The pesticide ban movement gains momentum

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Cities and counties are increasingly banning toxic pesticides—and some are taking aim at fertilizers. But industry attempts to buck local efforts remain a significant hurdle.

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PORTLAND, ME—On an early fall day, the city's downtown Fox Field and Playground is humming. A half dozen young men shoot baskets, and small children scramble over playground structures. The central playing field is wet with dew and shimmers an emerald green in mid-morning light.

Last fall, Portland's Parks, Recreation, and Facilities Department began organic turf management—zero use of synthetic pesticides or fertilizers to control weeds and grubs—on Fox Field. It took four applications of organic fertilizer (sulfate of potash); copious soil amendments (sand, peat, and loam); injections of oxygen to increase nutrient and water circulation; and heavy seeding. While scattered clover and dandelion weeds poke through, and there's one small, muddy patch near a soccer goal post, the grass in the heavy-use field is remarkably healthy.

Portland passed a law in 2018 banning synthetic pesticides for turf, landscape, and outdoor pest management on both public and private property, and the parks department is doing its part to comply across the city's recreational fields, its 66 parks on more than 1,000 acres, community gardens, and other sites.

Many of the most common lawn and landscape pesticides—including glyphosate, the main ingredient in Roundup—are harmful to human health, pollinators, and wildlife. Twenty-six of the top 40 pesticides are possible or known carcinogens, and 24 have the potential to disrupt the endocrine system, among other impacts, according to Beyond Pesticides.

As consumer concerns about the harms of pesticides grow, fueled in part by the billion-dollar settlements against Bayer over glyphosate's link to cancer, and EPA's failure to ban or restrict pesticides banned by other industrial nations, communities are increasingly passing pesticide reform laws. Portland is one of 31 communities in Maine, and 190 across the country, to have done so.

Among the more recent laws:

- New York City in April banned synthetic pesticide use on all city property except golf courses and playing fields;
- Maui banned both synthetic pesticides and fertilizers from all county lands (the entire island) in August;
- Late last year Baltimore banned chlorpyrifos, neonicotinoids, and glyphosate use on public and private property.

As the movement matures, some cities and counties—including Maui; Stamford, Connecticut; and South Portland—are not simply prohibiting certain pesticides, which often leads to waivers or substitution with another toxic chemical, they're requiring local governments to use products certified by the USDA National Organic Program.

"The pesticide reform movement has been quietly, incredibly successful at the local level over the last decade. It's becoming less controversial," Drew Toher, community resource and policy director at Beyond Pesticides, told EHN.

Communities still face headwinds, however, from resistant public agencies that often lack training, staff, and resources, and are subject to the insidious influence of the pesticide industry and its proxies that seek to derail the movement.

Pesticide industry influence at the local level

Pat Farrell, ball field crew member, Portland Parks and Recreation with the city's new machine that provides many functions, including soil aeration, to help with organic management. "Now that we don't use Roundup … [the machine] will skim all the weeds playable that day. So that's saving us a lot of sod cutting and raking. We love it." (Credit: Meg Wilcox)

Portland has a vibrant local food movement and a strong conservation ethic. Resident pushback over Roundup spraying had been brewing for years, said Avery Yale Kamila, co-founder of the advocacy group Portland Protectors, which launched the effort to ban synthetic pesticides in 2015, along with the Portland Pollinator Partnership and others.

The City Council set up a task force in 2016 to investigate the issue, and Kamila was one of a dozen members appointed. Opposition arose largely from pesticide applicators in the state, but a representative from Responsible Industry for Sound Environment (RISE), a

pesticide trade group, came up from Washington D.C. to testify, Kamila told EHN. "He was a younger guy, sharply dressed and like really nice shoes…it was very clear that he was an out-of-owner," she joked.

Trade groups like RISE, the National Pest Management Association (NPMA), the National Association of Landscape Professionals, and the Golf Course Superintendents Association, are typically engaged in local-level fights, while the manufacturers focus on higher-level battles, said Toher. Yet there's a lot of intermingling.

