

April 21, 2023

The Honorable Karen McCormick, Chair
The Honorable Marc Catlin, Vice-Chair
HOuse Committee on Agriculture, Water & Natural Resources
200 E Colfax Avenue
Denver, CO 80203

RE: SB 23-266 (Priola): Neonicotinoids - Oppose

Dear Chair McCormick, Vice-Chair Catlin, and Members of the Committee on Agriculture, Water & Natural Resources:

On behalf of the Household & Commercial Products Association (HCPA)¹, I respectfully write to oppose Senate Bill SB 23-266, which seeks to adopt restrictions on common and important pest management options using the neonicotinoid class of pesticides.

Consumer pest products allow Colorado residents in all communities the ability to clean and protect their homes with safe and affordable products against a variety of public health pests. Without access to such products, consumers must choose between taking no action against these pests or paying someone to perform services.

Neonicotinoids are a class of neuro-active insecticides (acetamiprid, clothianidin, dinotefuran, imidacloprid, nitenpyram, nithiazine, thiamethoxam) available commercially for use in crop and animal agriculture, urban landscapes, domestic settings, and around structures. Neonicotinoids were developed in large part because they are both effective and a safer alternative to previously used organophosphate and carbamate insecticides.

Public Policy Approach is Inverted

HCPA appreciates the recognition within the bill that different application and use types are important to distinguish, such as pet products. Not all products or uses are the same. However, the approach SB 23-266 uses to regulate neonicotinoids is flawed because it seeks to restrict access to all forms of the insecticide, and then attempts to enumerate all the possible instances that would be acceptable for use – presumably because it won't impact pollinators. This approach assumes the legislature will successfully identify and capture all the possible uses it believes is appropriate. It also forces any future innovation that meets this arbitrary standard to seek approval by the legislature.

¹ 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.

For example, this bill would limit the sale of:

- Indoor use, such as gels for ant control;
- Fly traps used in and around structures;
- Perimeter treatment to stop pests from entering homes and structures;
- Consumer baits for roaches, flies and ants such as granular scatter bait used outdoors;

The limitation on sales would become law without evidence that any of the uses cited above would result in significant interactions with pollinators.

It should be incumbent upon the legislature to identify in the law what specific insecticide *uses* it believes are contributing to the stated problem(s). As a matter of public policy this approach would be more manageable and allow for a robust discussion about those uses and the science around them, including ecological impacts. California legislators took this approach when considering this issue last year.² It is worth noting the California Governor vetoed that measure because he believes these complex scientific evaluations are best handled at the department level.

Follow the Science

HCPA member companies manufacture neonicotinoid-based products which are used for several common insect pest management applications, including addressing ants, bed bugs, flies, stink bugs, cockroaches, grubs, and certain invasive species. Additionally, neonicotinoid products are used for controlling pet (dog and cat) insect pests. All of these applications have been evaluated by the U.S. Environmental Protection Agency (EPA). EPA risk assessments focus on both ecological and human health effects – a process guided by scientific advisory panels.

Specifically, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the EPA reviews all current pesticide registrations to ensure they continue to meet the protective FIFRA risk standard in light of new information and evolving science. EPA is currently undertaking registration review of the class of neonicotinoids and expects to have to interim decisions for each category in this class by 2024. The EPA recently released the draft biological evaluations which determine whether they may affect one or more species listed under the Endangered Species Act (ESA) or their designated critical habitats. HCPA believes the nuanced scientific evaluations of various applications and uses of these pesticides is best left to the rigorous process at the US EPA.

A comprehensive report by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describe a broad range of issues or “stressors” negatively affecting bees, including habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens. The research and data collected nationally and specific to Colorado shows the leading stressor to honeybee colonies is overwhelmingly varroa mites. Any legislation seeking to protect pollinator populations that ignores the most influential stressors will not be successful.

EPA’s Pollinator Protection Plan sets forth methods of using neonicotinoids and other products to further reduce the risk of exposure to pollinators. We urge lawmakers to recognize the EPA Pollinator Protection Plan and allow the federal and state regulatory system to continue to regulate the use of pesticides. The U.S. EPA and the state regulatory agencies are in strong positions to determine appropriate pesticide use through continued evaluation of the latest scientific findings on pollinators, the environment and public health. We believe members of the legislature should avoid undermining this process by prejudging outcomes in proposed legislation.

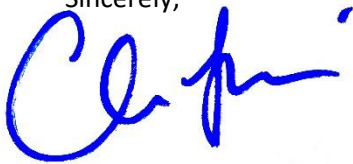
² AB 2146, Bauer-Kahan (2022)

The safety of consumers is the highest priority for HCPA members. HCPA member companies manufacture products that are safe when used according to the directions on the label. Manufacturers are continuously focusing on the safety of products and packaging, as well as helping to prevent improper use of their products. Users are encouraged to determine the most appropriate product for the need, and to read and follow all label directions.

We support initiatives to promote pollinator health and believe its complexity calls for thoughtful, stakeholder engaged solutions. We support continued research on the risks to bee health and readily acknowledge the critical importance of pollinators to our ecosystem and economy, however, in recognition of the work by the US EPA and lack of adequate science to support the measure, HCPA respectfully opposes SB 23-266.

I welcome any opportunity to discuss these concerns and can be reached at cfinarelli@thehcpa.org.

Sincerely,



Christopher Finarelli
Director, State Government Relations & Public Policy - Western Region