Testimony before the Senate Environment and Natural Resources Committee
Senate Bill 928 – relating to requiring labeling of pesticide products containing neonicotinoids
Senate Bill 929 – requires the ODA to classify neonicotinoids as restricted use pesticides
By Jeff Stone, Executive Director, Oregon Association of Nurseries
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Chair Dembrow, Vice-Chair Olsen, members of the committee, my name is Jeff Stone and I serve as the Executive Director of the Oregon Association of Nurseries. The OAN opposes SB 928 and 929 – which are misguided mandates relating to pollinators and the use of insecticides. This testimony should be included with the plethora of materials and efforts the association has made over the last three years to make meaningful headway on the issue of pollinator health in our state and nation.

The Economic Footprint of the Nursery and Greenhouse Industry
The nursery and greenhouse industry is the state's second largest agricultural sector, and ranks as the third largest nursery state in the nation, with over $894 million in sales annually to customers in Oregon, the rest of the United States, and abroad. In fact, over 75% of the nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River. We send ecologically friendly green products out of the state, and bring traded sector dollars back to Oregon.

Nursery association members represent wholesale plant growers, Christmas tree growers, retailers, and greenhouse operators. Our members are located throughout the state, with our largest nursery growing operations found in Clackamas, Marion, Washington, Yamhill and Multnomah Counties.

The Nursery and Greenhouse industry is a committed leader on pollinator health
The OAN and many other organizations have been working hard over the past several years to educate consumers and agricultural sectors, prioritize research and incentives, and bring together agricultural, beekeepers, garden clubs and conservation groups to engage on increasing the populations of native and honey bees along with monarch butterflies.

Pollinating bees are important to sustaining life on our planet. They support our food chain and many plants are dependent on bees for production. The horticulture industry is committed to ensuring their sustainability because of their important role in the life cycle of plants and humans.

The state took affirmative action in 2014 with House Bill 4139 – which created a task force of stakeholders to collaborate and create a science-based approach to pollinator health which would lead to a better solution. The "Report to the Oregon Legislative Assembly" by the Task Force on Pollinator Health was released in November 2014. Four main consensus items emerged that received the support of stakeholders. In 2015, the OAN and others advocated for the creation of three bills to enact the recommendations of the task force. They are below:

- **I.** Oregon should develop a strong, effective outreach and education strategy on pollinator health, including best management practices. (House Bill 3362)
- **II.** Oregon should fully fund a state-of-the-art bee health diagnostic facility at Oregon State University. (House Bill 3360**)**
- **III.** An integrated pollinator health research plan should be developed and funded to improve understanding of the many issues affecting pollinator health. (House Bill 3361)
- **IV.** A sustainable revenue stream to fund the proposed outreach, education and research programs is needed.

It is imperative that over the coming years, stakeholders roll up their sleeves and work with our land grant university (Oregon State University), legislators, and state agencies to determine the most appropriate paths forward. It is critical we work with interested parties to examine how to study this issue further and create a communication effort for the general public and industry. We all benefit when we move in a reasoned manner to evaluate trends in pollinator health, including the use of best management practices.

Senate Bill 928 should not involve itself in the nursery market

SB 928 would require "raw agricultural commodities" to be labeled that they were produced using neonicotinoids if they had been treated with those products at any point during their life. This would be the first time a pesticide labeling scheme would be required for crops. This labeling is required regardless if the final commodity has any detectable pesticide residue. This is bad policy and the state legislature should not intrude on delicate market forces that are well beyond the state.

Compliance with this law will not be as easy as proponents of the bill have stated. While advice from the Oregon Department of Agriculture has not yet been requested, we have seen this kind of bill pass in other states. What we have learned from counterparts around the country is that nursery inspectors will advise my member nurseries and retailers to strip all mention and iconography of pollinators from their labeling and advertising of plants, unless they can be certain that no systemic insecticides were used in producing those plants. We have member nurseries who use non-neonicotinoid use as a marketing promotion and that is how this issue should be dealt with – utilizing voluntary measures and market forces to discern labeling activities.

