

Casey Suit to be Appealed

By Russel R. Weisensel
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On Monday, June 27th, the Citizens Advisory Committee to the office of Wisconsin Public Intervenor directed Tom Dawson to appeal the Washburn County Circuit Court order which declared the Town of Casey Pesticide Ordinance "void, invalid and of no effect". (At the time this newsletter is being written the appeal has not been filed, but the Public Intervenor in a conversation on July 25th stated that he expected the filing would take place in a few days.)

This decision is not too surprising. The Public Intervenor had stated, when the County Forest Administrator of Washburn County challenged an earlier Casey ordinance, that he would support the Casey law. Also the current attorney for the Town, Linda Monroe, was a member of the Public Intervenor's staff and drafted the various

pesticide ordinances which were adopted by the Town of Casey in 1983, 1984 and 1985.

The Town of Casey had voted on June 14th to appeal the Court's decision. They were hoping that the Public Intervenor's office would support the appeal since then the only cost to the town would be the \$160 filing fee. Now the appeal briefs and arguments will be prepared at state taxpayers' expense by the Public Intervenor's office.

We had written both the Attorney General and the PI's Committee questioning the wisdom of continuing state involvement and costs on this particular case. Ms. Monroe, the town's attorney, requested an opportunity to appear before the PI's Advisory Committee to present their position.

The points we made were that the Washburn County ruling stated it was

the intent of Congress that FIFRA preempt and prohibit regulation of pesticides by local governments; that it was the Legislative intent, and that state law also preempted local pesticide regulations; and that the Casey Ordinance conflicts with Federal and State law and regulation. (Support of any one of the above conclusions would void the ordinance.)

We further cited the Court's statement that this case was decided on purely legal grounds, and noted that recent appeals of similar cases in Maryland, Illinois, Massachusetts and New Hampshire all reached the same conclusion as did Washburn County Circuit Judge Bailey. Our arguments were not successful and those of you who are Wisconsin residents will be footing the bill for this appeal.



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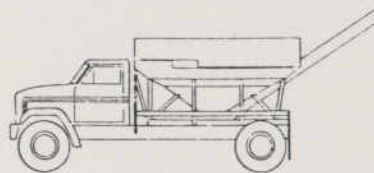
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