



## Memorandum

**To:** Honorable Elizabeth B. Tisdahl and Members of the City Council  
City Manager, Wally Bobkiewicz

**From:** Paul D'Agostino, Environmental Services Bureau Chief

**Subject:** Resolution 13-R-17 – Advocating for the Repeal of Preemption of Local Government Regulation of Pesticides

**Date:** February 1, 2017

Recommended Action:

Alderman Revelle and City Staff recommend City Council adoption of Resolution 13-R-17, which sets forth a position that the Illinois General Assembly should repeal the preemption of local government regulation of pesticides.

Livability Benefits:

**Built Environment:** Address indoor and outdoor air quality and light pollution  
**Natural Systems:** Protect and restore natural ecosystems

Summary:

Chemicals used outdoors in Evanston impact neighbors, wildlife and our community. Some pesticides have raised significant human health and environmental concerns. For example, neonicotinoids are widely suspected to be major contributors to the collapse of pollinators, including native bees and honeybees. In addition, in March, 2016 Mayor Tisdahl proclaimed March 14 as “Monarch Butterfly Day” calling on the City to take steps improving habitat for monarch butterflies. As a part of this proclamation the Mayor committed the City to make changes to local ordinances relating to weeding, pesticide and herbicide use, mowing and landscaping. A change in regulation at the state level would allow the City to fulfill this commitment.

Currently, the Illinois state legislature controls the regulation of pesticides under the Illinois Pesticide Act, 415 ILCS 60/1 *et seq.* and preempts local measures. Home rule municipalities should be able to add more restrictive pesticide regulations within their jurisdictions. This resolution sets forth Evanston’s position and formally requests the Illinois General Assembly to reverse the state pre-emption of local government regulation contained in the Illinois Pesticide Act.

Attachments:

Resolution 13-R-17

**13-R-17**

**A RESOLUTION**

**Urging the State of Illinois to Repeal Preemption of Local Regulation of Pesticides**

**WHEREAS**, The City of Evanston in March 2016 issued a proclamation advocating for monarch butterflies and committing the City to take steps toward a healthy environment for pollinators, including planting more milkweed and encouraging pollinator gardens on public and private properties; and

**WHEREAS**, The City of Evanston has moved away from the use of synthetic pesticides and herbicides on the properties it manages, other than neonicotinoids to control emerald ash borer; and

**WHEREAS**, Evanston residents also have been advocating to encourage pollinator and bird habitats and to discourage the use of synthetic pesticides on private property; and

**WHEREAS**, In 1983, the State of Illinois adopted an amendment to the Illinois Pesticide Act of 1979, 415 ILCS 60/1 *et seq.*, that prohibits local governments from regulating the registration, purchase, use, storage and disposal of pesticides; and

**WHEREAS**, In 1991, the United States Supreme Court ruled that, absent state law to the contrary such as exists in Illinois, federal pesticide law does *not* preempt local regulations of pesticides (*Wisconsin Public Intervenor, et al., Petitioners v. Ralph Mortier*, 501 U.S. 597); and

**WHEREAS**, In *Wisconsin Public Intervenor*, the U.S. Supreme Court held

that the federal statute that governs the registration, distribution, sale and use of pesticides in the United States, Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), 7 U.S.C. 6 §136 *et seq.*, leaves local regulation of pesticides in the hands of local authorities; and

**WHEREAS**, the 1983 Illinois law expressly prohibits local ordinances regulating pesticides, thus making the aforementioned 1991 United States Supreme Court decision not applicable in Illinois,

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The City of Evanston urges the General Assembly of the State of Illinois to repeal the preemption of local government regulation of pesticides.

**SECTION 2:** The City of Evanston supports an amendment to the Illinois Pesticide Act to provide for the right of local home rule governments to adopt pesticide regulations that are more restrictive than State law.

**SECTION 3:** Resolution 13-R-17 shall be in full force and effect from and after its passage and approval, in the manner provided by law.

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Elizabeth B. Tisdahl, Mayor

Attest:

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Rodney Greene, City Clerk

Adopted: \_\_\_\_\_, 2017