This pollinator labeling law provides a stark choice for Oregon plant sellers: Either sanitize their plant labeling and advertising of all reference to pollinators or change their plant production practices or those of their suppliers to eliminate the use of

neonicotinoids. The OAN and its members embrace the concepts of Integrated Pest Management (IPM), which coordinates the use of pest biology, environmental information and available technology to prevent unacceptable levels of pest damage by the most economical means, while posing the least possible risk to people, property, resources and the environment. Unacceptable levels of pest damage can be defined both by customer expectations and by regulatory requirements. In either case, IPM sometimes leads plant producers to use systemic insecticides in order to keep plant damage from pests below acceptable levels. SB 928 crosses over the line into farm practices and the OAN urges caution before the state goes down this road.

Scientific consensus has not yet been reached about the effects of systemic insecticides on pollinators. Proponents of SB 928 often contend that systemic insecticides including neonicotinoids are unsafe for pollinators at any level and at any point in a plant's production, citing studies that subjected pollinators to pesticide concentrations ten to one hundred times above those that pollinators are likely to encounter in the field. However, another recent USDA-endorsed study that used field-realistic doses showed just the opposite; there was no effect on pollinator health or hive performance from label rates of imidacloprid, used over time periods greater than typical blooming times. We agree that additional study of this issue using field-realistic doses is needed; a position embraced by both the Environmental Protection Agency and the horticultural industry.

Senate Bill 929 is unwise policy

SB 929 would make neonicotinoids "restricted use" pesticides. This limits the purchase and use of these products to certified pesticide applicators. There is an exemption in the bill for commercial farmers, but no details on how someone would prove that they meet that requirement in order to purchase and use neonicotinoids.

This chemical class is relatively safe to both human and pollinators and is used as part of pest mitigation by our greenhouse and nursery members. The association did extensive outreach to retail, greenhouse and field grown members to increase awareness of the pollinator issue as well assess the use of the chemical class and the number of licensed pesticide applicators.

Some facts for the committee to consider:

- Neonicotinoids have been in use for more than 15 years and have been widely adopted by growers and urban applicators because of their performance, lower toxicity to mammals, including humans, and relatively favorable environmental profile over the older products they replaced.
- Restrictions on the use of neonicotinoids will force applicators to use alternatives, such as organophosphates and pyrethroids, which pose increased risks to humans and the environment.
- SB 929 attempts to allow farmers to use neonicotinoids, but there is no program in place to identify farmers and allow them to purchase and use these products.
- These products have met the Environmental Protection Agency's high standard of having "no unreasonable adverse effect on health or the environment." This means that they have had extensive safety testing including:

    - Honeybee acute contact toxicity (all outdoor use products)
    - Honey bee toxicity of residues on foliage (if high acute toxicity and exposure likely)
    - Field testing for pollinators (specific conditions)
- EPA has stated that:
    - …the Agency is "NOT aware of any data that reasonably demonstrates that bee colonies are subject to elevated losses due to chronic exposure to this pesticide." (02/18/11); and
    - "... is NOT aware of any data indicating that honey bee declines or the incidence of CCD in the U.S. is correlated with the use of pesticides in general or with the use of neonicotinoids in particular." (07/27/12)
- EPA is currently engaged in registration reviews for the four major neonicotinoids. Preliminary pollinator reviews have concluded that, "most approved uses do not pose significant risks to bee colonies."

Zero tolerance on neonics lowers success rate and increases pest and disease risk
We are aware that media attention regarding pollinator health has focused on neonicotinoid insecticides and their potential impact on bees. Many of these stories provide important information for the green industry to consider and reflect upon, while others represent overstated perspectives with the intention of driving a zero-pesticide-tolerance agenda.

