

**Agricultural Advisory Committee Meeting
Agenda – October 20, 2015**

1. Introductions:
2. Approval of the AAC Minutes from September 15, 2015. (See Attachment Draft Minutes)

Follow up on the Council Work Session approving the Pesticide Bill 52-14 (6 to 3 Vote)

What happens next? There is a movement to include this legislation on the November 2016 Ballot for the County voters to decide. The Legislative History read out loud by Council President Leventhal outlined below may be considered to determine whether the agricultural community-MCFB has legal standing in the case of a court challenge.

Addressing the concerns of the agricultural community

Bill 52-14, as we propose to amend it, takes a belt-and-suspenders approach to ensuring that agriculture is not impacted by the Bill in any way. In every area where there are additional restrictions or requirements on pesticide use, there is an express exception for agriculture.

The use restrictions in Section 33B-10 of the Bill, which are identical on County-owned and private property, apply only to "lawns, playgrounds, mulched recreation areas and children's facilities (including the grounds of children's facilities)." The definition of the term "lawn" is critical here: "lawn" does not include "agricultural land" and, further, does not include a "garden." "Garden" is defined in the Bill as "an area of land used to cultivate food crops, flowers, or other ornamental plants." These two exclusions from the definition of "lawn," should ensure that any impact on agriculture, whether on County-owned or private property, will be avoided. However, we have heard the concerns of the agricultural community, and to ensure that there is absolutely no ambiguity, Section 33B-10(c)(8) provides an express exception to the restrictions "to control pests while engaged in agriculture."

Section 33B-12 of the Bill generally prohibits the use of neonicotinoid pesticides on all County-owned property by County employees and contractors, but subsection 33B-12(b)(1) of the section includes an express exception "to control pests while engaged in agriculture."

Section 33B-14 requires the Parks Department to implement a pesticide-free parks program develop pesticide usage protocols to minimize pesticide use, but also includes an express exception from any restriction at subsection 33B-14(d)(7) "to control pests while engaged in agriculture."

I understand that objections to the bill remain strong in the agricultural community but I hope this explanatory language will assist in clarifying the application of the new law in the future.

The Lawn Care Industry is contemplating taking the County to court. The MCFB has already gone on record to the Council that they may also take legal action on the bill.

3. Follow up on the AAC Sub-committee-Micro-Alcohol Production Facilities- Fruit and Grain based Alcoholic beverages. Events on farms providing food and the request for food trucks-

trailers that are prohibited due to Transitory Uses restricted under Section 3.1.5 TDR Prohibitions. (See Attached follow up from the August 26, 2015 meeting.)

4. Update on the New Office of Agriculture

The Office of Agriculture was effective on October 4, 2015. The OHR has provided instructions to Jackie Arnold to begin making the entries into the ERP System for payroll including both Peter Bang and Jackie Arnold for a total ten positions. The final decisions on reclassifications for Peter, Jackie and Jeremy are still pending. The County Code Chapter 2-B has yet to be posted on line with the amendments reflecting the June 30, 2015 adoption of Bill 25-15. The head of the new Office of Agriculture will report to Fariba Kassiri, Chief Administrative Officer. An announcement regarding the Office of Agriculture is pending the final decisions from the County Executive staff on the staffing details, classifications, and organizational structure. A letter from Leaders of agricultural community was forwarded to the County Executive requesting a meeting.

5. We are working with the County Cable Administrator and Comcast Business Service to explore replacing the phone system and T-1 lines at the AHFP. This will ideally 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 Business Service for both phones-voice and High Speed Broad Band-data internet service.

6. Update on the Pilot Project to expand high speed internet to the Agricultural Reserve east of the Town of Poolesville. (See the attached email from Dennis Kamber)

7. There are 5 applicants for the Equine Resource Conservation position (Eddie Franceschi) that were interviewed last week.

8. Our Close Encounters with Agriculture starts on Monday October 12- 30, 2015.

9. Follow up from the October 19, 2015 Ag Preservation Advisory Board briefing with the County Executive to discuss alternative funding for farmland preservation programs and the FY17-21 CIP Budget submission.

10. The Maryland Agricultural Commission and the Secretary of MDA will be touring four farms in Montgomery on October 20, 2015. The farms are Eric Spates-Stoney Castle Farm, Wade and Susan Butler-Butlers Orchard, Craig Ruppert-Ruppert Nurseries, and Gary Mangum-Bell Nursery.

