

Zawitoski, John

To: Gibson, Cindy
Subject: RE: Amendment Package

Attachment B

From: Gibson, Cindy
Sent: Tuesday, September 08, 2015 5:22 PM
To: Criss, Jeremy
Subject: Fwd: Amendment Package

Jeremy- please see attached memo and fact sheet outlining Councilmember Berliner's proposed changes to Councilmember Leventhal's pesticide legislation. Please let me know if you have any questions. Also please share with the Ag advisory committee.

Cindy

Sent from my iPhone

Begin forwarded message:

From: "Morrison, Drew" <Drew.Morrison@montgomerycountymd.gov>
Date: September 8, 2015 at 2:06:43 PM EDT
To: "Gibson, Cindy" <Cindy.Gibson@montgomerycountymd.gov>
Subject: Amendment Package

Please find attached.

Drew

Drew Morrison
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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

ROGER BERLINER
COUNCILMEMBER
DISTRICT 1

CHAIRMAN
TRANSPORTATION, INFRASTRUCTURE
ENERGY & ENVIRONMENT COMMITTEE

MEMORANDUM

September 9, 2015

TO: Councilmembers

FROM: Councilmember Roger Berliner, Chair, T&E Committee 

SUBJECT: Proposed Amendments to Pesticide Legislation (52-14)

On June 16, I asked legislative attorney Josh Hamlin to draft potential amendments to Bill 52-14. Since these amendments, in their entirety, offer a substitute, or alternative approach, they are attached to this memo in bill form.

These amendments represent an aggressive and proactive stance towards significantly reducing pesticide use in the county, but do so in a responsible and phased way. *Taken together, if the Council were to adopt this substitute, it would represent the strongest pesticide legislation passed by any large jurisdiction in the nation.*

As you probably appreciate, the Office of the Attorney General has concluded that making it unlawful for a county resident to apply pesticides to their own lawns, as proposed by Bill 52-14 as introduced, is likely to be invalidated by a court. The state of the science is that there are strong “associations” between pesticides and human health risks, and the National Cancer Institute has advised our Council that scientists have not arrived at definitive causal links. And many of our residents feel that banning the application of pesticides on their private property is a bridge too far given that (1) EPA has found them to be safe if applied properly; (2) stores will continue to be able to sell them; (3) the organic alternatives are more expensive and relatively new in this area; and (4) the law would be difficult, if not impossible to enforce.

However, as the supporters of Bill 52-14 have made clear, many in our community have serious concerns about the impact of pesticide use on the health of children and other vulnerable populations. I share those concerns. When the International Agency for the Research on Cancer (IARC) concludes that the major ingredient in Round-up is “probably carcinogenic to humans,” as it did earlier this year, it is something to take seriously. The question before the Council is not whether we should take action, but how? After careful consideration, I have concluded that a phased approach that combines (a) a steep reduction target of 50%, (b) county leadership, (c) bans on park playgrounds and tot lots, (d) increased awareness of risks and alternatives, and (e) greater control for residents living in HOAs and common

ownership communities is the most responsible path forward. Attached is a Fact Sheet that more fully describes this phased approach.

I believe we should take these steps before consideration of additional lawful measures. As one of our colleagues confided to me, Bill 52-14 as introduced is akin to going from 0-60 mph in mere seconds. Our residents have not been educated as to the risks associated with pesticide use, and our current county regime is both extremely limited in scope and enforcement. If we move too quickly to ban products used by thousands of residents on their homes and by our parks people to keep our playing fields in acceptable shape, we run the risk of a significant citizen rebellion, an expensive and uphill legal fight, and millions in additional costs to maintain our playing fields – if they can be maintained at all.

I thank you in advance for your consideration of my amendments to Bill 52-14 and do let me know if you have any questions or suggestions for how we can most responsibly serve our public in the effort to significantly reduce the exposure of our residents to pesticides.

