Landmark Ordinance Passes in MD City

New law restricts cosmetic lawn pesticides on private property

In a sweeping victory for the protection of human health and the environment, the Takoma Park, Maryland City Council on July 22, 2013 unanimously passed the *Safe Grow Act of 2013*, which generally restricts the use of cosmetic lawn pesticides on both private and public property throughout the Maryland city of 16,700 residents.

This is the first time that a local jurisdiction of this size has used its authority to restrict pesticide use broadly on private property, exercising its responsibility to protect the health and welfare of its residents through its local government action. This landmark legislation stops involuntary poisoning and non-target contamination from pesticide drift and volatility that occurs as these toxic chemicals move off of treated private yards. The new law fits into the city's strategic plan to lead community efforts in environmental sustainability, protection and restoration, and secures Takoma Park's role as a leader in sustainability in the state of Maryland and the nation. The action in Takoma Park brings to the U.S. an approach to outlawing cosmetic pesticide use on lawns and landscapes that has been in place in Canadian provinces for many years.

The ordinance in Takoma Park was drafted by residents and Beyond Pesticides' supporters Julie Taddeo and Catherine Cummings, who both recognized a need to reduce pesticide use in their community

Can I Pass a Similar Law in My Neighborhood?

Maybe. If you are in one of the seven states, as Maryland is, that does not explicitly prohibit the adoption of local pesticide legislation, you can. In sixteen states, a community may petition or appeal to a state administrative authority to seek local restrictions. Jurisdictions in Illinois with a population over two million are granted local authority. The role of local government in imposing pesticide use requirements is important to the protection of public health and the environment. This right was affirmed by the U.S. Supreme Court in *Wisconsin Public Intervenor, Town of Casey v. Mortier*, June 21, 1991. In this case, the Court affirmed the rights of U.S. cities and towns to regulate pesticides that are not explicitly curtailed by state legislatures. The Court found that in conferring on states the authority to "regulate the sale and use of pesticides so long as the state regulation does not permit a sale or use prohibited by the Act [USC 136v(a)]," the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA) "leaves the allocation of regulatory authority to the 'absolute discretion' of the states themselves, including the option of leaving local regulation of pesticides in the hands of local authorities."

After the Supreme Court ruling, the chemical industry, both manufacturer and service provider trade groups, went to state legislatures across the country and lobbied with the help of the Coalition for Sensible Pesticide Policy to adopt uniform language that preempts local pesticide legislation. There are currently forty three states that have adopted some form of this language, which restricts local jurisdictions from passing legislation similar to Takoma Park's. For more details, please see Beyond Pesticides' factsheet on preemption, available at www.beyondpesticides.org and find out more information about your state's requirements and what you can do.

to protect the long-term health and safety of their children. Ms. Taddeo and her family have lived in Takoma Park for seven years, but when she moved into a house with a yard after living in an apartment building, she was dismayed and baffled to see neighbors spray their yards for dandelions. It clicked for Ms. Cummings when she initially read about the cosmetic pesticide ban in Canadian provinces in Beyond Pesticides' Daily News. When she realized that a "gold standard" had been created by our northern neighbors, she thought there was no reason that Takoma Park couldn't do it as well. What began as an effort to educate neighbors in their community grew into a full-fledged campaign, and the creation of Safe Grow Zone.

The City Council, in passing the ordinance, hopes that it will serve as a model for other communities. "Keep going with this," Councilwoman Kay Daniels-Cohen (Ward 3) urged Ms. Taddeo and Ms. Cummings. "You can take this to the next level. You can take it to the county, and keep going all the way through the state of Maryland . . . I think there are more people out there than you realize who are in your court."

