

Preemption of Local Pesticide Regulation

A Statement to the House Committee on Agriculture — Subcommittee on Department Operations

by Illinois Fertilizer & Chemical Association
Lloyd Burling, Executive Director

P. O. Box 186, St. Anne, IL 60964-0186 — March 4, 1992

The State of Illinois has the unique honor of having more units of local government than any other state in the union. Not only do we have the possibility of our cities, villages, counties, townships regulating pesticides, but we have over 6,000 special districts governing our forests, parks, water districts, libraries, convention centers, water wells, airports, some hospitals, and a myriad of other activities, that offer a potential web of boundaries that would become impossible to manage even if only a fraction of them decided to issue regulations on pesticide use.

The people of the state decided, in their new 1970 constitution, to grant home rule powers to cities and counties that qualify by either the size of their population or by direct voter referendum. There is a legitimate question posed by citizens as to whether home rule entities should be preempted. On the other hand, last summer's Supreme Court decision has the potential of causing havoc in and among non-home rule bodies unless Congress takes action to bring us back to the status understood by governing bodies prior to **Wisconsin Public Intervenor v. Mortler**.

Although the issue of pesticide regulation is an emotional one, the real issue here is the integrity of our federal system of government. If the topic of the Supreme Court ruling was jurisdiction over cosmetics, we doubt that there would be the outcry that we hear now. Congress would simply, and quietly, pass legislation re-authorizing the FDA to regulate lipsticks. And Congress would be right in doing so, simply because our federal system allows for an agreement between our elected bodies to respect certain jurisdictions. The fact that pesticide regulations are involved makes this an issue too easily colored by impassioned but mistaken rhetoric.

A single Illinois farm may be included within 15 to 20 special districts, in addition to the municipality, township and county, all having some sort of jurisdiction over various activities or programs in that region. We don't think that Congress intended to give pesticide regulatory power to all of those districts.

The Illinois Fertilizer & Chemical Association represents nearly 1200 individuals and companies serving Illinois farmers. In view of the special programs faced by these farmers, our customers, in Illinois, and considering the principles of federalism in this country, our association respectfully requests members of this committee to give favorable consideration to preempting local regulation of pesticides.

AN ACT to amend the Illinois Pesticide Act by changing Section 3.

Be it enacted by the People of the State of Illinois represented in the General Assembly:

(cont'd. page 9)



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(Pesticide Regulation cont'd.)

Section 1. The Illinois Pesticide Act is amended by changing Section 3 as follows:

(Ch. 5, par. 803)

Section 3. Delegation of authority. The Illinois Department of Agriculture shall administer "the Illinois Pesticide Act".

1. It shall be the duty of the Department of Agriculture to enforce this Act and such provisions of other Acts intended to control the registration, purchase, use, storage and disposal of pesticides, unless otherwise specified in this Section. Also, the Department of Agriculture shall control the purchase and use of pesticides pertaining to the production, protection, care, storage, or transportation of agricultural commodities and to control the use of pesticides applied by agricultural equipment.

2. It shall be the duty of the Department of Public Health to enforce such provisions of this Act and other Acts intended to control structural pest pesticides, as defined in subparagraph 37 of Section 4, of this Act. It shall be the duty of the Department of Public Health to enforce such provisions of this Act related to vector control, control of pestiferous and disease carrying insects, rodents, and other animals, and control of birds and other mammals that may pose a threat to the health of the public.

3. It shall be the duty of the Environmental Protection Agency to enforce such provisions of this Act and other Acts intended to protect and preserve the quality of air, water, and guard against unreasonable contamination of land resources.

4. **This Act specifically prohibits the regulation of pesticides, by any political subdivision of this State. The regulation of pesticides under this Act is an exclusive function of the State and is a denial and limitation, under Article VII, Section 6, subsection (h) of the Illinois Constitution, of the power of a home rule unit to regulate pesticides.**

(Source) P.A. 83-177).

New Book About Golf Courses and the Environment Released

FAR HILLS, N.J. — The United States Golf Association offers a new book entitled, *Golf Course Management and Construction: Environmental Issues*. This publication will serve as a comprehensive reference book summarizing the environmental effects of golf courses on surface — and ground-water quality, wildlife, and wetlands.

This important publication provides a scientific rather than emotional analysis of the impact of golf courses on the environment. The 900-page book is based on a review of pertinent scientific literature compiled by Spectrum Research, of Duluth, Minn.

Golf Course Management and Construction: Environmental Issues is divided into chapters, such as wildlife, water use, and pesticide applications, and includes an extensive reference section at the end of each chapter. The book should prove invaluable to anyone interested in these issues, including golf course superintendents, architects, green committees, researchers, developers, and regulators.

Golf Course Management and Construction: Environmental Issues will be available beginning in May, 1992, for \$72.25 each (including shipping and handling).

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