Enclosures: Fact Sheet and Amendments to Bill 52-14



Berliner Alternative to Pesticides Bill (52-14)

A Responsible Approach to Pesticide Reduction that would, if adopted, be the Strongest Anti-Pesticide Measure in the Nation

Demonstrates County Leadership on Pesticide Reduction

- **County Property Lawn Ban** - Bans the use of pesticides on lawns on county property.
 - **Pesticide Reduction Strategy** - Requires the Department of Environmental Protection to set a countywide 50% reduction goal for non-agricultural use of pesticides within 3 years. If that standard is not met, directs the Department to develop strategies to more aggressively reduce pesticide use in our community.
-

Protects Children and Environmental Areas

- **County Park Playgrounds** - Bans the application of pesticides on all 282 county park playgrounds.
 - **Private Playgrounds and Daycares** - Requires private playgrounds and daycare facilities to provide 48 hour notice to affected individuals, advancing the type of notice requirements already placed on Montgomery County Public Schools.
 - **Pesticides in Stream Valleys** – Bans, in most circumstances, the use of pesticides within 25 feet of our streams.
 - **Pesticide-free Park Program** – Requires the Parks Department to create a growing list of parks and park areas managed without pesticides. With this program, Parks estimates it will be able to go pesticide free on over 1600 acres of parkland across the county, including one pesticide-free local park.
 - **Playing Fields** – Requires the Parks Department to designate 5 playing fields for an organic pilot, and for the remaining fields, to use Integrated Pest Management, which calls for the use of the least amount of pesticides possible.
 - **Improved Parks Notice Requirements** – Requires Parks Department to provide notice of its pesticide applications on its website at least 48 hours before application.
-

Increases Awareness of Risks and Choice for Residents

- **Pesticide Risk Disclosure and IPM Selection** - When homeowners contract for lawn service, requires lawn care companies to inform customers of the health risks associated with pesticides to be used, and requires residents to acknowledge those risks, to acknowledge that alternatives are available, and to direct, or not, their service to employ “Integrated Pest Management” in their use of pesticides.
- **Choice for Common Ownership Communities** – In place of a ban, requires condo associations and HOAs to create a process for owners to vote on the application of pesticides to common elements, and allows individuals to decline to have pesticides applied to their unit. Over 300,000 Montgomery County residents live in Common Ownership Communities.

Bill No. 52-14
Concerning: Pesticides – Notice
Requirements – Non-essential
Pesticides – Prohibitions
Revised: October 22, 2014
Draft No. 9
Introduced: October 28, 2014
Expires: April 28, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: January 1, 2019
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal and Councilmembers Elrich, Riemer, Floreen, and Navarro

AN ACT to:

- (1) require posting of notice for certain lawn applications of pesticide;
- (2) prohibit the use of certain pesticides on lawns;
- (3) prohibit the use of certain pesticides on certain County-owned property
- (4) require the County to adopt an integrated pest management program for certain County-owned property; and
- (5) generally amend County law regarding pesticides.

By amending

Montgomery County Code
Chapter 33B, Pesticides
Sections 33B-1, 33B-2, 33B-3, 33B-4, 33B-5, 33B-6, and 33B-7

By adding

Montgomery County Code
Chapter 33B, Pesticides
Articles 2, 3, 4, and 5
Sections 33B-8, 33B-9, 33B-10, 33B-11, 33B-12, and 33B-13

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

27 cost effective, and environmentally sound manner that
 28 contributes to the protection of public health and sustainability;

29 (3) uses knowledge about pests, such as infestations, thresholds, life
 30 histories, environmental requirements, and natural control of
 31 pests; and

32 (4) uses non-chemical pest-control methods and the careful use of
 33 least-toxic chemical methods when non-chemical methods have
 34 been exhausted or are not feasible.

35 Larvicide means a pesticide designed to kill larval pests.

36 Lawn means an area of land, except agricultural land, that is:

37 (1) [Mostly] mostly covered by grass, other similar herbaceous
 38 plants, shrubs, or trees; and

39 (2) [Kept] kept trim by mowing or cutting.

40 Lawn does not include a:

41 (1) playing field;

42 (2) golf course; or

43 (3) garden.

44 Neonicotinoid means a class of neuro-active pesticides chemically related to
 45 nicotine. Neonicotinoid includes acetamiprid, clothianidin, dinotefuran,
 46 imidacloprid, nitenpyram, nithiazine, thiacloprid, and thiamethoxam.

