



To the members of the House Committee on Environment and Natural Resources, greetings:

I am writing today to express opposition to House Bill 5641 Sub A - Relating to Health and Safety – Pesticide Control

In 2016, I had the great privilege to be appointed to both the Rhode Island Pollinator Task Force<sup>1</sup> and in 2017, the Special Legislative Commission to Study Pesticide Control Regulations<sup>2</sup> as a representative of licensed pesticide applicators in the state. Both groups brought together stakeholders from a wide spectrum of views that found considerable common ground and mutual respect.

The topic of the neonicotinoid insecticides was addressed multiple times in the reports that were submitted to the Rhode Island Legislature, both explicitly and by inference.

In the 2017 report of the Pollinator Working Group Initial Report to the Director of the Department of Environmental Management and the Rhode Island House of Representatives<sup>3</sup>, we recommended common sense best management practices specific to the neonicotinoids:

*Neonicotinoid (Neonic) Best Management Practices (BMP) for turf and lawn application*

- Do not apply when bees are foraging on lawn weeds.
- Mow off clover and weed flowers before applying.
- Water lawn after application or soon after application.

*Neonic BMPs for trees and shrubs (pollinator attractive/flowering)*

- Do not apply pre-bloom through bloom.
- Wait until plants have completed flowering for foliar application.
- Use non-neonics on Linden, Basswood or other Tilia species.
- Systemic and soil application – follow labels.

*Neonic BMPs for trees and shrubs (nursery plants). Plants for sale are required to be pest free by RIGL § 2-18.1-4.*

- Do not spray flowers in the last 1 – 2 weeks before shipping.
- Do not apply soil drenches of imidacloprid to hanging baskets any later than 5 weeks before shipping.

The 2018 report<sup>4</sup> of the Pollinator Working Group outlined progress and next steps in maintaining, protecting, and enhancing pollinator health and habitat. We did not call out neonicotinoids by name but rather lamented the fact that the state was not funding the Department of Environmental Management at the appropriate level and indeed was allocating funds collected for registration of pesticide products and fees for applicator licenses to the general fund. To my knowledge, the legislature has not to date addressed this issue.

The 2018 report of the Special Legislative Commission to Study Pesticide Control Regulations picked up where the Pollinator Working Group had left off examining the governance of pesticide use in the state. Chaired by Senator Susan Sosnowski, the commission's recommendations centered around fully funding the pesticide program at the Department of Environmental Management, elevating the required training for professional applicators prior to being licensed, a mechanism for disposing of unwanted pesticides and funding a full-time apiary inspector.

**At no time during the two iterations of the Pollinator Working Group or the Special Commission did we recommend further restrictions on the sale or use of neonicotinoid insecticides in Rhode Island.**

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<sup>1</sup> <http://www.dem.ri.gov/programs/agriculture/pollinator-working-group.php#:~:text=The%20Working%20Group%20to%20Make,General%20Assembly%20in%20January%202016.>

<sup>2</sup> <http://webserver.rilin.state.ri.us/billtext17/senatetext17/s0982.htm>

<sup>3</sup> [http://www.dem.ri.gov/programs/agriculture/documents/pwg\\_executive\\_summary\\_report.pdf](http://www.dem.ri.gov/programs/agriculture/documents/pwg_executive_summary_report.pdf) pp. 6

<sup>4</sup> [http://www.dem.ri.gov/programs/agriculture/documents/pwg\\_executive\\_summary\\_report-2018.pdf](http://www.dem.ri.gov/programs/agriculture/documents/pwg_executive_summary_report-2018.pdf)



The Rhode Island Pesticide Control Act, Chapter 23-25<sup>5</sup>, regulates the labeling, distribution, sale, storage, transportation, use and application of pesticide products in the state.

**Nowhere in that act does any individual pesticide active ingredient appear.**

Indeed, where the state has seen fit to classify individual pesticides as state restricted use, it is done in regulation, specifically 250-RICR-40-15-2<sup>6</sup>. The power to classify any pesticide as state restricted use should reside with the Director; the Director has always had the power to reclassify or cancel the registration of the neonicotinoids or any pesticide. It is imperative that the framework that has been carefully established for the effective regulation be maintained, as such, no specific pesticide product should be prohibited in the State of Rhode Island by statute. This is the job of the Director of the Department of Environmental Management and should be done through regulation. The legislature should not be substituting its judgement for that of the experts at EPA or DEM.

The neonicotinoid insecticides are nearing the end of the federally mandated reregistration process<sup>7</sup>, a fifteen-year cycle mandated by the Food Quality Protection Act and administered by the EPA. Draft interim decisions have already been released and significant new restrictions are in the offing for lawn and landscape uses that directly address the concerns surrounding neonicotinoid use. NALP was proud to engage with EPA as a stakeholder and to answer a request to provide the agency with Turf & Ornamental Best Management Practices for Pollinator Protection.

**Passing legislation to prohibit or restrict a pesticide ahead of decisions by the federal EPA's decision on reregistration is at best premature, and risks putting the state in conflict with federal regulations.**

In voicing our opposition to this legislation, NALP wishes to express our continued support and appreciation for the Department of Environmental Management and to urge the General Assembly to revisit the findings and recommendations of the Pollinator Working Group and Special Commission for ways to enhance the department's effectiveness in providing the public with access to safe and effective pesticide products.

Rhode Island's definition of direct supervision does not comport to that used by the EPA and would require a certified applicator to be physically present when a non-supervised applicator is applying a neonicotinoid. Following EPA's definition, the non-supervised applicator must be able to contact the supervisor in a reasonable amount of time by telephone or other electronic means. We urge the committee to pause and reconsider this legislation to add language to the bill that would clearly define state limited use and restricted use pesticides to agree with the federal government.

Respectfully,

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<sup>5</sup> <http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-25/INDEX.HTM>

<sup>6</sup> <https://rules.sos.ri.gov/regulations/part/250-40-15-2>

<sup>7</sup> <https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators>