

HB1318

Senate Agriculture and Veteran Affairs Committee

3/27/25

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My name is Sarah Hall Lovas. I am an agronomist from Hillsboro, ND. I'm representing the North Dakota Agriculture Consultants Association (Independent Crop Consultants) and also as a Director with the North Dakota Grain Growers Association. We ask you to Support HB 1318.

What is HB1318 and why do we need it?

HB 1318 is a pesticide labeling bill which would affirm that the EPA-granted pesticide label has sufficiently warned the public about potential hazards of using a pesticide. The reason this legislation is so important is to protect North Dakota's agriculture industry from frivolous lawsuits which result in pesticide label vacations and leave North Dakota's farmers and ranchers with limited pesticide options. This happened on June 17, 2022 when the 9th circuit court of appeals had a decision that vacated portions of the glyphosate label, which would have left the USA without this pesticide that is critical to agriculture production. However, the EPA on September 21, 2022 withdrew the vacation decision on glyphosate because its findings did not determine that glyphosate was carcinogenic.

<https://www.epa.gov/pesticides/epa-withdraws-glyphosate-interim-decision>

<https://www.regulations.gov/document/EPA-HQ-OPP-2009-0361-14447>

This frivolous lawsuit is just one example where environmental activism in combination with trial lawyers had the opportunity to greatly impact US Agriculture and North Dakota Agriculture. As a matter of fact, the greatest opposition to this proposed legislation, nationally, is the trial lawyers across the US including here in North Dakota.

EPA Label Vetting and Current interpretation by Farmers, Agronomists, Applicators:

The EPA has a rigorous comment period for every single active ingredient it considers for label registration. As an example, here is a closed docket from the EPA on glyphosate.

<https://www.regulations.gov/docket/EPA-HQ-OPP-2009-0361> You can see the EPA had to

consider over 14,000 comments dealing with this active ingredient. Some of these comments are from the agriculture industry, some are from environmental groups, some are scientific reviews, and some are from other sources.

When a label is vetted by the EPA, it has been done so thoroughly. Further, all agronomists, applicators, and farmers are trained to know that the label is the law. Not to follow the label is breaking the law. The safety requirements on the label are there to protect us. The label does an accurate job of warning of safety concerns.

Does HB1318 prevent someone suing a large corporation?

Lastly, there is concern that HB1318 would prohibit farmers and others from suing large companies who produce pesticides if there is a problem with a pesticide. As it was noted by different lawyers during committee work on March 21, 2025 in front of the Senate Agriculture and Veterans Affairs Committee, HB1318 does not prohibit lawsuits dealing with pesticides from occurring so lawsuits can occur. In other words, if HB1318 were to pass, lawsuits against chemical manufacturers could still occur. However, the label in our state would be protected from being vacated without sufficient review from the EPA.

Please Support HB1318.

Sincerely,

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