

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eighty-second Session
May 4, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 3:35 p.m. on Thursday, May 4, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Julie Pazina, Chair
Senator Melanie Scheible, Vice Chair
Senator Edgar Flores
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblywoman Michelle Gorelow, Assembly District No. 35

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Counsel
Cherie Dittler, Committee Secretary

OTHERS PRESENT:

Kelli Kelly, Director, Fallon Food Hub
Matt Forister
Anna Tatarko
Jay Feldman, Executive Director, Beyond Pesticides
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League
Tobi Tyler, Sierra Club
Kevin Burls, The Xerces Society for Invertebrate Conservation
Ray Hopper, Help Save the Bees Foundation
Tara Christensen
Chris Halsch

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Melissa Gilbert, Bee Friendly Nevada
Christian Connors
Nick Shepack
Lilith Baran

Tray Abney, American Chemistry Council

J.J. Goicoechea, Director, State Department of Agriculture

Jason Cooper, Administrative Services Officer, Division of Environmental
Protection, State Department of Conservation and Natural Resources

Steve Walker, Douglas County

Nic Ciccone, City of Reno

Kathy Flanagan, Las Vegas Valley Water District; Southern Nevada Water
Authority

Jeff Rogan, Clark County

Leo Drozdoff, Truckee Meadows Water Authority

Candice Johnson, City of North Las Vegas

Yvette Williams

CHAIR PAZINA:

We will hear Assembly Bill (A.B.) 162.

ASSEMBLY BILL 162 (1st Reprint): Establishes provisions governing the use of
neonicotinoid pesticides. (BDR 51-97)

ASSEMBLYWOMAN MICHELLE GORELOW (Assembly District No. 35):

I am presenting A.B. 162 addressing the overuse of harmful neonicotinoid
pesticides by unlicensed noncommercial users. The negligent overuse of
neonicotinoids has been associated with health problems and harm in humans,
animals and a notable reduction in the population of pollinators, notably bees.

Neonicotinoids first emerged in the 1990s and have been widely used for
agricultural landscaping and veterinary products. As neonicotinoids are
systemic, they are absorbed by plants and remain in plant tissue. Neonicotinoids
can be present in pollen and nectar, making them toxic to pollinators that feed
on them. Pollinators that absorb neonicotinoids can experience disorientation,
impaired navigation and reduced reproductive success. The loss of pollinators
can have a domino effect on the ecosystem, leading to declines in plant
populations, reduction in biodiversity and negative impacts on food security.

Neonicotinoids have been linked to negative impacts on untargeted species, such as birds, bats, butterflies and other beneficial insects. Studies have shown that exposure to neonicotinoids can cause behavioral changes, reproductive failure and mortality in species that were not targeted by the pesticide. Neonicotinoids persist in soil and water leading to long-term environmental contamination and can accumulate in the food chain with potential risk to human health. Some neonicotinoids have been classified as potential carcinogens and are suspected of causing developmental and neurological disorders in humans. Considering the harmful effects of neonicotinoids, it is important to limit their use and implement alternatives to neonicotinoids such as integrated pest management practices, biological controls and nontoxic insecticides. These methods can be effective in managing pests while minimizing harm to the environment and human health.

I will summarize A.B. 162. Section 1 provides definitions on neonicotinoid pesticides and prohibits the purchase and use of those pesticides on plants not grown for commercial agricultural purposes. Commercial agricultural use of neonicotinoids will still be allowed. We have discussed the proposed amendments with the State Department of Agriculture (SDA), and they are comfortable with them. The bill also provides exceptions to the prohibitions on the pesticide if it is used as set forth on the manufacturer's label for pet care, veterinary treatment, and outdoor structures, as long as it is not used on plants. Pesticides-treated wood products for termite use and structural insulation are also exempt.

The bill also defines commercial agricultural purposes and provides that a person seeking to apply neonicotinoids for commercial agricultural use must obtain a certificate from the SDA. The provisions of this bill become effective upon its passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks, and on January 1, 2024, for all other purposes.

KELLI KELLY (Director, Fallon Food Hub):

The Fallon Food Hub supports small- and medium-sized agricultural producers in northern Nevada. We aggregate, sell and distribute fresh fruits and vegetables grown in our communities. Nevada farmers grow a wide variety of produce using different methods. Some crops are flood irrigated with surface water, others are dry farmed or irrigated through a drip system. Farmers grow plants conventionally, organically and some with no-till regenerative systems. All

farmers acknowledge the importance of bees and other pollinators. Bees are identified as a "keystone species," as they contain certain organisms that ecosystems depend on to keep the system cohesive.

