

Agricultural Advisory Committee Meeting Minutes September 15, 2015

Attendees: Drew Stabler, David Weitzer, Doug Lechliden, Linda Lewis, Michele Cropp, Debbie Benson, Ben Allnutt, Aliza Fishbein

Staff: Jeremy Criss, Josh Penn, Cathy Mathews

Guests: Council Member Roger Berliner, Dennis Kamber, Peter Driscoll, Randy Stabler

1. Introductions and the meeting came to order at 7:00 pm.

2. Approval of the AAC Minutes from July 21, 2015. (Lechliden/Lewis)

Follow up on Hunting Quarter Rd.: AAC received a response letter that the county is going to investigate the road and will report to us what they are going to do. Dave Weitzer noted that they have already done some drainage work on the road, but there are still some narrow places on the road that need work.

3. Follow up on the Pesticide Legislation Bill 52-14.

County Councilmember Roger Berliner attended the September 15, 2015 meeting to discuss his proposed amendments to the legislation with the committee. Berliner expressed his extreme frustration at trying to form a compromise or an alternative, yet finding that it has been less than satisfying. He explained that they received a letter from the Attorney General of Maryland saying that a ban of certain pesticides is preempted by state law. They also received a letter from the National Cancer Institute that the linkage between pesticide exposure and adverse health outcomes is not definitive, though there are “strong associations.” He added that IARC concluded that the active ingredient in RoundUp is “probably” carcinogenic. Berliner proposed that the county follow the precautionary principle.

Berliner said the issue is being framed as the aesthetic of someone’s lawn vs. the health of our children. He feels torn because he believes in private property rights, and EPA says these chemicals are lawful and they can be purchased in a store. He thinks to go from where we are to a ban is irresponsible governance and there will be a backlash/loss of credibility. His amendments, he explained, are about educating the public so they are aware of possible linkages between pesticides and adverse health outcomes and that there are organic alternatives and IPM program for pesticides. He hopes that this can be done over three years with the goal of ultimately reducing pesticide use in Montgomery County by 50% and if we don’t achieve that we will assess where our reductions are. Montgomery County is poised to be the first county in the country to go even as far as his amendment. Roger said he has four council members (Berliner, Katz, Rice, and Floreen) that have agreed to support the amended bill. The T&E Committee has scheduled a work session on Bill 52-14 on September 17, 2015 @ 9:30 am.

Roger said he was sure it would be reported out of his committee as a substitute, but that when it would go before the full Council on October 6 he was sure that Chairman Leventhal would move

his original bill in lieu of Berliner's. Berliner clarified that his amended bill is not preempted by state law, though Berliner's is, according to the AG.

There was concern among AAC members about this being a slippery slope. Consensus on the committee is against both the original bill and Berliner's proposed alternative bill.

Members of the committee use IPM programs responsibly. Randy raised the question of legal remedies and how this legislation may be challenged in court. Somebody needs to stand up for the use of pesticides and educate the public on why they are beneficial and essential instead of letting emotions run rampant. He drew a parallel with gasoline: when used for its intended purpose and handled properly it's safe and society relies on it. Berliner responded that county residents are sensitive to having pesticides applied next door.

Aliza asked how Berliner arrived at the 50% threshold reduction and whether it's based on a scientifically assessed dose-response curve. Berliner replied that it's a completely arbitrary number that he picked to show that the county is making a good faith effort to reduce pesticide use. Aliza inquired why the AAC should support his amendment instead of Leventhal's bill if Leventhal's bill could potentially be overturned in court. Jeremy added that the Farm Bureau is actually taking that position and are prepared to litigate. Berliner said that that approach is a roll of the dice and we're better off with a compromise, which is not a ban.

Michele brought up several examples in history where the government has banned or approved of chemicals and they turned out to be completely wrong in their understanding of the scientific evidence. She said that she doesn't want county government deciding it can supersede state and federal law.

Peter Driscoll added that the state sends farmers with commercial pesticide applicators license a pesticide sensitive list quarterly and that they have scouts that come to their farms and tell them which chemicals to use; they work cooperatively with MDA and UMD. Why shouldn't homeowners be subject to the same thing?

Doug Lechliden challenged Berliner, saying that the big public health concern surrounds exposure to pesticides. He asked the Councilmember to look around the room as prime examples of people with exposure to pesticide sprays. He said that these types of laws are traditionally incremental and advocates for a stronger approach will never go away, even if his compromise bill is passed. Berliner said that he would be willing to strengthen the language on agriculture to make the committee members more comfortable.