In addition to the Canadian laws, which helped inspire the Takoma Park ordinance, two of the city's neighbors have passed laws that restrict pesticide use on private and public land. Washington, DC enacted the *Pesticide Education and Control Amendment Act of 2012,* which offers protections from restricted use pesticides on property near waterways, schools, daycare centers and city-owned property. To the east, the *Sustainable Land Care Policy of 2011* in Greenbelt, MD strictly prohibits the use of synthetic chemical pesticides on all city-owned land. Using these policies as guidance, Takoma Park took these efforts a step further by including comprehensive restrictions on private property. Maryland is one of seven states that provides an unrestricted mechanism for local governments to enact stronger protections from pesticides on private property because of state preemption laws that prevent municipalities from passing pesticide policies that limit pesticide use restrictions to land owned by the local jurisdictions. In protecting the rights of local political subdivisions within Maryland to exercise their authority to impose pesticide use restrictions, the state is enabling the protection of the health and welfare of Maryland residents.

The Takoma Park law also provides for public educational materials, including brochures, classes, and public forums to the community on environmentally-friendly practices and compliance with the new pesticide restrictions. Under the law, homeowners in Takoma Park can still use approved pesticides on gardens, invasive and noxious weeds and insecticides on disease-carrying insects. The Act specifically prohibits pesticides for use on lawns that are classified as: "Carcinogenic to Humans" or "Likely to be Carcinogenic to Humans" by the U.S. Environmental Protection Agency (EPA); "Restricted Use Product" by EPA; "Class 9" pesticides (includes hazardous but generally available turf pesticides) by the Ontario, Canada, Ministry of the Environment; and "Category 1 Endocrine Disruptor" by the European Commission.

Of the 30 most commonly used lawn pesticides, 17 are possible and/or known carcinogens, 18 have the potential to disrupt the endocrine (hormonal) system, 19 are linked to reproductive effects and sexual dysfunction, 11 have been linked to birth defects, 14 are neurotoxic, 24 can cause kidney or liver damage, and 25 are sensitizers and/or irritants (see chart on page 12 for more detailed information). Children are especially sensitive to pesticide exposure because they take in more pesticides relative to their body weight than adults and have developing organ systems that are more vulnerable and less able to detoxify toxic chemicals. Thinking of her children and future generations in Takoma Park, Ms. Cummings believes this ordinance is "close to the best thing we can offer for our kids."

Though the ordinance passed unanimously, and with the support from many people in the community, including the local hospital, Safe Grow Zone was met with some opposition. Some residents expressed concern that while they were not supportive of widespread pesticide use, they believed the restrictions would be confusing for homeowners trying to decide what they could use, and could result in an abundance of "accidental" fines. They also raised the enforcement issue, maintaining that the ordinance would create a culture of "tattling" on neighbors. The Councilmembers responded by pointing to the number of laws that create environmental and neighborhood stewardship, including littering, recycling, noise ordinances, and even picking up after pets. These laws are rarely enforced with fines, but most people follow them because they have become internalized.

The laws also hold people accountable when there is a problem. The focus on the law is not to pit neighbors against each other or to impose an egregious amount of fines, according to the City Council. Instead, it is to educate the public on hazardous pesticides and alternatives in an effort to promote a healthy community and cleaner environment.

Neither Ms. Cummings nor Ms. Taddeo look at the ordinance as restrictive, but rather as a freedom from the harmful effects of pesticides. "It takes the burden off of families and anyone else who cares about the environment, their health and the future. With every year that passes, there's more information about how pesticides are hazardous," said Ms. Cummings. "This law frees us from both the toxic effects of the use of pesticides, as well as the reliance on these chemicals."

Though the ordinance puts Takoma Park on the leading edge of pesticide reform, Ms. Cummings says that it shouldn't be such a huge deal. "We should have never become so reliant on these chemicals in the first place. How could we not do this?"

Start Your Own Local Movement

Whether your state has preemption or not, you can still work to get toxics out of your community. It takes a lot of work and commitment, but it can be done with some perseverance. It's important to find support –friends, neighbors, and other people who share your concerns about environmental health. (See Beyond Pesticides' "state pages" for local environmental organizations.) It's also essential to reach out to your local politicians and government. We have several factsheets available to help you organize in your community, which can be found at www.beyondpesticides.org/lawn/activist.

