

February 28, 2023

Committee on Natural Resources

Assemblywomen and Assemblymen,

I write to you in opposition of A.B. 162 as it pertains to revises provisions governing restricted-use pesticides contain certain chemicals (BDR 51-97).

Neonicotinoid insecticides are a successful product in eliminating invasive species and grubs when needed. This is not a product we as landscape professionals blanket use, instead we use specific pesticides to target specific areas of issue.

Being located in Southern Nevada, we have the benefit of not needing to use neonicotinoid insecticides often. It is our fear that omitting the greater people of Central and Northern Nevada who need neonicotinoid insecticides to manage landscapes will hurt them in the future and potentially risk having to use more toxic chemicals to combat issues.

Best management practices for control of white grubs include using neonicotinoid insecticides such as imidacloprid (sold as 'Merit' branded products at retail) in anticipation of egg hatch such that control is achieved before damage can occur.

Curative treatments for white grub infestations discovered after damage has occurred include the use of insecticides that are more toxic to both humans, the environment and pollinators, all while being far less effective that the neonicotinoids.

Congress, through passage of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as enforced by the Environmental Protection Agency (EPA), has already spoken as to how pesticides are to be evaluated, registered, and used in the United States. Together with the Department of Energy & Environmental Protection, this two-tiered approach to ensuring pesticides are used wisely in Nevada is highly effective.

Under this two-tiered system we currently have, at any time, either agency can promulgate changes to label directions, restrict their use, or ban a pesticide altogether. There need be no intervention on the part of the legislature, indeed with legislatures intervene in decisions that should be made by qualified scientists, unintended consequences follow.

As part of the periodic statutory review of all pesticide products, the EPA is reevaluating the neonicotinoid insecticides not only under FIFRA, but under the requirements of the Endangered Species Act as well. At the conclusion of this thorough and rigorous process, regulated uses of the neonicotinoid insecticides will be such that no endangered species or their critical habitat will be in jeopardy from their use.

The use of neonicotinoid insecticides are already restricted in Nevada for the use of and by licensed applicators. This is a reasonable and prudent alternative to banning the nonicotinoid insecticides outright as professional applicators are trained to use these products correctly and in a manner that protects pollinators.

Pests persist regardless of politics. Absent the neonicotinoids, less effective, more toxic and antiquated pesticides must be employed to stem infestations after significant damage to landscapes has occurred.

In 2020, the nation of Sri Lanka suddenly made the use of synthetic fertilizers and pesticides (including neonicotinoids) illegal in the country. Unsurprisingly, crop yields crashed while inflation soared, and availability of food waned. While A.B. 162 specifically excludes agricultural crops under Amendment 1, what happened in Sri Lanka should serve as an object lesson for what happens when politicians attempt to substitute their opinions for the expert of scientists and regulators, the very people empowered by the legislature to make these determinations.

Using granular formulations of neonicotinoids, such as neonicotinoids impregnated on fertilizers, is a highly effective method of application that immediately places the product out of reach of pollinators. Neonicotinoids in turfgrass systems for the control of white grubs are root absorbed; granular products quickly penetrate the turfgrass canopy falling to the soil surface where they are watered in.

Controlling weeds in lawns prior to application of any neonicotinoid significantly reduces risk of exposure to pollinators. Not coincidentally, the number one reason that customers cancel lawn care services is poor weed control. Paying attention to best management practices reduces reliance upon herbicides, reduces weed populations and thus reduces adverse impacts from insecticide/pollinator interactions.

Professional pesticide applicators, as part of their recertification training requirement, are trained to mitigate pollinator risk while using pesticides.

I appreciate the opportunity to share the perspective on the proper role of the legislative process in the regulation of pesticides. We respectfully urge the committee to not pass A. B. 162.

Best,

Elliott King