Since 2018, beekeepers in Nevada have reported the highest level of bee colony collapse in the Country with a 71 percent colony loss in 2019 and an additional 53 percent loss in 2020. Bees are among the most important pollinators of fresh fruit, vegetable plants and silage field crops like alfalfa. The economic value of pollination services provided just by native insects alone is estimated at over \$3 billion annually in the U.S. At least one-third of crops and 90 percent of plants worldwide require cross- or self-pollination to spread and thrive. In Fallon, we grow Hearts of Gold cantaloupes, apples, asparagus, broccoli, squash, tomatoes, cucumbers and watermelons. These crops need bees to pollinate them.

For plants to produce the food items we rely on, pollen must be transferred from the male to the female part of the flower. That vital function is completed by bees and other pollinating insects. Based on scientific and peer-reviewed reports, bees are directly responsible for one of every three bites of food that humans consume.

Several studies have concluded that the continued use of neonicotinoid pesticides will trigger colony collapse disorder, and scientific data on beehives have found that exposed hives have only a 50 percent chance of surviving the winter after exposure to neonicotinoids. A Nevadan can now buy over-the-counter neonicotinoids for application on outside plants without knowing the implications of use. The U.S. Environmental Protection Agency (EPA) allows consumer retail products to contain neonicotinoids as an ingredient 120 times higher than the amount typically applied in an agricultural setting. Other than a small biohazard label, the EPA does not require pesticide manufacturers to disclose the harm that neonicotinoids can cause pollinators.

Neonicotinoids are added as ingredients to fertilizers and other products that are not marketed for the treatment of pests. If pest treatment is necessary, there are effective and significantly less dangerous alternatives. A French study recently published in the *National Library of Medicine* reported that in 96 percent of over 3,000 studies evaluating the use of neonicotinoids, an effective alternative was readily available. In 78 percent of those cases, there was at least one non-chemical alternative method to replace the neonicotinoid.

Joe Frey, a Churchill County farmer, recently informed me that after doing some research into the neonicotinoids addressed in A.B. 162, he called his agronomist and directed him to eliminate neonicotinoids from all products used on his commercial agricultural farm. It was also his belief that our world would be a much better place if neonicotinoids had never been developed. Our conversation has resonated with me. This bill codifies a solution to a problem in which the solution itself is more problematic than the problem it was created to fix.

MATT FORISTER:

If any of you grew up in Carson City, Reno or anywhere else in northern Nevada, you probably had an elementary school teacher ask you to search for caterpillars of Monarch butterflies and bring them back as a class project. Unfortunately, teachers do not do that anymore because it is too hard to find caterpillars these days. The Monarch butterfly has been in severe decline, and it is estimated that 50 other species of butterflies in the Western United States are in similar peril. Many laboratory and field studies have reported that other important groups of insects, including bees and ladybugs, are declining at the rate of 1 percent to 2 percent per year. My laboratory at the University of Nevada, Reno (UNR), has found that butterflies are declining at the rate of 1.6 percent per year.

Over a 20-year period, the decrease would calculate to a 25 percent loss of butterflies, which is staggering. We all know the causes of this decline; habitat is lost from the paving of open areas, habitat degradation, including pesticide accumulation, and climate change. These are global problems, but we can develop local solutions for global problems. Assembly Bill 162 is a local solution that would have an immediate and exciting positive impact on insects in our region.

In this bill, the interests of agriculture and natural ecosystems are aligned, as both factions rely on a diversity of insects to function. This bill would accomplish diversity of insects in our region and benefit agriculture and native ecosystems. Concerns for these ecosystems are far more important than all neonic uses for nonagricultural purposes put together. I realize that people love perfect lawns and roses, but there are many ways to accomplish this result without using this relatively recent class of pernicious pesticides that are so harmful to insects. Fortunately, insects are resilient creatures. They can take a lot of punches and remain standing for a long time. If you give insects some

space, they can readily bounce back. We can do the right thing and support A.B. 162.

ANNA TATARKO:

I am a Ph.D. student and have been studying neonicotinoid pesticides and their effects on health at UNR. I will discuss what I have learned about the science behind these pesticides. Neonicotinoids are designed to disrupt the insect nervous system by leeching into an insect's nerve cells and blocking cell-to-cell communication. An insect's nervous system can shut down when neonicotinoids accumulate in its body, which is great if you want to eradicate pests. But as neonicotinoids are systemic, they are absorbed in plant tissue and are harmful to beneficial insects, like pollinators.

