Before the Senate Natural Resources Committee
Testimony by Zack Pistora, Kansas Sierra Club
Opponent to HB 2479; March 9th, 2016

Chairman Powell and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in opposition of HB 2479; which makes many changes to the Kansas noxious weed law. For context, you should know 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. 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. However, we have issue with HB 2479 as currently written.

Our main concern with HB 2479 and current weed management practices is that there is too much focus on using chemical controls in combatting noxious weeds. Chemical pesticides are essentially poisons, and are obviously intended to be harmful to plant life. These pesticides kill plants, but also kill the helpful soil bacteria, fungus, and organisms in and around the weed. Chemical use often causes more everlasting trouble for agriculture and our environment in the long-run. Overdependence on and misuse of manufactured pesticides (meaning insecticides, herbicides, fungicides, etc.) has caused environmental pollution, increased costs and energy consumption in agricultural production, reduced pollinator populations, induced increased pest resistance in crops ('super-weeds'), and has increased human and animal morbidity and mortality. HB 2479 allows for a greater ability of cost-sharing of chemicals, and would likely promote increased use of harmful chemical pesticides across Kansas lands.

While perhaps not as convenient as spraying chemicals, mechanical and other alternative noxious weed control methods are often superior in lessening the harm to our soil health, helpful plants, wildlife, and people. Utilizing non-chemical methods such as prescribed burning, mowing, planting of native plants to crowd out invasives, and animal grazing can be more effective and better for our pocketbooks too.

If HB 2479 is to be passed, the Secretary of Agriculture needs to statutorily prioritize non-chemical pest management controls above chemical pesticides, and create liability protections regarding chemical use. We suggest amending the first 'shall' to 'may' in Section 14, subsection c. This would allow counties and landowners more flexibility in opting for non-chemical control methods.

Currently, HB 2479 does not address a central problem of relying on chemical controls to combat noxious weeds, which is requiring liability protection to landowners for damages from wrongful application or chemical drift. Chemical drift from pesticide application from private applicators and our weed departments can cause serious damage to sensitive crops and habitats. Kansans have had their ornamental trees and grape vineyards being ruined by chemical drift and wrongful application of chemical controls.

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

Sincerely,
Zack Pistora | Legislative Director and State Lobbyist, Kansas Chapter of Sierra Club
zack@kansas.sierraclub.org | 785-865-6503

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 are as follows:

- Crop rotations, prescribed patch-burning, planned animal grazing, mechanical and 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 be bear full legal and moral responsibility for chemical drift and runoff into adjacent farmland, wild land, 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.