

Before the House Agriculture Committee  
Written by Zack Pistora, Kansas Sierra Club  
Opponent to HB 2583  
February 8th, 2018



Chairman Hoffman and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in opposition of HB 2583; which makes many changes to the Kansas noxious weed law. Before we begin to address the bill, it is important to note that the Sierra Club supports smart 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. Our Kansas Chapter recognizes the importance of controlling the environmental threat that is noxious weeds, but ultimately, we must not ignore the environmental consequences of how we control noxious weeds. Currently, our chief answer for noxious weeds are chemical controls.

**HB 2583 and current noxious weed management practices focus too heavily on using chemical controls. Chemical pesticides are harmful to our ecosystem, often causing everlasting trouble for agriculture and our environment.**

Overdependence on and misuse of manufactured pesticides (meaning insecticides, herbicides, fungicides, etc.) has caused significant environmental pollution and increased costs in agricultural production, reduced pollinator populations, increased pest resistance in crops ("super weeds"), and has increased human and animal morbidity and mortality. For example, the populations of some of our greatest farm allies, our pollinators (particularly bees and butterflies) have dropped substantially in recent times, especially because of increased use of pesticides in the last decade. Common herbicides, such as 2-4 D and Glyphosate, have been classified by international health agencies as human carcinogens affecting liver, kidney, and thyroid functions of the body. The Sierra Club promotes a simple ethic: The less poisons on the land, the better. HB 2583 allows for a greater ability of cost-sharing of these harmful chemicals, and would likely promote increased use of harmful chemical pesticides across Kansas lands. Instead of chemical controls, there is opportunity to utilize safer and more efficient non-chemical best practices (see next page).

**Executive authority, rather than legislative, over listing and managing noxious weeds may be warranted, but HB 2583 would need significant fixes to protect Kansans' best interests.**

We recognize that there may be some advantages from transitioning noxious weed authority from the Legislature to the executive Secretary of Agriculture. However, we cannot advocate for such a change at this time unless we develop some serious compromise. First of all, we suggest the scope of powers for the Secretary be limited and the Noxious Weed Advisory Committee be better balanced with ecological and health interests. Many of these suggestions are specified in our 'recommended amendments' document.

If HB 2583 is to be passed, Kansans will benefit greatly if you incorporate our suggested amendments.

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, including greater use of integrated biological approaches to weed control. We must be diligent about changing our public policy and be careful not to make our agricultural and environmental problems worse off.

Sincerely,

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*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](http://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 (including invasive weeds) are as follows:

- Crop rotations, prescribed patch-burning, planned animal grazing, mechanical controls (such as mowing and excavation), 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 bear full legal and moral responsibility for chemical drift and runoff into adjacent farmland, wildland, 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.

## Recommended Amendments to HB 2583 concerning the Noxious Weed Act:

- 1) Regarding the makeup of Noxious Weed Advisory Committee:
  - Specify that one of the private landowners be a sensitive crop grower or grape grower.
  - Specify that one landowner be a certified organic producer.
  - Delete one KSU Weed Specialist and add an ecologist or land management professional from KS Biological Survey
  - Add an environmental organization representative from the Kansas Chapter of Sierra Club or the Nature Conservancy.
- 2) Expand the advisory committee's role to include study of pesticides and drift, i.e. the *Kansas Noxious Weed and Pesticide Advisory Committee*.
- 3) Insert a cap on fines, such as "*up to a maximum fine of \$2500*" in Section 15.
- 4) Create a reporting requirement to the legislative agriculture committees every 2 years (end of Section 6).
- 5) Strike this part of Section 6(a).  
~~"Once a weed has been declared to be a noxious weed, it shall be considered a noxious weed in every county of the state."~~
- 6) In New Section 3 (f), change the recommendation requirement of a majority vote to three-fourths vote.
- 7) Insert a section on liability protection for county noxious weed departments regarding drift or misapplication of chemical herbicides.
- 8) Provide for obtained permission or at least 5 days advanced notice to landowners before allowing county officials to inspect private property for noxious weed control.
- 9) In Section 8, insert language to direct the Secretary to prioritize non-chemical pest management strategies over chemical applications in consultation with counties for best weed control practices. Furthermore, an expansion of cost-share programs for non-chemical controls may be appropriate.