



Localities and States Face Challenges Ignored by Fed

TAKING PROTECTIVE ACTION: LOCAL EMPOWERMENT

Local and state action to regulate pesticide use is essential in the absence of an adequate federal response to the hazards of pesticides and the related cross-cutting crises of public health threats, biodiversity collapse, and the climate emergency. There is a history of actions at the local and state level that precede state action going back to the banning of pesticides like DDT, 2,4,5-T, chlordane, alar, and others. In 2021, New York State banned glyphosate on state land and Florida's Commissioner of Agriculture and Consumer Services, an elected Democrat,

put a stop to the spraying of the highly toxic aldicarb on citrus. Maine banned consumer use of neonicotinoid insecticides with some exceptions, while the governor there vetoed a bill banning the aerial spraying of glyphosate and other herbicides. California released a draft strategy for climate action that focuses on the state's 105 million acres to sequester carbon and build resilience. Advocates want the plan to move the state's agriculture away from harmful synthetic pesticide use.

The transformational action is happening at the local level, where communities are

embracing an approach to land management that stops toxic pesticide use and establishes an allowed list of organic-compatible materials. This approach recognizes that the continued focus on banning individual chemicals will not meet the urgency of the moment that requires the adoption of practices that eliminate fossil-fuel based pesticides and fertilizers. Maui, Hawaii adopted comprehensive legislation that allows only those materials permitted under federal organic law on “any County highway, drainageway, sidewalk, right-of-way, park, building, community center, or other facility.” The New York City Council passed legislation on Earth Day 2021 that also only permits organic-compatible materials on parks, playground, and public spaces. The sponsor of the bill, Council Member Ben Kallos said, “All families should be able to enjoy our city parks without having to worry that they are being exposed to toxic pesticides that could give them and their families cancer.” A strong advocate of the legislation, The Black Institute, pointed out at a press conference on the legislation that, based on findings in their report *Poison Parks*, pesticide use in the parks results in disproportionate

harm to people of color neighborhoods in New York City and city landscapers who handle dangerous pesticides are almost all black and brown people. Other successful examples of efforts that have led to the adoption of local policies to transition to organic management of public land is growing nationwide with examples in Stamford, Connecticut and Los Alamos, New Mexico.

The pressure on state government and corporations heated up in California. Action in California state courts have struck down the state’s program that conducts pesticide spraying for invasive species nearly anywhere—in backyards, on school and recreational grounds, on organic farms, on public lands, and sometimes, across entire neighborhoods—without any analysis of the health and environmental impacts of those applications, or any notice to the public or opportunity to comment on the program. The case was remanded to the lower court to take action. Also in California, the State Supreme Court upheld the \$87 million award in one of the glyphosate damage cases. Another one of the glyphosate cases is headed to the U.S. Supreme Court.



New York State Bans Glyphosate/ Roundup on State Land, while Advocates Push for Organic Land Management

JANUARY 12, 2021 | New York State is set to prohibit on December 31, 2021 the use of [glyphosate](#) on all state property after Governor Andrew Cuomo signed bill [S6502A/A732b](#) late last year. The state legislature passed the legislation in July, 2020. The move is an important recognition by the nation’s fourth most populous state that the U.S. Environmental Protection Agency (EPA)

is not adequately protecting people and the environment from hazardous pesticides (pesticide is an umbrella term that includes insecticides, herbicides, fungicides, etc.). However, the law’s ability to improve these protections will depend significantly upon the management approach that replaces glyphosate use. “A transition away from Roundup and other glyphosate-based pesticides must reject the use of regrettable substitutes, and embrace sound organic principles and practices,” said Jay Feldman, executive director of Beyond Pesticides. In pest and weed management, regrettable substitutions occur when one toxic chemical is banned or restricted, and

another hazardous pesticide is simply used in its place. The substitution may have a different chemical formulation, mode of action, and set of health and environmental impacts, but nonetheless fills the same role as Roundup/glyphosate when it comes to weed management. When the answer to eliminating glyphosate is to switch to another herbicide like 2,4-D, glufosinate, triclopyr, or dicamba, the message is not getting across, and more education and advocacy is needed, advocates say. A chemical-intensive approach focuses on treating symptoms—pests and weeds, but ultimately undermines a land manager’s capacity to address these problems naturally. This is because synthetic pesticides (and fertilizers) harm soil life, while an organic approach to land management focuses on enhancing soil health by nurturing soil biology.

