

## **Senate Natural Resources Committee**

**Tom Buller- March 8, 2016**

### **Testimony in Opposition to House Bill 2479**

Thank you for the opportunity to provide testimony. My name is Tom Buller. I am a fruit and vegetable farmer in Douglas County. I am writing to oppose HB 2479 and the changes they propose to existing noxious weed laws in the state of Kansas. I feel that the existing noxious weed laws, with their legislative framework are suited to the needs of Kansas farmers. In contrast, for specialty crop growers like me there are a number of problems in HB 2479.

First, I am concerned with the change of control from the elected Legislature to unelected bureaucrats. I am not sure what problem this is attempting to address, but it seems that giving the Secretary of Agriculture the power to define noxious weeds for up to 18 months is an over reach of executive power. Weeds are a problem on all farms, and giving one individual the power to declare war on certain weeds can affect how we farm, and our ability to make a profit farming. The current system where problem weeds are defined by the legislature makes sure that noxious weeds are broadly problematic and that farmers have a voice in how those weeds are defined. At the very least, the representation on the noxious weed law advisory committee needs to be expanded to include the voices of the emerging specialty crop sector of Kansas agriculture.

Second, I am concerned that there is no protection for those of us who grow crops that are sensitive to drift. Several of the specialty crops that are the most significant for my operation, like tomatoes are very sensitive to drift of 2,4-D. 2,4-D volatilizes at temperatures that are common in Kansas and can drift several miles once volatilized. According to this legislation it is criminal for my farm to have noxious weeds but if the county sprays someone else's field and the chemicals destroy my crops via drift, my understanding is that the county is protected under current tort claims law. I know that chemical drift is a real problem for specialty crop growers, as several of my peers in this region have had drifting wipe out entire season's worth of crops, or even more troubling destroy plantings of perennial fruit crops. My farm is listed on the Driftwatch website advocated by the KDA, so I have taken the steps requested to protect my operation, but I don't want to see new legislation erode those protections by increasing the amount of herbicides used in my vicinity.

Third, I grow certified organic produce. My family and I depend on the premium price we are able to garner by selling our produce as certified organic. To be certified organic, we must abstain from the use of prohibited synthetic chemicals for a period of 3 years. The proposed legislation doesn't define what constitutes the best and most practical method of weed control, but herbicide must certainly be part of that vision. We rely upon mechanical and biological weed control. If the county were to come in and spray on my operation or if my operation were to receive drift of prohibited chemicals, even if they didn't destroy all of my crops, I would be unable to sell my produce at the organic premium for a minimum of 3 years. This would probably put me out of business. I currently employ between 2-5 people depending on the time of year. They would be out of a job. I think many other specialty crop operations, organic or not, across the state would be vulnerable if this legislation passes.

While I appreciate efforts to modernize laws, I ask that you all vote against HB 2479 as currently written.