

House Agriculture, Water & Natural Resources Committee
SB23-192 Pesticide Applicators' Act Renewal
Monday, April 24, 2023

Honorable Chairperson McCormick and members of the committee. My name is Ingrid Moore, I live in Longmont and I am also a member of the People and Pollinators' Action Network (PPAN). I am representing myself in support of certain amendments to this Act..

I urge you to consider an amendment to the renewal that include:

1. Amend the Act to restore local control:

Please restore the rights that municipalities and counties once had to restrict the consumer sale and use of certain pesticides within their jurisdictions. Local control can help prevent the unnecessary overuse of cosmetic lawn and garden chemicals.

Many consumers are unaware of the dangers of these poisons or can't identify them in products, particularly lawn chemicals.

Residential habitats are becoming more and more critical for protecting native species, whose populations have been plummeting.

Municipalities have a responsibility to protect the welfare of their residents. It is prudent to give local political subdivisions the freedom to adopt more stringent standards of protection as they see fit. Lifting state preemption would offer more protection to people, pollinators and soil organisms in urban areas.

Many native bees can only fly a distance of 300 feet and so live their lives in a small area the size of 3 or 4 suburban yards. Over the years I have noticed a dramatic drop in the species that visit my yard, particularly bumble bees. I attribute this to loss of habitat and the overuse of lawn chemicals.

There is no evidence that local democratic control is a threat to agriculture or other business interests in local communities.

2. Amend to expand 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.

3. Shorten the review/reauthorization period to a maximum of 4 years.

According to Environment Colorado:

"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". Round Up is a recent example.

I understand that this Act regulates the Applicators, not the pesticides themselves. However, rapidly changing chemical poisons require more frequent review of their use, disposal protocols, training and licensing requirements and possibly more notifications.

The purpose of reauthorizing the Pesticide Applicators' Act should be to minimize pesticide's adverse effects on people, wildlife and property.

I respectfully ask that you consider the suggestions you have heard here today . Thank you for your thoughtful attention to this.

House Agriculture, Water & Natural Resources
 04/24/2023 Upon Adjournment
 SB23-192 Sunset Pesticide Applicators' Act
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lynne Sullivan Amend herself	<p>Hello,</p> <p>My name is Lynne Sullivan, I live at 1424 S Sherman St., Longmont, CO 80501.</p> <p>I am writing to ask that SB23-192 be amended to restore local control of pesticide use, enabling Colorado municipalities to represent their communities' needs, considering vulnerable citizens, and potential impacts on local ecosystems including native annual plants, soil microorganism ecosystem health, pollinators and other invertebrates and watersheds.</p> <p>An important example of this need is active community desire to have a say in the current use of Rejurva on Boulder County Parks and Open Space (BCPOS) lands, applied by helicopter, to kill cheat grass, a Level C invasive species. Use of this herbicide and application method is concerning given that this is a relatively new herbicide on which research has not yet been done to understand its long-term effects on ecosystem health, nor its potential mobility into local watersheds (as it remains viable in the soil for up to four years), or its impact on native annuals.</p> <p>Given the disagreement about the effect cheat grass has on fire behavior and habitat health, two reasons given for the application of Rejuvra to BCPOS lands, it seems premature to apply it to the system, before adequate research data is available for analysis, especially when there are successful non-toxic treatments available. The potential risks to soil health, human health, invertebrates and the interconnected web of life, as well as watersheds and all downstream communities, including farms using this water to irrigate crops, could be quite significant, and far more damaging than the presence of the cheat grass itself.</p> <p>With all these variables, this situation illustrates the need for involvement avenues for local communities to help safeguard their health and that of the surrounding ecosystems. Therefore, please amend SB23-192 to restore local control of pesticide use.</p> <p>Thank you, Lynne</p>
Don Cameron Amend City of Golden	<p>I will be unable to testify in person if the testimony moves past 7:00 PM. Here is the testimony I was prepared to give verbally. If you still call on my and I can testify I will do so.</p> <p>I am Don Cameron, city councilor in Golden Colorado. I am speaking in my role on the city's Legislative Sub-committee and our Legislative policy statement on behalf of the entire city council. I am speaking in an Amend position for HB23-192. Golden likes the state level control of labeling and some other elements of pesticide use of statewide control that are scientifically appropriate. However the limited ability to control</p>

	<p>application of pesticides leaves us and downstream communities vulnerable to pesticides interacting with our residents in negative ways. Due to a childhood pesticide exposure while picking dandelions at the edge of a soccer field, our city councilor JJ Trout had to be rushed to the emergency room and has many chronic health conditions today which her medical providers have linked to this childhood pesticide poisoning. Pesticide use in public areas is certainly an area of local concern. Also, critically, all of the run-off from private turf and yards, flows to Clear Creek which is a water shed feeding into the Platte river. This is true for the entire city of Golden, that is, any runoff eventually hits Clear Creek and the Platte River. This watershed provides drinking water for a large part of the Denver Metro area, either directly, or when supplemented with trans basin water. While we have no regulations in place now, we are part of a Clear Creek stewardship program looking at creek health from the foothills to the plains. Only addressing municipal use of these chemicals, as we have by creating a pesticide free park, is just part of the puzzle. State pre-emption limits our ability to be good stewards, protect our residents and downstream users, and makes us part of the problem, instead of the solution to pesticide infiltration into our waterways. Local control of pesticide use, incorporated into our code, is critical to being good stewards of the drinking water of our neighbors.</p> <p>Thank you for your time.</p>
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I am asking you to take a moment to consider some comments on the Sunset Pesticide Applicator's Act (SB23-192) as sponsored by Senators Priola and Roberts and Representatives Kipp and McLachlan.

