

Representative Kipp and Energy & Environment Committee Members:

Thank you for your service and for accepting my comments on HB24-1178 Local Government Authority to Regulate Pesticides.

The regulation of the use of pesticides in my jurisdiction of Lafayette is a long standing issue for residents for multiple reasons and providing for local control is paramount.

My constituents are concerned because evidence shows that pesticides can be effective in killing insects and weeds. Evidence also shows that these same chemicals pose a risk to human health particularly children, pollinators, birds and wildlife. In addition, these chemicals can lead to ecosystem disruption, water quality reduction, biodiversity loss, habitat destruction, and lessen our soil's ability to draw down carbon from the atmosphere.

Lafayette is finalizing its first Climate Action Plan and first Wildlife Plan. Both of these plans are going to be implemented in a municipality that is uniquely positioned to thrive from implementation of these plans. First, because the City and residents prioritize smart actions to reduce energy use and reduce waste, by code and personal actions. Secondly, the local ecosystem is in good shape, we simply have to move appropriately to be the environmental stewards our residents demand. Local regulation of pesticide use is key.

Local control will allow us to move quickly with well informed responses from local resources/professionals to create buffer zones protecting sensitive natural resources (like pollinators!), increase protections for vulnerable populations -- children and schools, increase notification of pesticide application so residents can respond accordingly, and protect our water resources (a benefit for the entire region).

Thank you for your support of HB24-1178! In an era of rapid anthropogenic climate change we all have to prepare for environmental stressors. Bolstering our environment and relationship with it is just common sense.

Respectfully Yours,

Tim Barnes

Lafayette City Councilor

February 15, 2024

Dear Legislator,

I am writing in support of HB24-1178, the Local Government Authority to Regulate Pesticides. Colorado has many diverse ecosystems and one set of rules to cover all those ecosystems is absurd when you think about it. It would be much better to allow local control over pesticide needs.

Pesticides are contaminating our land, air, and water and pose a significant risk to humans as well as to our pollinators such as bees and birds that continue right up the food chain. Children and people with chronic health problems are at particular risk to be impacted by pesticide contamination. Human exposure to pesticides can result in headache, nausea, dizziness, vomiting, chest pain, diarrhea, muscle pain, confusion, and severe exposure can cause convulsions, difficulty breathing, involuntary incontinence, coma and death. Human exposure can also be linked to chronic illnesses including cancer, heart, respiratory and neurological diseases. Many of the pesticides we continue to use in the USA have been banned in Europe, though they continue to ship them to the third world. I believe we are using far too many chemical toxins to control weeds and pests. There are other ways to control weeds and pests like regenerative agriculture, native plants cultivation and ground covers, flea traps and multiple other traps like snail and slug traps, bed bug traps, and rodent traps, you may also use rechargeable mosquito zappers.

We need to protect our public areas from pesticide contamination including school zones, parks, walking and bicycling trails, water sources, and our food sources. I believe local control over pesticide use may result in our decreasing the use of some of these toxic chemicals and improve our control over weeds and pests.

Please vote YES for HB24-1178!

Thank you for your consideration of my public comment!

Janice Brown

Retired critical care RN

3808 S. Elati St.

Englewood, CO 80110

Arsenic vs. Aquatic Insects

Eagle River Above Gore Creek				Gore Creek Above Black Gore Creek			
Arsenic Data		MMI Scores		Arsenic Data		MMI Scores	
Result	Date Collected	v3	v4	Result	Date Collected	v3	v4
0.21	11-Sep-17	73.5	67.1	<0.07	12-Sep-17	64.9	53.4
0.3	11-Sep-18	75	63.4	<0.1	12-Sep-18	59	51.1
0.2	10-Sep-19	71	65.9	<0.2	11-Sep-19	55.7	52.4
0	15-Sep-20	65.6	57.7	<0.07	16-Sep-20	68.9	54.1
0.2	07-Sep-21	83.5	63.9	<0.1	08-Sep-21	57.6	42.4
0.3	06-Sep-22	83.7	65.8	<0.2	07-Sep-22	64.2	44

