

February 21, 2020

Senate Committee on Environment and Natural Resources

Re: HB 4109

Chair Dembrow and members of the committee,

My name is Brenda Frketich. I am third generation farmer from St. Paul. I farm 1000 acres alongside my husband Matt and our three small children. We are a sustainable and diverse farm raising filberts, grass seed, wheat, clover, vegetables and vegetables seeds.

I'm writing in opposition to HB 4109. I'm here as you heard as a farmer, as a certified applicator, and as a mother. I am also a farmer's daughter who was raised on the same land and in the same dirt that my kids now play in.

**I'm opposed to HB 4109 for four reasons:**

- 1. We need these tools in our toolbox.**
- 2. We have no good alternatives.**
- 3. We use these products safely and carefully.**
- 4. Chlorpyrifos: As a restricted use pesticide it is already heavily tested and regulated at the state and federal level.**

**1. We need these tools in our toolbox.**

We use chlorpyrifos on our farm for a number of crops that we grow. One example is our radish for seed. This crop is planted in the spring. We use chlorpyrifos 15G, granular in the row with the seed as we plant. The granular material goes into the furrow and is then covered with dirt. It then protects the seed as it grows from root maggots. This is a necessary treatment because it is hard, once a seed is in the ground, to protect it from pests under the soil. Also weather patterns are tough to deal with in the spring, sometimes we get some very heavy rains. One reason alternative products don't replace this product is because they don't work as well, so you have to apply them more often. This is challenging in the spring when the ground can be very muddy. You often can't get to your field to spray, or if you do you do a ton of damage to the soil in the form of compaction. This is not a good scenario for soil health.

We also use it as a pre-plant application in some instances when planting vegetable seeds. This would be an application where it is sprayed onto the soil, then worked into the soil using a cultivator or harrow mix it into the soil. We do this only in the fields where symphylans are present or have been in the past. This application if not done, would allow for symphylans to prosper and eat our crop the moment it comes out of the ground. We have had this happen before when we thought we could get away with not

using the product before planting. We lost around 30% of the field in a 10 day period.

Another example is the use in grasses grown for seed. Grass seed makes up a large percentage of our farm. In 2016 we had a new pest show up in the late summer that began to eat down all our existing fields of grass seed that had just been harvested that summer. Chlorpyrifos was a product that was very effective in controlling the army worms that were essentially eating our next year's crop right before our eyes. We did try one other product. But found that it was easily broken down due to the sunny days and warmer temperatures in August, and lasted for a much shorter period of time. In this case we actually had to make multiple applications of the other insecticide just to reach the level of efficacy that we found with the single chlorpyrifos application. This is not ideal.

## **2. We have no good alternatives to use.**

The alternatives (if you can call them that, are not very comparable in quality or cost). In the radish example there is only one product labeled, unfortunately because of the time of year that we plant it makes it hard to have good control. This alternative insecticide moves through the soil when you get a lot of rain, during the spring that can often be the case and you lose all your protection under the top layer of soil exposing yourself to root worms. When you look at alternatives I want you to realize that it's not just about what the alternative has listed on the label for what it will kill. It's also about how that product stays in the soil, how that product can be applied, or how it is activated that can cause large roadblocks and rule it out as a viable alternative.

It's also very expensive, 5 times the cost of chlorpyrifos per acre (\$20 vs \$100). To put that into perspective, we budget \$400 per acre for radish seed production for crop inputs, it would be an increase in 20% per acre!

Another challenge we face here in Oregon is that we are working with a small industry of seed varieties; specialty markets. Getting a new label or just trying to get the residuals and testing done for a new product or to get your crop listed on an existing chemical is near impossible and takes years to accomplish. The IR-4 program is one way to get this done, but it takes sometimes up to 4 years. So not only do we need to find a product or products that, kills our target pest, it has to then also fit the specific timing and application methods we need, and then do the research behind those products. All in all, I hope that we find new alternatives, but I also want to be realistic about the funding that will be needed and the time that will be needed in order to accomplish this task. Washington state actually created carve outs for their specialty ag sectors, which makes a huge difference. When you just talk about bans. California gave funding to help with the costs to find alternatives. Neither just left their farmers with nothing.

### **3. We use this safety and carefully.**

In general the issue of safety around pesticides is taken very seriously on our farm. Which is done because if they are misused they can be dangerous, and because it's the law. We annually train all our employees on our farm specifically surrounding pesticides, which is a requirement from OR-OSHA under their Worker Protection Standards (which was just revamped and made stronger in 2018). This training is done for all employees on the farm and has to be done by each farm, for each employee, from the day they begin working, and on an annual basis. The training is for either a handler of pesticides (40 minute video) or for workers (28 minute video). Following the video we are required to allow time for questions and concerns, and also train about things specific to our farm. Which would include the kinds of pesticides we use, where they are stored, emergency information about the pesticides we use (SDS sheets), where we keep records so you can find information about what was applied and where, our plan that is in place if there is an emergency, who to contact, where to find personal protective equipment, etc. The training for our farm takes about an hour depending on questions that arise.

This training also includes detailed information about how to read a label on the pesticides. This is important because the label gives all the information regarding safety when using this product. All employees on farms are required to know how to do this, and when they are out in the field they are required to abide by that label. As a farmer I want my employees to have this information, their safety is important to me because I want them to go home safely to their families. We go above and beyond to make sure that information is available and in the hands of our workers.

