



1/26/2015

House Committee on Agriculture and Forest Products  
Vermont State Legislature  
115 State Street  
Montpelier, VT 05633-5301

**Re: Opposition for H.539– Act relating to establishment of a Pollinator Protection Committee  
Support for H.236– Act relating to the use of neonicotinoid pesticides**

Dear Honorable Members of the House Committee on Agriculture and Forest Products,

Thank you for allowing me the chance to speak to you today. My name is Tiffany Finck-Haynes and I'm the Food Futures Campaigner with Friends of the Earth. With nearly 500,000 members and supporters nationwide Friends of the Earth is an environmental organization that defends the environment and champions a healthy and just world. We're part of Friends of the Earth International, a federation of groups working in 74 countries on today's most urgent environmental and social issues. Our current campaigns focus on promoting clean energy and solutions to climate change, ensuring the food we eat and products we use are safe for our health and the environment, and protecting marine ecosystems and the people who live and work near them. Our BeeAction campaign is working to protect bees, butterflies and other pollinators facing rapid decline globally. Our organization respectfully urges you to support H.236- An act relating to the use of neonicotinoid pesticides and oppose H.539- An act relating to the establishment of a Pollinator Protection Committee.

I'm a native Vermonter and grew up in Brattleboro. My family has been in the Vermont maple business for seven generations. We support small family farms because we believe they strengthen rural economies, preserve important ecosystems and help to protect a way of life that is increasingly under threat. Unfortunately, small family farms have been largely replaced by industrial agriculture, with significant consequences for the environment, our rural community and the quality and safety of our food. The way we grow our food is harming our bees, along with a host of other essential species—including wild bees, birds, bats, butterflies, dragonflies, lacewings, ladybugs, earthworms, small mammals, amphibians, and aquatic insects—based on an increasingly heavy use of ever more toxic pesticides, which is eliminating critical habitat and contaminating soil and water.<sup>i, ii, iii, iv, v, vi, vii, viii, ix, x</sup> Some scientists are saying we are in the midst of a "second Silent Spring."<sup>xi</sup> Thousands of studies have been published identifying pesticide use, including neonicotinoids as a leading driver of bee-declines based on a strong and growing body of science and are calling for immediate restrictions to avoid further declines. If unsustainable losses of bees and other essential pollinators continue, it could lead to irreversible harmful effects on our food system and the environment. The Vermont legislature now has the opportunity to address this important issue by joining other local, state and federal agencies by passing H.236.

In response to mounting scientific evidence there have been a number of entities around the world and coast to coast in the U.S. that have restricted or banned the use of these pesticides. On December 1, 2013 the European Union placed a two year suspension on the most widely used neonicotinoids based on recommendations by the European Food Safety Authority. Two weeks later the European Food Safety Authority cited evidence that the neonicotinoids acetamiprid and imidacloprid "may adversely affect the development of neurons and brain structures associated with learning and memory" and they recommended the European Commission further restrict their use.<sup>xii</sup> The European Union is considering extending the ban until January 2017.<sup>xiii</sup>

The Ontario government became the first state or province in North America to restrict neonicotinoids to reverse bee declines. The province plans to reduce the use of neonicotinoids on corn and soybean seeds by 80% by 2017.<sup>xiv</sup> In November 2015, Quebec announced plans to implement a new strategy that will restrict the use of certain pesticides

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deemed “high-risk” including neonicotinoids. Farmers will need to get permission from agronomists before using these pesticides on crops.<sup>xv</sup>

In June 2014, President Obama established a new Pollinator Health Task Force, co-chaired by the Secretary of Agriculture and the Administrator of the Environmental Protection Agency.<sup>xvi</sup> President Obama directed this task force to develop a National Pollinator Health Strategy, calling on the EPA to assess the impacts of pesticides, including neonicotinoids.<sup>xvii</sup> The Presidential Pollinator Health Task Force released its report in May 2015, with a plan aimed at reversing honeybee and monarch population declines. A central focus of the plan is planting millions of acres of federal land with pollinator-friendly plants.<sup>xviii</sup>