47 Non-essential pesticide means a pesticide designated as a non-essential
 48 pesticide under Section 33B-4.

49 Pest means an insect, snail, slug, rodent, nematode, fungus, weed, or other
 50 form of plant or animal life or microorganism (except a microorganism on or
 51 in a living human or animal) that is normally considered to be a pest or defined
 52 as a pest by applicable state regulations.

53 Pesticide means a substance or mixture of substances intended or used to:

- 54 (1) prevent, destroy, repel, or mitigate any pest;
- 55 (2) be used as a plant regulator, defoliant, or desiccant; or
- 56 (3) be used as a spray adjuvant, such as a wetting agent or adhesive.

57 However, *pesticide* does not include an antimicrobial agent, such as a
 58 disinfectant, sanitizer, or deodorizer, used for cleaning that is not considered a
 59 pesticide under any federal or state law or regulation.

60 *Playground* means an outdoor children’s play area that is on the premises of a
 61 children’s facility, school, apartment building or complex, common ownership
 62 community, or park.

63 *Private lawn application* means the application of a pesticide to a lawn on
 64 property owned by or leased to the person applying the pesticide. *Private*
 65 *lawn application* does not include:

- 66 (1) applying a pesticide for the purpose of engaging in agriculture;
- 67 (2) applying a pesticide around or near the foundation of a building
 68 for purpose of indoor pest control;
- 69 (3) applying a pesticide to a golf course or turf farm.

70 *Vector or disease vector* means an animal, insect, or microorganism that
 71 carries and transmits an infectious pathogen into another organism.

72 *Waterbody* means waters located within the County that are:

- 73 (1) subject to the ebb and flow of the tide; or
- 74 (2) free flowing, unconfined, and above-ground rivers, streams or
 75 creeks.

76 **[33B-4.] 33B-2. Signs with retail purchase of pesticide.**

77 A person who sells at retail a pesticide or material that contains a pesticide
 78 must make available to a person who buys the pesticide or material that contains a
 79 pesticide:

- 80 (a) [Notice] notice signs and supporting information that are approved by
 81 the [department] Department; and
- 82 (b) [The] the product label or other information that the federal Insecticide,
 83 Fungicide, and Rodenticide Act (FIFRA) [, 7 U.S.C. 136 et seq.,]
 84 requires for sale of the pesticide.

85 The Department must enforce this Section and must annually inspect each
 86 person who sells at retail a pesticide or material that contains a pesticide.

87 **[33B-5] 33B-3. Storage and handling of pesticides.**

88 * * *

89 **[33B-6] 33B-4. Regulations.**

- 90 (a) The [County] Executive must adopt regulations to carry out this Chapter
 91 under method (2).
- 92 (b) The Executive must include in the regulations adopted under this
 93 [section] Section the minimum size or quantity of pesticide subject to
 94 [section 33B-4] Section 33B-2.
- 95 (c) The Executive must include in the regulations adopted under this
 96 Section a list of non-essential pesticides. The list of non-essential
 97 pesticides must include:
- 98 (1) all pesticides classified as “Carcinogenic to Humans” or “Likely
 99 to Be Carcinogenic to Humans” by the U.S. Environmental
 100 Protection Agency;
- 101 (2) all pesticides classified by the U.S. Environmental Protection
 102 Agency as a “Restricted Use Product”;
- 103 (3) all pesticides classified as a “Class 9” pesticide by the Ontario,
 104 Canada, Ministry of the Environment;
- 105 (4) all pesticides classified as a “Category 1 Endocrine Disruptor” by
 106 the European Commission; and

107 (5) any other pesticides which the Executive determines are not
108 critical to pest management in the County.

109 (d) The Executive must include in the regulations adopted under this
110 Section a list of invasive species that may be detrimental to the
111 environment in the County.

112 (e) The Executive must review and update the lists of non-essential
113 pesticides and invasive species designated under subsections (c) and (d)
114 by July 1 of each year.

115 **[33B-7] 33B-5. Penalty for violating chapter.**

116 (a) Any violation of this Chapter is a class C violation.

