



Connecting People with Nature

Audubon Society of Rhode Island

April 5, 2023

Representative Joseph J. Solomon, Jr.
Chair, House Corporations Committee
Rhode Island State House
Providence, RI 02908

Re: Audubon Society of Rhode Island Strongly Opposes H6160

Dear Chair Solomon and members of the House Corporations Committee,

The Audubon Society of Rhode Island and our 17,000 members and supporters strongly opposes the proposed amendments to H6160—pesticide control.

For years, Audubon pushed for a critical step in pesticide management – regulating Neonicotinoids (neonics) to help keep these dangerous pesticides out of the hands of untrained users. With the leadership of primary sponsors, Representative Kislak and Senator Miller, the General Assembly took the critical first step to protect pollinators, pets, people, and the environment from this especially harmful neurotoxin by [enacting into law § 23-25-40](#), which does not go into effect till January 1, 2024. It is not unreasonable for someone who is handling that type of poison to need to pass an additional test. It also important to stress that the minimum standards set by the [U.S. Environmental Protection Agency \(EPA\)](#) are just that—minimum (floor) standards for regulating pesticide use under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—and not the ceiling for how Rhode Island can provide stronger oversight of these harmful and toxic pesticides.

Managing Neonicotinoid Pesticides and Protecting Bees, Butterflies, and Other Pollinators

Pollinators are declining worldwide. Pesticides used for the control of mosquitoes and other widespread problem insects, as well as homeowner use of over-the-counter pesticides, contribute to the decline. Loss of habitat and climate change also impact their populations. Dr. Charles Clarkson, Audubon director of avian research, led the state's Breeding Bird Atlas and has spoken about declining bird numbers in Rhode Island, matching trends seen worldwide. Research is showing a link between pesticide use, particularly neonicotinoids, and impacts on birds. Neonicotinoids (neonics) is a class of insecticides that affect the central nervous system of insects.

Audubon has worked for several years on issues related to pollinator health and habitat. In 2016, we began to advocate for a full ban on neonicotinoids (neonics), faced with strong opposition. In 2021, we were pleased to see progress—this committee passed a ban of neonics applications by non-licensed professionals, and we cannot thank Representative Kislak for continuing to champion the crisis that our pollinators face, thus impacting our food and our lives.

R.I. Gen. Laws § 23-25-40 keeps neonics out of the hands of untrained users. Use of these pesticides will be restricted on January 1, 2024 to only certified applicators and those under the direct supervision of certified applicators. Neonicotinoid pesticides would be labeled for use outdoors “state limited use.” Veterinary applications are exempted; as are products used to treat bedbugs, lice, and other indoor insect pests; and products used for controlling wood-destroying pests.

The law now specifies that neonicotinoids registered in the state and labeled for outdoor use would only be sold or distributed to a certified applicator and then used by a certified applicator or someone under their supervision. The language also prohibits application to a linden or basswood tree or to any plant in bloom except as part of academic research. A fact sheet developed in partnership with the RI chapters of The Nature Conservancy and Conservation Law Foundation is included as an attachment for your reference.

More About Audubon: 125 Years of Education, Conservation & Advocacy

Audubon Society of RI’s mission is to protect birds, other wildlife, and their habitats through conservation, education, and advocacy, for the benefit of people and all living things. We are a private, independent, membership-supported organization devoted to improving the use, management and protection of all natural resources and the environment. Audubon manages 9,500 acres of conserved habitat to protect the diverse ecosystems we need to adapt to a warming climate. This serves as a model for habitat protection and species resilience through nature-based solutions that can help limit the impacts of climate change in the Ocean State and ensure communities can also remain resilient.

Audubon’s leadership in the Pollinator Working Group

Audubon has worked on pollinator protection and pesticide management for many years. Our former Senior Director of Policy, Meg Kerr, who retired in 2021, led the state’s Pollinator Working Group with Shannon Brawley from RINLA, served on the Senate Special Legislative Commission to Study Pesticide Control Regulations, and organized a “Bee Rally” at the State House to showcase the importance of pollinators to our food and our lives.

Although the Pollinator Working Group did not find that pollinator decline is specifically linked to the use of neonicotinoid pesticides, the Group did find that over use of pesticides by regular people – homeowners and renters – is part of the problem. The law now simply takes neonicotinoid pesticides out of the hands of regular people, and this is a good thing.

