



Agenda Item Summary

File #: RES 17-483, **Version:** 1

Submitted By

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Reviewed By

CLP

Agenda Item Title

Resolution in Support of the Repeal of the State Pesticide Preemption

Overview

A resolution has been prepared to support the repeal of the existing State of Illinois pre-emption of Home Rule Authority as to restrict the use of pesticides within local jurisdictions.

Staff Recommendation

Approval.

Fiscal Impact

N/A.

Background

As a home rule unit of government, the Village of Oak Park is subject to the State of Illinois Pesticide Act that preempts home rule powers and reserves the right of the State to legislate regulations related to the use of pesticides. The preemption provision includes an exception for counties and municipalities with populations over 2 million (which applies only to Cook County and the City of Chicago).

The Illinois provision states: "The regulation of pesticides by any political subdivision of this State, including home rule units, is specifically prohibited except for counties and municipalities with a population over 2,000,000. The regulation of pesticides under this Act is an exclusive power and function of the State, except as provided in this paragraph, 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."

The Village has been asked to adopt a resolution by the Beyond Pesticides members to support the State of Illinois removing the home rule preemption. If the State were to remove the home rule preemption, the Village of Oak Park could establish regulations to govern to private use of pesticides within Oak Park.

Alternatives

The Board could defer action to seek additional information.

Previous Board Action

N/A.

Citizen Advisory Commission Action

The matter has not been referred to the Environment and Energy Commission.

Anticipated Future Actions/Commitments

N/A.

Intergovernmental Cooperation Opportunities

N/A.

Performance Management (MAP) Alignment

N/A.