All ERAGC sites have passing MMI scores for both v3 and v4, yet the arsenic concentrations are 10x higher than the arsenic standard.	There are lower MMI scores at this site compared to ERAGC yet there is no detection of arsenic.
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Gore Creek At East Vail				Gore Creek Above Vail WWTF			
Arsenic Data		MMI Scores		Arsenic Data		MMI Scores	
Result	Date Collected	v3	v4	Result	Date Collected	v3	v4
<0.07	12-Sep-17	35.8	20.3	<0.07	12-Sep-17	46.1	25.6
<0.1	12-Sep-18	50.5	34.3	<0.1	12-Sep-18	50.3	29.7
0.4	11-Sep-19	42.7	29.9	<0.1	11-Sep-19	56.9	33.2
<0.07	16-Sep-20	47.8	36.4	<0.07	16-Sep-20	52	21.8
<0.1	08-Sep-21	49.3	30.7	<0.1	08-Sep-21	42.2	23.7
<0.2	07-Sep-22	45.6	33	<0.2	07-Sep-22	53.5	31.5

The highest concentration of arsenic at GCEV was in 2019 at 0.4 ug/L yet MMI v3 passed.	No arsenic detected yet MMI v4 has all failing scores
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I received some questions about arsenic impacts on Gore Creek and would like to share the data tables on the left showing arsenic levels detected in Gore Creek and aquatic invertebrate scores from bug population surveys on the same day. Please note that the first box, which shows consistently elevated arsenic levels, is on the Eagle River, not on Gore Creek. It is the only location where arsenic levels are consistently high and also the only site that has macroinvertebrate numbers that consistently meet standards set by CDPHE (Indicated by black text).

In the third box (Gore Creek at East Vail 0.4 ug/L arsenic) you will find the only instance of arsenic being detected on Gore Creek between 2017 and 2022. That detection is correlated with some of the highest macroinvertebrate numbers detected on Gore Creek.





February 14th, 2024

Chairwoman Karen McCormick
House Agriculture, Water & Natural Resources
200 E Colfax Avenue
Denver, CO 80203

Landscape Industry Comments on HB 1178: Local Government Authority to Regulate Pesticides

The National Association of Landscape Professionals (NALP) is the national trade organization representing the \$4.9 billion landscape industry employing over 32,000 employees in the Centennial State. Member companies specialize in lawn care, landscape maintenance, tree care, irrigation, and water management. Landscape professionals throughout the nation work daily performing essential services to homes and businesses to maintain their landscapes, sustain the environment, and enhance and maintain healthy and safe green spaces.

NALP shares the desire of the legislature to protect Colorado residents and ecosystems from pests and invasive species. Our certified commercial pesticide applicators satisfy state training and examination requirements and use products in accordance with their federal and state approved label, which carries the force of law. The health and safety of pollinators, habitats, and the community at large are always our top priority. When applied by licensed applicators, pesticides benefit ecosystems by providing safeguards against invasive species.

The regulation of pesticides is complicated and nuanced, which is why regulatory authority should remain with the Colorado Department of Agriculture and not with political subdivisions. Experts at the Environmental Protection Agency (EPA) rigorously evaluate each pesticide's active ingredients for human and environmental safety and efficacy before deciding to register the product for sale and use. After EPA completes the extensive review the Colorado Department of Agriculture also reviews each pesticide registration before registration for use in the State of Colorado. It would be unrealistic to expect municipalities to match the resources and expertise that current policymakers possess.

It is important to note that no state has moved from a model of uniformity to local control of pesticides such as HB 1178 aims to do. 46 states currently have some form of pesticide preemption in place to promote cooperation amongst state and local officials to adequately enforce state pesticide laws. Passage of HB 1178 would put Colorado in the minority and place

an unnecessary burden on local officials who are not equipped with the staff or expertise that the Colorado Department of Agriculture.

Additionally, any shift to local regulation would leave Coloradans in lower-income and urban communities susceptible to pests and pest-borne illnesses that could increase due to differing restrictions. Invasive species are not contained by municipal boundaries, and options for Coloradans to protect their homes and families should not be dictated by zip-code.