The U.S. Fish and Wildlife Service committed to phase out neonicotinoids by January 2016.<sup>xix</sup> The Council on Environmental Quality released guidance in October 2014 recommending that federal facilities and federal lands, not use systemic insecticides or acquire seeds and plants from nurseries that have been treated with systemic insecticides.<sup>xx</sup>

At the beginning of January, the U.S. Environmental Protection Agency released its preliminary pollinator risk assessment for the pesticide imidacloprid. The risk assessment, conducted with California’s Department of Pesticide Regulation, indicated that imidacloprid poses risks to honey bees.<sup>xxi</sup> Last spring the EPA announced a moratorium on new or expanded uses of neonicotinoids while it evaluates the risks posed to pollinators.<sup>xxii</sup> Based on EPA’s own analysis released in October 2014, it found neonicotinoid seed treatments offer little to no economic benefit to U.S. soybean production.<sup>xxiii</sup>

In September 2015, the 9th Circuit Court ruled to revoke EPA’s approval for sulfoxaflor -- a neonicotinoid -- saying, “Leaving the EPA’s registration of sulfoxaflor in place risks more potential environmental harm than vacating it.”<sup>xxiv</sup>

More than thirty cities, states and universities across the U.S. have taken steps to restrict neonicotinoids and plant pollinator friendly, native and drought tolerant plants that aren’t pre-treated with systemic insecticides including neonicotinoids. These entities include: Oregon, Minnesota, Seattle, Thurston County and Spokane, WA, Shorewood, St. Louis, Minneapolis, Andover, and Stillwater, MN, Ogunquit, ME, Eugene, Portland and Cannon Beach, OR, Boulder, CO, Warren County, NC, Skagway, Alaska, San Francisco, Palo Alto and Sacramento, CA as well as Emory University, Southern Oregon University and Vermont Law School.<sup>xxv</sup>

In 2014, in addition to Vermont, the following states introduced legislation to reduce neonicotinoid pesticide use: Oregon, Minnesota, California, Maine, Maryland, New York, New Jersey, and Alaska. In 2015, in addition to Vermont, a number of states introduced legislation to minimize neonicotinoid use, including Massachusetts, Maryland, Virginia, Alaska, Minnesota, New York, Arizona, Oregon and California. Aside from neonicotinoid use, the following states introduce legislation regarding pesticide use in 2015: Oregon, California, Utah, Colorado, New Mexico, Texas, Oklahoma, Louisiana, Minnesota, Iowa, Missouri, Illinois, Tennessee, West Virginia, Alaska, New York, New Jersey, Massachusetts, New Hampshire, Maine and Vermont. The following states introduced legislation in 2015 regarding pollinators: Oregon, California, Texas, Oklahoma, North Dakota, Minnesota, Wisconsin, Michigan, Kentucky, Virginia, Massachusetts and Maine.<sup>xxvi</sup>

In 2014, Oregon passed a bill that requires pesticide applicators to receive education on best practices, creates a task force to study bee protection measures, directs Oregon State University and the Department of Agriculture to develop educational materials to protect bees, and provided measures the Legislature could pursue in 2015 to protect bees.<sup>xxvii</sup> In 2015, Oregon passed a bill to ban the use of neonicotinoids on the *Tilia* genus of trees, which includes Linden and Basswood trees.<sup>xxviii</sup>



In 2014, Minnesota passed a bill to not allow plants treated with pollinator lethal insecticides from being labeled or advertised as beneficial to pollinators.<sup>xxix</sup> In 2015, the state passed a bill that encourages any entity receiving state funding for new conservation lands to plant habitat for monarch butterflies and minimize pesticide use.<sup>xxx</sup>

Due to their ability to leach, neonicotinoid insecticides can potentially affect wells and whole aquifer systems. Because of concerns about groundwater contamination, in 2004 New York State imposed a series of restrictions on neonicotinoid use, including bans on some neonicotinoid products and classified all imidacloprid-containing professional, ornamental, nursery and agricultural products as “restricted use”, meaning that these products must be applied by a certified applicator and their use reported to the state. Additionally, all consumer-use products containing imidacloprid other than pet products and potting soil mixes are required to be listed as “Not for use” in four counties in the state.<sup>xxxi</sup>

Additionally, the New York State Department of Environmental Conservation rejected Bayer CropScience’s application for “Poncho 600”, which contains the neonicotinoid clothianidin because the agency concluded, “...persistent and mobile. Modeling corn with middle of the road parameters, not worst case parameters, indicated a significant negative impact to groundwater when used as labeled. This product appears to have a significant potential to cause a negative groundwater impact.”<sup>xxxii</sup> If New York is restricting the use of these insecticides due to concerns for the negative impacts on groundwater and aquifers in the state, we urge the state of Vermont to take similar actions to protect our essential watersheds by passing H.236.