Chemical company representatives sit on the boards of these trade associations or provide financial contributions to become partners. The trade groups are also members of CropLife's Pesticide Policy Coalition (PPA), a lobbying group that includes major pesticide manufacturers such as Bayer, Syngenta, BASF, and Dow. PPA, for example, advocated unsuccessfully for a provision in the 2018 Farm Bill that would have preempted cities and counties from passing local pesticide ordinances.

In Maine, the Golf Course Superintendents Association of America (GCSAA) rallied opponents of local pesticide laws through an industry front group that no longer exists, Mainers for Greener Communities.

In the April 2016 Facebook post below, the group boasted it had thwarted Kennebunk, Maine's effort.

GCSAA crows about its participation in annual strategy meetings held by CropLife and RISE and offers its members a priority issues toolkit on issues such as glyphosate and preemption of local laws.

Industry takes things up a notch when private property is covered by a ban, as it is in Portland, said Toher. "Every state where we get policies that affect private property, [the industry] has consistently tried to introduce state-level legislation that would overturn local policies."

A few months after the Portland ordinance passed, then-Governor Lepage tried to pass a state law preempting, or nullifying, local pesticide ordinances. The bill's language mirrored that of the conservative lobbying group ALEC, and, though it was the fourth attempt to pass a preemption bill in Maine, it failed.

RISE and 13 lawn care plaintiffs similarly sued Montgomery County, Maryland, in 2018 over its ban on synthetic pesticides on private property. The court ruled in the County's favor, which opened the door for other Maryland towns and counties to pass their own bans.

Trust in the Environmental Protection Agency (EPA)'s regulatory system for pesticide approval, and the virtues of integrated pest management (IPM), an approach that relies on pesticides as a last resource but often still uses a notable amount, are chief industry talking points that get parroted at the local level.

Avery Yale Kamila in the community garden at Fox Fields and Playground. (Credit: Meg Wilcox)

Jason Davidson, senior food and agriculture campaigner at Friends of the Earth, agrees that the "very clear flow" of talking points from the pesticide industry down through state trade associations to their members who may be contractors to local government can stymie or weaken local pesticide reform measures.

And while industry groups tout EPA's rigorous pesticide approval process, a recent expose by the Intercept revealed pervasive corruption in the process, with politicians and industry representatives pressuring government scientists to approve pesticides based on insufficient or even falsified data.

Industry talking points seeped into the debate in Philadelphia, which passed a pesticide ban in October 2020. Doug Rea, President of the Philadelphia Association of Golf Course Superintendents; Zack Zaki, global business director of GSS, FMC Corporation (an insecticide producer headquartered in Philadelphia) and vice chair of RISE's executive

committee; and Bob Mann from the National Association of Landscape Professionals (NALP) were among industry representatives who testified against the bill and echoed the same talking points on the safety of the EPA's regulatory process and the benefits of IPM.

Philadelphia's City Council unanimously passed the law, which bans synthetic herbicides on public property, but Mayor James Kenney neither signed nor vetoed it, leaving the law in limbo. Instead, he penned a letter specifying a narrower approach the city would follow. His reasons echoed industry talking points:

"In managing over 12,000 acres of land, Parks & Recreation (PPR) only uses herbicides that have been approved by the US Environmental Protection Agency (US EPA), which requires extensive scientific data on the potential health and environmental effects of these substances."

The National Association of Landscape Professionals is active in many other communities besides Philadelphia. Its 2021 Mid-Year Government Relations Report states it was "actively engaged in lobbying, engaging the ACT Network and providing testimony" on 324 out of 1,267 bills that could affect landscape and lawn care companies. Pesticide preemption and pesticide bans/restrictions were among its top issues cited.

NALP's report spotlights its defeat of a Prince George's County, Maryland, proposed ban: "NALP defeated an attempt to ban the use of synthetic pesticides on public and private property. This was no easy feat considering neighboring Montgomery County, which passed a similar ordinance several years ago, was heavily engaged."

Pesticide ban victories

Alex Marshall, parks director, Portland Parks and Recreation Director and Avery Yale Kamila, director Portland Protectors at Fox Field and Playground. (Credit: Meg Wilcox)

Portland's pesticide ban has been most successful thus far on public property because of the parks and recreation department's willing participation. Its director, Alex Marshall, consults with Chip Osborne, president of Osborne Organics and a national expert in organic land care management, who Marshall calls "the wizard."

