

Zawitoski, John

From: Criss, Jeremy
Sent: Wednesday, January 14, 2015 5:09 PM
To: Leventhal's Office, Councilmember; Floreen's Office, Councilmember; Berliner's Office, Councilmember; Rice's Office, Councilmember; Elrich's Office, Councilmember; Navarro's Office, Councilmember; Riemer's Office, Councilmember; Katz's Office, Councilmember; Hucker's Office, Councilmember
Cc: Hamlin, Joseph; weitzer@erols.com; 'Barbara Weitzer' (weitzer@starpower.net); 'Doug Tregoning' (dwt@umd.edu); Zawitoski, John; Plummer, David C.
Subject: Agricultural Advisory Committee comments on Bill 52-14 Pesticides
Attachments: AACLetterPesticideLegislation.doc

Dear Members of the Montgomery County Council,

On behalf of the Agricultural Advisory Committee-AAC please see the attached letter representing the written comments from the AAC for the public hearing on Bill 52-14 Pesticides-Notice Requirements-Non Essential Pesticides-Prohibitions.

Please note the Doug Tregoning will be testifying on behalf of the AAC during the public hearing scheduled Thursday January 15, 2015.

If you have any questions or need additional information please let us know.

Thanks J

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AGRICULTURAL ADVISORY COMMITTEE

January 13, 2015

The Honorable George Leventhal
President Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Leventhal: Re- Bill 52-14 Pesticides-Notice Requirements-
Non-Essential Pesticides-Prohibitions

The Montgomery County Agricultural Advisory Committee-AAC has been in continual discussions about the Pesticide Legislation since May 2014. The approved minutes from these meetings are posted to the DED-Agricultural Services web site below under Archived 2014 meetings agendas and minutes and we encourage you to see the full discussion.

<http://www.montgomerycountymd.gov/AgServices/agboardscommittee.html>

The AAC very much appreciates the importance of the safety and protection of our children as farmers are also parents. The agricultural community believes the safe use and application of pesticides in accordance with instructions on the label creates a productive environment for all of Montgomery County citizens. The AAC questions the need for this legislation when it will not affect properties owned by Montgomery County Public Schools where most children spend much of their time throughout the school year.

The Agricultural Advisory Committee (AAC) opposes Bill 52-14 for many reasons. First and foremost, the agricultural community is very concerned about the precedent this bill sets. If this bill passes it opens the door for a future County Council to restrict farmer's abilities to use these important crop protection materials in the future. Second, the federal government through the Environmental Protection Agency already regulates pesticides in partnership with state government. The Maryland Department of Agriculture (MDA) regulates pesticides in the state of Maryland. Farmers, landscapers and lawn care companies have an excellent safety record with regard to pesticide applications. There are only a handful of misapplication complaints every year in the entire State. Keep in mind, there are thousands of individual applications each year and MDA receives very few complaints. Farmers, landscapers, lawn care company employees all must be licensed and receive training in proper pesticide application. This bill would damage the lawn care industry in Montgomery County and turn pest control over to

homeowners. Homeowners may try organic lawn care companies but will probably be disappointed in the cost and the results as organic lawn and garden care solutions are generally not as effective, more expensive and more time consuming. Bill 52-14 effectively bans almost every plant protection material currently on the market.

We disagree with the basic premise put forth by Council President Leventhal in a letter introducing this legislation in May that “Pesticides are contributing significantly to the rapid increase in neurodevelopmental disorders.”

Let’s examine some of the evidence. In the 1990’s, the United States rate of autism was thought to be between 1 in 2,500 and 1 in 1,000 children. By 2002, the Center for Disease Control reported 1 out of every 150 children had Autism Spectrum Disorder or ASD. By 2010 1 in every 68 children was diagnosed with ASD, by any measure an alarming increase.

The American Pediatric Association states that early life exposure to organophosphate insecticides increases the risk of autism with reductions in IQ and abnormal behaviors associated with attention-deficit/hyperactivity disorder and autism. The facts clearly don’t support this claim. While the rate of ASD has been exploding over the past 15 years, the amount of organophosphates we use as a nation has been plummeting. According to the Environmental Protection Agency (EPA), in 1980, the United States organophosphate use was 131 million pounds, by 2007 U.S. organophosphate use had dropped to 33 million pounds. If organophosphates are causing ASD shouldn’t the use of these chemicals be rising rather than falling?

Some of the things thought to cause ASD

- Genetics
- Vaccinations in children
- Pharmaceuticals
- Mercury
- Lead
- Obesity during pregnancy
- Fevers during pregnancy
- Overweight children
- Underweight children
- Limited prenatal vitamin intake
- Older women giving birth
- Proximity to freeways-one study indicated that women living within 1,000 feet of a freeway had a higher risk of having a child born autistic.
- Bisphenol A & Phthalates found in food containers.

