

Testimony on the TOXIC Act – 3/23, House Natural Resources Committee – Federal Lands Subcommittee Hearing

Thank you, Chairman Tiffany and Ranking Member Neguse, for convening this hearing today to discuss forest health and for including my bill, the Targeting and Offsetting Existing Illegal Contaminants Act, or TOXIC Act.

In 2022, almost 1 million illegally grown, unregulated marijuana plants and 33 tons of cultivation equipment, including banned pesticides, were seized from illicit grow sites on public land across California.

More than 80% of those grow sites were affiliated with criminal organizations, and these figures only account for the sites we were able to detect.

Driven by the massive profit potential of selling unregulated marijuana, many of these grow sites are operated by drug cartels and other organized criminal groups.

These groups often use illegal pesticides smuggled into the United States because they are cheaper and more readily available than legal, regulated pesticides.

Upon release, however, these chemicals poison the soil, water, and air.

These toxic pesticides can decimate endangered species populations like pacific fishers and spotted owls, hospitalize Forest Service agents tasked with remediation, and severely sicken consumers.

One illegal pesticide popular among trespass growers, methamidophos, is chemically similar to a nerve agent designed for chemical weapons.

These illegal pesticides don't just destroy the environment. They also have the potential to poison human consumers.

When cannabis plants are treated with illegal pesticides, the chemicals can be absorbed by the plant and ultimately end up in the consumer product.

Consuming cannabis that has been treated with illegal pesticides can trigger a range of negative health effects, from lingering nausea and respiratory problems to acute sickness.

This is particularly concerning for medical cannabis users, who rely on the plant for relief from symptoms associated with various medical conditions, but may struggle to afford safe, market-grade cannabis at current price points.

Clearly the stakes are high for our environment and our health. But too often, those who manage illicit grow sites receive slaps on the wrist when they're caught.

Frequently, offenders who are caught smuggling or releasing these chemicals on public lands are sentenced to less than one year in prison along with fines under \$10,000.

Offenders' business models are so profitable that for large criminal syndicates, it's simply too easy to factor those insignificant penalties into the cost of doing business.

I thank the Chair for including the TOXIC Act in today's hearing, as well as Mr. LaMalfa for partnering with me to introduce the bill.

I'm glad that after nearly twenty years of debate in Congress on trespass cultivation, we're finally moving toward a long-term solution.

The TOXIC Act will help us restore the long-term health of our ecosystems, restrict the cross-border flow of toxic contaminants, protect public health and consumers, and support regulated cannabis businesses that comply with the law.

The TOXIC Act does two things.

First, the bill gives the Forest Service more resources and authority to investigate and restore illegal cultivation sites on public lands.

The Forest Service is already doing this work, but my staff collaborated closely with the agency to ensure that this bill will provide more program integrity, staffing, technology, and money to meet the scale of the destruction we're seeing in forests across the United States.

And second, the bill will help us take a hard look at how we prosecute these crimes.

My bill with Mr. LaMalfa would establish parity between the penalties for smuggling illegal pesticides into the country and the penalties for deploying those pesticides on public lands.

This change will trigger the U.S. Sentencing Commission to revisit its guidelines for these crimes and ensure that we treat the use of illegal pesticides, particularly on public lands, with the severity it deserves.

Thank you, Chairman Tiffany, Ranking Member Neguse, and my esteemed colleagues on the Subcommittee for your time and consideration.

I yield back.