

Testimony on Senate Bill 272, Senate Agriculture Committee

February 7, 2020

Michael Bald, Founder of *Got Weeds?*

Good morning, and thank you for the opportunity to testify on S.272.

I appreciate the testimony you've received thus far, and I shall seek to supplement that information rather than repeat it.

My qualifications for speaking today are as follows:

1. First, I have attended numerous VPAC meetings since perhaps the 2013 timeframe for the sole purpose of educating / informing myself at my own expense. I have listened and have occasionally submitted comments.
2. Second, I manage vegetation professionally, on thousands of acres over extended timeframes and entirely without chemicals. Currently entering my tenth growing season as a stand-alone company / sole proprietorship.

You have heard a great deal regarding the purpose of the Advisory Council and its failings. I can offer further examples in this arena, but do wish to acknowledge that the membership does operate professionally and can be proud of worthy accomplishments. I have said in the past, however, that the overall performance is still summarized as "mission-fail."

This leads to my overriding point today. The failure of the VPAC does not rest on the shoulders of the council alone, but rather is a reflection of the national fascination with "better living through chemistry." When VPAC was created, the stated goals were a fit for that moment in time. No member of the public then could have known that herbicides would become such a profit-maker with more and more uses identified and recklessly promoted. The desire for ever more Profit has driven us to this day and age where our usage is exponentially more than was even conceivable in earlier times. The global warming scenario offers a parallel example... immediate profit ahead of common sense and scientific integrity.

So we sit here today facing not only a massive increase in annual usage but also an unknown toxic legacy resulting from decades of untracked pesticide usage. We may have tracked select quantities over select timespans, but we have not tracked or explored cumulative effects or other relevant factors that may contribute to declining soil health. So the urgency today is real, very real... much more so than in previous decades. The only remotely “good” news is that we have sidelined a handful of the most toxic pesticides; although the bans are relative positives, exemptions still exist and a slew of proprietary corporate secrets are still tolerated.

I need to make a point here. One of our most glaring issues regarding land management practices and public health is that public participation is low, almost non-existent. Yes, public engagement is complicated, but in recent years we have allowed a televised, real-time, participatory public meeting model to fall by the wayside. We have made it MORE difficult for people to participate in what they see as MEANINGFUL ways. People can still comment and vote and speak, but they express little confidence that input will be taken seriously or make any actual difference.

By way of example:

1. The Process nowadays is SO long that it absolutely kills public participation. That may even be intentional for all I know. Sometimes this is the NEPA process, sometimes it pertains to development of statewide policies (RAPs, the GMFL Forest Plan), but Process must accommodate people, not wear them down.
2. Meetings are often held around mid-day. For any member of the public who has to travel, this becomes a full-day commitment, and costs easily \$300 - \$400 in travel, fees, and lost wages. If we continue to insist on daytime meetings, please fund and issue headlamps for those of us who work outdoors by the light of day.
3. I have submitted comments to the National Wildlife Refuge System, the Watershed Tactical Basin Planning process, the Pollinator Protection Committee, the Outdoor Recreation initiative (VOREC)... I can count on one hand the number of times I have ever heard back or seen follow-up to my input.

4. Consider the dicamba disaster in the midwest; complaints were down last year, but the deeper dig in Missouri revealed that people had simply given up on reporting violations.
5. When people DO comment, their input somehow just does not make it into the meeting notes. Two personal examples are the Pollinator Protection Committee (2018) and the 27 MAR 2019 VPAC meeting:

Public Comment Mike Bald of 'Got Weeds' from Royalton, VT – 3 questions for the committee

1. Has VPAC provided input to the legislature? A: VPAC has provided its position when asked but usually Agency officials are tasked with providing input to the legislature.

2. Formal request to help with entering usage data. A: Offer appreciated. Agency is working on; Erica Cummings has been hired to correct usage errors and provide usage reports. Working from 2018 backwards.

3. How to opt out of ROW pesticide spraying using VTALERT?

- Not possible. Taken down from VTALERT because the alert goes out when permit activated, not for individual areas.*
- Notifications occur via newspaper and radio*
- For utilities-contact directly*
- VTRANS- can opt out by contacting however, constituent is responsible for maintaining the ROW and if this is not done properly, pesticides can be used.*

The above notes are copied directly from the meeting notes, but they failed to capture significant points, hugely significant. I'm arguing here that VPAC suffers from a lack of public participation and a failure to capture relevant input accurately. See point #2 above. I specifically offered to assemble a team of citizens to put together pesticide data reports at no charge to the agency. This offer would have alleviated staff and cost bottlenecks that have hampered agency leadership, but the offer somehow did not make it into the meeting notes.

Hard to explain that... and I had the same experience with the Pollinator Protection Committee: meaningful input not noted.

Ergo, the unavoidable conclusion: public engagement is Broken.

Let's continue:

VPAC is not getting the information it needs to empower its decision-making. Consider 2016. The summer of '16 brought essentially no rain to the southern reaches of the state and central MASS. This severe drought condition equates to major STRESS on all types of vegetation as well as on soil microbes. There were also at the time three species of exotic pest beetles in the immediate vicinity (HWA, ALB, EAB).

Why would any regulatory or advisory body permit the use of pesticides / toxins under such conditions? In a climate with more disturbance events and huge swings in water table and ground conditions, why would we seek to introduce yet more stress into that landscape? Never comes into the conversation, even as a power company talked about doing a test run on a new pesticide in precisely that area, southern Vermont.

How does this happen? Where are the universities, the scholars, the stewards? We should all know that pest beetles are in quest mode seeking out weakened trees. As if the drought were not bad enough... where is the focus on cumulative effects? On long-term system health?