Neonicotinoids are found in the petals, nectar, pollen and leaves of plants and can persist for a long time. If you apply a neonic one time, it is potent for the entire season and sometimes longer than that. Neonicotinoids are also water soluble so if your neighbor sprays them in their backyard, they can be easily transferred to your yard by pollination.

What I want to highlight today is there is no safe level of exposure to neonicotinoids for insects. High levels of these chemicals can be lethal and the increased risk is similar to smoking cigarettes. For example, one cigarette will not kill you, but that does not mean that smoking a cigarette is healthy. Even low levels of neonicotinoids can have negative health effects on bees and reduce their reproductive capacity. These populations are already decreasing at an alarming rate.

Neonicotinoids also disrupt foraging efficiency—an insect's ability to navigate fields. Neonicotinoids damage an insect's immune system, making it hard for bees to fight off parasites and pathogens. Neonicotinoids can disrupt how insects learn and recall where good patches of resources are and these effects last multiple generations. Just a single exposure to neonicotinoids can be detected two years later, many generations later in the life of bee. We know the populations of bees and other insects are declining due to many stressors, and it is hard to quantify the relationship between neonicotinoids and climate change, habitat loss or diseases in bees. We can easily address the issues by eliminating the nonagricultural use of neonicotinoids.

JAY FELDMAN (Executive Director, Beyond Pesticides):

I have prepared a written statement ([Exhibit C](#)) that includes scientific findings and citations. We urge the Committee to recognize the need to improve safeguards in Nevada pertaining to neonicotinoids. In Nevada, neonicotinoids harm pollinators, birds, wildlife, soil, aquatic organisms and human health. They are contaminating our surface and potable water.

Assembly Bill 162 represents an important step in addressing the gap between the EPA and State regulatory actions that threatens the safety of Nevadans and the ecological stability of Nevada. The science on the dangers that neonicotinoids pose to pollinators and other wildlife is clear, yet federal agencies have not acted substantively as the science has emerged. The only changes made by EPA have been limited to neonic product label changes on the timing and rates of product application.

Neonicotinoids are absorbed by the vascular system of a plant which is expressed through pollen, nectar and mutation droplets. Neonicotinoids cause indiscriminate poisoning, effectively turning a plant into a delivery vehicle for poison. It is important to understand that when the EPA conducts a regulatory study, the process allows for the predetermined inclusion of biohazards. We ask the Committee to consider whether these biohazards are acceptable. In view of alternative practices available, we believe them to be unacceptable.

I will provide an example of how and why neonicotinoids were approved for the general public. After initial studies by the EPA in the 1990s, neonicotinoids were approved for general use. In 2017, a risk assessment study found that neonic chemicals are contaminants and caused undue harm. A military medical study concluded "concentrations of the detected were found in streams, rivers, lakes and drainage canals that routinely exceed acute and chronic testing and end points derived for freshwater in invertebrates." The EPA has not acted timely in response to scientific studies reporting on the danger of neonicotinoids. We can move away from dependency on neonicotinoids through land management systems that create ecosystem balance, respect nature and rely on nature to achieve the balance our ecosystems require.

SENATOR HANSEN:

My brother has been a beekeeper for over 30 years, so many years ago I purchased a copy of *Silent Spring*, which I just reread. From what I read, there are no safe levels of neonicotinoids. The bill exempts entities that use

neonicotinoids for commercial use and agriculture. If there is no safe level, why are we allowing anyone to use it?

ASSEMBLYWOMAN GORELOW:

We included exemptions because many items are not used outward, such as tree products. I would love for this bill to have no exemptions, but I am sure agriculturists and farmers would have an issue with that. For now, we want to ensure neonicotinoids are not in the hands of ordinary people who do not understand the carcinogenic effects of it. Many Nevada farmers have taken special classes and know how to use neonicotinoids while limiting exposure of its negative effects. For example, they know not to spray when it is raining or windy, as both scenarios would result in neonicotinoids drifting into other areas. We may pursue a total ban later, but for now, this bill leaves agriculturists and farmers alone.

SENATOR HANSEN:

You mentioned there are other resilient areas, and that this product has not been on the market long enough to determine if bees are coming back from their current endangered status. You also mentioned that some insect communities have seen a recovery.