Pesticides have been in widespread use for 70 years. The pesticides we were using 30 to 50 years ago were more toxic and persisted much longer in the environment than those we use today. If pesticides were the primary trigger of neurodevelopmental disorders we should have seen sharp increases in incidences in the 50’s and 60’s.

Pesticides undergo extensive testing prior to being approved for EPA registration. This process takes years and costs pesticide companies millions of dollars. We have a cadre of experts at the federal and state level to safely regulate these materials. Montgomery County government does not need to be involved in this process.

It is our understanding that all of the agricultural organizations in the County have reviewed and discussed the Pesticide Legislation and letters and testimony have been provided in opposition to the Bill 52-14. The AAC remains opposed to the legislation and they question if any amendments will improve this bill.

Pesticides are beneficial in many ways and the science behind the use of pesticides demonstrates increased productivity for many types of crops and horticultural products. The AAC recommends that more education and less regulation are needed in the County for Pesticide usage. Pesticides have also proven to reduce production costs for many types of products and this outcome will help to increase the profitability of farmers and at the same time control noxious weeds. The agricultural community understands that if pesticides are not properly used there can be negative impact to the environment. Everyone needs to understand that farmers must be certified to use pesticides, and that fewer pesticides are used today as compared to the past due to improved technology of Genetically Modified-GMO seeds.

The AAC is not sure if the target of the Bill 52-14 is the end user of the pesticide or the pesticide product itself. While there is an exemption for agriculture the AAC questions if farmers will be prohibited from using any of the non-essential pesticides for agricultural uses.

The AAC identified some sections in the legislation that we have questions on including sections that represent the basis of our opposition.

Under Article 1 the Executive must adopt a list of non-essential pesticides. Currently the State of Maryland-MDA and MDE and the Federal Government-USDA and EPA have adopted a listing for both General Use Pesticides and Restricted Use Pesticides. It is our understanding the Federal EPA will not authorize the sale of pesticides without an assigned registration number indicating the review and testing of the pesticide to determine whether it will be listed as a General Use or Restricted Use pesticide.

In 2013, the Government Accountability Office (GAO) conducted a review of EPA's registration program as it relates to conditional registrations and reported that the total number of conditional product registrations granted was unclear, in part due to the limitations of EPA's databases and the Agency's incorrect classification of some registrations as conditional. EPA agreed with the GAO findings and acted quickly by taking steps to improve the accuracy of information about and tracking of conditional registration decisions and amendments to registrations.

<http://www2.epa.gov/pesticide-registration/conditional-pesticide-registration>

Now the County will have a new list of non-essential pesticides that will be more restrictive and not consistent with pesticides lists of the State or Federal Government. This outcome will create additional confusion and enforcement challenges.

The AAC believes the Bill 52-14 Articles 2 and 3 is confusing because under Article 2 the Bill first references the customer who makes contract with the customer applicator and then establishes standards that apply to them; however, then under Article 3 we learn the Bill also applies to a person and sets forth standards that apply to a person. The AAC does not understand why the proposed standards cannot simply apply to one defined subject a person.

Under Article 3 the AAC understands there is an exemption for agricultural operations; however, the AAC cannot support this legislation because we strongly oppose any legislation that limits the proper use of pesticides in Montgomery County. We feel this legislation is totally unnecessary because pesticides are very closely and carefully regulated at the State and Federal levels. The AAC believes that farmers should not support legislation which exempts agriculture and possibly create a perception that farmers are pointing fingers at others using pesticides.

Under Article 4 County Property (b) (3) a person may use a non-essential pesticide on property owned by the County after several agencies determine that no reasonable alternative is available. The AAC is concerned that County owned property used for agricultural production will be held to a different standard than private property that is used for agricultural production and exempt under Article 3 33B-10 (a) (3). The process the tenant farmer-person or custom applicator would go through to seek approval from the agencies listed may result in County owned lands being removed from agricultural production, certainly a negative for the agricultural reserve because of a limited amount of tillable ground. This outcome would negatively impact the County's agricultural industry and put greater responsibility on the County to insure these County properties are in compliance with the State Noxious Weed Control laws.

The AAC is concerned regarding the cost this legislation will have on the County Government at a time when we are still recovering very slowly from the Great Recession and a \$179 million budget shortfall is projected for FY16. The AAC is concerned regarding the cost for additional staff and enforcement responsibilities that will certainly have an impact on and create additional competition for limited public resources needed for all functions of County Government.

The AAC would like to thank you for the opportunity to present our views on Bill 52-14 Pesticide Legislation. The AAC will participate in the Council Work Sessions on this important issue to better understand the legislation and to address the questions and concerns that we have raised in this testimony. Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a horizontal line.

David Weitzer, Chairman