

# *Coloradans for Responsible Pesticide Application*

## COLORADO PESTICIDE APPLICATORS' ACT SUNSET REVIEW REPORT 2014

### **SUPPORT S.B. 15-119 As Passed by the Senate**

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Coloradans for Responsible Pesticide Application, a coalition of agricultural pesticide users, licensed pesticide applicators for agriculture, lawn and garden applications, farmers, local government pest and weed management professionals, and university educators, supports the conclusions of the Sunset Review Report and strongly supports the reauthorization of the Pesticide Applicators' Act ("Act") **in the form passed by the Senate.**

#### The Program

As stated in the Sunset Review Report, the Pesticide Applicators' Act operates under the authorization of the EPA, which regulates the sale and use of pesticides in the United States. The Applicators' Act is implemented in Colorado by the Commissioner of Agriculture through the Colorado Department of Agriculture's Pesticide Applicator Program ("Program"). The Program licenses businesses and individuals that use pesticides or devices to control pests, and regulates the manner in which the pesticide or device is used. Any person who uses a pesticide is regulated through the Program, but only businesses and individuals who apply pesticides for hire must be licensed. In addition, public applicators, limited commercial applicators and private applicators (farmers) who apply restricted-use pesticides must also be licensed. Unless specifically authorized by law, pesticides cannot be used or applied except consistent with the Act. **When EPA changes the registration for a product or use and application standards for a pesticide through a label change, those changes are automatically applicable in Colorado without a change in state statute.**

#### Sunset History

Pesticide application has been regulated in Colorado since 1953 by the Colorado Department of Agriculture and nationally by the EPA since 1970. The Act has been through two (2) sunset reviews, the first in 1990 and the second in 2005. The Legislature has reauthorized the Act after each sunset review.

#### Conclusion

The Coalition requests approval of S.B. 15-119 as unanimously passed by the Senate.

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For more information, contact any of the supporting Coalition members listed on the back of this Fact Sheet or

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Rocky Mountain Agribusiness Association  
Colorado Nursery and Greenhouse Association  
Colorado Association of Wheat Growers  
Colorado Cattlemen's Association  
Colorado Sugarbeet Growers  
Farmers Alliance for Integrated Resources  
Rocky Mountain Golf Course Superintendents Association  
Associated Landscape Contractors of Colorado  
Colorado Horse Council  
Colorado Farm Bureau  
Colorado Dairy Farmers  
Rocky Mountain Farmers Union  
Colorado Egg Producers  
Colorado Wool Growers Association  
Colorado Livestock Association  
Colorado State Grange  
International Society of Arboriculture – Rocky Mountain Chapter  
CropLife America  
Garden Centers of Colorado  
Professional Landcare Network  
Colorado Weed Management Association  
Colorado Potato Administrative Committee  
RISE – Responsible Industry for a Sound Environment  
Green Industries of Colorado  
American Society of Landscape Architects – Colorado  
Tri State  
Colorado Corn Growers Association  
Colorado Pest Control Association  
Colorado Agricultural Aviation Association  
Colorado Arborists and Lawn Care Professionals  
Colorado Golf Association  
Colorado Section of the PGA of America

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The Coalition is pleased that the **CACI** has also adopted a position in support of S.B. 15-119 as passed by the Senate, as well as **Club 20, Action 22, Progressive 15** and the **Colorado Ag Council**.

## MEMORANDUM

TO: Colorado Legislators, Stakeholders and Policy Makers

FROM: Coloradans for Responsible Pesticide Application

DATE: April 8, 2015

RE: Update on Federal and Colorado Pollinator Health Initiatives

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### 1. Federal Pollinator Health Task Force

On June 20, 2014, President Obama issued an important memorandum creating a federal strategy to promote the health of honey bees and other pollinators (<http://www.whitehouse.gov/the-press-office/2014/06/20/presidential-memorandum-creating-federal-strategy-promote-health-honey-b>) The President established a Pollinator Health Task Force to be co-chaired by the Secretary of Agriculture and the Administrator of the US Environmental Protection Agency (EPA), together with other federal agencies, to develop a National Pollinator Health Strategy. The Task Force is to submit its recommendations to President Obama in December, 2014. A formal announcement from EPA is expected in 2015 which will provide the states with specific guidance for the development of unique state Managed Pollinator Protection Plans (MP3). At a minimum each state will be required to convene public stakeholder meetings to address unique state crop and pest problem issues by working with beekeepers, growers, pesticide applicators and other interested stakeholders to develop individual state plans to allow pesticide applications to occur, while insuring pollinator impacts are minimized or eliminated through the use of best management practices (BMPs) and communication between applicators, growers and beekeepers. All state plans must be ultimately approved by EPA. The Colorado Department of Agriculture as Colorado's lead agency, has been actively engaged with the Task Force and is poised to implement the recommendations in 2015-2016.