Steps You Can Take:

1. **Find allies and create a coalition.** Start with your family, friends and neighbors. Contact local groups that may be interested, such as environmental organizations, community groups, garden clubs, churches, and the PTA.
2. **Contact your city council member** and let them know that you strongly support a pesticide law similar to Takoma Park's Safe Grow Zone ordinance, or Beyond Pesticides' model policy.
3. **Start a petition.** Starting your own petition is easy! You can start a petition online using one of many free petition-hosting sites, or contact Beyond Pesticides and we can help set one up for you through our action alert system. You can also simply print up a piece of paper and collect signatures manually when you attend local events, canvas door-to-door, etc. Be sure to get the first and last name, home address (it's important to be able to verify that a supporter is within the target area) and email or phone number for follow up.
4. **Write a letter to the editor of your local newspaper.** Be concise and summarize your position in the first sentence (most editors read the first 2-3 sentences before deciding whether to include a letter). Be sure to keep your letter under 200 words, and pay attention to spelling and grammar.
5. **Contact Beyond Pesticides.** Finally, tell us what you're doing to help stop or reduce pesticides in your community or ask us if you need assistance. We talk to people every day who, like you, want change in their communities. Call us at 202-543-5450, send us an email at info@beyondpesticides.org, or post a note to our facebook page. Let us know if you're ready to embark on your own local campaign!

How to Talk to Your Neighbors

1. **Emphasize human health.**
2. **Stress cost-savings.**
3. **Use reasonable language.**
4. **Keep it simple.**
5. **Follow up.**

Key Points of Focus

1. **Children, elderly, and those with existing health problems.** Pesticides applied according to label directions can adversely effect vulnerable populations.
2. **Human Health.** Research demonstrates that pesticide exposure elevates the risk of birth defects, Parkinson's disease, and cancer, among others.
3. **Bees, pollinators, and beneficial organisms.** Pesticides have consistently been implicated as a key issue in pollinator declines.
4. **Pets.** Pets often walk through chemically-treated lawns, and can easily absorb pesticides through their paws.
5. **Water quality.** Pesticides can runoff or leach into soils, contaminating groundwater, damaging aquatic life, and putting stress on municipal water treatment plants.
6. **EPA registration of pesticides does not Equal Safety.** EPA establishes allowable hazards based on risk assessments that are filled with uncertainty and incomplete information on product ingredients, chemical mixtures, and additive and synergistic effects.
7. **Effective alternatives are available.** Toxic pesticides are not necessary for beautiful lawns and landscapes. Most garden stores stock organic/natural products and even some commercial lawn care companies offer organic practices.

Arm yourself with the facts by using Beyond Pesticides' website on science, policy and action.
See our resource, Pesticide-Induced Diseases Database and factsheets on pest management without toxic pesticides.
If you need additional help, we have staff that can work with you and provide assistance. We'd love to hear from you!