117 (b) Each day a violation continues is a separate offense.

118 **ARTICLE 2. Notice Requirements.**

119 **[33B-2] 33B-6. Notice about pesticides to customer; acknowledgement and**
120 **direction by customer.**

121 (a) In this [section] Section:

122 (1) Customer means a person who makes a contract with a custom
123 applicator to have the custom applicator apply a pesticide to a
124 lawn.

125 (2) New customer includes a customer who renews a contract with a
126 custom applicator.

127 (b) A custom applicator must give to a new customer:

128 (1) [Before] before application, a list of:

129 [a.](A) [The] the trade name of each pesticide that might be
130 used;

131 [b.](B) [The] the generic name of each pesticide that might
132 be used; and

- 133 [c.](C) [Specific] specific customer safety precautions,
 134 including all potential health risks identified by the United
 135 States Environmental Protection Agency or the World
 136 Health Organization for each pesticide that might be used;
 137 and
- 138 (2) [After] after application, a list of:
- 139 [a.](A) [The] the trade name of each pesticide actually used;
 140 and
- 141 [b.](B) [The] the generic name of each pesticide actually
 142 used; and
- 143 (3) [A] a written notice about pesticides prepared by the [department]
 144 Department under subsection (c) [of this section].
- 145 (c) The [department] Department must prepare, keep current, and provide
 146 to a custom applicator a written notice about pesticides for the custom
 147 applicator to give to a customer under subsection (b) [of this section].
- 148 (d) The notice prepared by the [department] Department under subsection
 149 (c) [of this section] must include:
- 150 (1) [Government] government agency phone numbers to call to:
- 151 [a.](A) [Make] make a consumer complaint;
- 152 [b.](B) [Receive] receive technical information on
 153 pesticides; and
- 154 [c.](C) [Get] get assistance in the case of a medical
 155 emergency;
- 156 (2) [A] a list of general safety precautions a customer should take
 157 when a lawn is treated with a pesticide;
- 158 (3) [A] a statement that a custom applicator must:

159 [a.](A) [Be] be licensed by the Maryland Department of
 160 Agriculture; and

161 [b.](B) [Follow] follow safety precautions; and

162 (4) [A] a statement that the customer has the right to require the
 163 custom applicator to notify the customer before each treatment of
 164 the lawn of the customer with a pesticide.

165 (e) Before applying a pesticide to a lawn, a custom applicator must:

166 (1) inform a new customer of:

167 (A) the existence of other means of pest control without the use
 168 of non-essential pesticides; and

169 (B) the practice of integrated pest management (IPM),
 170 including a description of the process of IPM that is
 171 consistent with that of the U.S. Environmental Protection
 172 Agency; and

173 (2) obtain from a new customer, in writing:

174 (A) acknowledgement that the customer received the
 175 information required under this subsection and subsection
 176 (b); and

177 (B) direction from the customer as to whether or not to use
 178 IPM practices.

179 (f) A custom applicator must retain a written acknowledgement from a new
 180 customer obtained under subsection (e) for at least one year.

181 **[33B-3] 33B-7. Posting signs after application by custom applicator.**

182 (a) Immediately after a custom applicator treats a lawn with a pesticide, the
 183 custom applicator must [post a sign on the lawn] place markers within
 184 or along the perimeter of the area where pesticides will be applied.

185 (b) A [sign posted] marker required under this [section] Section must:

- 186 (1) [Be] be clearly visible [from the principal place of access to] to
- 187 persons immediately outside the perimeter of the property;
- 188 (2) [Be] be a size, form, and color approved by the [department]
- 189 Department;
- 190 (3) [Be] be made of material approved by the [department]
- 191 Department; [and]
- 192 (4) [Have] have wording with content and dimensions approved by
- 193 the [department] Department[.]; and
- 194 (5) be in place on the day that the pesticide is applied.

33B-8. Posting signs after application by property owner or tenant.