Beyond playing fields, Marshall has opted for organic treatment of invasive species, like Brown-tail Moth and Emerald Ash Borer, at some of the city's iconic parks—even though Portland's law allows for invasive species waivers. For example, the city used an organic product (Entrust by Spinosad) on the Brown-tail Moth, which not only damages forests but causes rashes in sensitive individuals.

Implementation of the law is harder to track on private property, though all but two pesticide applicators filing annual reports with the city in 2020 reported full compliance, according to Kamila. Two independent hardware stores in Portland also now sell only organic pesticides and fertilizers.

Portland is "a place that was already on the organic train, long before this ordinance was adopted," Kamila said.

Public support for banning synthetic pesticides similarly helped New York City and Maui.

In New York City, a kindergarten class and its now retired teacher, Paula Rogovin, first launched the effort to ban synthetic pesticides from city parks. They later joined forces with The Black Institute and Reverend Billy and the Stop Shopping Choir, who viewed glyphosate spraying in city parks as "a prime example of environmental racism," according to Bertha Lewis, director of the Black Institute.

"When spring and summer comes, we lay our blankets down on the grass. We can't go to the Hamptons, or Martha's Vineyard," Lewis told EHN. Reverend Billy (William Talen) mapped the city's glyphosate application data, and Lewis wrote a report, Poison Parks, analyzing the data which showed a racial disparity in spraying.

For example, of the 50 parks or playgrounds sprayed in Manhattan in 2018, 42 were in Harlem, where 62% of the population is Black or Brown. Also, 77% of the New York City Parks Department employees involved in spraying (laborers, building service employees) are people of color.

Animal rights groups, doctors at Mt. Sinai, and national environmental groups joined the coalition. It took seven years to pass the bill, with initial delays coming from within the City Council, Ben Kallos, the councilor who sponsored the ordinance, told EHN, noting that "the parks department, which opposed the measure, held a lot of sway with the City Council." Mayor De Blasio also strongly opposed the bill.

Glyphosate, imidacloprid (a neonicotinoid) and fipronil, a replacement for chlorpyrifos with potential endocrine disruption and neurotoxic effects, are among the most toxic, high-use pesticides the city was using as of 2019 that are now banned. Glyphosate accounted for 31%of all liquid herbicide use in NYC in 2019. Herbicide use is relatively small, however, compared to the city's use of rodenticides and insecticides. In 2019, insecticide use on pests such as roaches, bed bugs, termites, and mosquitoes was 69% (by application) of the city's total pesticide use. Public health exemptions are allowed for in the law.

Store Manager Norman Sirois, and Holly Barnum, Lawn and Garden department at Eldridge Lumber & Hardware, one of two independent stores to sell only products in compliance with Portland's pesticide law. Barnum holds up the organic alternative to Roundup. "It's the soil not the grass," she says, regarding weed management. (Credit: Meg Wilcox)

The coalition that formed to pass the bill is now working with the parks department to pilot organic management on select parks and help train employees on the new techniques. It's also leading educational workshops with gardeners' associations and the Department of Public Works' labor union. Stonyfield Organic's Play Free Program provided a grant to the city to help it move towards organic management.

"We can't be in the business of banning chemicals, just so that chemical companies can come up with new chemicals that do the same thing," Kallos said. "We need to adopt an organic-first, non-chemical approach."

Maui's effort similarly took seven years. All the major pesticide companies have research and development centers in Hawaii. The "Big Five" (Monsanto/Bayer, Syngenta, Pioneer, DowDuPont, BASF) spend millions to influence local legislation impacting pesticides, but they also endeavor to "make friends with the community," Autumn Ness, director of Beyond Pesticides'Hawai'i Organic Land Management Program, told EHN. For example,

they sponsor schools, give out science scholarships, and attend school science fairs to give talks on pollinators. Elementary school kids come home wearing bracelets from pesticide manufacturers, she said.

