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February 25, 2013

Join Committee on Environment  
Legislative Office Building  
Hartford, CT 06106

RE: Opposition Memo for HB 6440

Dear Members of the Committee,

Thank you for the opportunity to submit testimony in opposition to HB 6440 an act removing preemption from the regulation of pesticides in the State of Connecticut. The Scotts Miracle-Gro Company has been in the lawn and garden business for over 145 years becoming the largest marketer and distributor of lawn and garden products for consumer use in that time. Our company also operates the Scotts LawnService, the second largest residential lawn service business in the United States. With operations in the State of Connecticut supporting various business units of our company we are vested in the State's future both as a place to operate as well as providing a high quality of life for our associates.

We are very concerned with the possible impacts of HB 6440 on our company, that of our retail partners, and our communities. This proposal unfairly targets preemption of pest control products in the state without scientific evidence to justify such a change and without showing how the current regulatory system has failed to regulate the products in question. Amending the current system should require justification that a problem exists and be led by facts, data, and science to ensure the issues of concern are properly being addressed under any proposed changes.

Currently, in the State of Connecticut to get a pesticide product registered for sale or use a product must be registered with the United States Environmental Protection Agency as well as Connecticut's Department of Energy and Environmental Protection (DEEP). This is a system that reviews the environmental and health impacts of pest control products. The system is also uniform and ensures use, sale, distribution, storage, display, and content compliance is coherent and functional for manufacturers, retailers, and consumers.

The proposal in HB 6440 would permit the one hundred and sixty nine towns and cities to petition DEEP for the ability to regulate lawn care pest control products. Regulating pest control products in this way could lead to one hundred and sixty nine different rules in Connecticut on a products use, sale, distribution, storage, display, and content. Businesses would go from a system of uniformity to a balkanized system of regulation. We are convinced that ensuring our products, applicators, retail partners, and consumers are properly educated and operating in compliance with regulations from one hundred and sixty nine municipalities, the state, and the federal government would be impossible.

We currently distribute our products to approximately two hundred and sixty five stores in the State of Connecticut with over half of those stores being independent retail garden and hardware

centers. The proposal to remove state preemption and allow municipal regulation would create an extremely onerous and inequitable program in the state for retailers and manufacturers. Local retailers are in jeopardy of being unfairly affected by such local regulation. We support these stores with marketing materials and product delivery and help to ensure their compliance with regulations. Under a uniform system all retailers operate under the same rules while a local regulation system would cause unfair competitive advantages. In addition, a retailer who operates multiple stores could have different rules for each store putting them in greater jeopardy of violating local laws.

Applicator education is an important part of proper pesticide use. A uniform statewide system of regulation ensures manufacturers, retailers, regulators, and commercial applicators all communicate proper application requirements. Without uniformity consumers will be able to shop in a town which permits sale or use of products that are not permitted where they reside. Commercial applicators will be required to know where municipal boundaries begin and end to ensure they are applying in accordance with all local laws. We are not convinced a coherent education program could be operated under the decentralized system proposed in HB 6440.

The Scotts Miracle-Gro Company believes in being a responsible and sustainable citizen and we are constantly searching for opportunities to further enhance the environmental sustainability aspects of our products, active ingredients and raw materials. The regulatory process is an important program that has functioned well. Working with the State and other stakeholders we know we can continue to make strides in producing products that are sustainable and meet user expectations.

Our company appreciates being part of the dialogue in Connecticut and working collaboratively to address all concerns and finding solutions that benefit all those involved in these efforts. Thank you again for your time and efforts on these important issues. Please do not hesitate to contact me if you have any further questions.

Sincerely,



Brian Patrick Herrington  
Government Relations Manager  
The Scotts Miracle-Gro Company