It fell to ME, a member of the public, to recommend that a power company experimenting with herbicides should coordinate with their county forester. Recognizing the interplay of health factors is not difficult; anyone who produces maple syrup knows that annual sugar production traces back through the years and depends on many contributing factors.

Pesticide usage is now an environmental constant. Like acid rain once was, and like the flyover of migrating passenger pigeons once was, the annual application of tons of pesticide is an environmental stressor that will kill off some species, eventually, while forcing others to evolve as survivors. Those survivors will require yet stronger chemistries to suppress them. And rather than focus on functional soils and healthy plant communities, we will pursue those ever more powerful and profitable synthetic toxins. Even today, people post pesticide formulas online and advise others on how to apply such home brews. This is new; such pesticide freelancing did not occur in the 70s and 80s prior to internet connectivity. It reinforces my argument that rampant pesticide use is now an environmental constant.

Some further questions for you:

1. Why do Recreation world and Ornamental world get free passes when it comes to pesticide usage? RoundUp Ready grass seed... really?
2. When will we take atrazine seriously? We've already had gender-confused fish in Lake Champlain. Fish are complex organisms; we should be concerned, but where is the health department in this swirl of informational indecisiveness? They should be monitoring sperm counts if they need evidence of impacts on human reproduction. Human sperm counts are less than half what they used to be (per a study comparing 1930s to 1980s).
3. Why are we testing soil for lead and PFAS but no agri-chemicals? We have no benchmarks, no startpoints, and I see that as deliberate.
4. We get excited about land conservation, but what good is conservation when we then use lofty restoration goals to justify addition of toxins to already-depleted landscapes? Your legislature colleagues viewed landscape resilience testimony last Friday - was the reduction of pesticide usage mentioned as a goal? Mentioned at all?

My recommendations to achieve future reductions in pesticide usage follow.

1. People perform and execute their duties with real focus on what they know will be checked and evaluated. Improve on the supervision, and consider making it consequential across ALL fronts.
2. Introduce a Secrets Tax. For corporations to carry their proprietary secrets into our state, they should be allowed to do so only when they pay the appropriate Secrets Tax. We need such a tax to determine effects and impacts of all these secret formula chemicals. What the actual tax is or looks like is none of their business... if they wish to know then they can offer up some of their corporate secrets.
3. Create escrow funds for managing issues associated with mis-use of pesticides, and direct that manufacturers contribute to this fund. Create another escrow fund to assess direct and indirect impacts of pesticides on the Vermont-specific landscape.
4. Pay for soil testing to track agrichemical activity and accumulation.

Bullet Points

1. Reduction of pesticide usage belongs squarely in the global warming discussion since pesticides carry a quadruple CO2 impact.
2. Pesticide usage is now a massive environmental constant, a stressor. If you want to save maple and ash and hemlock trees from hungry beetles, start by reducing “other” environmental stressors.
3. Pesticide usage is currently accepted as normal and necessary, even promoted as the first recourse.
4. Integrated Pest Management is a concept broken beyond repair; it is a mere catch-phrase devoid of valid meaning. Like Sustainable and Green.
5. If IPM were truly followed in spirit, the funding for management practices would be more equitably distributed among various approaches.
6. Alternatives to pesticides are routinely ignored and financially discouraged in both agencies and academia.
7. Soil testing does not monitor for pesticides or breakdown products (Cornell).
8. Health considerations regarding exposure to pesticides are non-existent in Vermont. See the Five-Year Cancer Plan; see also obesity and endocrine issues.
9. Permitting the use of pesticides does not account for real-world, current landscape conditions; there is NO adaptive management.
10. Clean water comes from healthy, functional soils; thus chelating agents and anti-microbials are a negative in the pursuit of productive, resilient soils (regenerative agriculture).
11. Academia is not a leader in this field and does not wish to be.
12. The Vermont landscape is depleted, stressed, and dysfunctional over vast areas, and the extended process of repair / rehabilitation has only just begun.
13. Use of herbicides completely eliminates economic opportunities associated with invasive species like garlic mustard, buckthorn, and Japanese knotweed. No one wants contaminated material.

14. New pesticide formulations and new applications continue to emerge, piling on to the practices already in place; this allows for the average homeowner landscape to experience 7-10 pesticide exposures each growing season. Unbeknownst.
15. Glyphosate is now found in beer, wine, honey, and nearly all breakfast foods. When and where will it end? When will people decide they've had enough with the toxic residues in food? Why does water now come in bottles? How do you make craft beer without clean water? Why do we NOT care about these questions?
16. Enforcement of regulations is exceedingly difficult; look at Indiana and Missouri trying to address just one single toxin, dicamba. They've coined the expression "dicamba fatigue." Are we prepared to commit to enforcement of policy?
17. The decision to avoid problematic pesticides can be a positive for businesses with public visitation; it mitigates certain health related liabilities.
18. Pesticide usage comes with externalized costs; how many times was Red Rocks Park closed last year for invasive species work? Zero: no chems involved.
19. Government agencies have no mandate to reduce pesticide usage; that desire comes from residents and taxpayers. Government agencies know that economic poisons are problematic; why else would there be a three-year transition period for converting to organic land practices? Why does the soil need to recover its capacity to grow plants or support life?

Money has driven the train for decades now, profit rather than knowledge; this is why accepted practices become cemented in place and the VPAC has simply become a review committee. VPAC needs to evolve.

Weeds are evolving against pesticides; we need to do the same.

Pesticide use will continue on its upward track, and we will continue to chase after issues decades later if we do not begin anticipating impacts on water, soil, and people. We need to be in front of the challenge, not forever behind.

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As I have offered in previous visits to the legislature, all members are welcome to join me on relevant project sites if they need demonstration of non-chemical methodologies. Thank you.