

Dear Counselor,

This spring marked a watershed event for beekeepers. Many commercial operators lost more than half of their colonies to colony collapse disorder. Problems that started almost eight years ago have continued to get worse year by year and we are approaching the point of no return for the beekeeping industry. This has dire consequences for all of agriculture.

There is an increasing consensus that neonicotinoid insecticides are a major contributor to the phenomenon of colony collapse, however, this view is not without controversy. The science is not simple, and likely multiple, synergistically linked, causes are involved.

The dire condition of the bees has led the European Union to impose a 2 year moratorium on use of three of the most toxic of the neonicotinoids, imidacloprid, clothanidin, and thiamethoxam. In the US the EPA has suggested that it will get around to looking at their approval of some of these chemicals in 2018, five years from now. The revolving door between regulation and industry has made the federal EPA ineffective in protecting our citizenry and our agriculture. The damage that could happen in the next five years is an intolerable risk that Oregonians should not have to face.

Fortunately, the state of Oregon has the authority to protect our state interests. The relevant rules are OAR 603-057-0205 and ORS 634.016. See Appendix I below, with the relevant language highlighted. It appears that should the Department of Agriculture make a determination that there is a problem with any pesticide, they already have the authority to restrict it without further legislation. In practice, it seems unlikely that the ODA will act without specific direction from the legislature.

Oregon beekeepers would like see the pesticides that have been recently banned in Europe also restricted here. The body of knowledge on this subject is vast. Fortunately there are good reviews of the science that have been prepared by the authorities in Europe that include a thorough survey of the science and policy issues to act as guidance for a ODA review. There is a history of intense pressure from the pesticide manufacturers when these issues are decided.

Oregon beekeepers have been fortunate that we live in a very rural state, so the dire problems felt by Californian, Midwestern and Eastern beekeepers have not been quite as bad here. However, Oregon also has a growing number of backyard and urban beekeepers. Beekeeping in developed areas is affected by yard and garden chemicals that are often applied at higher concentrations than in agricultural areas on a per-acre basis. Imidacloprid, one of the most bee-toxic pesticides ever invented, is a common ingredient in garden chemicals that are sold at thousands of stores in the state. Frequently the pesticide is combined with fertilizer as an all-in-one product designed for flowers, bee's sustenance. If there are legitimate uses for these chemicals, this is not one of them! Anecdotal accounts this spring suggest that the bees in town did not do very well, but that country bees made it through the winter fairly well.

In recent developments, the Washington State Department of Agriculture is about to review the use of these pesticide in Washington, on the prodding of county commissioners in the state. According to the Washington State constitution the WSDA must act if there is an imminent danger to general health, or a

financial component. The county commissioners argued that it was both and now the WSDA must act by early June.

I realize it is getting late in the Oregon legislative session, but in light of the ban on these chemicals in the EU and the action in our neighbor state, it seems appropriate for Oregon to at least look carefully at the issue. Hence, we are looking for representatives, commissioners, and city counselors that would be willing to sponsor:

- 1) A resolution instructing the ODA to review neonicotinoid insecticides and consider restricting their use in the state.
- 2) Legislation that would ban imidacloprid, clothanidin, and thiamethoxam from yard and garden chemicals that can be purchased without an applicator's license.
- 3) A better idea!

I look forward to your suggestions.

Best regards,
Gary Rondeau
Oregon Sustainable Beekeepers

Appendix I – Oregon Pesticide Law

OAR 603-057-0205

Listing of Restricted Use Pesticides

As provided in ORS 634.316, restricted use pesticides shall be:

- (1) Any pesticide active ingredient, formulation, product or usage classified restricted use by the United States Environmental Protection Agency, through administration of the Federal Insecticide, Fungicide and Rodenticide Act, and identified in current Title 40, Chapter 1, Sub-Chapter E, Part 152 of the Code of Federal Regulations; or
- (2) Any pesticide product having labeling which specifies the product as being restricted use and has been accepted by the department for the purpose of registration as provided in **ORS 634.016**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.190 & 634

Stats. Implemented: ORS 634.306 & 634.316

Hist.: AD 1036(26-74), f. 8-20-74, ef. 9-11-74; AD 7-1977, f. & ef. 4-5-77; AD 28-1977, f. & ef. 12-5-77; AD 8-1978, f. & ef. 6-23-78; AD 7-1980, f. & ef. 9-25-80; AD 24-1981, f. & ef. 12-1-81; AD 12-1985, f. & ef. 11-27-85; AD 12-1985, f. & ef. 11-27-85; AD 10-1987, f. & ef. 7-1-87; AD 1-1990(Temp), f. & cert. ef. 3-1-90; AD 17-1990, f. & cert. ef. 10-2-90; AD 13-1992, f. & cert. ef. 10-13-92

ORS 634.016

Registration of pesticides and application devices

- (1) Every pesticide, including each formula or formulation, manufactured, compounded, delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year with the State Department of Agriculture.

(2) Every device manufactured, delivered, distributed, sold, offered or exposed for sale in this state shall be registered each year with the department.

(3) The registration shall be made by the manufacturer or a distributor of the pesticide.

(4) The application for registration shall include:

(a) The name and address of the registrant.

(b) The name and address of the manufacturer if different than the registrant.

(c) The brand name or trademark of the pesticide.

(d) A specimen or facsimile of the label of each pesticide, and each formula or formulation, for which registration is sought, except for annual renewals of the registration when the label remains unchanged.

(e) The correct name and total percentage of each active ingredient.

(f) The total percentage of inert ingredients.

(5) The application for registration shall be accompanied by a registration fee to be established by the department for each pesticide and each formula or formulation. The registration fee may not exceed \$250 for each such pesticide, or each formula or formulation.

(6) The department, at the time of application for registration of any pesticide or after a declaration of a ground water management area under ORS 468B.180 (Declaration of ground water management area) may:

(a) Restrict or limit the manufacture, delivery, distribution, sale or use of any pesticide in this state.

(b) Refuse to register any pesticide which is highly toxic for which there is no effective antidote under the conditions of use for which such pesticide is intended or recommended.

(c) Refuse to register any pesticide for use on a crop for which no finite tolerances for residues of such pesticide have been established by either the department or the federal government.

(d) In restricting the purposes for which pesticides may be manufactured, delivered, distributed, sold or used, or in refusing to register any pesticide, give consideration to:

(A) The damage to health or life of humans or animals, or detriment to the environment, which might result from the distribution and use of such pesticide.

(B) Authoritative findings and recommendations of agencies of the federal government and of any advisory committee or group established under ORS 634.306 (General duties and powers of department) (10).

(C) The existence of an effective antidote under known conditions of use for which the material is intended or recommended.

(D) Residual or delayed toxicity of the material.

(E) The extent to which a pesticide or its carrying agent simulates by appearance and may be mistaken for human food or animal feed.

(7) The provisions of this section shall not, except as provided herein, apply to:

(a) The use and purchase of pesticides by the federal government or its agencies.

(b) The sale or exchange of pesticides between manufacturers and distributors.

(c) Drugs, chemicals or other preparations sold or intended for medicinal or toilet purposes or for use in the arts or sciences.

(d) Common carriers, contract carriers or public warehousemen delivering or storing pesticides, except as provided in ORS 634.322 (Enforcement powers of department). [1973 c.341 §7; 1975 c.304 §9; 1989 c.709 §3; 1989 c.833 §66; 2007 c.162 §1]