It is essential that uniform statewide regulation of pesticides is maintained contrary to HB 1178. Uniform pesticide regulation ensures that all applicators follow the same standards regardless of their locality, and likewise protects residents from invasive pests and other species by guaranteeing that standard mitigation practices are being used across the state. The National Association of Landscape Professionals implores members to maintain statewide uniformity in The Pesticide Applicators' Act for the benefit of applicators and residents alike.

Sincerely,

Terence Stovall

Terence Stovall

Manager, State and Local Affairs

terence@landscapeprofessionals.org



**MILE HIGH
CHAPTER**
CLUB MANAGEMENT
ASSOCIATION OF AMERICA

February 14, 2024

Dear Committee Members,

Golf is a two-billion-dollar industry in Colorado. Our association represents club managers at Colorado golf courses and country clubs across the state, and along with the Rocky Mountain Golf Course Superintendent's Association does not support this bill. As club managers, we do not support legislation that does not support our staff and operation.

Safe and science-based pesticide application is complicated, and the risks – to homes, businesses, and public and private land – of unintended consequences due to mis-regulation are high. Local governments do not have the staffing or resources to effectively manage expansive pesticide programs, which is why the EPA delegates to the state Departments of Agriculture. Putting the authority to regulate pesticides into the hands of local government will be deregulating pesticide - a safety concern to all of us.

Some golf courses stretch across county and city lines, and a patchwork of regulations would impair our ability to effectively manage our courses. It simply does not make sense to have conflicting legislation for certain areas of a golf course. How can a staff be sure that they are applying the proper pesticide applications when certain areas of the golf course have different rules?

We ask that you listen to the over 225 club managers in Colorado and industry professionals and support maintaining statewide uniformity. Keep policies safe, consistent, and science-based and vote "NO" to HB24-1178.

Sincerely,

Jenny Gwinner
CMAA Mile High Chapter President

Patrice Piralla
CMAA Mile High Chapter Treasurer

Trey Bayliss
CMAA Mile High Chapter Vice President

Michael Gibbs
CMAA Mile High Chapter Past President

David Colicchia
CMAA Mile High Chapter Secretary

Cortney Murphy
CMAA Mile High Chapter Executive Director



PGA

Colorado Section

Cathy Matthews-Kane, PGA
President

February 12, 2024

Jim Miller, PGA
Vice-President & Secretary

Jim Hajek, PGA
Honorary President

Steven Bartkowski
CEO/Executive Director

Board of Directors

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Kyle Heyen, PGA
Vic Kline, PGA
Barry Milstead, PGA
CJ Perry, PGA
Leighton Smith, PGA
Keith Stilwell, PGA

Independent Directors
Theo Gregory
Spencer Zinn

Dear Committee Members,

If this bill is approved, it would lead to a patchwork of environmental policies across the state, subject to frequent reviews and modifications. Unfortunately, many local municipalities lack the resources or expertise needed to make scientifically sound decisions. Consequently, pesticide application policies may devolve into popularity contests driven by uninformed policymakers rather than agencies equipped to address comprehensive environmental issues.

Moreover, given that retailers serve customers from multiple municipalities within their market, a prohibition on selling approved products to residents of one community with a differing pesticide policy raises questions of liability. Will retailers be held accountable for selling to individuals not permitted to possess the chemical under these circumstances?

Due to these reasons and more, the over 850 PGA of America Golf Professionals across the PGA Section of Colorado, strongly urge a vote of "NO" to HB24-1178."

Sincerely,

Cathy Matthews-Kane, PGA
Colorado PGA President

Jim Miller, PGA
Colorado PGA Vice President/Secretary

Steven Bartkowski
Colorado PGA CEO/Executive Director

Dear Representatives,

I am writing to express my concern over HB 1178. As a small business operator deeply embedded in the fabric of our community, the implications of this bill strike at the core of equitable service provision and the sustainability of small operators like us.