MR. FORISTER:

Parts of the European Union have banned neonicotinoids, then turned around and approved exceptions, allowing people to use certain variants of neonicotinoids. Quantifying test results under those circumstances is difficult. There are also other stressors that have ameliorated insects. For example, I have some experience restoring habitat in the Central Valley of California, and some insect species bounce back quickly if we improve the plant resources. Insects are good at hanging on the margins and returning en masse, but often insects are not given that chance.

SENATOR HANSEN:

Although nobody wants to see a decline in the health of our ecosystems, correlation and causation are not necessarily the same. In the past, we have blamed the decline of our ecosystems on something specific; and then, we eliminate that something and discover it did not necessarily cause the problem in the first place. I want to ensure that if we are going to eliminate certain pesticides, it will not harm something of value. I do not want to find out later that banning neonicotinoids will have a limited impact on bees and butterflies.

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ASSEMBLYWOMAN GORELOW:

I agree with you that climate change, a huge issue in our region, is stressing insects. We also need to address that problem, but A.B. 162 will provide the most immediate good right now.

SENATOR HANSEN:

I look forward to hearing more about it. Prior to today, there has been no opposition to A.B. 162, which was passed unanimously by the Assembly. Opposition to A.B. 162 was submitted by the Responsible Industry for a Sound Environment and the Golf Course Superintendents Association of America. Why has the EPA not banned neonicotinoids nationally? It is unusual for a state legislature to regulate specific pesticides.

ASSEMBLYWOMAN GORELOW:

At one time, neonicotinoids were banned by the EPA and later reinstated, although I do not know the reason for the reinstatement. Even though the EPA reinstated use of neonicotinoids, other legislatures have reacted by enacting laws banning its use in their particular state.

CHAIR PAZINA:

Have other states considered similar legislation banning neonicotinoids?

ASSEMBLYWOMAN GORELOW:

Several states have banned neonicotinoids. In fact, we mirrored this legislation on similar legislation in other states. At least eight or nine states have banned neonicotinoids.

SENATOR SCHEIBLE:

I love bees and have been a staunch supporter and defender of bees since beginning my career at the Legislature. Assemblywoman Gorelow's support to save the bees is wonderful. I appreciate all who are here today in support of bees.

CHAIR PAZINA:

Submitted before this meeting were several letters and fact sheets ([Exhibit D](#)) in support of A.B. 162. We will hear from others in support of A.B. 162.

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CHRISTI CABRERA-GEORGESON (Deputy Director, Nevada Conservation League):
If left unchecked, the consequences of neonicotinoids could lead to disruptions in our food supply and the collapse of critical ecosystems. We support A.B. 162, and strongly urge the Committee to support the bill.

TOBI TYLER (Sierra Club):

I have submitted written testimony ([Exhibit E](#)) provided by Bari Levinson, a physician, chemical engineer and member of the Toiyabe Chapter of the Sierra Club, with over 30,000 members Statewide. We support a ban on all nonagricultural use of neonicotinoids as we must save our pollinators, who are important to our food supply. Pollinators are essential for producing fruits, vegetables, nuts and seeds, the healthiest foods on the planet. These foods are packed with phytonutrients that are key to preventing many dreaded diseases, including diabetes, heart disease, autoimmune disease and cancer. Bee populations are experiencing a severe decline in Nevada. In 2018, the State lost 70 percent of its bee colonies, and in 2019, we lost another 30 percent.

In 2018, it was estimated that declining bee populations worldwide would result in 500 deaths each year due to the impact on healthy foods. Although there are many causative factors in bee colony collapse, the main cause is the use of neonicotinoids that are readily absorbed in every part of a plant. When a bee drinks nectar, the neurotoxin causes impaired navigation and foraging, and causes immune dysfunction which can directly cause death.

Neonicotinoids are water soluble and seep into our soils and waters, killing aquatic insects, fish and amphibians. Neonicotinoids kill birds when contaminated seeds are eaten. Studies have detected neonicotinoids in 94 percent of white-tailed deer in Minnesota. Neonicotinoids have also been linked to human disease, and intrauterine transfer from a pregnant woman to her fetus causing serious birth defects.

Neonicotinoids are causally linked to autism, memory loss and breast cancer, but there are many safe alternatives we can use. We can switch to safer methods to eliminate pests, save pollinators and animals and to improve our human health. For these reasons, we urge you to support A.B. 162.

