



Kansas Corn Growers Association

To: House Committee on Agriculture  
Representative Ken Rahjes, Chair

From: Kansas Corn Growers Association

Re: **Support for HB 2607 – Amending the Kansas pesticide law to expand the applicability of civil and criminal penalties and update requirements for training and supervision, proof of financial responsibility, pesticide applications in the sodium cyanide predator control category and record retention by government agencies.**

Date: Thursday, February 1, 2024

Thank you, Chairman Rahjes and members of the committee for the opportunity to address the above organization's views on HB 2607. The Kansas Corn Growers Association (KCGA) represents more than 1,100 members on state and national legislative and regulatory issues and actively works with other organizations to maximize the voice of Kansas corn producers. KCGA is a proponent of HB 2607 and encourages the Committee to move forward and pass this bill.

In 2017 the United States Environmental Protection Agency (EPA) finalized "stronger standards for people who use restricted use pesticides (RUPs). The revisions to the Certification of Pesticide Applicators (CPA) rule help ensure RUPs are used safely and reduce the likelihood of misapplication of RUPs." This rule required states with existing EPA-approved certification plans to submit modifications and revised plans for EPA approval. Since that timeframe, the Kansas Department of Agriculture (KDA) has worked with the EPA to ensure they are in compliance with EPA requirements so that they maintain statutory authority by having an approved certification plan. HB 2607 would do just that.

Should KDA not maintain compliance, the state would revert to a federal certification and training plan, an unprecedented step that would cause wholesale change in the pesticide authority in the state. The federal government does not currently have a state certification and training plan in place as Kansas would be the first to not have an approved plan. The process for developing and implementing a plan by EPA would be long and tenuous and would create significant uncertainty for applicators in Kansas.

KDA's proposal would bring the state in line with our neighboring state's proposals as well. The civil penalty authority is well within the minimum and maximums of the other states. Likewise, the language requiring that supervisors of restricted use pesticide (RUPs) applications be certified for use of RUPs falls in line with, or is less restrictive than, neighboring states. The language regarding liability insurance requirements is also less stringent than that of our neighbors. It is the opinion of the KCGA that this

proposal does is not out of line with that of our neighboring states and is even less burdensome than some put forth. Furthermore, KDA does not go above and beyond what the EPA requires.

Maintaining KDA's regulatory primacy over pesticides in the state of Kansas is the utmost priority for corn growers in Kansas. Losing that regulatory authority would mean that our growers, as well as agriculture retailers like Co-ops, and commercial applicators would be forced to deal with the EPA for registration, auditing, and other regulatory requirements. KDA is a better partner for our members to work with as they have local representatives that often work with applicators better than the alternative. While our members are concerned about regulatory overreach and creep, our members are more comfortable working with KDA than the EPA.

To further this point on KDA being the more optimal regulatory partner than EPA, there are several considerations that must be taken into account. KDA has a better understanding of the unique cropping systems, environmental concerns, and producer needs within the state of Kansas. This leads to better outcomes for human health, the environment, and food production. KDA also can, and does, partner more closely with universities, commodity groups, and other stakeholders to understand how applicators comply with regulations. Being much closer to the populace they serve, KDA will also be more receptive to regulatory changes that may be required from unforeseen consequences. All of these issues are more acute when considering the other areas of pesticide policy that agriculture groups are currently working with EPA on.

This being made clear, KCGA does have some consternation over some of the propositions included in the bill and would encourage amendments to deal with these issues. One such concern is lowering the age of supervised applicators of RUPs to 16. KCGA understands the important role that teenagers can play in a farming operation. However, application of RUPs is a serious activity that requires a significant amount of training and care. Further, the language stating "if supervised by a relative or family member..." could be construed as meaning that the supervisor need not be certified if it is a relative or family member. This could create dangerous situations that would go against the interests of the applicator and KDA. The language in Sec. 8(f) is unclear and should be revised.

When amending the bill, KCGA must again reiterate the priority of maintaining KDA's primacy in the state. As amendments are considered, we strongly encourage the Committee to work with KDA to ensure that such amendments would still be approved by the EPA to maintain KDA's primacy.

Overall, KCGA appreciates the work of KDA in maintaining their compliance with EPA's requirements and working to keep primacy. To this end, KCGA supports HB 2607 and looks forward to its successful passage.