In the years since the Pollinator Working Group convened, we have continued to learn about neonicotinoid pesticides and their harmful effects on birds, wildlife and humans. These findings support action to regulate their use.

- 1) *Neonicotinoid pesticides are extensively studied and known to negatively impact bees and other beneficial insects.*** In December 2019, the Massachusetts Department of Agriculture received a literature review from Industrial Economics, Inc. examining the effects of neonicotinoids on pollinators. A total of 70 documents were included in the review. 66 were journal articles, 4 were EPA risk assessment documents. The literature review concluded, “many studies and reviews have documented that neonicotinoid exposure can have deleterious effects on a wide range of endpoints relevant to pollinators and pollinator services.”

- 2) ***Neonicotinoid pesticides have been shown to negatively impact birds, mammals and humans.*** Recent studies are showing impacts on [mammals](#). Dr. Ann-Christine Duhaime, a pediatric neurosurgeon who serves on Audubon's Board of Directors has provided the following statement, "There is increasing scientific evidence that many chemicals used to control insects in agriculture are found to have side effects that can affect human health, including the developing nervous system. Neonics have been measured in human children, and there is evidence they may affect brain development. This is another compelling reason to support eliminating them from our Rhode Island ecosystem."
- 3) ***Regulating the application of harmful and toxic pesticides like neonics has been supported by action in other states and countries.*** CT, MA, VT and MD have all restricted the use of neonics recently. The European Union has banned the outdoor use of three neonicotinoids—clothianidin, imidacloprid, and thiamethoxam—to all field crops, because of growing evidence that the pesticides can harm domesticated honey bees and also wild pollinators. A summary of state, national and international actions on neonicotinoids is included at the end of my testimony.
- 4) ***Lands throughout Rhode Island are successfully managed without the use of neonicotinoid pesticides.*** Audubon manages our 9,500 acres of protected land for pollinators, birds and other wildlife. We do not use neonicotinoid pesticides, we do not engage in aerial spraying of any pesticides and only use pesticides for spot treatment of invasive species and for treatment of problems like carpenter ant infestations in the structures on our protected properties. Last summer, a Brown student intern working for Audubon researched areas of the state managed similarly to Audubon. We identified about 99,885 acres managed with limited pesticide application including land managed by The Nature Conservancy and DEM's Forestry Division. The state of Rhode Island covers a total of about 775,900 acres. Thus, the pesticide-light/pollinator-safe lands ascertained by this study represent almost 1/8 or about 13% of the land cover of the state. Of particular note is the City of Providence's Parks Department who use pesticide management strategies similar to Audubon. They do not use neonicotinoid pesticides and significantly limit the application of any pesticides or chemical fertilizers.
- 5) ***Big retailers are phasing out neonicotinoids.*** [Walmart and True Value](#) are phasing out neonics. Home Depot pledged in 2016 to phase out neonic treated plants. According to [media coverage](#), they have followed, "Through partnerships with our suppliers, we've made tremendous progress on removing neonics from our plants and they are now 98 percent free of neonicotinoids. However, there are states that require some plants be treated with neonics. The Home Depot is one of the few retailers that labels plants that are treated with neonics so customers can choose for themselves."
- 6) ***Local cities and towns concerned about neonics cannot take action so the State needs to show leadership.*** Rhode Island law gives DEM sole authority to regulate pesticides (RIGL 23-25-35), "Jurisdiction in all matters pertaining to the registration, sale, distribution, transportation, storage, use and application, disposal of pesticides and devices, and licensing and certification of applicators is, by this chapter, vested exclusively in the director, and all acts and parts of acts inconsistent with this chapter are expressly repealed."

We ask that this committee indefinitely hold H6160 and oppose any measure to retract reasonable public and environmental safety like [R.I. Gen. Laws § 23-25-40](#), especially as the impacts of this legislation haven't materialized because RI DEM is still working through the implementation process.

Thank you for considering Audubon's comments in opposition to proposed amendments to H6160.

Sincerely,

A handwritten signature in black ink, appearing to read 'Priscilla De La Cruz', with a long horizontal flourish extending to the right.

Priscilla De La Cruz
Senior Director of Government Affairs