KEVIN BURLS (The Xerces Society For Invertebrate Conservation):

I am a conservation biologist with The Xerces Society for Invertebrate Conservation, a nationwide organization supporting invertebrates. I live in

Washoe Valley. Our staff works with thousands of farmers and land managers across the Country to create and protect invertebrate habitat. Bees, butterflies and similar insects are the core of maintaining a healthy ecosystem as they pollinate crops and wildflowers and are food for birds, fish and mammals.

One of the multiple threats these insect populations face is exposure to neonicotinoids which are highly toxic even in small amounts. Neonicotinoids contaminate local waterways and can persist in the environment for years. Assembly Bill 162 will limit the use of neonicotinoids to commercial and agricultural use only and protect Nevada's urban pollinator communities and their important roles in our local landscapes. We support A.B. 162.

RAY HOPPER (Help Save the Bees Foundation):

I am a Vietnam veteran, a master beekeeper and founder of the Help Save the Bees Foundation. As amended, this bill will remove neonicotinoids from noncommercial ornamental use. Although neonicotinoids are an important agricultural tool used by trained, licensed and professional pesticide applicators, they are a threat to the environment in the hands of a regular consumer. The Help Save the Bees Foundation is concerned with the negative effects of neonicotinoids on honeybees.

It is concerning that the EPA admits that neonicotinoids are harmful to honeybees and requires manufacturers to put warnings on their labels that the pesticide may be dangerous to bees. Although honeybees are fairly robust critters and live in huge colonies, there are also many solitary bees that may not be part of a colony.

If you follow a honeybee to its hive, you will likely find a beekeeper who has cared for him. There are over 200 species of wild bees and if a honeybee is killed by accident or pesticide exposure, thousands of other members of the hive will ensure the colony's survival. Conversely, if a single solitary bee dies or cannot find their nest, the entire family dies.

The public is becoming more aware of the importance of these little pollinators. We have built little bee hotels, birdhouse-like structures that house bee colonies. Carson City was the first city to build a bee hotel in Nevada in 2018, and Reno was the second. Last year, Truckee Meadows Community College became the first campus in Nevada to build and maintain a bee hotel.

Under the care of beekeepers, honeybees provide the fruits and vegetables in the produce section of the supermarket, while solitary bees allow us to grow fruits and vegetables in our backyard. Studies conducted on solitary bees, such as alkali and alfalfa leafcutter bees have shown them to be even more susceptible to the neonicotinoids than honeybees. Neonicotinoids can last for months or even years in the soil, killing all types of invertebrates. When the next heavy rain or snow melt comes along, these toxins wash into our streams, killing the invertebrates that fish need for foraging. We ask the Committee on Natural Resources to support A.B. 162, and keep these toxic chemicals off the shelves and out of the hands of average consumers. Save the bees, save the environment and save the earth.

TARA CHRISTENSEN:

I am a Ph.D. candidate at UNR. I study insects and am speaking on my own behalf. Although there are many insect enthusiasts in the room today, not everybody shares our love of insects. I will discuss why insects matter and why you should support this bill. Insects offer aesthetic value to us by being the most diverse group of organisms on earth and by enhancing the diversity of plants in our ecosystems. Insects provide critical services that are essential for a functioning ecosystem, including pollination, natural pest control, waste disposal and providing food for other animals.

Neonicotinoids are systemic and non-targeted, meaning they are toxic to all insects that consume them, not just pests. Residual neonicotinoids can be found in soils many years after application and contaminate waterways affecting aquatic invertebrates that are also critical to healthy ecosystems. We are in the midst of a global biodiversity crisis in which the decline of insects, particularly pollinators, have been documented widely. There are several causes of insect decline, but pesticide use is one of the greatest factors. We have a rare opportunity to implement a simple, straightforward solution that can preserve biodiversity and ecosystem health. Please vote yes on A.B. 162 so our pollinators and plants are protected.

CHRIS HALSCH:

I am a Ph.D. candidate at UNR and a student under Professor Matt Forister. I want to stress that evidence of insect decline across the world is undeniable and the Western United States is no exception. The 1.6 percent insect decline per year is staggering when compounded over many years. The evidence is clear that the causes of insect population decline include habitat loss, climate

change and the overuse of pesticides. Multiple studies on neonicotinoids have concluded that the stress on the ecosystem has negatively impacted the population level. This include all insects, not just those being studied in a laboratory environment.

