits applicator risk of exposure.
- Control of pests which are resistant to other chemical classes.

We believe that a thorough review of the data shows that neonicotinoids are a safe, effective tool for protecting human health and property. Making these important products Restricted Use in Oregon will result in less options to contain destructive pests with little, if any, benefit to bee populations. Further, an overly broad response to pollinator concerns, such as SB 853, may result in additional harms and risk. Neonicotinoids are a safe and effective tool for managing unwanted pests. In light of the current science and collaborative efforts to protect pollinators, we ask you to **vote SO on HB 853.**

Thank you for your consideration, and please contact us if you have any questions.