11. The Annual Farm Bureau Banquet is November 10, 2015.

12. MoCo Food Council/Office of Agriculture-Public Forum-On Farm Composting December 3, 2015 (See Attached Draft Survey to the agricultural community)

13. New Appointments to the Agricultural Advisory Committee confirmed by the County Council (See Attachment for confirmations)

14. Next Agricultural Advisory Committee Meeting November 17, 2015.

Upcoming Meetings and Events:

Close Encounters with Agriculture starts-ends October 12-30, 2015

Maryland Ag Commission-MDA Secretary farm tour October 20, 2015

Montgomery County Agricultural Advisory Committee-October 20, 2015 @7:00pm

Annual MCFB Banquet Dinner November 10, 2015@6:00 pm

Montgomery County Ag Pres. Advisory Board-November 10, 2015@ 7:00pm????

Montgomery Soil Conservation District Board of Sup- November 13, 2015@ 9:00am

Montgomery County Agricultural Advisory Committee-November 17, 2015 @7:00pm

MOCO Food Council-Forum-Opportunities for on-farm composting Dec 2, 2015



AGRICULTURAL ADVISORY COMMITTEE

September 22, 2015

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

Dear Council President Leventhal: Re- Amendments to Pesticide Legislation

The Montgomery County Agricultural Advisory Committee-AAC met on September 15, 2015 to discuss the amendments to the Pesticide Legislation Bill 52-14 as proposed by Council Member Roger Berliner.

Council Member Berliner attended our meeting and he reviewed the reasoning behind the amendments and he answered many questions from the Committee. While the AAC is very appreciative for Mr. Roger Berliner's alternative approach, the AAC remains opposed to Bill 52-14. This Bill circumvents the authority of the Federal EPA and the Maryland Department of Agriculture. Furthermore, the Committee does not believe Montgomery County tax payers can afford the costs to implement this legislation.

We continue to feel this legislation is totally unnecessary because pesticides are closely and carefully regulated with strict science at the Federal and State levels. The AAC further believes that a better approach is more education and less regulation for Pesticide usage in Montgomery County.

The AAC would like to thank you for the opportunity to present our views on amendments to the Pesticide Bill 52-14 and please let us know if you have any questions.

Sincerely,

David Weitzer, Chairman



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

October 1, 2015

Mr. David Weitzer, Chariman
Agricultural Advisory Committee
18410 Muncaster Road
Derwood, MD 20855-1421

Dear Mr. Weitzer,

Thank you for sharing your views with me regarding Bill 52-14, Pesticides – Notice Requirements – Non-Essential Pesticides – Prohibitions. I have made your correspondence available to my Council colleagues, and I am pleased to respond on their behalf.

The Transportation, Infrastructure, Energy and Environment (T&E) Committee held public hearings on the Bill on January 15 and February 12, 2015. The T&E Committee then held three informational worksessions on the Bill on March 16, March 30 and June 15. An fourth T&E Committee worksession was held on September 17, in which the Committee reviewed the substance of the Bill.

In its September 17 worksession, the T&E Committee amended the Bill to remove the prohibition on the application of pesticides on private property. In place of the introduced Bill's use restriction, the Committee-recommended Bill includes a number of other measures aimed at reducing the use of pesticides on both public and private property. These measures include: additional notice and disclosure requirements for pesticide applications by professional applicators; a prohibition on the use of certain pesticides on playgrounds and children's facilities; a Countywide pesticide use reduction plan; unit owner approval requirements for pesticide use in common ownership communities; and requirements to reduce the use of certain pesticides in County parks.

Consideration and action on the Bill by the full Council is tentatively scheduled for October 6.

I appreciate having the benefit of your views.

Sincerely,

A handwritten signature in black ink that reads "George Leventhal".

George Leventhal
President, Montgomery County Council

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MEMORO

WEDNESDAY, OCTOBER 7, 2015 · WASHINGTONPOST.COM/REGIONAL

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Montgomery bans cosmetic pesticides on lawns

BY BILL TURQUE

Montgomery County became the country's first major locality Tuesday to ban the use of cosmetic pesticides on private lawns, concluding that the time-honored right of suburbanites to maintain pristine green, weed-free yards was superseded by a body of scientific evidence linking the widely used products to cancer.

After three hours of sometimes

by the Environmental Protection Agency when used appropriately — effective at the beginning of 2018. The measure excludes agricultural land, gardens and golf courses and does not prohibit the sale of lawn pesticides within the county.