In the marketplace, many of the UK’s largest home improvement retailers, including Homebase, B&Q and Wickes, made public commitments to no longer sell products containing pesticides linked to declining bee populations in 2013. Just last month, Aldi, a leading global discount supermarket chain with almost 10,000 stores in 18 countries asked its German and Dutch fruit and vegetable suppliers to stop using eight pesticides that were found to be hazardous to bees, including neonicotinoids.<sup>xxxiii</sup> In Canada, Rona a leading garden retailer with more than 500 stores disclosed in 2015 that 70% of all plants sold in their stores are neonicotinoid free. The remaining 30% that did contain neonicotinoids are likely hanging baskets and exotics like tropical indoor plants. By 2016, RONA committed to require all of its suppliers to clearly identify their products as containing or not containing neonicotinoids.<sup>xxxiv</sup>

In the U.S., more than thirty nurseries, landscaping companies and retailers have taken steps to eliminate neonicotinoid pesticides from their stores. Home Depot, the world’s largest home improvement retailer has eliminated 80 percent of neonicotinoid pesticides in its garden plants to date and will complete its phase-out in plants by 2018.<sup>xxxv</sup> Lowe’s, the second largest home improvement retailer in the world, made a public commitment to eliminate neonicotinoid pesticides from its stores including products and plants treated with them, redouble existing integrated pest management practices for suppliers and provide additional material educating customers about pollinator health.<sup>xxxvi</sup> BJ’s Wholesale Club, a retailer with more than 200 locations in 15 states, has removed neonicotinoid plants and products from its shelves.<sup>xxxvii</sup> In October 2014, Whole Foods issued a new product rating system for fruits, vegetables and cut flowers, which identifies pollinator protection as a priority and restricts the use of neonicotinoid pesticides.<sup>xxxviii</sup>

The bee problem is complex; bees are having trouble for many reasons, but the evidence clearly shows that neonicotinoid pesticides are a key part of the problem and something we can fix now. Reducing the use of these pesticides will help bees. We urge Vermont to join others across the country and around the world to pass H. 236 to immediately make a significant impact in helping protect Vermont bee populations, food system and environment.

Further, we recommend that H. 539 be rejected. We believe it would be a waste of state and taxpayer resources to research this issue as thousands of studies have already been conducted that have identified the causes of pollinator decline, evaluated best management practices for application of pesticides, including neonicotinoids, and recommendations for conservation and protection measures. A number of states, organizations and federal agencies are already engaging in public awareness campaigns around pollinator health issues as this was a directive under President Obama’s Pollinator Memorandum and federal strategy announced in 2015. These groups are distributing pollinator



friendly seed packets to area residents, factsheets around the importance of pollinators, pollinator friendly flowers, gardening tips, including information on how to reduce or eliminate pesticides and holding pollinator friendly awareness events open to the public where farmers, beekeepers, gardeners, NGO's and government agencies are in attendance that can spread the word about the importance of pollinators and how people can take action to protect pollinators in their own backyard and beyond. Thousands of these studies and activities have already happened. The action by Vermont that is needed that could build open other efforts across the country that have already happened is to pass H.236 and ban the use of neonicotinoid pesticides to protect Vermont's pollinators.

I have always taken pride in the fact my native state of Vermont is a national leader on many issues, especially environmental and agricultural issues. I hope Vermont will be a national leader in protecting pollinators by banning this class of insecticides by passing H.236 and rejecting H. 539 to protect the small, but important creatures upon which so much of our food and plant life depends.

Thank you for your time.

Sincerely,

Tiffany Finck-Haynes  
Food futures campaigner  
Friends of the Earth-U.S.

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