

Court Overturns Montgomery County, MD Pesticide Restrictions, Groups Say Decision Defies Local Authority to Protect Health

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ROCKVILLE, Md., Aug. 3, 2017 /PRNewswire-USNewswire/ -- Today, a Circuit Court for the state of Maryland struck down key components of the landmark "Healthy Lawns Act" pesticide ordinance passed in Montgomery County, Maryland in 2015. The court's decision, issued by Judge Terrence McGann, eliminates pesticide use restrictions on private property, but does not touch provisions limiting toxic pesticides used on public, county owned land.

Grassroots advocates who supported passage of the Healthy Lawns Act to protect children, families and the environment are dismayed by the court's ruling, but nevertheless vow to keep up the fight for protections from hazardous pesticides used in their community. "The court should have recognized that, in restricting lawn pesticides throughout its jurisdiction, Montgomery County is exercising a local democratic principle under Maryland and federal law to ensure the safety of the community, including children, pets, and the environment, from a known hazard not adequately regulated by the U.S. Environmental Protection Agency or the state," said Jay Feldman, executive director of Beyond Pesticides. "After extensive hearings and study, the county council understands that toxic chemicals are dangerous and not needed to have beautiful lawns and landscapes," Mr. Feldman said.

By passing the Healthy Lawns Act, the Montgomery County Council acknowledged growing demand within the community for natural and organic lawn care practices and compatible products. These cost-effective lawn care methods have been shown to eliminate the need for toxic pesticide use through improvements in soil biology that support more resilient plants. Pro-pesticide plaintiffs challenging the restrictions were led by Complete Lawn Care, and supported by the pesticide industry lobby group, Responsible Industry for a Sound Environment (RISE). "Just like big tobacco's attacks on local smoking restrictions to control secondhand smoke, the chemical industry is attempting to head-off a growing movement asking for common-sense measures that protect public health from pesticide exposure," Mr. Feldman said.

Advocates say Judge McGann's ruling ignores historical precedent set by Maryland counties in leading the way on health and environmental laws, including bans on plastic bags and coal-tar sealants. At times, the Judge's written opinion is dismissive of the danger posed by pesticide use, including an aside opining "...why neighborhood children sell lemonade on the street corner and not pesticides."

Beyond Pesticides' Map of U.S. Pesticide Reform Policies lists over 150 communities in 23 states that restrict chemical pesticide use. In Maine, over 20 policies address both public and private pesticide applications. Eight of ten Canadian provinces, and over 170 Canadian municipalities have laws with a similar structure to Montgomery County's Healthy Lawns Act. "For health of Maryland's children, pets, wildlife, and waterways like the Chesapeake Bay, we will continue to support the ever-growing movement for healthy, pesticide-free communities," Mr. Feldman said.

The Montgomery County Council is in recess until September at which time it will consider appealing the Circuit Court ruling.

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