Research and peer-reviewed publications from trusted and legitimate sources, including those from the United States Department of Agriculture and the Environmental Protection Agency, strongly contradict the finger-pointing at neonicotinoids. Rather, the research suggests that "colony collapse disorder" of managed hives is likely caused by a combination of factors, including the destructive Varroa mite (first found in 1987), bee pathogens, loss of habitat and forage, and the constant stress of transporting hives to far-off locations by beekeepers. Pesticides may play some role in the concerns about pollinator health but are likely to be one relatively small factor in a complex array of challenges. Candidly, agriculture also depend on pesticides as tools to control destructive pests and diseases which can obliterate a market. The nursery industry wants to make sure that protecting bee health, and retaining pesticides as an effective tool, are not mutually exclusive.

Horticulture is the original green industry, and in that spirit, there are steps we can take to be part of the solution and to help encourage healthier pollinator communities. We can be smarter in how, when, and even where we apply insecticides and as an industry we are well-suited to help in creating more habitat and forage opportunities for pollinators. Furthermore, responding proactively will help us preserve insecticide tools that are critical to plant production and pest management, and provide healthier plants and better enjoyment by consumers.

For these reasons, our healthy pollinator initiative has three primary components. Our plan includes the following steps:

1. Developing a bee and pollinator stewardship program that improves the circumstances surrounding pollinator health concerns.
2. Funding research that will help us answer key science questions that support the stewardship program.
3. Spreading the word to our horticulture industry communities and our customers how the program has a positive impact on pollinators and still allows us to mitigate the spread of invasive pests that threaten our natural environment.

National efforts on pollinator health are underway
The OAN is working with many state and national partners on several efforts to make a difference on pollinator health. Below are a few of the projects:

Million Garden Challenge
Our national association, AmericanHort, made the case to the state nursery association executives at our annual meeting that a concerted effort, among eight founding organizations and partners, will create a network of gardens and forage for bees. This is a welcome and positive step to solve an underappreciated aspect of pollinator health. According to the National Pollinator Garden Network - the Million Pollinator Garden Challenge invites participation from organizations and individuals to work toward the objective to increase nectar and pollen providing landscapes of every size in order to address one of the significant threats to pollinator health – the disappearance of forage for pollinators.

The OAN and many other organizations have been working hard over the past several years to educate consumers and agricultural sectors, prioritize research and incentives, and bring together agricultural, beekeepers, garden clubs and conservation groups to engage on increasing the populations of native and honey bees along with monarch butterflies.

However the biggest impact can be triggered by the public and their love for plant material. Over the next two years, the network of partners will work hard to establish one million gardens to assist in restoring critical pollinator habitat in the United States. Every garden created in America can help. Public, botanical and youth garden projects, business areas and government offices are eligible for monetary awards as incentives if they join the network. Join or not, every neighbor can make a difference and provide nutrition for our honey and native bees.

There is little debate about the role and importance of pollinators to the nursery and greenhouse industry. The industry's garden centers and landscapers are the perfect conduit to provide the general public the tools they need to be part of the million garden challenge. We are a green industry and are the perfect partner for this goal.

Feed a Bee Forage project
Bayer Crop Sciences, in coordination with the new Feed a Bee steering committee, has announced a call for proposals to establish additional forage for pollinators in all 50 states by 2018. Bayer's Feed a Bee program, currently in its third year, has rallied more than

900,000 individuals and 117 partner organizations to plant more than 2 billion wildflowers across the U.S., creating and expanding forage areas for pollinators. Through this new initiative, Feed a Bee will build on the success of the program to fund forage initiatives and plantings for pollinators in every state in the U.S., working with organizations across the nation.

To further the reach of Feed a Bee and contribute to additional forage development, the Feed a Bee Steering Committee, comprised of more than a dozen Feed a Bee partners, including R.D. Offutt Company, Sweet Virginia Foundation, Project Apis m., amongst others, as well as representatives from the Bayer Bee Care Program, will distribute $500,000 in funding over the next two years.