Our current statewide uniform system of pesticide regulation is not just a matter of convenience; it is a cornerstone of public health, safety, and environmental protection. This system ensures that our operations are grounded in science-based practices that protect both human health and our precious ecosystems. The introduction of HB 1178 threatens to dismantle this framework, replacing it with a fragmented patchwork of local regulations that will inevitably lead to inconsistencies, increased risks of application errors, increased costs to consumers, and a significant equity gap in pest protection across communities.

Equity is at the heart of our concerns. The bill's approach will create a situation where operators, like us, who serve multiple cities, will be forced to only provide pest control programs which comply with the most burdensome requirements. Not only would these requirements eliminate vital, safe, and low-cost tools from our toolbox, but they would also lead to more labor-intensive services. Both of which will exert upward pressure on the costs of service in an already challenging inflationary environment.

While I am sure the legislation is well-intended, unfortunately, in a system like this, a municipality with a majority of wealthy citizens that passes burdensome or restrictive regulations could impact others in lower-income communities' access to affordable pest control. This is unacceptable. Every resident, irrespective of their socio-economic status, deserves equal and affordable access to protection against pests and the diseases they carry.

Furthermore, the additional regulatory burdens that will no doubt arise if HB 1178 passes would disproportionately impact small operators like Whitmore Pest and Wildlife Control, Inc. The increased complexity and cost of compliance could stifle our ability to grow and continue providing more solid jobs (we provided paid leave and other recent CO employer requirements long before they were mandated because we believe in treating our customers and employees, not as we want to be treated, but as they want to be treated) within our communities and supporting families within them.

In conclusion, I urge you to consider the broader impacts of HB 1178 on equity, public health, and the small businesses that are vital to Colorado's economy. We stand in favor of maintaining statewide preemption, ensuring that our practices remain safe, consistent, and science-based for all Coloradans.

Thank you for your attention to this critical matter.

Richard Christner

Co-Owner of Whitmore Pest and Wildlife Control, Inc., serving all of Denver Metro

February 9, 2024

Honorable Cathy Kipp, Chair
House Committee on Energy & Environment
Colorado State Capitol
200 E Colfax Avenue
Denver, CO 80203

RE: HB 24-1178: Local Government Authority to Regulate Pesticides - **OPPOSE**

Dear Chair Kipp and Honorable Members of the House Committee on Energy & Environment:

The Household & Commercial Products Association (HCPA) respectfully opposes HB 24-1178's provisions regarding pesticide regulation.

The Household & Commercial Products Association (HCPA) is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution, and sale of more than \$180 billion annually in the U.S. of familiar consumer products that help household and institutional customers create cleaner and healthier environments. HCPA member companies employ hundreds of thousands of people globally. Products HCPA represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers, and candles that eliminate odors; pest management products for home, lawn and garden, and pets; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day.

Central to our mission is the commitment to consumer safety and environmental stewardship. Our members adhere to rigorous federal and state registration processes, subjecting their products to comprehensive testing to ensure efficacy and safety. These processes, overseen by the U.S. Environmental Protection Agency (EPA)¹ and state agencies such as the Colorado Department of Agriculture, involve

¹ As explained on the EPA website:

The process of registering a pesticide is a scientific, legal, and administrative procedure through which EPA examines the ingredients of the pesticide; the particular site or crop on which it is to be used; the amount, frequency, and timing of its use; and storage and disposal practices. In evaluating a pesticide registration application, EPA assesses a wide variety of potential human health and environmental effects associated with use of the product. The producer of the pesticide must provide data from tests done according to EPA guidelines.

These tests evaluate whether a pesticide has the potential to cause adverse effects on humans, wildlife, fish, and plants, including endangered species and non-target organisms, as well as possible contamination of surface water or ground water

extensive scientific evaluations to assess potential risks to human health and the environment. Moreover, labeling requirements provide consumers with clear instructions on the proper use, application methods, and safety precautions for each registered product.

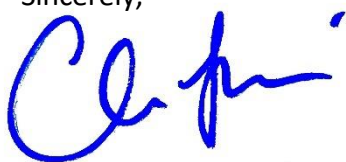
It is essential to recognize the importance of maintaining uniform regulatory standards for pesticides across the state of Colorado. While local control may seem benign on its face, it risks creating a patchwork of regulations that could hinder compliance efforts and create confusion among consumers and businesses alike. Exacerbating this concern, localities lack the necessary expertise and resources to effectively regulate pesticides, leading to inconsistencies and potential gaps in oversight. Frankly, cities and counties do not have the expertise of chemists, scientists, toxicologists, and legal resources to effectively regulate pesticides.