Ordinary people have noticed the decline of insects after neonicotinoids were introduced in a specific location and, as they are water soluble, they can spread across the landscape. We have conducted research in California's Central Valley and have discovered neonicotinoids deeply embedded in wildlife refuges, miles from where they were likely applied in an agricultural context.

Although pollinators are extremely important to our food supply, many other insects are decomposers, the most diverse organisms on earth and have their own place in the food supply.

Of all the named species on earth, over half are insects. Embedded in terrestrial communities on earth, they are critical components in our food supply. Prohibiting the lay public from accessing neonicotinoids is the quickest way to help these populations, and the lowest hanging fruit we have. Please support A.B. 162.

MELISSA GILBERT (Bee Friendly Nevada):

I initiated a campaign, Bee Friendly Reno, that we have since rebranded as Bee Friendly Nevada. Bee Friendly Nevada helps neighbors communicate with each other. Many people are attached to their little garden aphids or, in the alternative, want to kill aphids who are eating their roses. In reality, there are many good alternatives to neonicotinoids for industries opposed to this bill. I have great faith that these industries will change their insecticide methods through innovation and other less invasive pest-control methods. We have compromised on the bill to ensure all stakeholders' views were addressed. We support A.B. 162.

CHRISTIAN CONNORS:

I am a Ph.D. student working in three laboratories at UNR and have studied insects for about seven years. Pollinators are incredibly important, and neonicotinoids negatively impact other insects that are just as agriculturally important. My Ph.D. focuses on the long-term monitoring of biocontrol's that are critically important for controlling insects like the fall armyworm.

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We do not yet know if neonicotinoids are going to be killing these biocontrol agents, as there has been minimal research on the topic; but as neonicotinoids are prophylactic, A.B. 162 is needed.

NICK SHEPACK:

I am here as a constituent of Assembly District No. 13 and support A.B. 162. I have heard a lot of buzz on this bill, and my honey and I love to garden and identify butterflies. Assembly Bill 162 will ensure we can continue this hobby, but I am stumbling along now. Simply put, it would sure sting if this bill does not pass. It is a real keeper and the sponsor deserves a "hive-five."

CHAIR PAZINA:

Well done.

LILITH BARAN:

I manage a community mutual aid garden. We serve almost 5,000 meals to folks in our neighborhood who are experiencing food insecurity and grow thousands of pounds of food. I attribute the success of our garden to the 80,000 hardworking farmhands that reside in our two beehives. They are the reason we are able to provide this resource to the community and I am honored to testify on their behalf.

CHAIR PAZINA:

The room is certainly abuzz in testimony today. Before the hearing, the Committee received two letters ([Exhibit F](#)) opposing A.B. 162. As there is no other opposition to A.B. 162, we will hear from those who are neutral on the bill. I also received a letter and fact sheet ([Exhibit G](#)) in neutral.

TRAY ABNEY (American Chemistry Council):

We are neutral on A.B. 162 and want to thank Assemblywoman Gorelow for working with us on the statutory language. We appreciate having the opportunity to add the structural insulation piece to the bill so we can still install them in buildings and homes.

J.J. GOICOECHEA (Director, State Department of Agriculture):

I would like to thank the proponents of A.B. 162 and Assemblywoman Gorelow for working with us on the proposed amendment. We had some initial concerns on the requirement for investigating violations and if additional licensure would be required. Once we ironed out these issues, the fiscal note was eliminated.

The SDA operates under the same federal vetting process as the EPA in regard to the Federal Insecticide, Fungicide, and Rodenticide Act. The EPA vetting process includes conducting scientific studies, and in 2011, the Obama Administration initiated a review of neonic safety. In 2017, the EPA published a draft assessment of several findings and concluded most approved uses did not pose a threat to bee colonies in the context of agricultural users. It is anticipated that final assessment will be published in 2023.

The SDA is a science-based organization and, when science detects problems, the EPA provides guidance on how the problem should be navigated. The SDA will then take any necessary steps from the EPA findings, but we have not received any guidance as of today.

In addition to the agricultural uses, neonicotinoids are also used for veterinarian purposes. I was shocked to learn that neonicotinoids are used in personal hygiene products, although I do not know exactly what those uses are. Thankfully, the EPA does not regulate those. If my wife were to purchase neonicotinoids and treat flowers outside our house, she would probably not take the time to measure and apply it correctly. General use is where we are seeing overuse of neonicotinoids and why they are regulated. Agricultural applicators are restricted and regulated; if there is reason to believe an application has been done incorrectly, we can take enforcement actions.