Health Effects of 30 Commonly Used Lawn Pesticides

Pesticides	Health Effects						
	Cancer	Endocrine Disruption	Reproductive Effects	Neurotoxicity	Kidney/Liver Damage	Sensitizer/ Irritant	Birth Defects
Herbicides							
2,4-D*	X[4]	X[10]	X[7]	X[8]	X[8]	X[1]	X[11]
Benfluralin					X[1]	X[1]	
Bensulide				X[2]	X[1]	X[2]	
Clopyralid			X[7]			X[2]	X[7]
Dachthal	Possible[3]	X[6]			X[7]	X[11]	
Dicamba*			X[1]	X[2]	X[2]	X[1]	X[1]
Diquat Dibromide			X[12]		X[11]	X[1]	
Fluazipop-p-butyl			X[1]		X[1]		X[1]
Glyphosate*	X[7]	X[8]	X[1]		X[8]	X[1]	
Isoxaben	X[3]				X[2]		
MCPA		X[6]	X[2]	X[2]	X[11]	X[1]	
MCPP*	Possible[3]	X[6]	X[2]	X[1]	X[9]	X[1]	X[1]
Pelargonic Acid*						X[1]	
Pendimethalin*	Possible[3]	X[6]	X[1]			X[2]	
Pronamide	Probable[4]	X[6]			X[9]	X[1]	
Triclopyr			X[7]		X[9]	X[1]	X[7]
Trifluralin*	Possible[3]	X[6]	X[1]		X[2]	X[1]	
Insecticides							
Acephate	Possible[3]	X[6]	X[11]	X[9]		X[2]	
Bifenthrin*§	Possible[3]	Suspected[6,10]		X[8]		X[1]	X[9]
Carbaryl	X[3]	X[10]	X[8]	X[1]	X[11]	X[11]	X[7]
Dichlorvos	X[4]	Suspected[10]		X[11]	X[2]	X[11]	
Fipronil	Possible[3]	X[6]	X[8]	X[8]	X[8]	X[8]	
Imidacloprid			X[7]		X[2]		X[7]
Malathion*	Possible[3]	X[10]	X[11]	X[9]	X[2]	X[2]	X[2]
Permethrin*§	X[3]	Suspected[6,10]	X[1,7]	X[9,7]	X[9]	X[1]	
Trichlorfon	X[3]	X[6]	X[11]	X[2]	X[2]		X[2]
Fungicides							
Azoxystrobin					X[2]	X[2]	
Myclobutanil		Probable[6]	X[2]		X[2]		
Sulfur						X[1]	
Ziram	Suggestive[3]	Suspected[6]		X[2]	X[2]	X[2]	
Totals:	17	18	19	14	24	25	11

** These pesticides are among the top 10 most heavily used pesticides in the home and garden sector from 2006-2007, according to the latest sales and usage data available from EPA (2011).*

§ EPA lists all synthetic pyrethroids under the same category. While all synthetic pyrethriods have similar toxocological profiles, some may be more or less toxic in certain categories than others. See Beyond Pesticides' synthetic pyrethriod factsheet at bit.ly/TLBuP8 for additional information.

List of citations available online at www.beyondpesticides.org/lawn/factsheets/30health.pdf.

Sources

List of 30 commonly used pesticides are compiled by Beyond Pesticides from information provided by the General Accounting Office 1990 Report, "Lawn Care Pesticides: Risks Remain Uncertain While Prohibited Safety Claims Continue," U.S. Environmental Protection Agency (EPA) *National Pesticide Survey* (1990), *Farm Chemicals Handbook* (1989), *The National Home and Garden Pesticide Use Survey* by Research Triangle Institute, NC (1992), multiple state reports, current EPA Environmental Impact Statements, and Risk Assessments, EPA national sales and usage data, and Beyond Pesticides' information requests.

For more information on hazards associated with pesticides, please see Beyond Pesticides' *Gateway on Pesticide Hazards and Safe Pest Management* at www.beyondpesticides.org/gateway. For questions and other inquiries, please contact our office at 202-543-5450, email info@beyondpesticides.org or visit us on the web at www.beyondpesticides.org.

Citations

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7. Northwest Coalition for Alternatives to Pesticides (NCAP), *Pesticide Factsheets.* http://www.pesticide.org/get-the-facts/pesticide-factsheets.

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10. European Union Commission on the Environment. *List of 146 substances with endocrine disruption classifications, Annex 13.* http://ec.europa.eu/environment/endocrine/strategy/substances_en.htm#report2.

11. Extension Toxicology Network (EXTOXNET) *Pesticide Information Profiles.* http://extoxnet.orst.edu/ghindex.html.