

Turfgrass Advocacy

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BACKGROUND

The role of states in the regulation of pesticides is well established. There are no federal prohibitions on states exceeding the federal standards regarding pesticide use. States have the authority to regulate the sale or use of pesticides as long as the state regulation does not permit a sale or use prohibited by section 24(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), USC 136v(a). In New York, the Department of Environmental Conservation has been charged to regulate pesticide sale and use. However, localities are prohibited from regulating pesticides, unless given enabling authority under state law. For example, under state law, counties are permitted to adopt local ordinances requiring neighbors to be notified 48 hours in advance when pesticides are to be used on adjacent properties. However, legislation has been introduced which would give localities authorization to adopt local laws which are more stringent and restrictive than state law or regulation. Examples are bills A913, A914, A995 and A4068 introduced by Assemblyman Thiele, A2662 introduced by Assemblyman Englebright, and A4247 introduced by Assemblyman Brodsky.

NYSTA PERSPECTIVE

Allowing localities to enact their own pesticide laws would create a confusing patchwork of local ordinances that differ from township to township. Elected officials must be wary of environmental advocates who take broad liberties to link virtually every disease to pesticide use, playing on the public's perception of risk and fear of disease, without substantial evidence. Unfortunately, what amount of good science that is available rapidly becomes lost in a tangle of emotions and subjective value judgments. Local regulation and enforcement would also add costs to local governments during tough economic times.

Licensed commercial pesticide applicators in New York State are among the most heavily regulated in the country. Professional applicators must know how to:

- Accurately identify the pests (insects, diseases, weeds, vermin, etc.)
- Apply the most effective and efficient pest control measures using IPM techniques
- Apply products safely and responsibly
- Determine the necessity of chemical control
- Select the correct pesticides to use
- Keep strict records of pesticides used

In addition, certified applicators must also renew their training regularly by attending approved continuing education programs. Many applicators subscribe to Integrated Pest Management (IPM), a system of controlling pests (weeds, diseases or insects) in which pests are identified, action thresholds are considered, all possible control options are evaluated and selected control(s) are implemented. This program stresses the prevention of pest problems and the safe and responsible use of pesticides when necessary.

RECOMMENDATION

NYSTA recommends that the legislature resist efforts to allow localities to regulate pesticides. The professional turfgrass and lawncare industry are tremendous economic assets for communities. They employ hundreds of thousands of people, enhance local economies through tax revenues and tourism and provide many ecological benefits by preserving green spaces.