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Oregon House Committee on Climate, Energy, and Environment  
Subsequent Written Testimony in Support of House Bill 2679

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Dear Chair Lively, Vice-Chairs Gamba and Levy, Members of the Committee:

Thank you for the opportunity to testify during the public hearing on March 4, 2025. The Xerces Society for Invertebrate Conservation would like to reiterate our support for HB 2679 while expressing our concern for the proposed -1 amendment. We will also take this opportunity to address concerns that arose during the public hearing.

**Neonicotinoids are a problem for pollinators.**

**Pollinators are in decline, despite a shared interest in their conservation from diverse stakeholders.** This decline is quantified for several species of interest:

- Commercial beekeepers are reporting record losses of honeybees in 2025, with average losses over 50% and many operations reporting 70-100% losses over the last year.<sup>1</sup>
- The western bumblebee, once common in Oregon and elsewhere, has declined by more than 90% in the last 20 years.<sup>2</sup>
- Western populations of the monarch butterfly have declined by more than 95% since the 1980s, warranting a proposed listing as “threatened” under the Endangered Species Act.<sup>3</sup>

In addition to these examples, Oregon is also home to about 700 species of native and managed bees.<sup>4</sup> These species are critical to Oregon’s agriculture and natural ecosystems, yet their populations do not benefit from regular monitoring; thus, our knowledge on if and to what extent they are in decline is unknown.

**Pesticides, and especially neonicotinoids, are a major driver of pollinator declines.<sup>5</sup>**

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1 Project *Apis m.* 2025. *Severe and Sudden Losses of Managed Honey Bees Across the Nation*. Available at: <https://static1.squarespace.com/static/650342507631075013d25a2c/t/67a505a93e1b5b1ba7a4e145/1738868137561/Jan+2025+Colony+Losses+Communication+Final.pdf> (Accessed 5 March 2025).

2 Tyler, J. 2020. Western bumble bee population declines sharply. Oregon State University Extension Service. Available at: [https://extension.oregonstate.edu/es/node/158616/printable/print#:~:text=The%20western%20bumble%20bee%20\(Bombus,Ecosphere%201:e03141](https://extension.oregonstate.edu/es/node/158616/printable/print#:~:text=The%20western%20bumble%20bee%20(Bombus,Ecosphere%201:e03141). (Accessed 5 March 2025).

3 The Xerces Society for Invertebrate Conservation. “Monarch butterfly proposed for listing under the US Endangered Species Act”. Available at: <https://xerces.org/press/monarch-butterfly-proposed-for-listing-under-us-endangered-species-act> (Accessed 5 March 2025).

4 Oregon Bee Project. Available at: <https://www.oregonbeeproject.org/> (Accessed 5 March 2025).

5 Sgolastra F., P. Medrzycki, L. Bortolotti, S. Maini, C. Porrini, N. Simon-Delso, and J. Bosch. 2019. Bees and pesticide regulation: Lessons from the neonicotinoid experience. *Biological Conservation*. 241:108356. <https://doi.org/10.1016/j.biocon.2019.108356>

Praise that neonicotinoids received in the 1990s as an environmentally-safe class of pesticides is out of date. Since neonic introduction to the pesticide market, a body of peer-reviewed, independent research has made their impact clear. This impact on pollinators is two-fold: **(1) Real-world exposure results in immediate death to bees and other pollinators, and (2) Minutely small levels of exposure result in subtle effects that cause pollinator populations to decline over time.** The subtle effects from neonicotinoid exposure are aligned with the suspected causes of commercial honeybee loss and other pollinator declines: Developing bees do not make it to adulthood. Bees will be less effective at foraging, leading to poor nutrition and colony decline over time. Weakened immune function from neonics makes colonies more susceptible to *Varroa* mite infestations and other infections.<sup>6,7</sup>

### **The -1 amendment is the wrong approach for limiting residential use of neonics.**

Limiting residential use is a valuable step to reduce harm from neonicotinoids, as users in these landscapes often lack the training necessary for using these products according to the label. **However, the -1 amendment is not a cleaner approach to this end. Rather, it has holes that will render the bill ineffective at achieving this goal.**