This program will distribute $500,000 in funding over the next two years and is requesting forage initiative proposals that will promote pollinator health and help provide a tangible solution to the current lack of forage. Organizations including, but not limited to, nonprofits, growers (individual and trade groups), beekeepers (individual and associations), businesses, schools, clubs, gardening groups, government agencies, etc. are encouraged to submit a proposal. Forage initiatives in each state must include the following priorities to be considered for funding:

1. *Establishing pollinator forage via a dedicated planting or habitat restoration led by the applying organization.* Examples of activities may include but are not limited to establishing a pollinator garden, increasing acreage of existing forage, management of right of way vegetation, restoration of native habitat land, etc. Location must be viable and able to support pollinator forage plants (wildflowers, ornamentals or trees) and pollinators, including (but not limited to) farms, community/urban gardens, schools, rights-of-way, etc.

2. *Education initiative encouraging others to establish pollinator forage.* Promote pollinator education to third parties, sharing with them the importance of planting diverse, abundant forage to provide pollinators with enough food.

Nursery research initiatives underway

The Horticultural Research Institute, the AmericanHort research foundation, has released new Best Management Practices (BMPs) for Bee Pollinator Health in the Horticulture Industry. Relevant to greenhouse and nursery growers as well as landscape managers, the BMPs were developed by a team of researchers, including those funded directly by HRI, to convey research results to date. They will be updated as the research effort continues. By following BMP guidelines, horticulture can do its part to support pollinator health.

In 2015 the Horticultural Research Institute, in collaboration with AmericanHort, launched the broad-based Horticulture Industry Bee & Pollinator Stewardship Initiative. Through the initiative, HRI directly funded four important research projects, positively influenced millions of dollars in research funding from federal and other sources, launched the Grow Wise, Bee Smart™ website, and helped to launch the Million Pollinator Garden Challenge campaign.

Pollinators as a whole encompass thousands of different species, such as managed honey bees, wild bees, butterflies, birds, and bats. Protection of pollinators in general, and especially bees, continues to be a major concern among the general public and within the green industry. Several culprits have been identified as factors contributing to manage honey bee losses, including Varroa mites, other pests and pathogens, loss of habitat and nutrition, and off-target effects of pesticides. Wild, unmanaged bee populations are thought to be most affected by landscape changes and habitat degradation.

HRI developed the BMPs, which cover greenhouse and nursery production, woody ornamentals, and managed landscapes, with the assistance of researchers and apiarists throughout North America.

Oregon can continue to serve as a model to pass proactive and positive legislation
The OAN and the national nursery and greenhouse industry are working hard at the state and national level to increase awareness, financially supporting research to support the long-term sustainability of pollinator health, and growing high quality plants that serve to provide ecologically valuable landscapes.

The emergence of SB 928 and SB 929 will not serve to inform – rather to frighten consumers by suggesting these products will harm bees. Adding labeling requirements adds an unnecessary cost for nurseries and retailers – which will have no other choice to be added to the consumer's price for the goods – therefore making Oregon less competitive on the national and global market.

We want to be a part of solving the problem relating to pollinator health. We continue to invest in education and outreach to our members and support research initiatives to get at the core issues surrounding bee health. Honey bee colonies have been stabilizing in recent years. According to the US Department of Agriculture's recently released annual honey production report, honey producing colonies in Oregon increased by 3,000 in 2016 compared to 2015. This does not solve the problem but placing resources to solve colony damaging issues such as nutrition and forage areas along with eradicating the Varroa mite are efforts worth making for the long-term health of pollinators.

The Oregon Legislature should give the Pollinator Task Force recommendations time to be implemented and evaluated. House Bill 2535 – a pollinator forage pilot is the most forward looking piece of legislation on the pollinator issue introduced this session. While the fiscal impact may limit its success during this fiscally constrained environment, we would respectfully request that the committee oppose SB 928 and SB 929.

Thank you for your time and attention to this important issue.