

County with One Million Residents Shifts to Organic Lawn Care



Council President George Leventhal joins Safe Grow Montgomery to promote Bill 52-14 in the Takoma Park 4th of July Parade. Photo by Safe Grow Montgomery member Kevin Tan.

Year-long community debate results in law to phase out hazardous pesticides in turf management on public and private property

Montgomery County, Maryland became the largest county in the country to ban lawn pesticides on public and private land within its jurisdiction in October, 2015. The ban, a historic public health measure, will touch one million people in a county outside Washington, DC. The law allows time for transition, training, a public education program over the next several years, and defines allowed materials that can be used in turf management on public and private land throughout the County. (See definition on next page.) The bill was enacted with the leadership of Council President George Leventhal (the prime sponsor of the original bill), Councilmembers Marc Elrich, Tom Hucker, Nancy Navarro, Hans Riemer and Council Vice President Nancy Floreen.

Maryland is one of seven states that has not taken away (or preempted) local authority to restrict pesticides more stringently than the state. One city within the County, Takoma Park, passed a similar ground breaking ordinance back in 2013. The Town of Ogunquit, Maine also did the same by ballot initiative in November, 2014.

“Today’s action is another step in the ongoing effort to make Montgomery County the healthiest, safest county in the country,” said Council President Leventhal. “Countless studies have linked pesticides to a wide range of health conditions in children and adults and, since the bill was introduced one year ago, I have received hundreds of reports from constituents of children and pets experiencing adverse effects from the application of pesticides.”

“Local government can, and should, step in, in a preventative way, to protect the public’s health, even when there is not complete scientific certainty,” Council President Leventhal continued. “The science may never be conclusive since it involves complex chemical interactions, but the absence of incontrovertible evidence does not justify inaction.”

Pushback from Pesticide Users

The legislation was not without its detractors. The Montgomery County Parks Department opposed the bill, maintaining

that playing fields cannot be managed with organic practices. Substitute legislation was introduced that sought to remove the central portions of the bill intended to transition Montgomery County to non-toxic sustainable management practices. In response, an amendment to the original bill allows the County’s Parks Department to continue to use pesticides on playing fields as part of an integrated pest management program and requires the department to develop a plan that leads to organic management of fields by 2020. In the interim, the department will conduct an organic pilot program. In addition, the Department of Environmental Protection will educate the community on organic lawn care, and the Parks Department has committed to managing all playgrounds with organic practices. Extensive testimony from organic turf practitioners educated council members on the viability of organic practices, while the chemical lawn care industry remained adamantly opposed.

Movement Across the County

There is movement across the country to

adopt ordinances that stop pesticide use on public property and, where not preempted by state law, private property. This is now understood to be a community health and environmental issue because, similar to secondhand smoke, pesticides, when used, move through air, water, and land – off the target site through drift and runoff,

exposing non-target sites and people.

Providing Technical Assistance

Beyond Pesticides worked closely with Safe Grow Montgomery, a local coalition of individual volunteers, organizations, and businesses, to help educate the public. The coalition works to prevent use of pesticides

that run-off, drift, and volatilize from their application site, causing involuntary poisoning of children and pets, polluting local water bodies, such as the Chesapeake Bay, and widespread declines of honey bees and other wild pollinators. *For more information on organic lawn care policies and practices, see www.beyondpesticides.org/lawns.*

The Montgomery County, Maryland Bill 52-14 in Detail

(For the complete bill, go to <http://bit.ly/MoCoBill5214>.)

How are pesticides restricted throughout the County, and when?

Use of toxic pesticides will not be allowed on private and public turf areas, including lawns, playgrounds, mulched recreation areas, and children's facilities on County-owned property. The County land transition (not including playing fields) starts in July 2016 and the private land restrictions start in January 2018. Montgomery County's Parks Department will begin a pilot pesticide-free program on recreational sports fields, and must provide a plan by 2019 to the County Council that transitions all playing fields to natural practices with only allowed pesticides by 2020. The Parks Department will submit detailed reports on pesticide use and status of the pesticide-free parks program to the County Council every six months.

What is prohibited and allowed under the legislation?

The legislation defines allowed materials for lawn care on public and private land, taking an affirmative approach. This includes:

- (1) a pesticide the active ingredients of which are recommended by the National Organic Standards Board (NOSB) pursuant to 7 U.S.C. §6518, as amended, and published as the National List at 7 C.F.R. §205.601 and 205.602; or
- (2) a pesticide designated as a "minimum risk pesticide" under the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA) §25(b) and listed in 40 C.F.R. §152.25(f).

How does the definition translate to allowed products?

Organic Compatible Materials. (May display USDA Organic or Organic Materials Review Institute seals.)

Examples: Avenger Weed Killer, Phydura, Final-San-O, Scythe, Neem Oil, Safer

Brand Products, EcoSmart Products (see www.omri.org/ubersearch).

Minimum Risk Pesticides. (Defined as the pesticides that qualify for exemption under federal pesticide law, and disclose on label all active and other ingredients.)

Examples: Products containing cedar oil, citric acid, clove oil and other active ingredients listed on this webpage: bit.ly/minimumrisk.

What products cannot be used on private lawns, and how can they be identified?

Registered pesticides must be compatible with federal organic law or classified as minimum risk; otherwise, conventional pesticides are not allowed to be used unless the site where the pesticide will be applied is exempt from the law. The County Council has determined that the use of these products for cosmetic lawn care puts in harm's way children, pets, water quality, pollinators, and other wildlife. To ensure that residents are aware of the restrictions, retailers will post informational signs where pesticides are sold to explain which pesticides are not allowed to be used on private lawns within the County.

What pesticide use sites are exempt from the law?

Gardens, trees, or shrubs; invasive species* or "noxious" weeds (poison ivy, kudzu, Canada, musk, bodding, plumeless, and bull thistle); indoor application; biting or stinging insects or plants; public health emergencies or prevent significant economic damage;** indoor pests; golf courses; and, agricultural land.

*[*The County will make public a list of Invasive Species by March, 1, 2016. **Must notify and provide justification to the Montgomery County Department of Environmental Protection within 7 days after a public health or economic emergency pesticide use.]*

What is the penalty if a non-permitted pesticide is used on a private lawn?

Given that the main focus of the law is to effect a shift in lawn care practices among County residents, there won't be any "pesticide police," but the County will rely on citizen complaints to drive enforcement. Violations of the ordinance are considered a Class C misdemeanor.



Six Councilmembers vote with a veto-proof majority to pass Bill 52-14. Photo by DC Visionaries.