SENATOR HANSEN:

According to my brother, beehives have died out almost completely in recent history, because of varroa mites and tracheal mites. In the Lovelock Valley, there are acres of alfalfa fields, and many bees are introduced to the area. Is the issue simply pesticides, or something that agricultural people are responsible for?

MR. GOICOECHEA:

This Committee heard A.B. No. 275 of the 81st Session, and at that time, we learned that some alfalfa seed producers were using neonicotinoids to protect their crops against mites. The level of neonicotinoids used were different than what we are seeing now, and greater than what a homeowner might use in the yard. Neonicotinoids do have a critical role in protecting some of our bee colonies against parasites which I realize is a contradiction.

SENATOR HANSEN:

Sometimes when you fix a problem, you make another problem worse. Are bees native to North America?

MR. GOICOECHEA:

Bees are not native to North America.

SENATOR HANSEN:

We are discussing wild bees in relation to domestic bees. Historically, how were plants previously pollinated when there were no domestic bees to do that?

MR. GOICOECHEA:

I do not know the answer. As it was not pertinent to the bill, I did not conduct any research on the history of bee pollination, although the SDA would also be interested in the topic. I can provide information for you after the meeting.

SENATOR GOICOECHEA:

Can a certified commercial applicator of neonicotinoids apply the pesticide to a football field or a park? Is a certified commercial applicator only allowed to apply neonicotinoids on an agricultural operation? That is how I read the bill.

MR. GOICOECHEA:

Yes, a certified commercial applicator of neonicotinoids can only apply the pesticide on crops or a product that will be eventually sold, although there are other uses for neonicotinoids. For example, treating outdoor structures and insulation. I interpret A.B. 162 as prohibiting neonicotinoids to treat golf courses or for other commercial uses.

CHAIR PAZINA:

As there are no callers in neutral, I will close out the hearing on A.B. 162 and appreciate Mr. Goicoechea's offer to provide us with additional historical research on bees. I will open the hearing on A.B. 20.

ASSEMBLY BILL 20: Revises provisions relating to water. (BDR 40-227)

JASON COOPER (Administrative Services Officer, Division of Environmental Protection, State Department of Conservation and Natural Resources):
Assembly Bill 20 will align our infrastructure financing programs with federal program requirements, expand eligible uses of available funds to address current

needs in Nevada's water and wastewater systems, and provide updates to existing statutory language.

The infrastructure financing programs that are managed by the Division of Environmental Protection are the Federal Capital Improvements Program, the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. These programs act like a bank in that eligible recipients can apply for and obtain loans or grants to fund water projects—wastewater, stormwater and other related projects.

Although funding is usually provided through subsidized reduced-interest loans, funding can also be provided through grants or principal forgiveness loans. The Capital Improvements Grant Program is funded by State bond sales, when authorized by the Legislature. The Clean Water and Drinking Water revolving fund programs are capitalized by federal grants and matched by State bond funds.

I will explain the objectives of A.B. 20. The bill aligns the Clean Water and Drinking Water State Revolving Fund programs with federal requirements to allow more recipients to apply for and receive funding. The bill will encourage innovative projects and expand eligible uses of the Federal Capital Improvements Program to assist septic-to-sewer consolidations and wellhead abandonment.

The bill removes the political affiliation requirement for members of the Board for Financing Water Projects and cleans up outdated language in *Nevada Revised Statutes* not reflecting current practice or needed efficiency and streamlining.

Section 11 of A.B. 20 currently authorizes the Division to impose and collect a fee from loan recipients. The State Environmental Commission previously adopted regulations establishing the fee at 0.5 percent of the loan amount. The bill does not change that amount or create new fees but proposes to expand the type of entities eligible to apply for the loans that would be subject to the fee. This change may result in an increase in fee revenue, which is why a two-thirds majority vote will now be required. Section 23 removes the requirement that no more than three members of the Board for Financing Water Projects may be from the same political party.

This language reflects the apolitical nature of the Board and codifies that diverse representation from different geographic regions is more important than political affiliation. In recent years, the required split has affected at least one Board member's personal decision on registering his political party affiliation. The Board now consists of a member representing Clark County, another representing Washoe County and the other three members representing counties with populations of less than 100,000. Additionally, no more than two members may be from the same county.

