

KANSAS HOUSE AGRICULTURE COMMITTEE

February 7, 2017 – 3:30 pm – RM 582N

Testimony in Opposition to House 2246

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My name is Paul Johnson and I am a lobbyist for the KRC. During the winter I lobby full-time and during the summer I have been an organic market gardener for the last 25 years. I would like to provide some comments, concerns and questions on this Noxious Weed bill.

The Kansas Rural Center is particularly concerned over the transfer of power from elected legislators to unelected political bureaucrats. Consider the concerns that have been expressed over the EPA so we want to emulate that situation with the Kansas Department of Agriculture?

HB 2246 places a greater burden on private property owners and expands governmental interference. This bill allows county weed personnel to access and eventually apply toxic chemicals to private lands without permission (Section 16). The fines are doubled from \$100 to \$200 per day and there is no maximum limit for increased fines. This bill does not guarantee liability protection to landowners for damages from wrongful application or chemical drift by county weed departments. There is no right in law today to afford a private landowner the option to post their land as a 'no spray' zone and to guard against 'chemical trespass'.

This lack of 'chemical trespass' protection comes at a critical time. As glyphosate (Round-UP) has been overused and abused for 20 years, Kansas now has the second most 'super-weeds' identified in the country. As USDA approves the greater use of 2-4D as a tank mix with glyphosate, 2-4D pesticide drift will greatly increase. There is no definition of 'drift' in existing pesticide or noxious weed law. Would new grape growers risk an investment in land and vines?

There is no 'risk assessment' written into this bill to give guidelines to identifying 'noxious weeds'. Any plant species identified by the Secretary or the County could qualify and thus unlimited fines and possibly property tax liens could be levied to force bankruptcies.

HB 2246 allows for a greater ability of cost-sharing of these harmful chemicals and would likely promote increased use of these chemicals across Kansas rather than utilize safer and more efficient non-chemical best practices. As the new property tax lid squeezes counties' general budgets, will increased sales of pesticides be necessary to fund the county weed department?

KRC requests that this committee give a directive to the Kansas Department of Agriculture to form a 'broad-based' stakeholder task force to meet this summer and fall and bring back recommendations to the 2018 session. KRC does support the amendments to HB 2246 provided by the Kansas Sierra Club as a beginning point to protect the health and safety of all Kansans.

Thank you for this opportunity to provide a written version of my comments to the committee.