Organizations like Hawai‘i Alliance for Progressive Action have worked on issues of pesticides, sustainable agriculture, and fair water use for decades, noted Ness. "We spent so many years educating the public and council members, and even people in the [parks] department that there's better ways to do things and it was just a no brainer," she said.

Robin Proctor, founder & CEO of Weedsteam Hawai'i, demonstrates how to kill weeds by steam instead of with Roundup to a public works crew in Maui. (Credit: Autumn Ness)

Maui's law prohibits the use of synthetic fertilizers and pesticides on any county-owned land, including golf courses, by requiring the use of chemicals from the National Organic Standards list. Letters sent to Hawaii's Department of Agriculture in 2016 indicate that glyphosate, dicamba, and 2,4-D were among the more toxic herbicides Maui was using on county-owned land that it will now no longer use.

Baltimore's law passed about a year after residents, buoyed by Montgomery County's court victory, petitioned the City Council to take up the issue, according to Mary Pat Clarke, who sponsored the bill. The law has stricter provisions on private property, banning all synthetic pesticides, though a final-hour amendment killed the provision for public education. Clarke said that the health department objected because it did not have the resources to undertake an education campaign during the Covid pandemic.

Lawn contractors, however, were "the biggest opponents" of the law, said Clarke. "It was a very intense process of hearing from agencies, and from people, and from the lawn service people from the whole region." As a result, the final law included a glyphosate waiver for invasive vegetation on public property subject to the commissioner of health's approval.

Synthetic fertilizer bans: the next frontier

Chip Osborne, Osborne Organics, first on left, leads an organic management session with Maui County parks department staff in 2017. (Credit: Autumn Ness)

Synthetic fertilizers bans are the next frontier in the local pesticide reform movement, said Jay Feldman, executive director of Beyond Pesticides, noting that weed and grub problems in turf are typically a function of inadequate root growth in soil systems. "Unless you get off that treadmill of having the plants rely on the synthetic nutrients, you're not building the soil health adequately to enable healthy, resilient turf."

Application of synthetic fertilizer in soil also releases the greenhouse gas nitrous oxide, which is 300 times more potent than carbon dioxide. Levels of the gas have risen 30% in the last 40 years, largely due to agriculture. Excess fertilizer use also leads to nutrient pollution in waterways, which can cause toxic, oxygen-depleting algal blooms, such as the one that shut down Toledo, Ohio's water supply in 2014.

"All the existential crises that we're facing in terms of public health threats, the climate crisis, and biodiversity collapse can be addressed in part by the way we manage our land," said Feldman.

South Portland was the first community to ban synthetic fertilizers in 2020. Stamford, Connecticut, recently followed suit. Advocates in New York State are seeking to do the same because of serious water pollution problems, including nitrates from fertilizers used in present day lawn care and past potato farming in Long Island's sole source aquifer.

Grassroots Environmental Education has been trying to pass state-level legislation for two years that would ban the use of high nitrogen water soluble fertilizers, said Patti Wood, executive director, but "Scotts company was on our tail every second." Scott's is a multinational lawn, garden, and pesticide company.

Organic values

Portland's Rugby Football Club relaxes after a recent game on Fox Field. Tom Lovering is back row, second from left. (Credit: Tom Lovering)

Meanwhile, back in Portland, Fox Field and Playground visitors are pleased with the organic management—even if they don't necessarily understand what's involved.

"Fox Street was sort of a neglected field where you never knew what you're going to have to pick up off the field before the game," Tom Lovering, coach of Portland Rugby Football Club, told EHN. Lovering, who has played on the field for decades, notes that the new organic management regime, along with the rest the field got last year during Covid, "brought a lot of the vegetative growth back, which is really important for contact sports."

While Lovering confesses to being ignorant about what organic management means, he said, "I definitely prefer that over them saying, 'Let's just throw some chemicals at this problem and don't worry about the consequences of that."

"As Portland-area residents, it aligns with a lot of our values."

Banner photo: NYC Councilor Ben Kallos speaking at a press conference the day the pesticide law passed. Bertha Lewis, The Black Institute, is at his left, and City Councilor Corey Johnson is on his right. Retired school teacher Paula Rogovin is behind Johnson. (Credit: Office of Ben Kallos)

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