No state has abandoned its uniform regulatory framework, such as Colorado's current system, and converted to a complex local control structure for pesticides in the way this bill proposes. The logical approach to pesticide policy has been to convert a state that previously allowed local control (or where it was unclear in statute) into uniform statewide regulation. This includes all seven states that border Colorado – as well as states like California, Oregon, and Washington – that have uniform statewide regulations. The illogical, local approach would undermine the established federal regulatory framework and jeopardize the efficacy of pesticide oversight. Instead, we believe in leveraging the existing EPA risk assessment process, which is guided by scientific advisory panels and ensures a comprehensive evaluation of pesticide safety.

While HCPA acknowledges the importance of addressing any specific concerns related to pesticide regulation, we firmly believe that overturning Colorado's longstanding preemption law is not the solution. We stand ready to collaborate with stakeholders to develop common-sense solutions that prioritize consumer safety while maintaining regulatory consistency and efficiency.

Thank you for considering our perspective on this critical issue. HCPA welcomes any opportunity to discuss these concerns and can be reached at cfinarelli@thehcpa.org.

Sincerely,



Christopher Finarelli

Sr. Director, State Government Relations & Public Policy - Western Region

from leaching, runoff, and spray drift. Potential human risks range from short-term toxicity to long-term effects such as cancer and reproductive system disorders. EPA also must approve the language that appears on each pesticide label. A pesticide product can only be used legally according to the directions on the labeling accompanying it at the time of sale. Following label instructions carefully and precisely is necessary to ensure safe use.



(via email to cathy.kipp.house@coleg.gov)

February 6, 2024

Honorable Cathy Kipp
200 E Colfax, RM 307
Denver, CO 80203

Re: Opposition to HB24-1178: Local Government Authority to Regulate Pesticides

Dear Representative Kipp,

We are writing as a follow-up to several unreturned calls to your office since the beginning of the year. We know you are very busy, so therefore we thought we would address our concerns in this letter. The Western Wood Preservers Institute (WWPI) and Treated Wood Council (TWC) are pleased to convey the information below and our strong opposition to House Bill 24-1178.

WWPI is a non-profit trade association founded in 1947 to serve the interests of the preserved wood industry in western North America, including Colorado. WWPI is a resource that works with federal, state, and local agencies, as well as designers, contractors, and users over the entire preserved wood life cycle.

TWC is an international trade association, serving the treated wood industry with more than 560 member organizations, including those with seven headquarters and/or facilities in Colorado [Centennial, Delta, Denver (2), Greenwood Village, Loveland, and Windsor].

Preserved wood products are essential to our daily lives. The electricity we use is provided via overhead power lines supported by preserved wood utility poles. Vessels that transport cargo rely on preserved wood pilings for many dock and port functions. Commerce is transported by trains which ride on rails built on preserved wood ties that create the foundation of the railroad tracks. Vehicles are kept safely on roads with guardrails mounted on preserved wood posts. Farmers and ranchers utilize preserved posts and poles to construct fences for the livestock we consume and to support the agriculture

we eat. The first board installed on nearly every home is a preserved wood sill plate that protects the rest of the wood structure from decay, fungi, and wood-destroying insects.

HB 24-1178 would give local governments the authority to create and enforce laws regulating the sale or use of pesticides more stringently and differently than state and federal regulations. We respectfully oppose this measure as it overlooks the scientific findings reached by the United States Environmental Protection Agency (EPA).

The EPA is charged with reviewing the human health and environmental risks of all pesticides, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), before pesticides are registered for use. EPA's website explains in great detail the evaluation requirements for all pesticides before they can be sold or used in the United States.¹

Once the product review is completed, EPA stamps the pesticide label and posts it on the Pesticide Product and Label System website.² This EPA-approved label is a legally enforceable document. Any deviation from the EPA-approved label is in violation of FIFRA.