While I am a huge proponent of locally-based government to better address the unique needs of communities, I am very concerned both personally and professionally about the continuous resurrection of amendments to permit local governments to adopt ordinances or resolutions about pesticides.

Personally, I have spent the last 30+ years in a small town near the Boulder county line. On my small residential 0.25 acre, we've struggled with termites, ants, cutworms, grubs, wasps, hornets, mice, Canada thistle, cheatgrass, and many other "pests". Amendments to this act will limit my responsible selection of controls to combat these economic and health threatening invaders to the whim of a local government that sprayed the neighbor's hollyhocks 2 years ago as they thought they were noxious/nuisance weeds. Meanwhile, nearby noxious weeds went untouched. Many municipalities do not have the expertise to address pest controls, rely upon state and federal expertise, and cannot bear the cost of expensive, emotionally driven local ballot challenges to pesticide management.

As currently written, the rules do not prohibit government agencies from refusing to use EPA regulated pesticides on public properties. Permitting local regulation without more specific language could severely impact the cost and effectiveness of available retail and commercial pest controls for private landowners. Applicators also may choose to not service an area if regulation is too prohibitive.

Professionally, I am a licensed veterinary technician and qualified supervisor applicator in 2 categories. I have watched the National Association of Veterinary Technicians in America (NAVTA) push for national accreditation standards and licensing for the profession (instead of individual state standards) to eliminate confusion and maintain standards of care. Similarly, the proposed change to allow locally based regulations may lead to applicator and client confusion regarding roles, controls available, increased disciplinary action despite best efforts, and ultimately a shortage of licensed applicators as convoluted rule making at different levels makes the profession much less attractive.

As a medical professional (albeit in the veterinary field), I feel compelled to speak up about the research claims provided by proponents of local control. Continual use of the word, "toxic" and citation of medical claims, lawsuits and legalities evoke a strong emotional response, but ignore decades of science. I have spent years examining research papers and find many lacking in good scientific method.

Just the other day, a nearby neighbor complained that pesticides kill everything in the soil and that they've sent her to the hospital. Her first claim is scientifically untrue while her second claim shows a reliance on strong chemicals/medications that are also designated as toxic and can kill. Even the naturopathic medicines are chemicals and disrupt biologic pathways. *Of course* some people are more sensitive or allergic to many different substances and we should do our best to protect them. The potential amendment to this bill for local control does not do that, but instead forces citizens to seek alternatives (often non-selective) to proven methods that effectively and safely protect our food, our natural resources, and families.

Please let this Act pass as it is now written with state exemption. I am not as eloquent as some of the proponents or opponents of this bill, but if you have further questions for me personally or professionally, please don't hesitate to email or call. I'd be happy to speak with you or any of your colleagues.

My name is Jill St Aubin King and I am testifying in SUPPORT of the amendment to the Pesticide Applicators Act to repeal pesticide preemption, and to reduce—not increase—the sunset period.

I am in a unique position to speak to both opponents and supporters of this amendment. I am a landscaper by trade and a member of the Associated Landscape Contractors of Colorado (ALCC) as well as member of the People and Pollinators Action Network (PPAN).

ALCC is lobbying to oppose the amendment arguing that giving local jurisdictions the ability to make their own regulations related to pesticide applications will cost the landscape industry valuable time and resources. They argue that "Allowing a patchwork of conflicting local laws would result in confusing and inconsistent regulations that would negatively impact our ability to effectively manage weeds and pests and threaten health, safety, and the environment."

Let's be clear that the main reason the landscape industry (ALCC) opposes local control is that, given the potential for some communities to limit the use of all but organic and minimum risk pesticide use, it could potentially disrupt a very lucrative revenue stream. If this amendment passes, landscape companies who employ pesticide use as a common practice for purely aesthetic reasons ("I don't like dandelions in my lawn") will no longer be able to do "business as usual". However, given all of the scientific data that links pesticide use to declines in pollinators, insects, birds and aquatic species not to mention the increased consumer demand for sustainable landscape practices, there is simply no room for this approach.

The argument that local policy will negatively impact the ability to manage weeds and pests is true only in the sense that it will force landscape companies to take time to stay abreast of policies and regulations within the communities they serve. This is nothing new. Local businesses navigate these issues all the time— they work through local zoning, water use limits, or other restrictions aimed at addressing unique local situations. Part of running a business is understanding and adapting to local regulations and more importantly pivoting to meet current market trends. As more and more consumers become concerned with chemical pesticide use, those companies that cling to traditional means of pest control will be left behind.

Rather, landscape companies will be better served using their time and resources to develop Integrated Pest Management (IPM) techniques that do not rely on chemical applications. In fact, the ALCC offers a certification in Sustainable Landscape Management that includes a large section on IPM. Companies can be hugely successful in replacing revenue streams from traditional pesticide applications with more sustainable approaches. My landscape maintenance company of twenty years uses ONLY natural and mechanical techniques for pest mitigation and gains new business through educating consumers of the value of natural garden care.

Passing the the amendment to the Pesticide Applicators Act to repeal pesticide preemption and allow local communities to implement their own regulations related to pesticide application make sense. Colorado is a wonderful mix of micro environments ranging from agricultural crops, grazing pastures, alpine forests and urban landscapes and the people and communities are just as diverse. There should not be a one size fits all approach to managing pests and the preemption essentially ties the hands of those communities wanting to do MORE to protect Colorado's biodiversity.

Please vote YES on the amendment to the Pesticide Applicators Act to repeal pesticide preemption and help make Colorado a pioneer for positive environmental change.