

NDSUEXTENSION
PESTICIDE PROGRAM**December 13, 2023**

State Board of Agricultural Research and Education

RE: SBARE – Conservation Initiative

Chair Lovas and the SBARE Board:**Andrew A. Thostenson, North Dakota State University Extension Pesticide Program Specialist**

Thank you for the opportunity to testify regarding the Conservation Initiative. In particular, the component of the initiative that will characterize and study North Dakota's Threatened and Endangered Species.

It may seem odd that a Pesticide Specialist would be speaking out about natural resources, but I am because my focus for 28 years has been educating farmers, ranchers, and professional applicators with the skills necessary to use pesticides to control pests without causing significant adverse impacts on the environment. In North Dakota, we rely on pesticides to control weeds, insects, plant pathogens, rodents, and pestiferous birds as well as to protect our crops, pasture/rangeland, livestock, homes, food processing facilities, and even our communities from disease vectoring mosquitos. They are essential.

Pesticides are highly regulated. The U.S. Environmental Protection Agency (EPA) is responsible for overseeing pesticides under a risk/benefit standard that balances the needs of users while minimizing or avoiding harm to society and the environment. There are enormous benefits to using pesticides but when they are used improperly, there are downsides. The consequences are that the applicator might be injured, food might become contaminated, a garden could be destroyed, or a stream could become polluted to the point where wildlife suffer. EPA regulates pesticides in the public interest, but often, the decisions they make are challenged in Federal Courts. Cases may come from agricultural interests (pro-pesticide), or they may come from environmental advocacy groups (anti-pesticide). Regardless of the view, the courts are used as a venue to get EPA to change how they regulate.

For decades, courts have intervened in thousands of EPA decisions, but for the most part, those decisions have not had a direct impact on North Dakota until 2020. In early June, farmers were

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preparing to control weeds on their soybean fields when word came that a popular herbicide was being withdrawn via court order. Suddenly, 50% of the soybean acres in the state, and throughout the Midwest, could no longer be treated. What was legal on June 2nd, became illegal on June 3rd. This was huge, it signaled that Federal Courts could and would act to dramatically alter pesticide use.

In a related case in 2022, EPA decided to settle a lawsuit brought by environmental groups arguing the Endangered Species Act was not being implemented. (Since 2011, these groups had been suing EPA for not protecting threatened and endangered species from pesticides.) The settlement called for EPA to enact sweeping new strategies to protect these species. After the settlement, EPA recognized the necessity for properly reviewing all pesticide registrations (new registrations as well as pesticides coming up for renewal.) This is an enormous task, because EPA manages over 150,000 products. Unfortunately, while EPA knows a great deal about pesticides, their biological effects group has very little information on the actual species they are charged with protecting.

This is where the Conservation Initiative is crucial. We have about a dozen threatened and endangered species in the state, but a systematic, boots on the ground assessment of where they are, what condition they are in, and what habitats do they need to be sustained has never been done. Thus, EPA is forced to implement highly restrictive use requirements for pesticides without even knowing if these measures are protective.

The Conservation Initiative endeavors, in part, to investigate these species and make that information available to decision makers at the state and federal level. In addition, and this is the most critical part, it will help pesticide applicators understand why use restrictions are or are not required under various scenarios. When I train pesticide applicators, they want to know why. Unfortunately, in this case, I do not know what to tell them because these species have not been properly characterized.

If you want a deeper dive, I invite you to a 20-minute narrated video that I will deliver to over 6,000 applicators this winter training season. You can find it at the URL or at the QR Code listed below.

Thank you,

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<https://vimeo.com/ndsupesticide/esa-briefing>

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