Specifically with the use of chlorpyrifos we use the correct personal protective equipment that is listed on the label, following cleaning and disposal label information, and only use it on crops that are listed on the label. The label is the law and that is so true when we use this insecticide on our farm. When we apply the insecticide we wear gloves, coveralls with long sleeve shirts and long pants, chemical resistant shoes with socks, eye protection and a respirator. This is the law, we follow it like we do when putting our seatbelt before pulling onto the road to drive our car. We respect this law and we follow it, period.

This insecticide if misused is dangerous and I'll be the first to admit that. My heart goes out to folks who have terrible stories regarding the misuse of chemicals. Much like my heart goes out to people who have had loved ones die in a car accident relating to someone who was misusing the car, or breaking the law, maybe going too fast, maybe on their cell phones, maybe they were drunk. But those are cases where someone took

a “tool” (their car) something that is so necessary to get to and from places and turned it into something much more dangerous because of their irresponsibility. And I don’t look to ban cars because of that behavior. I look to see if we can strengthen education (steps that have been taken with the Worker Protection Standard in recent years), I look to see if we can strengthen our agencies (support for Oregon Department of Agriculture), I look to see if we can find new ideas about exposure to these dangers (let the work group continue with its work finding solutions). What I don’t do is look to ban cars from the road, what I don’t do is ban a product on risk alone.

Farming is a risky business. It’s actually one of the most dangerous jobs here in this state. But those risks are always evaluated just like when you jump in your car to get to the Capital. I’m guessing you put on your seatbelt, drive a car with airbags, and put your cell phone down. You do all you can to make that risky and dangerous decision as safe as you can. It’s a necessary risk, but you do it because you need to get here. You have made the decision that you can take on that risk.

When I’m planting radish I know for a fact that there are root worms in the soil that are going to eat the roots of the plants as they try to grow. The way that I can control them so that I don’t lose my whole crop is to plant with chlorpyrifos in the furrow. I know it’s risky to handle this material, but I put on my PPE just like you put on your seatbelt and I take on that risk in the safest way possible for myself and others. Just like you don’t have any other option than a vehicle to get to work, we don’t have another option for crop protection in these cases. For folks who don’t farm, to try to get you to relate, what do you do if all cars are banned tomorrow? What are your options? Is it right for the legislature to just ban them outright and say “Well, good luck!”? Or should we take the time to find solutions? Do you help fund projects to find alternatives? You don’t just take away a tool without another option in place.

I personally am a licensed applicator, to be able to even purchase or use chlorpyrifos I am required to complete 16 hours of continuing education every renewal period, if I don’t then my license is taken away. This is off farm training that helps me bring more safety ideas and concepts back to our farm. This allows me to know if there are new rules surrounding pesticides, or changes in standards. It’s interesting if you look back at the example of driving a car, once I got my license at 16 years old, from that point on there is zero continuing education that is required to have a license to operate something that is inherently very risky. On the other hand agriculture continues to go above and beyond to learn, to adapt, and to keep its workers safe.

**4. As a restricted use pesticide it is already heavily tested and regulated.**

This chemical is already under federal and state regulation. To even purchase this

chemical I have to prove that I have a pesticide license. It is regulated with our state agencies and at the federal level with the EPA. The EPA just a few years ago looked at chlorpyrifos, just as they do all pesticides to make sure that labels were sufficient, that safety parameters are correct, etc. Here is one quote from a report from the EPA just this past July. The report dated July 18, 2019 says that the EPA has looked at the safety surrounding chlorpyrifos and they have made changes. In 2000 EPA cancelled homeowner products and many indoor and outdoor non-residential uses (e.g., schools and parks where children may be exposed) and led to a 95% decrease in the number of incidents reported. "In sum, EPA does not believe available incident data suggests that there exists a widespread and commonly recognized practice of misusing chlorpyrifos..." There are regulations that have become tougher because the EPA recognized that this tool needs to be in the hands of people who are trained to use it correctly, and just by doing that 20 years ago they have cut down on incidences dramatically. I would also like to point out that drift, or off target applications of any pesticide is against the law and regulated with the ODA. Those who misapply pesticides should absolutely be held accountable. So I don't want anyone to get confused about drift and misapplication as being the norm. Those are offenses that are against the law and are handled at the state level.

This is a tool has been tested in over 4000 studies and in over 100 countries surrounding safety. It has not shown to cause birth defects or developmental disorders in children. With three small children of my own, this is information that is important to me. It is also a biodegradable compound that does break down in the environment. The chemical compounds are then gone. Two examples of this are microbial activity within the soil and with sunlight. On the radish that we plant, we actually only would have to wait only 7 days before we harvest after application (we wait much longer because it takes 5 months for the crop to produce seed). But this is another example that the insecticide actually does break down in the environment, adding to the story of safety surrounding this chemical when used per the label.

I also would add that this bill uses language that is inconsistent with federal labels that farmers already are familiar with and are trained to understand. The 8 day window that entry is not allowed makes no sense. Federally there is a window of time known as the "Re-entry period" for which you can enter if you use certain precautions; such as the use of PPE. This is imperative for us to be able to use the chemical in the safest way possible, because in order for the chemical to be activated to do its job it often times needs irrigation or tillage. If we aren't able to safely enter the field for 8 days it impairs our ability to safely use this product according to the federal label that is in place.

I am a mom who wants her children to be safe, and I am a farmer who strives for crop and soil health. This is one tool that when used per the label, I can satisfy human and environmental safety at the same time. I hope that you can see that we need alternatives, we need time and funding to get that done and as an industry while we are trying, we are not there yet. I'm asking you to please not take away this important tool.

Thank you for your consideration on this important issue.

Sincerely,

Brenda Frketich  
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St. Paul, Oregon