

Open Letter from Rachel Carson Landmark Alliance To the Montgomery County Council: In Support of the Healthy Lawns Act (Abridged)

Background

Many citizens showed support for protection from toxic chemical pesticides applied to residential turf by professional landscapers through testifying in favor of Bill 52-14. (see RCLA Testimony supporting Bill 52-14, 1-15-15) The Council rightly showed responsiveness to such citizen concerns and with majority support voted in favor of the Healthy Lawns Act to implement Bill 52-14. Below are reasons for RCLA's support of the Council's decision to appeal Judge McGann's recent ruling against Bill 52-14.

1. Maryland Rejected Preemption Over 20 Years Ago

Maryland is one of a handful of states that did not pass legislation that was favored by the chemical industry and backers of chemical pesticide use and would have preempted (prohibited the passage of) any local pesticide regulations more restrictive of pesticide use than those at the state level.

As a result no preemption laws were enacted in Maryland, indicating opposition by the state's population and legislators to laws prohibiting regulatory legislation at the local level that would be more protective of health and the environment.

2. A Serious Misunderstanding of Federal Pesticide Regulations?

Opponents of the Healthy Lawns Act were quoted as stating in a 5-18-17 news article that pesticides are "safe when used correctly." If the reporter had taken time to research the veracity of such a statement here is what the evidence would have shown: Federal Law specifically prohibits manufacturers from labeling their products as "safe, non-poisonous, non-injurious, harmless or non-toxic," even when accompanied by a qualifying phrase such as "when used as directed." (40CFR:162.10(a)(5)(ix).

In other words use of a chemical pesticide product registered by the US Environmental Protection Agency (USEPA) is accompanied by one or more risks. Calling chemical pesticides "safe" is a misstatement of the risk/benefit conditions under which pesticide products have been registered, and permitted by the USEPA to enter the US market. Furthermore, the 5-18-17 newsarticle seems to indicate that those who support use of chemical pesticides for nonessential cosmetic purposes on residential lawns (and oppose Montgomery County's Healthy Lawns Act) appear not to know the basic underpinnings of regulatory conditions in place at the USEPA to register (not approve) these "economic poisons" (a legal term for

chemical pesticides). Could ignorance of this USEPA regulation by representatives of the landscape industry be symptomatic of a deeper misunderstanding of pesticides' actions that could lead to problems for those citizens who are exposed to hazardous chemical pesticide sprays or to the turf treated with similar chemical pesticide products?¹ It certainly seems possible. Here, then is one reason that the Healthy Lawns Act is needed.

3. Lack of Knowledge About Pesticides Does Not Mean Lack of Harm

“Pesticides have medical impacts as potent as pharmaceuticals do, yet we know virtually nothing about their synergistic impacts on our health or their interplay with human diseases.” (Dr. Mark Winston, NYT, 7-13-14). In other words when an individual is exposed to toxic pesticides, potential interactions or adverse effects are largely unknown if exposures to other pesticides and/or drugs take place or if the individual has concurrent health problems such as cancer, liver, kidney or nervous disorders. Unless and until more is known about multiple pesticide/drug/disease interactions the public needs to be protected from use of such chemicals for nonessential cosmetic purposes on lawns. This is one of the many reasons that Montgomery County’s Healthy Lawns Act needs to be in place.

4. Landscape Pesticides Are Linked to The Most Common Form of Canine Cancer

Pet dogs are very important to their owners. Dogs continue to develop malignancies associated with exposure to chemical pesticides applied by professional landscapers. A 2012 scientific report generated by a group of veterinary and medical institutions found that dogs had a significantly higher risk of developing Canine Malignant Lymphoma (CLM) when exposed to pesticides applied by professionals to residential lawns. (Takashima-Uebelhoer, et al, “Household chemical exposures and the risk of canine malignant lymphoma, a model for human non-Hodgkin’s lymphoma,” Environmental Research, 112(2012) 171-176) **Canine Malignant Lymphoma (CLM) is the most common canine cancer.** We wonder how many of those involved in attempting to overturn the Healthy Lawns Act are aware of the distress experienced by owners who have lost beloved pets to cancer. As a veterinarian in companion animal practice I observed owners’ anguish on facing a diagnosis of cancer in a pet dog. Under such circumstances the owners confront an emotionally devastating series of decisions on whether to allow treatment that could cause distress to the pet and require a costly financial commitment by the pet’s family.

