

## KANSAS SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

Paul Johnson – Kansas Rural Center – March 19, 2018

### OPPOSITION TESTIMONY TO HOUSE BILL 2583

Thank you for this opportunity to testify in opposition to House Bill 2583. My name is Paul Johnson and I represent the Kansas Rural Center on local food, farm, and environmental issues.

We applaud the amendments made to the House version of the bill that change the advisory committee make up to include a non-chemical weed expert from KSU, a representative from Kansas Biological survey, and a “non-traditional crop grower”, and the addition of language that refers to use of non-chemical control options as well as chemical options. But KRC still takes issue with parts of the bill.

**Pesticide drift is still not addressed.** Drift is not defined in Kansas law, nor does Kansas law offer clear legal protections. Chemical drift should be defined as a ‘property crime’. Certainly those affected who lose sensitive crops or organic certification, or simply the homeowner who loses a home garden or landscape trees or plants suffers economic loss just as if their home were vandalized or robbed. KDA, working with county health officials - should investigate drift complaints and assess damages in a reasonable timeframe. There should be an administrative hearing process at KDA to expedite the assessment and collection of damages. If Kansas truly wants to promote more specialty crops ( fruits and vegetables) such multi-thousand dollar investments will not be made if the issue of chemical drift is not addressed. The organic farming sector is the fastest growing sector in agriculture, with strong interest shown by Kansas’s conventional producers in transitioning to organic. **KRC supports the creation of an improved ‘drift watch’ website where landowners can list their land and establishment of greater legal protection from chemical drift.**

As this committee heard in the Dicamba informational hearing, chemical drift will increase, as more toxic chemicals such as 2,4-D will be used on ‘glyphosate-resistant’ plants. The elected Kansas Legislature should not surrender the authority for regulating and monitoring noxious weeds to unelected public officials. **(KDA) should be required to file an annual noxious weed/chemical drift report summarizing drift issues and complaints, and including policy recommendations with the Kansas Legislature. For emergencies, the KDA Secretary should present a plan to the Legislative Coordinating Council that is than considered in the next legislative session.**

**Definition of noxious weed.** What are the criteria to define a noxious weed? How is the ‘risk assessment’ (p.4 – line 11) to be developed by the Secretary of Agriculture? Will a ‘glyphosate-resistant’ plant such as pigweed now qualify as a noxious weed when Kansas has over 20 such plants? **The Kansas Legislature should legislatively define the parameters of a noxious weed and the risk assessment in regards to economic exposure and environmental impact.**

**County authority.** Under this bill, any County Commission can declare any plant a noxious weed in their county with the Secretary’s approval. At that point the County can inspect any private property for the noxious weed. After written notice - the County can invade the private property of any ‘non-cooperative’ landowner and spray and put that cost on the landowner’s property tax. Today that cost is recovered over 10 years but **HB 2583** can shorten that to just two years. Non-payment of taxes can force a land sale. Given the financial straits of most rural counties to maintain roads and public safety, does the county

weed department have to 'self-fund' by selling even more chemicals? **We support maintaining the ten-year cost-recovery as opposed to shortening it.**

**Non-chemical controls.** We are pleased to see inclusion of a non-chemical weed control expertise on the advisory committee. But how much non-chemical, biological 'integrated pest management' research is being done at KSU or elsewhere in Kansas? K-State Research & Extension receives a \$45-50 million State General Fund block grant. **The Kansas Legislature could direct certain biological and cultural research trials to balance the chemical trials and help understand and address pesticide drift issues, and enhance integrated pest management developments.**

**Advisory Committee.** We would like to make one suggestion for the advisory committee makeup. Non-traditional crops are defined as anything not "wheat, corn, soybeans, milo, peanuts cotton, hay or oats". We understand the intent to include representation for specialty crops such as vegetables and grapes, etc. but this excludes certified organic producers. Most certified organic producers in Kansas grow traditional crops. They do so without pesticides and they do so with the threat of pesticide drift destroying their certification and thus their income. Inclusion of an organic producer on the advisory council would enhance the committee and KDA's understanding of non-chemical controls and challenges.

**In conclusion,** why make this fundamental change in the final year of a Governor's administration? Who will be the new administrative officials to implement these changes? Shouldn't the 2019 KDA Secretary be involved with approving and implementing this act if this noxious weed power is to be moved? And shouldn't there be a four-year sunset clause so the Kansas Legislature is required to review the progress and implementation to see if this was the right idea for Kansas?

**KRC supports spending the next year researching noxious weeds, drift and pesticide law to develop a comprehensive proposal to first 1) protect public health; 2) promote the safest noxious weed control; and 3) promote improvements in integrated pesticide management strategies for the future.**

**KRC also supports inclusion in this bill of a purpose or mission statement Kansas stating that a balanced approach of non-chemical, biological methods are the first choice to protect public health before resorting to synthetic chemical controls.**