SENATOR HANSEN:

Section 24 requires eligible recipients to pay certain costs. Would that allow Southern Nevada Water Association (SNWA) to qualify for funding programs? We will soon hear A.B. 220 that will eliminate septic tanks in southern Nevada. Could SNWA qualify for federal funding for that initiative?

ASSEMBLY BILL 220 (R1): Revises provisions relating to water conservation.
(BDR 40-337)

MR. COOPER:

Yes. Available programs do not have a limit on the size of community that is eligible for the program, so Clark County would qualify. Right now, Humboldt County has applied for grant funding, and Lyon County and Douglas County would also qualify, as would other Nevada counties.

SENATOR SCHEIBLE:

Could allocations from this program be in the form of grants or loans?

MR. COOPER:

Of the three programs, the State bond program is approached first, before granting funding from the drinking water and clean water programs. Federal grants contain subsidy mandates from Congress that dictate how we would distribute the funds; either as a principal forgiveness loan, or a traditional repayable loan that is subsidized.

CHAIR PAZINA:

Prior to this meeting, a letter ([Exhibit H](#)) in support of A.B. 20 was submitted. We will now hear from those in support of A.B. 20.

STEVE WALKER (Douglas County):

The Board of County Commissioners voted unanimously to support A.B. 20. The provisions of the bill that allows funding for septic tank conversions are very important to Nevada. Individual septic tanks on one-acre lots with domestic wells are the source of groundwater contamination by nitrates in almost every county in Nevada. I have worked on conversion projects for 20 years in Washoe, Douglas and Lyon Counties, but made minimal progress because there was no funding mechanism for conversions.

From a personal standpoint, section 23 of A.B. 20 is an important part of the bill. Several years ago, I changed my political party so I could vote in the primary election. At the time I changed my party affiliation, I was on the Board for Financing Water projects and lost my seat on the Board. The issues we dealt with during my ten-year tenure on the Board had nothing to do with politics; pump stations and water tanks are not political issues.

NIC CICCONE (City of Reno):

The City of Reno believes A.B. 20 will have an impact on urban communities. There are quite a few neighborhoods annexed from Washoe County that are still on septic systems. Nevadans in unincorporated areas will benefit from this additional funding source. We support A.B. 20.

KATHY FLANAGAN (Las Vegas Valley Water District; Southern Nevada Water Authority):

Both southern Nevada water agencies support A.B. 20.

JEFF ROGAN (Clark County):

For the reasons that have been discussed today, we urge the Committee to support A.B. 20. The bill opens additional funding sources for the conversion of septic to the main system. Our concerns are less about water contamination and more about recovering and recycling water for Lake Mead. We support A.B. 20.

LEO DROZDOFF (Truckee Meadows Water Authority):

We worked with the Division in the Interim and greatly appreciate their efforts on A.B. 20. The bill makes Truckee Meadows Water Authority eligible for innovative projects they were not eligible for previously. We support A.B. 20.

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CANDICE JOHNSON (City of North Las Vegas):

The City of North Las Vegas believes that by changing the definition of eligible entities, participation in the Clean Water State Revolving Fund will increase, and funding will be available for a wide range of water-quality infrastructure projects in Nevada. We look forward to the continued success of the program and will continue our efforts to provide clean water to the residents of North Las Vegas. We support A.B. 20.

CHAIR PAZINA:

As there is no one in opposition to A.B. 20, we will hear from those in a neutral position.

YVETTE WILLIAMS:

As a private citizen from Las Vegas, I am neutral on A.B. 20. The concerns that my neighbors and I have is that the bill does not make funding septic tanks a priority for Nevadans who are being forced to use the public sewer system. I do not know if there will be enough funding for those Nevadans.

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CHAIR PAZINA:

As there is no public comment, the meeting is adjourned at 4:42 p.m.

RESPECTFULLY SUBMITTED:

Cherie Dittler,
Committee Secretary

APPROVED BY:

Senator Julie Pazina, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 162	C	7	Jay Feldman/ Beyond Pesticides	Support Statement
A.B. 162	D	9	Senator Julie Pazina	Documents in support
A.B. 162	E	10	Tobi Tyler/ Sierra Club	Testimony in support
A.B. 162	F	14	Senator Julie Pazina	Letters in opposition
A.B. 162	G	14	Senator Julie Pazina	Letter in neutral
A.B. 20	H	18	Senator Julie Pazina	Letter in support