Randy asked who will enforce/pay to enforce this bill. He asked if the Executive would veto Leventhal's bill. Berliner didn't have the answer and said that if he did veto it, there aren't the six votes needed to override his veto. Cathy Mathews said her impression is that the Executive is waiting to see what happens in the Council before indicating how he feels on the bill.

After Councilmember Berliner left the meeting there was continued conversation among the AAC members. They agreed to write a letter in opposition to the amendments addressed to Berliner, Councilmembers, and Leggett. (*Lechliden/Cropp*)

4. The AAC Sub-committee met on August 26, 2015 to review the new term called Micro-Alcohol Production Facilities to cover the production of fruit based alcohol beverages-Wine and Hard Cider and production of grain based alcohol beverages Beer and Distilled Spirits. We will continue to review use standards for private events and changes to food safety regulations.

Representatives from the MD Dept. of Health and Mental Hygiene attended their last meeting to talk about food. Farmers talked about the challenges they were having. Lisa Staley from the Dept. provided good suggestions for how they can provide flexibility in county policy since sometimes the county regulations appear to be more stringent than state regulations.

Jeremy wrote up several draft definitions for Micro-Alcohol Productions Facilities that include wine, hard cider, beer, and distilled spirits, etc. based on 36 jurisdictions around the country. The sub-committee's task is to make a recommendation based on what would work well for the County.

The sub-committee still needs to come up with standards for events on farms. The next meeting isn't scheduled yet. Jeremy will begin putting everything into Zoning Text Amendment format.

5. Update on the MAEF Mobile Science Lab-The MCPS developed a list of 26 Montgomery County Elementary Schools the lab will visit starting in September. The Back to School Fair on August 29, 2015 included a tour of the Food Fiber and you lab and a majority of the parents and students that attended the fair walked through the lab.

Today was the first day of the lab at Weller Elementary School. The lab will be rotated around 26 schools that MCPS has identified on the basis of which schools have been renovated most recently (based on ADA).

George Mayo, MAEF Executive Director took the lab to the County Ag Fair, the Back to School Fair, the Cooperator's Dinner, and Poolesville Day. If you wish to rent the lab during the summer you may inquire with Diana Tyler at MAEF. The biggest expense is moving it (both ways). There is a fee for renting it.

6. Follow up on the Reorganization of Economic Development

The County Executive staff is working on the details for creating and staffing the new Office of Agriculture which will be effective on October 4, 2015. The head of the new Office of Agriculture will report to Fariba Kassiri, Chief Administrative Officer. There are concerns for Peter Bang, Chief Operating Officer for the DED being moved to the new Office of Agriculture to provide administrative, budget, personnel support and this decision is still under consideration by the Executive staff. Please note the Agricultural Services Navigator was abolished with the understanding that Peter Bang would provide the administrative capacity for the Office of Agriculture and Jeremy Criss could then focus on the agricultural programs and services. Peter Bang and Jeremy met with Steve

Silverman on August 27, 2015 to ask for his advice and assistance. Steve agreed to call Tim Firestine to discuss the Office of Agriculture. Six to Twelve months after the Office of Agriculture is effective all of the staff will be subject to a reclassification study to determine if their job classification, grade and salary should be changed.

The new Office of Agriculture will be effective as of October 4; no final decisions have been made as to who will head the office. Fariba Kassiri is the Assistant Chief Administrative Officer. Peter and Jeremy are working on their position descriptions. With the 2% savings plan mandated on July 2 (2 days into the fiscal year) they were directed to abolish all vacant positions (for example, the Ag. Services Navigator). There is concern over who will be migrating to the new office and whether they will have the administrative support needed for success. There is understandably some anxiety with the staff in the building.

Doug proposed that we may want to let the Executive know that we want Jeremy to have the administrative support he needs.

7. We are working with the County Cable Administrator and Comcast to explore replacing the phone system and T-1 lines at the AHFP. This will involve participation of all agricultural agencies-MSCD, MDA, NRCS, FSA, UM-Extension and Office of Ag. The plan will involve transferring all current funding for phones and T-1 lines to Comcast for Business phone service and High Speed Broad Band internet.

Next week they have a meeting with representatives from Comcast Business Service to get new phones and high speed access at the Agricultural History Farm Park-AHFP. Comcast will be giving us an estimate that may be cost effective so we can stop paying Verizon and T1 lines and transfer voice and data services to Comcast Business Services. The current capacity in the building is poor.

8. The Equine Resource Conservation Position was announced and the OHR has provided the MSCD the applicants that met the minimum qualifications and need to be interviewed.

Seven people met the minimum qualifications. Filling this position will get the MSCD back to full capacity on the soil conservation side.

9. Next Agricultural Advisory Committee Meeting will be October 20, 2015 at 7 pm.
Motion to adjourn passes. (*Allnutt/Lewis*)