- 196 (a) A person who performs a private lawn application treating an area
- 197 more than 100 square feet must place markers within or along the
- 198 perimeter of the area where pesticides will be applied.
- 199 (b) A marker required under this Section must:
 - 200 (1) be clearly visible to persons immediately outside the perimeter of
 - 201 the property;
 - 202 (2) be a size, form, and color approved by the Department;
 - 203 (3) be made of material approved by the Department; and
 - 204 (4) have wording with content and dimensions approved by the
 - 205 Department; and
 - 206 (5) be in place on the day that the pesticide is applied.

33B-9. Notice before and after application to playground or children’s facility.

- 208 (a) Before applying a pesticide to a playground or the grounds of a
- 209 children’s facility, a person must:
 - 210 (1) place markers within or along the perimeter of the area where
 - 211 pesticides will be applied; and

212 (2) when practicable, distribute written notice to potentially affected
 213 individuals.

214 (b) Before applying a pesticide in a children’s facility, a person must either:

215 (1) provide written notice directly to potentially affected individuals;
 216 or

217 (2) if providing individual notice is not practicable, post written
 218 notice at all entrances to the children’s facility.

219 (c) A marker required under this Section must:

220 (1) be clearly visible to persons immediately outside the perimeter of
 221 the property;

222 (2) be a size, form, and color approved by the Department;

223 (3) be made of material approved by the Department; and

224 (4) have wording with content and dimensions approved by the
 225 Department; and

226 (5) be in place for the period beginning 48 hours before the pesticide
 227 is applied through 48 hours after the pesticide is applied.

228 (d) Written notice under this section must:

229 (1) be provided at least 48 hours before the pesticide is applied; and

230 (2) have wording with content approved by the Department,
 231 including:

232 (A) the common name of the pesticide;

233 (B) the location of the application;

234 (C) the planned date and time of the application; and

235 (D) the following language:

236 “The Office of Pesticide Programs of the United States

237 Environmental Protection Agency has stated that ‘where possible,

238 persons who potentially are more sensitive, such as pregnant

239 women and infants (less than two years old) should avoid any
 240 unnecessary pesticide exposure.””

241 **ARTICLE 3. Non-essential pesticide use reduction.**

242 **33B-10. Countywide use reduction plan.**

243 (a) The Director must develop an baseline estimate of non-essential
 244 pesticide application in the County using:

245 (1) data obtained from the Maryland Department of Agriculture
 246 related to pesticide application; and

247 (2) information gathered through the outreach campaign under
 248 Section 33B-11.

249 (b) The Director must develop a non-essential pesticide use reduction plan,
 250 with a goal of reducing, by 2018, the use in the County of non-essential
 251 pesticides other than in agriculture by at least 50% from the baseline
 252 established under subsection (a).

253 (c) If the reduction goal is not achieved, the Director must implement
 254 additional measures to further reduce the use of non-essential pesticides.

255 **33B-11. Outreach and education campaign.**

256 The Executive must implement a public outreach and education campaign
 257 before and during implementation of the provisions of this Article. This campaign
 258 should include:

- 259 (a) informational mailers to County households;
- 260 (b) distribution of information through County internet and web-based
 261 resources;
- 262 (c) radio and television public service announcements;
- 263 (d) news releases and news events;
- 264 (e) information translated into Spanish, French, Chinese, Korean,
 265 Vietnamese, and other languages, as needed;

- 266 (f) extensive use of County Cable Montgomery and other Public,
 267 Educational, and Government channels funded by the County;
- 268 (g) posters and brochures made available at County events, on Ride-On
 269 buses and through Regional Service Centers, libraries, recreation
 270 facilities, senior centers, public schools, Montgomery College, health
 271 care providers, hospitals, clinics, and other venues, and
 272 (h) a survey of pesticide use by County residents and custom applicators.

273 **ARTICLE 4. Common Ownership Communities.**

274 **33B-11. Definitions.**

275 In this article the terms association document, common element, community
 276 association, owner, and unit have the meanings attributed to them in Section 10B-8.

277 **33B-12. Application of pesticide to individual units.**

- 278 (a) Beginning July 1, 2016, each year, a community association must
 279 provide owners an opportunity to decline to have non-essential
 280 pesticides applied to the owner's unit.
- 281 (b) If a unit owner declines to have non-essential pesticide applied, the
 282 community association or its agent must not apply non-essential
 283 pesticide to the unit.