Nor is there a specific enforcement provision in the law that empowers county inspectors to scrutinize homeowners' lawns for pesticide content. Like many county regulations, it will depend

on citizen complaints. But advocates discounted the lack of regulatory teeth and said the bill will serve as a valuable tool to educate residents on organic alternatives.

The council's action puts the county on a very short list of jurisdictions that have passed similar bills: Takoma Park, Md., and Ogunquit, Maine, an ocean-side community with a year-round population of about 1,300.

"I believe we are acting in the

interests of public health today," said Council President George L. Leventhal (D-At Large), the bill's chief sponsor, who introduced the measure nearly a year ago.

Opponents of the bill, including homeowners and the lawn care and chemical industries, protested what they called an unwarranted government intrusion into a traditional homeowner right.

"I think this is a case of politics

PESTICIDES CONTINUED ON B2

County cites cancer link; opponents call bill a government intrusion

emotional debate, which included members recounting their personal and family experiences with cancer, the County Council voted 6 to 3 to impose the ban on the chemicals — all deemed safe

Montgomery County first major locality to ban cosmetic pesticides

PESTICIDES FROM BI

trumping science and fact," said Karen Reardon, vice president of public affairs for RISE (Responsible Industry for a Sound Environment), a national trade association for pesticide manufacturers and distributors.

Leventhal had to make a major concession to achieve a winning margin, agreeing to exempt the county's nearly 300 athletic playing fields after opposition from the soccer community and other sports enthusiasts. The bill does, however, establish a five-field pilot program using organic products. It tasks the county's parks department to develop a plan to make all playing fields pesticide-free by 2020.

The council's two-thirds majority vote shields the measure from veto by County Executive Isaiah Leggett (D). He voiced concerns Tuesday about several as-

pects of the bill, including language that appears to mandate pesticide-free playing fields by 2020 no matter what the pilot program shows.

"To me, that's troubling," Leggett said.

The bill is a vivid example of the geographic divide in county politics, pitting a progressive, left-leaning south against more moderate areas in the center and north. Not coincidentally, three of the six votes in support of the bill came from council members who reside in Takoma Park: Marc Elrich (D-At Large), Hans Riemer (D-At Large) and Leventhal. The southeastern Montgomery community was the center of a grassroots campaign to pass a county-wide version of the bill.

Two of the bill's three no votes came from the central and northern parts of the county, where many homeowners oppose the bill: Craig Rice (D-Upcounty) and

Sidney Katz (D-Gaithersburg-Rockville).

Pesticide regulation is usually a federal and state responsibility. This year, the council heard testimony from EPA and Maryland Department of the Environment officials, who said pesticides are rigorously tested and safe when used appropriately.

But proponents argued that the government can't be relied upon to protect residents from toxins in the environment. They cited, among studies, a 2013 report by the Government Accountability Office and the Natural Resources Defense Council that said thousands of pesticides were approved for use without being fully tested for hazards to human health.

Advocates said it was irresponsible to wait for scientists to establish a complete causal link between pesticides and cancer, contending that the record was

clear enough. They pointed to a 2012 report from the American Academy of Pediatrics that said the data "demonstrates associations" between childhood pesticide exposure and cancer, along with decreased cognitive skills and other disorders. Yet the study stopped short of favoring a sweeping ban, saying that more research is needed.

That was the principal argument of council member Roger Berliner (D-Potomac-Bethesda), who unsuccessfully offered a substitute bill that exempted private land from the ban.

Berliner's version of the legislation banned pesticides on county property and near day-care centers, playgrounds and waterways. But he contended that most county residents were unprepared for a sweeping ban.

"It would be like going from zero to 60 in a nanosecond," said Berliner, a legislator with a

strong environmental record who added that he "hated" voting against the bill.

The most memorable moments of the debate came when council members Nancy Navarro (D-Mid-County) and Nancy Floreen (D-At Large) spoke about their personal experiences with cancer.

Navarro said she was haunted by the memory of her father, a petroleum engineer in robust health taken quickly by pancreatic cancer. "He looked me in the eye" and wondered whether his exposure to toxic chemicals had taken a cumulative toll, Navarro said.

Floreen, a breast cancer survivor, said she thought those on both sides were acting in good faith.

But she added, "this is a very personal thing for me, and it's a personal thing for everyone."

bill.turque@washpost.com