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Thursday, September 17, 2015

Office of Council Member Navarro  
Council Office Building  
100 Maryland Avenue, 5th Floor  
Rockville, MD 20850

Subject: Pesticide Bill

Dear: MS Navarro,

We believe that The Greater Olney Civic Association (GOCA) and your office have many areas of common ground. These include:

1. The safety of all the people who make up our diverse community
2. Ensuring our diverse community works together
3. Supporting businesses rooted in Montgomery County
4. Being pragmatic in our approach to managing county affairs

Bill 52-14 does not have a process that would identify those companies who have incorporated safe practices in terms of proper handling of chemicals, whether they are identified as harmful or not. 52-14 does not seek to identify businesses that utilize an Integrated Pest Management (IPM) process that limits chemical use and promotes healthy environments.

It is beneficial to all to be properly trained and to work safely, regardless of their primary language.

When the Council President speaks about the bill, he continually mentions Round –Up (Glyphosate). No other pesticide is mentioned, nor is there a list of identified or proposed pesticides to be banned. Attached is a spreadsheet containing the annual usage of chemicals by two locally owned companies and one national company. Even the company that utilizes the greatest amount chemicals does not list Round-Up. Unless someone is trying to kill their lawn, Round-Up is not used on lawns.

This bill only deals with lawns!

Bill 52-14 would rely on neighbors turning in neighbors as the primary enforcement vehicle. This would create significant trust issues in any community. In a community as diverse as Montgomery County this type of enforcement vehicle would be entirely detrimental.

The Maryland Attorney General has stated that this bill would not be upheld in court.

This creates a situation where the county would be forced to utilize resources to this defend a bill, resources that are limited (and not just because of the Wynne decision).

***Council Member Berliner's alternate bill***

Allowing individual homeowners (e.g. in a townhouse) in an HOA to decline the application of pesticides on their individual properties is consistent with common practice today. In a typical HOA, the homeowner contacts the management company to make the request, and special instructions are passed on to the landscaper.

- 33B-13.a is burdensome, but the HOA could implement it as part of the Annual Meeting process. Note that even with proxies it can be difficult to get a quorum of homeowners. The language here seems to assume we can get quorum and is silent on the process if we are unable to get quorum.
- It would be preferable to allow the HOA Directors to make the decision contemplated in 33B-13.a. The Directors are accountable to the homeowners, so if the Directors make a decision contrary to the homeowners' desires, then there is a mechanism already in place to change leadership.
- 33B-13.a should apply only if the HOA opts for a treatment plan that does not conform to the approved list. If the treatment plan is conforming, then this should be a non-issue.
- The marketing and education program proposed here is a step in the right direction, but still not quite how we would approach it. We would suggest starting with the approved list. The most common reasons homeowners use lawn chemicals is to control broadleaf weeds and grubs. Occasionally we need a good fungicide to control a fungal infection. So we need a County approved list that directly and clearly supports these goals with a recommended, cost-effective way to control the common lawn pests. Educate homeowners about the approved list and require the lawn companies to offer a treatment plan that adheres to the approved list alongside their regular plans. Assuming consumers absorb the education, most who use lawn service companies will choose the approved treatment plan even if it costs a little bit more. Natural market forces will get the County to the target 50% reduction within 3 years.

We respectfully request that you vote 'No' on both versions of Bill 52-14. We would then like to work with your office to craft a bill that can be passed, create a safer environment, and not put county resources at risk.

Sincerely,  
Matthew R. Quinn  
VP, GOCA  
Chair, Public Policy and Community Affairs