284 **33B-13. Application of pesticide to common elements.**

- 285 (a) Beginning July 1, 2016, each year, the owners in a common ownership
 286 community must approve, by a majority of votes cast, in person or by
 287 proxy, the application of a non-essential pesticide to a common element
 288 during the following year.
- 289 (b) A community association may apply to the Director for an emergency
 290 exemption from the prohibition or restrictions under this Section if a
 291 pest outbreak poses an imminent threat to public health or if significant
 292 economic damage would result from the inability to use a non-essential

293 pesticide. The Director may impose specific conditions on each
 294 emergency exemption.

295 (c) A community association must post notice of each pesticide application
 296 to the common elements. The notice required under this subsection
 297 must consist of signs that:

298 (1) are clearly visible to persons immediately outside the perimeter
 299 of the property;

300 (2) are in place on the day that the pesticide is applied;

301 (3) are of a size, form, and color approved by the Department;

302 (3) are made of material approved by the Department; and

303 (4) have wording with content and dimensions approved by the
 304 Department.

305 **ARTICLE 5. County Property and Parks**

306 **33B-14. Prohibition on County-owned property.**

307 (a) Prohibition. Except as provided in subsection (b), a County employee
 308 or County contractor must not apply to any lawn on property owned by
 309 the County:

310 (1) a non-essential pesticide; or

311 (2) a nionicotinoid.

312 (b) Exceptions.

313 (1) A County employee or County contractor may use any larvicide
 314 or rodenticide on a lawn on property owned by the County as a
 315 public health measure to reduce the spread of disease vectors
 316 under recommendations and guidance provided by the Centers
 317 for Disease Control and Prevention, the United States
 318 Environmental Protection Agency, or the State Department of
 319 Agriculture. Any rodenticide used must be in a tamper-proof

320 product, unless the rodenticide is designed and registered for a
 321 specific environment inaccessible to humans and pets.

322 (2) A County employee or County contractor may use a non-
 323 essential pesticide or neonicotinoid on a lawn on property owned
 324 by the County for the following purposes:

325 (A) for the control of weeds as defined in Chapter 58, Weeds;

326 (B) for the control of invasive species listed in a regulation
 327 adopted under Subsection 33B-4(d);

328 (C) for pest control while engaged in agriculture;

329 (D) for the maintenance of a golf course; and

330 (E) for the maintenance of medians and islands in County
 331 rights-of-way.

332 (3) A County employee or County contractor may use a non-
 333 essential pesticide or neonicotinoid on a lawn on property owned
 334 by the County if the Director determines, after consulting the
 335 Directors of General Services and Health and Human Services,
 336 that the use of pesticide is necessary to protect human health or
 337 prevent imminent and significant economic damage, and that no
 338 reasonable alternative is available. If a pesticide is used under
 339 this paragraph, the Director must, within 30 days after using the
 340 pesticide, report to the Council on the reasons for the use of the
 341 pesticide.

342 (4) This Section does not apply to County-owned property that the
 343 Parks Department operates or manages for the County.

344 **33B-15. Integrated pest management on County property.**

- 345 (a) Adoption of program. The Department must adopt, by a method (2)
346 regulation, an integrated pest management program for all property
347 owned by the County.
- 348 (b) Requirements. Any program adopted under subsection (a) must require:
- 349 (1) monitoring the turf or landscape;
350 (2) accurate record-keeping documenting any potential pest problem;
351 (3) evaluating the site for any injury caused by a pest and
352 determining the appropriate treatment;
353 (4) using a treatment that is the least damaging to the general
354 environment and best preserves the natural ecosystem;
355 (5) using a treatment that will be the most likely to produce long-
356 term reductions in pest control requirements and is operationally
357 feasible and cost effective in the short and long term;
358 (6) using a treatment that minimizes negative impacts to non-target
359 organisms;
360 (7) using a treatment that is the least disruptive of natural controls;
361 (8) using a treatment that is the least hazardous to human health; and
362 (9) exhausting the list of all non-chemical and organic treatments
363 available for the targeted pest before using any synthetic
364 chemical treatments.
- 365 (c) The Department must provide training in integrated pest management
366 for each employee who is responsible for pest management.

