



COUNTY TO APPEAL RECENT PESTICIDE RULING

28 Aug 2017

Written by Neal Earley

Published in Local

After an Aug. 4 decision by a Montgomery County Circuit Court to strike down the County's ban on pesticides, the County Council decided to appeal.

On Aug. 16, the County Council voted to direct the County Attorney, Marc Hansen, to appeal the Montgomery County's Circuit Court decision on the County's ban on "cosmetic" pesticides. Montgomery County Circuit Court Judge Terrence McGann ruled that County's ordinance preempted state law.

"Our Council's legal team advised us that the County would have a reasonable chance of prevailing in an appeal of the Circuit Court's decision," said Montgomery County President Roger Berliner (D-1) in a statement.

County Executive Ike Leggett, who worried that the pesticide ban might preempt state law, said he was okay with the Council's decision to appeal,

but said he was worried that a decision from an appellate court judge could go beyond the scope of the case and set a legal precedent detrimental to the County.

"There is some risk to the County and there are some things you can gain from it," Leggett said.

In 2015, the Council passed Bill 52-14 on a 6-3 vote, which banned the use of many types of pesticide for lawn use on private properties, but exempted farmers in the County from the ordinance. Council members Berliner, Craig Rice (D-2) and Sidney Katz (D-3) voted against the bill.

In November the Responsible Industry for a Sound Environment, a national trade association representing manufacturers, formulators, distributors of pesticides, along with some County residents sued the County claiming the state, not the County, had the authority to regulate pesticides. Before the ruling, the ban was set to take effect Jan. 1, 2018.

"The Council sits as the Board of Health, but the court has ruled that we are preempted from protecting our residents from this health threat," said Council member George Leventhal (D-at large) in a statement. "This sets a worrisome precedent that should be overturned."

At the time council members argued that the pesticide that are legal under Environmental Protection Agency regulations, are harmful to people and the County needed stricter regulations that go beyond the federal scope.

"I thought we did a proven protective thing," said County Council member Marc Elrich (D-at large). "I think the government under Democratic and Republican administrations has shown itself to disagree with science when it comes to the interest of large corporations."

[@neal_earley](#)

NORAHG Response

PROPOSED PROHIBITION STOPPED IN MONTGOMERY COUNTY !

Starting in 2016, Montgomery County, Maryland, had self-imposed prohibition on its own public properties regarding the use of conventional pest control products. Furthermore, it had intended to impose prohibition against residential and commercial lawns starting January 1st, 2018. However, a circuit court judge has struck down the Montgomery County's

general pesticide ban in a ruling that is precedent-setting in America. Why?!?! Because a VAST MAJORITY of states have PRE-EMPTION LAWS to prevent municipalities and counties from crafting their own laws regarding the use of pest control products and fertilizers. Montgomery County's proposed prohibition flouted decades of state primacy in ensuring safe and proper pesticide use. It also undermined the state of Maryland's system of comprehensive and uniform product approval and regulation. Moreover, it intended to prohibit products and conduct that have been affirmatively approved and licensed by the state. The case was brought to a circuit court judge by plaintiffs including county residents, local lawn care businesses, manufacturers, and the trade association Responsible Industry for a Sound Environment. The judge made it extremely clear that Montgomery County CANNOT override the state government. The federal and state regulation of pest control products is so comprehensive by both the state and federal governments that there is NOTHING ELSE the county can do with its prohibition. Montgomery County's proposed prohibition ended as a dismal failure, just like other jurisdictions in America ! (See below regarding MADISON.)

✓ -- VICTORY AGAINST SCREECHING MONKEYS IN MONTGOMERY COUNTY (Blog)

<http://pesticidetruths.com/2017/08/09/responding-against-screeching-monkeys-animal-weed-control-dicamba-glyphosate-health-canada-jennifer-jones-june-irwin-montgomery-county-montreal-naperville-seattle-south-portland/>

✓ -- JUDGE STRIKES DOWN PESTICIDE BAN IN MONTGOMERY COUNTY (Report)

<http://pesticidetruths.com/2017/08/03/judge-strikes-down-montgomery-countys-pesticide-ban/>

✓ -- BEVERIDGE & DIAMOND WINS PRE-EMPTION CASE REGARDING LOCAL PESTICIDES BAN (Report With Official Document)

<http://pesticidetruths.com/2017/08/06/beveridge-diamond-wins-preemption-case-regarding-local-pesticides-ban/>

PROHIBITION FAILURE IN MADISON !

Throughout America, prohibitions continue to be seen as dismal failures. For example, in Madison, Wisconsin, the city continues to use hundreds of gallons of pest control products, such as glyphosate, 2,4-D, and several others, on athletic fields and other city lands — because green alternatives & practices DO NOT WORK ! Madison has ignored its own anti-pesticide pesticide policy, which says the city shall NOT USE pesticides to control dandelions and other broad-leaved weeds on general parklands, median strips, street terraces, roadsides, general lawn areas, and athletic fields. Furthermore, Madison's anti-pesticide policy conflicts with Wisconsin state statute, stating that local governments may NOT prohibit the use of, or otherwise regulate, pesticides. This was the very same conclusion reached for Montgomery County.

✓ -- MADISON CHANGES & VIOLATES ITS OWN PESTICIDE POLICIES -- THE COMBINED LIBRARIES OF VICTORIES & FAILURES IN AMERICA ([Blog](#))

<http://pesticidetruths.com/2017/07/14/pesticide-ban-failure-madison-wisconsin-changes-violates-its-own-pesticide-policies-the-combined-libraries-of-victories-failures-in-america-2017-07-08/>

WE SPEAK THE WHOLE TRUTH ABOUT PROHIBITIONS FROM AN INDEPENDENT PERSPECTIVE !

We are the National Organization Responding Against HUE that conspire to destroy the Green space and other industries (NORAHG). As a non-profit and independent organization, we are environmentalists who are dedicated to reporting about truth-challenged pesticide-hating fanatics (HUE) who conspire to destroy businesses that are dependent on the use of safe and effective conventional pest control products. We also report on the work of several highly-rated leading experts who have recognized expertise, training, and background in matters concerning pest control products, and who promote environmental realism and pesticide truths.

We dare to defy the pesticide-hating fanatics by exploring the whole truth from an independent perspective on The Pesticide Truths Web-Site ...

<http://pesticidetruths.com/> If you wish to receive free reports on issues that concern you, please contact us at ... force.of.de.nature@gmail.com
WILLIAM H GATHERCOLE AND NORA H G