



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 12, 2019

The Honorable Amanda Gourgue  
Chair, House Environment and Agriculture Committee  
Legislative Office Building, Room 303  
Concord, NH 03301

**RE: HB 646 – AN ACT relative to labeling, signage, and restrictions on the sales and use of bee-toxic pesticides.**

Dear Chair Gourgue and Members of the Committee:

Thank you for the opportunity to comment on HB 646. This bill would restrict the use of bee-toxic pesticides and require certain state agencies to create and publish best practices for the agricultural industry and general public to transition away from the use of bee-toxic pesticides. The New Hampshire Department of Environmental Services (NHDES) cannot support this bill as written.

HB 646 names NHDES as one of the agencies to carry out the requirements in this proposed legislation. NHDES does not regulate the use and application of pesticides. The Department of Agriculture, Markets, and Food holds that statutory authority. Additionally, there are no programs at NHDES that have specific expertise in the area of bee-toxic pesticides.

NHDES was tasked with preparing a fiscal note for this proposed legislation. The fiscal note indicates a technical defect in 430:58 Section III – lines 16 & 17 and recommends that the listed agency be changed from “the NH department of environmental services to the department of agriculture, markets, and food” as the agency responsible for appointing the referenced panel of experts. In addition, 430:58 Section I – lines 22 & 23, the words “and New Hampshire department of environmental services” should be removed for the reason previously stated that NHDES does not have expertise or statutory authority in this area.

Thank you again for the opportunity to comment on HB 646. Should you have further questions or need additional information, please feel free to contact either: Vincent Perelli, Planning, Prevention & Assistance Unit Administrator, [vincent.perelli@des.nh.gov](mailto:vincent.perelli@des.nh.gov) 271-8989 or Melissa Zych, Pollution Prevention Section Administrator, [melissa.zych@des.nh.gov](mailto:melissa.zych@des.nh.gov), 271-6398.

Sincerely,

Robert R. Scott  
Commissioner

Cc: Sponsors of HB 646: Representatives Sofikitis, P. Schmidt, Huot, Cannon, Rogers, King, DesMarais, Grassie, Massimilla, and Horrigan

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PLEASE COMPLETE ALL SHADED AREAS IN THE WORKSHEET. IF YOU HAVE ANY QUESTIONS, PLEASE REFER TO THE LBA GUIDELINES FOR FISCAL NOTE WORKSHEETS OR CONTACT OUR OFFICE (271-3161).

<b>Agency Name:</b>	Department of Environmental Services
<b>LSR #:</b>	19-0775.0
<b>Bill #:</b>	[Bill #]
<b>Amendment #(s):</b>	[Amendment #(s)]

<b>Date of LBA Request</b>	12/29/2018
<b>Date Due to LBA</b>	ASAP
<b>Date Sent to LBA</b>	1/9/2019
<b>Corrected Worksheet?</b>	No

### A. Fiscal Impact Summary

- Specify the total impact on revenues and expenditures for each level of government and fund(s) impacted.
- Only the *incremental change* from the current law or budget should be included.
- If there is no fiscal impact, enter a zero (“\$0”). If the fiscal impact cannot be estimated, enter “Indeterminable” (with a range if possible) and indicate if the impact may increase or decrease revenues or expenditures.
- The amounts in the table below should correspond with the calculations in Section C of this worksheet.
- Decreases should be presented within parenthesis.
- If there is a fiscal impact **before or after** FY 2020 through FY 2023, please include in section C.
- **Provide account/fund for revenue impacts and/or source of funds for estimated expenditures (i.e., general fund, highway fund, federal funds, name of restricted dedicated fund, etc.)**

	FY 2020	FY 2021	FY 2022	FY 2023
<b>State Revenues</b>	\$0	\$0	\$0	\$0
<i>Revenue Account/Fund</i>	<i>Account/Fund</i>	<i>Account/Fund</i>	<i>Account/Fund</i>	<i>Account/Fund</i>
<b>State Expenditures</b>	\$0	\$0	\$0	\$0
<i>Source of Funds</i>	<i>Account/Fund</i>	<i>Account/Fund</i>	<i>Account/Fund</i>	<i>Account/Fund</i>

<b>County Revenues</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	\$0	\$0

<b>Local Revenues</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	\$0	\$0	\$0

### B. Assumptions

- Clearly explain your understanding of the proposed legislation, how it would be implemented or impact current operations, and any other important cost-related assumptions.
- Assumptions should be clear and not chosen to influence one’s opinion of the proposed legislation.
- Assumptions used should relate directly to your agency’s estimate of the fiscal impact on the revenues, expenditures, or fiscal liability of the state, or a city, town or county.

This bill would restrict the use of certain pesticides that are considered bee-toxic. It will require the departments of agriculture and environmental services to create and publish a list of best practices for the agricultural industry and the general public to transition away from the use of bee-toxic pesticides. It also requires NHDES to appoint a panel of experts to review relevant scientific literature on other potential bee-toxic pesticides and make recommendations to include them in the restrictions set forth in this bill. The Department of Agriculture, Markets, and Food is responsible for the regulation of pesticide use and application. NHDES assumes that the Department of Agriculture, Markets, and Food is preparing a separate fiscal note, as the subject matter of this bill falls within its jurisdiction and area of expertise.

### **C. Calculations and Methodology**

- Using the assumptions provided in Section B, calculate the estimated fiscal impact of the proposed legislation.
- Calculations should be detailed with the methodology clearly stated.
- If calculating position costs please use and attach the appropriate position cost calculator worksheet found [here](#).
- If the fiscal impact is zero (\$0) or indeterminable, please explain why.
- The calculations for FY 2020 through FY 2023 should agree with summary table in Section A. **Please also include information on fiscal impacts estimated outside of this period in this section.**

This bill directs NHDES to collaborate with the Department of Agriculture, Markets, and Food with staff time provided by the agency through existing resources.

### **D. Technical or Mechanical Defects**

- Identify any conflicts between this bill and current law, either state or federal, and identify possible technical errors. This information is provided to the Office of Legislative Services where it is evaluated and may be discussed with the bill's sponsor.
- If no technical or mechanical defects are identified, please state "None Identified" below.
- Do not comment on the merits of the legislation.

430:58 III. - lines 15 & 16 of page 2 should be changed from the NH department of environmental services to the department of agriculture, markets, and food as the agency responsible for appointing the referenced panel of experts.

### **E. Fiscal Note Worksheet Contact Information**

**[Prepared by]: Melissa Zych**  
**[Title]: Pollution Prevention Section Administrator**

**[Approved by]: Clark Freise**  
**[Title]: Assistant Commissioner**  
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