¹ In stating his reason for County Bill 52-14 (which he calls the Ordinance) being unlawful, Judge McGann writes “the County Ordinance prohibits and frustrates decades of State primacy in ensuring safe and proper pesticide use.” However, in opposition to his decision there is now substantial evidence that pesticides prohibited for nonessential cosmetic use under Bill 52-14 are linked with serious health issues for people, pets and the environment of Montgomery County (see RCLA Testimony supporting Bill 52-14, 1-15-15)

EPA labeling does not adequately protect dogs from the risks of exposure to 2,4-D one of the most common herbicides in use on lawns. Why? The EPA-registered label may advise waiting until the treated grass dries or waiting for 6 hours before allowing dogs access to treated grass. A comparable time recommended by veterinary toxicologists for dogs to avoid contact with pesticide-treated turf is 24-48 hours after treatment. (p. 505, Osweiler et al, Small Animal Toxicology 2011) Note: Canine Malignant Lymphoma has been proposed as an animal model for human cancer also associated with pesticide exposure.

5. Rachel Carson Speaks Up For Pollinators

Pollinators are directly threatened by exposure to toxic chemical insecticides. They are indirectly threatened by the use of herbicides that deprive them of essential nectar and pollen sources.

Rachel Carson, renowned scientist/author and a prominent resident of Montgomery County wrote in 1962: “Honey bees and wild bees depend heavily on such “weeds” as goldenrod, mustard and dandelions for pollen that serves as the food of their young...Now clean cultivation and the chemical destruction of hedgerows and weeds are eliminating the last sanctuaries of these pollinating insects and breaking the threads that bind life to life.” (Silent Spring, 1962 in Chapter 6 “The Earth’s Green Mantle”)

Landscape companies encourage homeowners to get rid of dandelions and other weeds for cosmetic purposes by using services that rely on chemical herbicides.

6. The One-Health Concept Links Human, Animal and Environmental Health

The “One-Health” concept showing connections between human, animal and environmental health has existed for over 10 years. “The National League of Cities (NLC) adopted a resolution in 2011 supporting the One- Health concept, especially the part emphasizing that ecosystem health affects human and animal health” (JAVMA, 1-15-12).

Soil is an important part of environmental health due to its living components: Bacteria, Fungi, Insects and their interaction with each other as well as with Plants. Human generated damage to the soil’s living organisms from use of chemical pesticides for nonessential cosmetic purposes can adversely impact human, animal and environmental health.

Further, home owners who want to switch from growing turf to growing food for people or food for pollinators face a smoother transition if chemical pesticides have not been applied regularly to the residential grass. Pesticides can remain in

the soil and damage food plants (such as tomatoes and beans) that may replace the grass in a residential setting. Local food production by home owners has been encouraged by the National League of Cities as a sustainable practice. (JAVMA, 1-15-12). Home owners have been encouraged to plant for pollinators by the US Department of Agriculture and other organizations.

Conclusion

A decision has been made by Judge McGann to reject Montgomery County's Bill 52-14. Montgomery County, responded to citizen concerns by passing the Bill 52-14 and Healthy Lawns Act to better protect people, pets and the environment from hazardous chemicals applied to residential lawns for nonessential cosmetic purposes. These chemicals can eliminate important soil components, deprive pollinators of food sources, be carried by wind or rain to other sites, as well as potentially result in cancer of pets and their owners. We have cited evidence that such chemicals are not considered "safe" by the USEPA yet those objecting to Bill 52-14, even Judge McGann have used the term "safe" when referring to chemical pesticides in general. This apparent misunderstanding of the regulatory process by which chemical pesticides are registered and under which they are used combined with the known hazards of chemical pesticides are strong reasons to appeal this decision.

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