The -1 amendment would restrict the sale of neonicotinoids to licensed pesticide dealers without restricting who could purchase or apply them. That is to say, any unlicensed person could purchase these products from a licensed dealer and apply them to a residential landscape. **The shortcomings of this approach are evident by what has occurred in other states.** Before this approach was adopted in Colorado in 2023 (SB 23-266)<sup>8</sup>, it was originally used in Maryland's 2016 bill (HB 211)<sup>9</sup>. This bill left neonic products on shelves in over 100 retail stores and accessible to unlicensed residential consumers – even though it was illegal for these customers to use them at home<sup>10</sup>. Maryland closed this loophole with another bill (HB 208) five years later<sup>11</sup>, which codified that licensed dealers may only sell these products to licensed applicators or farmers.

**We urge the committee to reject the -1 amendment, as it has proven to be an ineffective approach to residential neonicotinoid restrictions.**

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6 Goulson, D. 2013. An overview of the environmental risks posed by neonicotinoid insecticides. *Journal of Applied Ecology*. 50(4):977-987. <https://doi.org/10.1111/1365-2664.12111>

7 Wu-Smart, J. and M. Spivak. 2016. Sub-lethal effects of dietary neonicotinoid insecticide exposure on honey bee queen fecundity and colony development. *Nature Scientific Reports*. 6:32108. <https://doi.org/10.1038/srep32108>

8 Senate Bill 23-266, General Assembly of Colorado. 2023. [https://leg.colorado.gov/sites/default/files/2023a\\_266\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2023a_266_signed.pdf)

9 Pollinator Protection Act of 2016, House Bill 211, Maryland General Assembly. 2016.

<https://mgaleg.maryland.gov/2016RS/bills/hb/hb0211E.pdf>

10 Maryland Pesticide Education Network. 2021. *General assembly passes bill to fix pollinator protection act. Technical fix protects bees, pollinators, and Maryland's food supply.* Available at: <https://mdpestnet.org/general-assembly-passes-bill-to-fix-pollinator-protection-act/> (Accessed 5 March 2025).

11 An Act Concerning Agriculture – Neonicotinoid Pesticides – Sale and Storage, House Bill 208, Maryland General Assembly. 2021. <https://mgaleg.maryland.gov/2021RS/bills/hb/hb0208T.pdf>

## **HB 2679 does not ban neonicotinoids in agriculture.**

**HB 2679 bans neonicotinoids in residential settings - not agricultural settings.** The Xerces Society works with diverse land managers to protect pollinators, and we appreciate the concerns of farmers, ranchers, and other agricultural producers in this matter. **This bill does not prevent growers from accessing the tools they use for pesticide rotation and resistance management.** It also exempts from restricted-use classification any neonicotinoid used by a veterinarian or on domestic animals, such as flea and tick treatments. As introduced, HB 2679 would allow those working with agricultural commodities to continue using neonicotinoid pesticides.

## **HB 2679 will not incentivize substitution for riskier products.**

Neonicotinoid regulations are often met with concerns of “risk substitution”. In public hearing, we heard this echoed by stakeholders who are concerned neonicotinoid restrictions will force homeowners and growers to switch to more hazardous chemicals. **Despite concerns, there is no evidence for risk substitution in places that have restricted neonicotinoids - including twelve US states and the European Union. In fact, many of these more dangerous chemistries already appear on Oregon’s list of Restricted Use Pesticides.**<sup>12</sup> This includes many pyrethroids and organophosphates. In order to switch to these dangerous chemistries, users would also need to obtain licensing to use a Restricted Use Pesticide. As such, this bill will not incentivize users to substitute more dangerous products.

