

Before the House Agriculture Committee
Written by Zack Pistora, Kansas Sierra Club
Opponent to HB 2246
February 7th, 2017



Chairman Hoffman and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in opposition of HB 2246; which makes many changes to the Kansas noxious weed law.

The Sierra Club supports agricultural policies and practices designed to provide abundant healthy food, fiber and other services for all communities while maintaining the fertility of the soil and protecting the Earth's climate and the native diversity of plants and animals. That said, here are our chief arguments against HB 2246:

HB 2246 and current noxious weed management practices focus too heavily on using chemical controls. Chemical pesticides are harmful to our ecosystem, often causing everlasting trouble for agriculture and our environment.

Overdependence on and misuse of manufactured pesticides (meaning insecticides, herbicides, fungicides, etc.) has caused significant environmental pollution and increased costs in agricultural production, reduced pollinator populations, increased pest resistance in crops (“super weeds”), and has increased human and animal morbidity and mortality. For example, the populations of some of our greatest farm allies, our pollinators (particularly bees and butterflies) have dropped substantially in recent times, especially because of increased use of pesticides in the last decade. Common herbicides, such as 2-4 D and Glyphosate, have been classified by international health agencies as human carcinogens affecting liver, kidney, and thyroid functions of the body. The Sierra Club promotes a simple ethic: The less poisons on the land, the better. HB 2246 allows for a greater ability of cost-sharing of these harmful chemicals, and would likely promote increased use of harmful chemical pesticides across Kansas lands. Instead of chemical controls, there is opportunity to utilize safer and more efficient non-chemical best practices (see next page).

HB 2246 places a greater burden on private property owners and expands government interference.

The proposed bill allows for county weed personnel to access and eventually apply toxic chemicals to private lands without permission. HB 2246 gives no maximum limit for the increased fines on landowners too. Finally, the bill does not guarantee liability protection to landowners for damages from wrongful application or chemical drift against county weed departments. We also have no working concept of ‘risk assessment’ in weed determinations.

Executive authority, rather than legislative, over listing and managing noxious weeds may be warranted, but HB 2246 would need significant fixes to protect Kansans’ best interests.

We recognize that there may be some advantages from transitioning noxious weed authority from the Legislature to the executive Secretary of Agriculture. However, this change may be potentially troublesome in transferring power from elected leaders to unelected political appointees if important oversight measures are not kept. It is important for the Legislature to be updated to the noxious weed list /program every two years. We also suggest the scope of powers for the Secretary be limited and the Noxious Weed Advisory Committee be better balanced with ecological and health interests. Many of these suggestions are specified in our ‘recommended amendments’ document.

If HB 2246 is to be passed, Kansans will benefit greatly if you incorporate our suggested amendments.

The Kansas Sierra Club understands that noxious weed management is critical, and we support new additions to the list of noxious weeds and reforms to better manage noxious weeds, including greater use of integrated biological

approaches to weed control. We must be diligent about changing our public policy and be careful not to make our agricultural and environmental problems worse off.

Sincerely,

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The Sierra Club is the largest grassroots environmental organization dedicated to preserving, protecting, and enjoying our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.

The Sierra Club has long advocated for sound pest management strategies. I have included parts of our policy for your reference below: The Sierra Club's official policy on pest management can be found at:

www.sierraclub.org/policy/agriculture/pest-management

Our Pest Management Policy's principles include:

- Pest management should be based on ecological principles and sound biological information. This includes reliance on organisms adapted to local conditions, controls limited to situations in which monitoring indicates that there is a pest problem that will cause unacceptable damage, and treatments chosen and timed to be most effective, least disruptive to natural controls, and least hazardous to humans and the environment.
- Use of toxic or biologically active substances or genetically altered organisms should be tightly regulated to prevent harm to people and natural and agricultural-silvicultural ecosystems.
- The public should be informed of the health hazards and economic costs that chemical and biological pest control methods pose at every step - manufacture, formulation, transport, use, residues on products, storage, and disposal. In addition, the public needs to be informed of alternative pest management strategies.
- The global air, water, and food supply should be free of harmful residues of pesticides.
- Corporations producing and marketing pesticides have an ethical responsibility to guard the health and safety of people and ecosystems.

Recommended Strategies for Controlling Pests (including invasive weeds) are as follows:

- Crop rotations, prescribed patch-burning, planned animal grazing, mechanical controls (such as mowing and excavation), biological pest controls, and plant diversity should be used to reduce the needs for pesticides.
- Dependence on environmentally damaging pesticides should be phased out in favor of natural management practices and biological pest controls.
- When crop rotations, natural fertility amendments and other cultural practices are not sufficient for pest control, chemical pesticides should be used minimally, based on integrated pest management principles and verifiable soil test recommendations for the specific crops to be grown.
- Users of agricultural chemicals should bear full legal and moral responsibility for chemical drift and runoff into adjacent farmland, wildland, and residential areas.
- Pesticide applications that threaten the survival of populations of fish, birds, marine invertebrates and aquatic mammals by destroying their terrestrial and aquatic invertebrate food sources should be prohibited. The problem is particularly severe in the case of persistent systemic water soluble pesticides, which allow contaminated plants to affect entire food chains. The threat to pollinators is particularly acute.
- When agricultural chemicals are used in combination, the safety of the combined substance as well as its individual components must be demonstrated as a condition of regulatory approval.
- Properly implemented, Integrated Pest Management can limit pest damage both economically and with minimal hazard to people, property, and the environment, and should be encouraged.