



April 5, 2023

Honorable Chair Dylan Roberts  
Colorado House Agriculture and Natural Resources Committee  
SCR 353  
Colorado State Capitol  
Building  
Denver, CO 80203

**Landscape Industry Testimony on SB 192 – Sunset Review of Colorado Pesticide Applicators’ Act**

Chairman Roberts and Committee Members,

The National Association of Landscape Professionals (NALP) is the national trade organization representing the \$98 billion landscape industry employing over 1.4 million employees in the United States. 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. 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 active ingredient 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.

The Pesticide Applicators' Act provides uniform training and application requirements to ensure that all applicators use products exactly as described on the product label. This is essential to ensure that products being applied comply with the standards and best practices established by



state and federal policymakers. Furthermore, most applicators work for small businesses that operate across city lines, any shift to local control would create a patchwork of regulations that would generate additional administrative and logistical burdens and undoubtedly diminish the effectiveness and efficiency of application operations.

Additionally, a shift to local regulation would leave Coloradans in lower income communities susceptible to pests and pest-borne illnesses that could increase due to unequal regulations. Invasive species are not contained by municipal boundaries, and protection from pests and pest-borne illnesses should not be determined by zip code.

It is integral that throughout this process uniform statewide regulation of pesticides is maintained and extended for the next 11 years in accordance with the Colorado Department of Regulatory Affairs' recommendations. 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

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Manager, State and Local Affairs

terence@landscapeprofessionals.org



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Sincerely,

Terence Stovall

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Manager, State and Local Affairs

terence@landscapeprofessionals.org

Coloradans require that a reauthorized Pesticide Applicators' Act would minimize pesticide's adverse effects on people, wildlife and property.

**I respectfully ask the following revisions be considered:**

1. Removal of state-level pesticide preemption

The pesticide industry advocated for pesticide preemption for economic benefit!

Pesticide preemption takes away the voices of voters and the ability to address pressing concerns impacting them. Colorado's communities are vastly different in many regards, including in terms of geography, ecology and demography. It is at the local level where these differences can best be understood by relying on information from county health departments, naturalists, hunters, fishermen, sportspeople and local experts.

Communities are best equipped to address unique local circumstances and pressing needs related to health, safety and the environment and do what's best for them. The restoration of local authority would give communities the ability to strategically protect sensitive natural resources and protect public health.

CDA's primary delegated authority for all aspects of FIFRA would not be altered by a preemption repeal. Local authorities would not be enforcing FIFRA, so therefore there is no risk that CDA would lose enforcement authority.

2. Reduce the Sunset Review period to four years.

As a society, pesticide use is increasing, and the chemistries of pesticides are changing rapidly to account for increasing pest and weed resistance. The length between reviews is not adequate to keep up with the increased toxicity of pesticides, the quantities of pesticides entering the environment, and the acute and chronic impacts on human health. There is a limited window to halt the worst effects of biodiversity loss and climate change, and frequent updates to the PAA are necessary.

3. Expanded notification –

**Current notification requirements are limited and do not adequately protect the public from exposures related to synthetic pesticide applications.** *The requirement to be listed on the pesticide-sensitive registry sets a high bar for participation particularly for disadvantaged communities that already bear a disproportion risk from pesticide exposure<sup>23</sup> This requirement may exclude those that don't have access to medical care and the ability to gain the necessary medical justification to be included on the list.*

**Expand notification requirements to decrease human exposure to pesticide application**

Amend the requirements for being on the registry for notification.

Currently that requires a doctor's excuse. That is an insurmountably high bar and expense to most people. The public should have the ability to limit their own cumulative exposures to the many chemicals commonly used by the public.

Eliminating the pesticide-sensitivity registry and **allow all CO residents the ability to register** and to be placed on the registry for pre-application notification (notification to be provided for all abutting properties and properties that are up to 500 feet away).

Senate Agriculture & Natural Resources  
 04/05/2023 Upon Adjournment  
 SB23-192 Sunset Pesticide Applicators' Act  
 Typed Text of Testimony Submitted

| Name, Position, Representing         | Typed Text of Testimony  |
|--------------------------------------|--|
| Kathleen Aikin<br>Amend<br>herself   | <p>Please do not expand the abutting properties requiring notification into 250 feet, see section 4 of the Pesticide Applicators Act 2022 Sunset Review. The people behind this proposed change have relentlessly harassed and intimidated landscaping contractors, threatening to report them to Department of Agriculture, to the point where it is difficult to find people willing to work on my private property.</p> <p>This change will expand into 27 new “abutting properties” who will undoubtedly experience the same. As a homeowner, I feel this is a gross overstep of the state authority into private property.</p> <p>It is also pointless because the Act does not prevent individual homeowners from applying pesticides to their property. It only prevents homeowners from hiring landscaping contractors as they see fit, especially given the landscapers are afraid to work near these people.</p> <p>Anyone who is actually sensitive to chemical applications would not live in the suburbs due to the high risk of exposure from anyone working on their lawn.</p> <p>Expanding to 250 feet is pointless and will bog down state resources real quickly because it only serves to make things easier for people who abuse the system.</p> |
| Marilyn Hughes<br>Against<br>herself | <p>I am very concerned about the Sunset Pesticide Applicators Act. In reading the summary of the bill it does not sound like very much thought has been given to the harm the pesticides can cause, especially with the link between neonicotinoids and declining bee populations and what that can do to to the environment. I have been researching this topic and am sharing information regarding this topic below from the People and Pollinators' Action Network. Please do not give this bill (Act) another 11 years to continue.</p> <ol style="list-style-type: none"> <li>1. Removal of state-level pesticide preemption</li> <li>2. Expanded synthetic pesticide notification –</li> <li>3. Provisions and clear guidance on the available alternatives to synthetic pesticide and fertilizer use – analysis follows</li> <li>4. Increase CDA’s capacity (i.e., staff and funding) to take timely enforcement action</li> <li>5. Reduce the Sunset Review period to four years. As a society, pesticide use is increasing, and the chemistries of pesticides are changing rapidly to account for increasing pest and weed resistance. The length between reviews is not adequate to keep up with the increased toxicity of</li> </ol>                     |

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|  | <p>pesticides, the quantities of pesticides entering the environment, and the acute and chronic impacts on human health. There is a limited window to halt the worst effects of biodiversity loss and climate change, and frequent updates are necessary.</p> <p>Sincerely,<br/>Marilyn Hughes<br/>1126 4th Ave<br/>Longmont, Colorado 80501</p> |
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