EPA provides an explanation of the registration and periodic registration review process, and the requirements for all antimicrobial pesticides, including wood preservative pesticides used by our member companies in Colorado. EPA considers all wood preservatives to be antimicrobial pesticides and additional scrutiny for registering antimicrobial pesticides can be found on the EPA's website.³ A pesticide is not allowed to be used unless it has met these requirements. In accordance with FIFRA, EPA states the following:

“When EPA determines that a pesticide product can be registered for use, the Agency has concluded that the use of the pesticide product will not cause unreasonable adverse effects to humans or the environment when applied according to the label directions and restrictions.”⁴

EPA further provides a list of the agency's data requirements for pesticide registration.⁵ The requirements are extensive, and include toxicological data, environmental fate data, wildlife and aquatic organism data, and information on potential adverse effects. In order for a pesticide to receive EPA registration, it requires volumes of information and years of scientific studies.

Pesticide regulations must be based upon sound science. HB 24-1178 ignores the science and the scientific findings reached by the EPA, by placing more stringent pesticide regulation authority in the hands of the local governments. We believe that local governments do not have the same scientific expertise, nor the resources EPA uses to register pesticides. Hundreds of differing regulations throughout Colorado would be chaotic. We respectfully oppose HB 24-1178 and ask that you withdraw it.

¹ <http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>

² <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>

³ <http://www.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-4-additional-considerations>

⁴ <http://www.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-1-overview-requirements-pesticide>

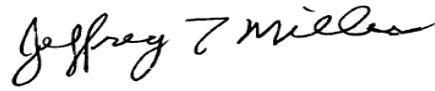
⁵ <http://www.epa.gov/pesticide-registration/data-requirements>

Thank you for giving us the opportunity to share our strong concerns with you. We are available to meet or conference with you on this information. Please contact our Director of Government Relations, Ryan Pessah at ryan@wwpi.org or (619) 889-1666 if you have any questions.

Respectfully Submitted,



Butch Bernhardt
Executive Director
Western Wood Preservers Institute



Jeffrey T. Miller
President & Executive Director
Treated Wood Council

cc: Representative Meg Froelich (meg.froelich.house@coleg.gov)
Representative Andrew Boesenecker (andrew.boesenecker.house@coleg.gov)
Representative Kyle Brown (kyle.brown.house@coleg.gov)
Representative Manny Rutinel (manny.rutinel.house@coleg.gov)
Representative Stephanie Vigil (stephanie.vigil.house@coleg.gov)
Representative Mike Weissman (mike.weissman.house@coleg.gov)
Representative Woodrow (steven.woodrow.house@coleg.gov)
Representative Jenny Willford (jenny.willford.house@coleg.gov)
Senator Lisa Cutter (lisa.cutter.senate@coleg.gov)
Senator Sonya Jaquez Lewis (sonya.jaquez.lewis.senate@coleg.gov)
Senator Faith Winter (faith.winter.senate@coleg.gov)
Senator Kevin Priola (kevin.priola.senate@coleg.gov)
Members of the House Committee on Energy and Environment: Representative Scott Bottoms (scott.bottoms.house@coleg.gov), Representative Ken DeGraaf (ken.degraaf.house@coleg.gov), Representative Gabe Evans (gabe.evans.house@coleg.gov), Representative Junie Joseph (junie.joseph.house@coleg.gov), Representative Brianna Titone (brianna.titone.house@coleg.gov), Representative Alex Valdez (alex.valdez.house@coleg.gov), Representative Elizabeth Valasco (elizabeth.velasco.house@coleg.gov), and Representative Ty Winter (ty.winter.house@coleg.gov)
Samantha Falco (Samantha.Falco@coleg.gov), Staff to House Committee on Energy and Environment

House Energy & Environment

02/15/2024 01:30 PM

HB24-1178 Local Gov Authority to Regulate Pesticides

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Billy Giblin For themselves	Hello. I support the bill HB-1178 to return authority over pesticide use to local governments. Sincerely, Mayor Billy Giblin Town of Nederland, CO