367 **33B-16. County parks.**

- 368 (a) Policy. It is the policy of Montgomery County to promote
369 environmentally sensitive landscape pest management in its parks by
370 phasing out the use of the most hazardous pesticides and reducing
371 overall pesticide use while preserving landscape assets, maintaining

372 functionality of playing fields, and protecting the health and safety of
373 the public and County employees.

374 (b) *Pesticide-free parks.* The Parks Department must implement a
375 pesticide-free parks program that, at a minimum, consists of:

376 (1) the maintenance of certain parks without the use of non-essential
377 pesticides or neonicotinoids;

378 (2) a program for reducing the use of non-essential pesticides or
379 neonicotinoids on playing fields that includes:

380 (A) a pilot program consisting of at least five playing fields
381 maintained without the use of non-essential pesticides or
382 neonicotinoids; and

383 (B) maintenance of all other playing fields using an integrated
384 pest management program; and

385 (3) a public communication campaign to inform the public of the
386 existence and progress of the pesticide-free parks program.

387 (c) *Pesticide usage protocols.* The Parks Department must develop usage
388 protocols which limit the use of non-essential pesticides and
389 neonicotinoids to maximum extent possible and, subject to the
390 exceptions in subsection (d):

391 (1) do not permit the use of non-essential pesticides or
392 neonicotinoids within 25 feet of a waterbody; and

393 (2) do not permit the use of non-essential pesticides or
394 neonicotinoids to playgrounds or local playing fields in County
395 parks; and

396 (3) except where immediate application is necessary to protect
397 human health or prevent significant economic damage, include
398 the posting of notice of each planned application of non-essential

399 pesticide or neonicotinoid on the appropriate Parks Department
 400 website, at least 48 hours before application, that includes:

401 (A) the common name of the pesticide;

402 (B) the location of the application;

403 (C) the planned date and time of the application; and

404 (D) the reason for the use of the pesticide.

405 (d) *Exceptions.* The pesticide-free parks program and pesticide usage
 406 protocols may generally permit the application of a non-essential
 407 pesticide for the following purposes:

408 (1) for the control of weeds as defined in Chapter 58, Weeds;

409 (2) for the control of invasive species listed in a regulation adopted
 410 under Subsection 33B-4(d);

411 (3) for the control of disease vectors;

412 (4) for the control of stinging insects or plants;

413 (5) for the control of organisms that threaten the health of trees or
 414 shrubs;

415 (6) for the removal of weeds as part of the renovation of a playing
 416 field; and

417 (7) where otherwise necessary to protect human health or prevent
 418 significant economic damage.

419 (e) *Reporting requirement.* The Parks Department must submit a report to
 420 County Executive and County Council on or before January 15 of each
 421 year that:

422 (1) details non-essential pesticide and neonicotinoid usage in County
 423 parks during the preceding year, including:

424 (A) the common name of each non-essential pesticide and
 425 neonicotinoid used;

- 426 (B) the location of each application;
- 427 (C) the date and time of each application; and
- 428 (D) the reason for each use of non-essential pesticide and
- 429 neonicotinoid; and
- 430 (2) describes the status of the pesticide-free parks program
- 431 implemented under this Section.

432 **Sec. 2. Initial Lists of Non-Essential Pesticides and Invasive Species.** The
 433 Executive must submit the lists of non-essential pesticides and invasive species
 434 required by Subsections 33B-4(c) and (d) to the Council for approval by March 1,
 435 2016

436 **Sec. 3. Effective Date.** The requirements for the use of non-essential
 437 pesticides in common ownership communities contained in Sections 33B-12 and
 438 33B-13, and the prohibitions and requirements related to the use of non-essential
 439 pesticides and neonicotinoids contained in Sections 33B-14 and 33B-16 take effect
 440 on July 1, 2016.

441 *Approved:*

442 _____
 George Leventhal, President, County Council Date

443 *Approved:*

444 _____
 Isiah Leggett, County Executive Date

445 *This is a correct copy of Council action.*

446 _____
 Linda M. Lauer, Clerk of the Council Date