## **Federal action does not sufficiently address neonicotinoids.**

**The US Environmental Protection Agency (EPA) has been reviewing their registration of neonicotinoid pesticides for nearly a decade - since 2016.**<sup>13</sup> Each year, they continue to extend their timeline for making a registration decision. While EPA fails to act, their own 2023 assessment found that the three most-used neonicotinoid insecticides put over 200 species at risk of extinction.<sup>14</sup> Because of EPA’s failure to restrict neonicotinoids at the federal level, these products remain on store shelves and are widely used by non-licensed consumers in residential settings. The risk assessments involved in creating pesticide labels are not sufficient at protecting native and managed pollinators. This is why Earthjustice, on behalf of the Xerces Society for Invertebrate Conservation, recently petitioned the EPA to swiftly correct flaws in its framework for assessing pesticide risks to pollinators.<sup>15</sup> Additionally, the pesticide label is an insufficient regulatory mechanism to ensure home gardeners and other unlicensed people

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12 Oregon Department of Agriculture. 2024. “List of Restricted Use Pesticides in Oregon”. *Oregon Open Data Portal* (website). Available at: [https://data.oregon.gov/Natural-Resources/Restricted-Use-Pesticides-RUP-List/m7wv-66z6/about\\_data](https://data.oregon.gov/Natural-Resources/Restricted-Use-Pesticides-RUP-List/m7wv-66z6/about_data) (Accessed 5 March 2025).

13 United States Environmental Protection Agency. 2024. “Schedule for Review of Neonicotinoid Pesticides”. *EPA Pollinator Protection* (website). <https://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides>. (Accessed 5 March 2025).

14 United States Environmental Protection Agency. 2023. *Imidacloprid, Thiamethoxam and Clothianidin: Draft Predictions of Likelihood of Jeopardy and Adverse Modification for Federally Listed Endangered and Threatened Species and Designated Critical Habitats*. Washington, DC: Office of Chemical Safety and Pollution Prevention. <https://www.epa.gov/system/files/documents/2023-05/ESA-JAM-Analysis.pdf>. (Accessed 20 January 2025).

15 Earthjustice, on behalf of the Xerces Society for Invertebrate Conservation. 2024. *Petition to Update Pollinator Data Requirements to Improve Pesticide Registration Under the Federal Insecticide, Fungicide, and Rodenticide Act*. Available at: <https://earthjustice.org/wp-content/uploads/2024/12/2024-12-13-pollinator-data-reqts-petition-final.pdf> (Accessed 5 March 2025).

reduce harm. Residential users often lack the training and resources necessary for interpreting the information on pesticide labels. Label violations are not uncommon when untrained users have access to these pesticides. **These factors result in preventable risk and real-world harm to pollinators from neonicotinoid pesticides. State level action can ameliorate these risks.**

**Oregon's current initiatives are momentum for additional protections.**

**Amid federal insufficiencies, Oregon can build on its momentum to protect pollinators from neonicotinoids.** The state has made an admirable investment in programs like the Oregon Bee Project, which conduct research and outreach on best management practices for pollinator protection. Yet, participation in these programs is voluntary, and their reach is not universal. For example, the program has reached 7,500 licensed pesticide applicators with training on how to use the Pollinating Insect Hazard Statement on insecticide labels.<sup>16</sup> However, there are more than 13,000 pesticide applicators licensed by the Oregon Department of Agriculture; this number does not include homeowners applying pesticides without such training on understanding and following labels.<sup>17</sup> Current efforts rely on a continuous flow of resources to reach licensed and unlicensed users with access to these dangerous chemistries. Meanwhile, highly toxic and long-lived neonicotinoids are readily available to untrained consumers in residential landscapes. Progress is not a reason to stop short - it is momentum to keep improving.

**We urge the committee to honor the immense investment Oregon has made in pollinator protection by restricting unlicensed use of neonicotinoids. We hope you will reject the -1 amendment and move to report the bill out of committee favorably.**



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<sup>16</sup> Oregon Bee Project. 2022. *Strategic Plan 2 - A Strategic Plan for Keeping Oregon's Bee Pollinators Healthy (2022-2027)*. Available at: <https://static1.squarespace.com/static/5a849d4c8dd041c9c07a8e4c/t/62b2560a90f42b3082bb6cbf/1655854606762/strategic+plan+2022+compressed.pdf> (Accessed 5 March 2025).

<sup>17</sup> Oregon Bee Project. n.d. *Pesticide Applicators*. Available at: <https://www.oregonbeeproject.org/pesticide-applicator#:~:text=During%20the%20same%20year%2C%20there,a%20state%20pesticide%20applicator%20license.> (Accessed 5 March 2025).