

# BEYOND PESTICIDES

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January 9, 2017

Mayor Anan Abu-Taleb  
Village of Oak Park, IL  
123 Madison St  
Oak Park, IL 60302

Honorable Mayor Anan Abu-Taleb,

This letter is written on behalf of Beyond Pesticides' members and supporters in the town of Oak Park, IL. Beyond Pesticides was founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and people, including residents of Oak Park, and a range of people seeking to advance improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides.

We are writing to encourage your support for a resolution that urges the state of Illinois to repeal the preemption of local government regulation of pesticides and restore the right of local home rule governments to adopt pesticide regulations as they deem appropriate. After the U.S. Supreme Court affirmed the authority of local governments restrict pesticides under federal pesticide law, the chemical industry launched a major campaign resulting in 43 states restricting local government's authority to regulate pesticide use further than state law.<sup>1</sup> Preemption, the ability of one level of government to override laws of a lower level, has an important legal, political, and legislative history regarding pesticide regulation that provides helpful context for current efforts by local advocates.

The prevailing federal precedent was decided in 1991 when the U.S. Supreme Court, in *Wisconsin Public Intervenor v. Mortier*, ruled that federal pesticide law (Federal Insecticide, Fungicide and Rodenticide Act) does not preempt local jurisdictions from restricting the use of pesticides more stringently than the federal government. According to *Mortier*, however states do retain authority to take away local control. In response to the Supreme Court decision, the pesticide lobby immediately formed a coalition, called the Coalition for Sensible Pesticide Policy, and developed boilerplate legislative language that restricts local municipalities from passing ordinances on the use of pesticides on private property. The Coalition's lobbyists descended on states across the country, seeking and passing, in most cases, preemption legislation that was often identical to the Coalition's wording.

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<sup>1</sup> Beyond Pesticides. 2013. State Preemption Law: The Battle for Local Control of Democracy.

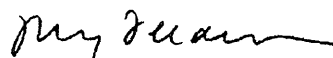
In the 43 states where the chemical industry coalition was successful, localities can only address pesticide use on public property, and cannot restrict toxic pesticides on private properties. And while only seven states retain this right for localities, those that do show there is a desire for local authority to restrict the unnecessary use of hazardous pesticides in these areas. Takoma Park and Montgomery County (population 1 million) in Maryland passed ordinances banning the use of pesticides for cosmetic purposes on all property, in favor of organic practices. Nearly 20 communities in Maine have restricted pesticide use on private property in some way, including comprehensive cosmetic pesticide restrictions passed in Ogunquit and South Portland. Restoring local authority to regulate pesticides is among the most important battles in protecting the health and environment of communities.

It is important to note that preemption repeal would not require any locality within Illinois to change their current pest management practices. It would simply provide local governments with the ability to enact stricter laws than the state, if they so choose, through a resolution or ordinance. Control of disease vectoring pests, such as rats or mosquitoes, would not be impeded by providing the ability for localities to enact democratic reforms on pesticide use. Experience finds, and *Beyond Pesticides Map of Local Pesticide Reform Policies* shows,<sup>2</sup> even when local governments do pass stricter, more protective policies on pesticides, the use of these chemicals for public health concerns, including use on poisonous or disease carrying pests, is always exempt.

As a public health advocacy organization, Beyond Pesticides understands the need for local governments to employ emergency pest control measures when there is an imminent threat to public health. In policies we are asked to consult on, we encourage the allowance of these exemptions through a process that defines and clarifies when a pest emergency constitutes an imminent threat to public health. This approach ensures that these clauses are not abused in a way that ultimately undermines the intent of safer pest management to protect health and the environment.

We look forward to working with local advocates and Oak Park's elected officials to repeal Illinois state pesticide preemption law and foster effective, common-sense reforms to the use of toxic pesticides. Beyond Pesticides remains available to answer any questions you may have on the issue of pesticide preemption or local pesticide reform in general.

Sincerely,



Jay Feldman  
Executive Director

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<sup>2</sup> Beyond Pesticides. 2016. *Map of Local Pesticide Reform Policies*.