October 3, 2017

To: Members of the Joint Committee on Environment, Natural Resources and Agriculture

From: The Massachusetts Farm Bureau Federation

RE: HB 2113/ SB 2164 – An Act protecting Massachusetts Pollinators

The Massachusetts Farm Bureau Federation (MFBF) is the largest farming organization in the Commonwealth with approximately 6,000 members. On behalf of these members, we are writing in opposition to HB 2113/SB 2164, both entitled An Act protecting Massachusetts Pollinators. MFBF is opposed to both bills.

These bills would:

* Restrict the use of neonicotinoid insecticides to licensed and certified applicators.
* Require special training to use neonicotinoids
* Puts miscellaneous restrictions on the use of neonicotinoids and products treated with neonicotinoids.

Many professional beekeepers are members of MFBF and a large portion of our membership rely on pollinations for the success of fruit and vegetable crops. As an organization, we are very concerned about the health of pollinators. However, we have several concerns with these bills.

The most important of these concerns is that the bills seek restrict the use of pesticide absent a scientific evaluation of the risks of neonicotinoids to pollinators. Under the law (MGL 132B Section 7.00) the standard for registrations of pesticide in Massachusetts is that the use of a pesticide should not pose an *unreasonable risk*. Limitations, such as the restrictions proposed in these bills, are designed to lower that risk. However, such determinations are based on scientific analysis of risks. The legislature is not a scientific body, and does not have the data or expertise to make such a determination. It would be inappropriate for the legislature to make a pesticide registration decision. In fact, the legislature has never passed legislation related to the registration of a pesticide or class of pesticide – not even with DDT or alar.

The legislature has in the past recognized that it is not a scientific body, and that pesticide registration is a science-based process. It is for these reasons that it created the Pesticide Board Subcommittee within MGL 132B. This body, administered from the Department of Agricultural Resources (DAR), is charged making registration decisions including placing restrictions on pesticides. The Subcommittee may require a scientific review (per 333 CMR 8.00) to aid in making such decisions. Technical staffs of DPH, DAR and DEP typically conduct these reviews.

We believe registrations decisions on pesticides should be based on science and made by the body charged with such decisions under law – the Pesticide Board Subcommittee. We would support the legislature directing the Subcommittee to conduct a review of neonicotinoids, and to evaluate existing registrations of neonicotinoids.

We are also concerned that restricting neonicotinoids to licensed and certified applicators will result in unlicensed applicators switching to non-neonicotinoid products which pose greater risks to pollinators than neonicotinoids themselves. Without access to neonicotinoids the most likely replacements are two classes of pesticides known as carbamates and pyrethroids. Interestingly, while there has never been a bee kill in Massachusetts associated with neonicotinoids, there have been four bee kills associated with carbamates and pyrethroids in recent years. It is also worth pointing out the Pesticide Board Subcommittee evaluates risks associated with alternatives to those pesticides it considers restricting. These bills do not consider such risks.

We are also very concerned that passage of these bills will give a false sense of security regarding pollinator health. There are many impacts on pollinator health. There are numerous other factors which likely have greater impacts on bee health than neonicotinoids. General bee husbandry is a major influence on bee health as evidenced by DAR research. DAR investigated 35 reported bee kills in 2015 and 2016. Investigations were done jointly between the Pesticide Bureau and the Apiary program. Pesticides were not implicated in a single instance. In all 35, bee husbandry – such as nutrition and parasite management - were identified as causal.

There are numerous other issues with the bills such as a training requirement being ensconced in statute, notification of landowners that neonicotinoids will be used, the labeling of plant materials and drain on resources in implementing these provisions. However, these flaws are relatively minor when considering those mentioned above.

We urge the Committee to give rely on existing processes established in law and regulation in determining the safety of neonicotinoids and making registration decisions on this class of pesticides. Please reject HB 2113/SB 2164 and direct the Pesticide Board Subcommittee to take up this issue.

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