### 2. New Federal Label Requirements

Pollinator protection is mandated by pesticide labels in the "Environmental Hazards" label section. This section of the label explains the nature of potential hazards and the precautions needed to prevent injury or damage to non-target organisms or to the environment. Warnings of potential toxicity to honeybees will be stated in this section. Examples of environmental hazard statements include:

*"This product is highly toxic to honeybees."  
"Do not apply this product or allow it to drift to blooming crops or weeds if bees or other pollinating insects are visiting the treatment area."*



On June 20, 2014, the Environmental Protection Agency released a new Pollinator Risk Assessment Guidance to develop a long-term strategy. Elements of that Guidance are already being implemented in the “EPA on-going registration review of neonicotinoid pesticides as well as in other pesticide regulatory work” ([http://www.epa.gov/oppfead1/cb/csb\\_page/updates/2014/growers-beekeep.html](http://www.epa.gov/oppfead1/cb/csb_page/updates/2014/growers-beekeep.html)). Label language referencing the MP3 recommendations is expected to be required by EPA on pesticide labels in 2016. Application of pesticides contrary to the label is enforceable by state and federal regulators and by civil lawsuits filed by third parties.

### 3. Colorado’s Pollinator Work Group/DriftWatch™

Colorado is far ahead of other states in stakeholder discussions on pollinator health. Established in May, 2011, the Colorado Pollinator Work Group consists of representatives from commercial pesticide applicators, beekeepers, county land managers, Colorado State University, pesticide registrants, EPA, Colorado Department of Agriculture and other interested stakeholders. The group has been meeting regularly since 2011 and works to encourage pesticide applicators and beekeepers to communicate and work together when applications need to occur in close proximity to known apiary sites. Guidelines have been adopted. <https://www.colorado.gov/pacific/agplants/colorado-pollinator-workgroup> In addition to the Work Group, the Colorado Department of Agriculture is a participant in the Purdue University designed DriftWatch™ Program. <https://driftwatch.org/>

DriftWatch™ is a voluntary web-based registry tool intended to help managers and owners of apiaries, growers of commercial specialty crops and pesticide applicators to communicate more effectively and to promote awareness and stewardship activities to help prevent and/or manage pesticide drift appropriately. It is not designed to be a registry for homeowners or sites less than half an acre.

The website registry for growers and apiaries features a GoogleMaps™ interface that clearly shows pesticide applicators where registered growers and apiaries are located so that they can utilize the registration information in connection with stewardship programs.

### 4. Summary

Colorado is well positioned through the Colorado Department of Agriculture to convene a stakeholder process and to adopt an MP3 Plan in 2015-2016 compliant with all Federal standards. Coloradans for Responsible Pesticide Application fully supports this initiative. All legislative and regulatory action should be consistent with any EPA mandated plan.

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March 31, 2015

Dear House Ag Committee Members,

On behalf of the membership of the Colorado Ag Council, we recognize the important role that pesticides play in Colorado's crop production systems, the responsibility associated with their use, and the state and federal regulations currently governing them.

Pesticides of all categories including herbicides, insecticides, fungicides and nematicides are important tools for controlling damaging organisms that would otherwise limit crop and livestock production, damage property, spread disease, or otherwise detract from our quality of life. Pesticides are widely used in Colorado by all sectors of the community and are essential:

- to agricultural production, to ensure that Colorado continues to produce high quality food and fiber for domestic and international consumption while providing a sustainable and practical means of preventing water and wind erosion;
- to protect our natural resources from invasion by non-native species;
- to maintain high standards of public health and safety by their use in structural pest control and the food retail and service industry;
- to reduce the transmission of diseases by their use in human disease vector control, like fleas, ticks and mosquitoes; and
- to protect urban and natural forests and urban landscapes from native and non-native pests, which left uncontrolled, would cause damage to watersheds, infrastructure, public safety, and quality of life.

We believe SB 15-119, the Colorado Pesticide Applicators' Act, as was passed unanimously in the Senate, provides an appropriate framework to protect the public interests and those of pesticide applicators in the state.

We request your support of SB 15-119 un-amended as passed in the Senate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Sponsler".

Mark Sponsler - Chair, Colorado Ag Council  
Chad Vorthman - Vice-Chair  
Bill Hammerich - Treasurer

**Producer Member**

Catlin Augmentation Association  
Colorado Aquaculture Association  
Colorado Assoc. of Conservation Districts  
Colorado Association of Wheat Growers  
Colorado Cattlemen's Association  
Colorado CattleWomen Inc.  
Colorado Corn Growers Association  
Colorado Dairy Farmers PAT/PAC  
Colorado Egg Producers  
Colorado Elk Breeders Association  
Colorado Farm Bureau  
Colorado Fruit & Vegetable Growers  
Colorado Horse Council  
Colorado Livestock Association  
Colorado Onion Association  
Colorado Pork Producers Council  
Colorado Potato Admin. Committee Area II  
Colorado Potato Admin. Committee Area III  
Colorado State Grange  
Colorado Sugarbeet Growers  
Colorado Wool Growers Association  
Green Industries of Colorado  
Rocky Ford Growers Association  
Rocky Mountain Agribusiness Association  
Rocky Mountain Farmers Union

**Supporting Non-voting Member**

Colorado Federation of Dog Clubs  
Colorado Veterinary Medical Association  
Colorado Weed Management Association  
Tri-State Generation and Transmission

**Non-voting Ex-Officio Member**

ACF Colorado Chefs Association  
Colorado Agricultural Leadership Program  
Colorado Department of Agriculture  
Colorado Foundation for Agriculture  
Colorado FFA Association  
Colorado State University