

April 22, 2024

To: CT DEEP

Re: 20x26 Comments

Dear DEEP 20x26 Administrators,



I write on behalf of Connecticut Pesticide Reform Coalition, which includes CT Audubon Society, Rivers Alliance, Sierra Club CT, Interreligious Eco-Justice Network, CT League of Conservation Voters, Norwalk River Watershed Association, Pollinator Pathway, and others.

We write to ask that DEEP consider in its goals for 20x26 the recommendations of the Council on Environmental Quality's 2017 report: *Environmental Enforcement in Connecticut, Part 1: Pesticides. Is the Department of Energy and Environmental Protection Equipped to Protect Residents and the Environment?*

Of the five 2017 recommendations, we applaud progress made by DEEP on recommendation two: *Implement electronic reporting and recordkeeping*. We have been informed by DEEP that the e-license system now receives certifications, registrations of products, and pesticide use reports. When this information is soon made accessible to the public, it will be a vast improvement over the paper reports in boxes and go a long way toward achieving GOAL 9: Enhanced Public Records Transparency and GOAL 10: Expand Tools for Online Resources.

**The problem we ask you to consider, though, is that pesticide use reports are still filed under the last name of the individual applicators/supervisors only.** This system of filing makes it impossible to search a specific chemical or a specific location, for example. The only way for DEEP staff, policy makers, or the public to use this data is to sort through every filing. This 'mountain of paper' effect that was cited as a problem in the 2017 CEQ report remains a significant barrier to use of these records.

The first recommendation in the 2017 report is to *Provide DEEP's Pesticide Management Program with adequate resources to enforce pesticide laws and protect public health and the environment, using existing fee revenue.* **We write to encourage expansion of goal #4 to include restoring staff levels, experience, monitoring, and enforcement capacity.**

From the CEQ report we see the pesticide department had gone from a staff of 14 people in 2003 to five in 2017 and enforcement actions fell from 173 to 3 during that time. The report argues restoring inspections and enforcement to previous more robust levels would result in lower pesticide levels in our environment. It shows that, "across many years, 20 to 40 percent of inspections of certain activities found violations. The fairly constant ratio of violations to inspections leads to the conclusion that, as inspections decline in number, a substantial and

growing number of violations are not detected. (Without more random inspections, there is no way to estimate the total number of undetected violations.) The USEPA has determined that ‘Inspections are the core of the [pesticide] compliance monitoring program.’ Absent inspections, the number of undetected violations must be inferred to be substantial.”

Figure 3 shows that the number of violators paying penalties, which over a period of 15 years never exceeded 15 in any one year, currently is one or two per year.



We know from [USGS data](#) that CT’s Rivers contain many pesticides ([30 in the Norwalk River](#), for example), including neonicotinoids at extremely damaging levels. Of 16 CT rivers tested in 2016, nine had imidacloprid at levels lethal to aquatic life—often hundreds of times those levels. Of two rivers, the Connecticut and the Norwalk, tested from 2013-present, both exceeded aquatic life benchmarks every year.

We can’t say for sure because we don’t currently have access to CT pesticide use records, but using a neighboring state’s data, like NJ’s, we can assume the likely heaviest uses of imidacloprid are on lawns and ornamental landscapes. These uses are often prophylactic, i.e. applying Merit (imidacloprid) to lawns every spring regardless of the presence of grubs or the effectiveness of this product at killing them (which the CT Ag Experiment Station has said it is not). DEEP’s job of monitoring compliance is bigger than it should be because many residents, landscape professionals, and golf courses use pesticides when and where they are not needed, as reported by CEQ. **A goal of financing education around overuse of chemicals could help solve this problem.**

EPA review of neonicotinoid pesticide registrations began in 2016 and is promised every year but does not happen, and now the chemical industry promises a “third generation” of neonics soon which will presumably be considered ‘safe’ until we have 20 years of data on how deadly they are. So the task of protecting Connecticut’s water and wildlife, in fact, lies in the State’s hands. The first step in taking state action would be to reinstitute annual environmental monitoring to determine levels of pesticides in Connecticut’s air, water, land and wildlife as the 2017 CEQ report recommended. Neonics are found by the USGS in surface and groundwater. DEEP or DPH should also test drinking water.

GOAL 6: Enhanced Financial Assurance Tracking and Management could be supported by adopting CEQ’s recommendation to “Provide DEEP’s Pesticide Management Program with

adequate resources to enforce pesticide laws and protect public health and the environment, using existing fee revenue. Using as a model the manner in which banking firms pay the cost of regulating banking, and utilities pay the cost of regulating utilities, pesticide manufacturers, applicators and distributors should be expected to pay the costs of regulating non-agricultural pesticides. And in fact, they already do pay more than enough to cover DEEP's costs. However, the fee revenue flows to the General Fund and is not available to DEEP. **Currently, the fee revenue collected by DEEP from pesticide businesses (up to \$3,000,000 annually) would be sufficient to cover the costs of a properly-staffed Pesticide Management program, including payroll, benefits, supervision, fixed costs and travel. The Council recommends establishing a special fund for receiving and expending pesticide revenue."**

Without adequate pesticide monitoring, inspections, and enforcement of Connecticut's pesticide laws, how can DEEP achieve its 2<sup>nd</sup> strategic goal: safeguarding, enhancing, and promoting Connecticut's environment and natural resources in order to support our quality of life, stewardship responsibilities, and long-term economic competitiveness? DEEP is charged with protecting residents and the environment from pesticides' harmful effects, but the 2017 CEQ report found that it was not equipped to do so fully. Given the data we have from USGS alone, it seems that is still the case.

Additional goals we would like to see in 20x26 include:

1. Provide DEEP's Pesticide Management Program with adequate resources to enforce pesticide laws and protect public health and the environment.
2. Reinstigate annual environmental monitoring to determine levels of pesticides and other chemicals in Connecticut's air, water, land and wildlife.
3. Close all loopholes that enable internet retailers to sell restricted-use pesticides to uncertified Connecticut residents.
4. Finance education to help residents control pests without overusing pesticides.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Louise Washer". The signature is written in a cursive style and is positioned above a light blue rectangular stamp.

Louise Washer  
Norwalk River Watershed Association