New Mexico Bill Will Protect Children from Toxic Pesticides Where They Learn and Play

FEBRUARY 11, 2021 | New Mexico State Senator Brenda McKenna introduced the *Public Schools Pesticide Management Act* (PSPMA) (SB 326) in order to protect school children from exposure to toxic pesticides where they learn and play. The legislation advances ecological pest management, an environmentally healthy way to protect children and the public from weeds and insects, within all schools, classrooms, community parks, and playgrounds in the state. Under PSPMA, only organic and minimum risk pesticides, the least-toxic, yet still-effective products on the market will be allowed. Toxic pesticide use will be permitted only under a defined public health emergency, as determined by a public health official. The law does not address the use of pesticides in farming or agriculture. “All children in New Mexico have the right to a safe environment where they learn and play,” said State Senator Brenda McKenna. “This legislation embraces an environmentally healthy approach

TAKE ACTION

If you are resident of New Mexico, [tell your elected state senator and representative](#) to support pesticide protections where children learn and play . . . AND [share our infographic](#) on the Public Schools Pesticide Management Act with your social networks to generate even more support!

NEW MEXICO SUPPORT SB326 PUBLIC SCHOOLS PESTICIDE MANAGEMENT ACT

WHY PASS THE PUBLIC SCHOOLS PESTICIDE MANAGEMENT ACT?

- US EPA encourages but does not require safer pest management at schools, leaving a gap in the protection of children's health that state legislatures must fill.
- EPA continues to permit highly toxic, carcinogenic herbicides like glyphosate, despite clear evidence on the dangers it poses to human health and the environment.⁽¹⁾ Likewise, the agency routinely voted back "safer" herbicides for agricultural use, even those specifically intended to protect children's health.⁽²⁾
- New Mexico can protect its children from unnecessary harm and lead the nation in establishing an ecological pest management approach.

PROTECTS CHILDREN FROM TOXIC PESTICIDES

In a landmark report, the American Academy of Pediatrics (AAP) called for governments to reduce children's exposure to pesticides.⁽³⁾ AAP urges that scientific evidence demonstrate associations between exposure to pesticides and children's decreased cognitive functioning and other problems.⁽⁴⁾

USES ECOLOGICAL PEST MANAGEMENT

SB326 limits pesticides to those that protect in the least toxic manner possible. Ecological pest management approaches use a variety of pest management strategies that are environmentally healthy way to manage pests and weeds without toxic chemicals.

ONLY MINIMUM RISK OR ORGANIC PRODUCTS

Existing products under SB326 will be limited to those that are either minimum risk or organic.

These are the least toxic and most effective pest management products on the market, ensuring that children feel safe playing in their schools where they learn and play.

NEW MEXICO CAN BE A NATIONAL LEADER

Supporting SB326, the House Organic Caucus, the Senate Environment & Energy Committee, and the Governor's Office have all expressed support for protecting children with safer pest management.

BEYONDPESTICIDES.ORG

See the infographic: bp-dc.org/nm-schools

to pest management, so families do not have to worry about the use of toxic pesticides in schools and communities.”

Update: The legislation did not move to passage.



Massachusetts Regulators Restrict Consumer Use of Bee-Toxic Neonicotinoid Pesticides

MARCH 3, 2021 | Earlier this week, pesticide regulators in the Commonwealth of Massachusetts [voted to restrict](#) outdoor consumer uses of neonicotinoid insecticides. The move is the result of sustained advocacy from a [broad coalition](#) of individuals and organizations focused on protecting pollinators and ecosystem health. While advocates are pleased that the Pesticide Board Subcommittee made Massachusetts the first state in the country to restrict neonicotinoids through a regulatory process, they note this is only the first step in eliminating these hazardous insecticides. “This marks an incremental victory which took us 6 years to land, and it only happened because of immense, ongoing grassroots action and legislative allies who are willing to hold state regulators accountable,” said Martin Dagoberto, policy director of the Northeast Organic Farming Association, Mass. Chapter in a press release. “We still have a monumental endeavor ahead if we are to reduce toxins and rein in the toxic influence of the chemical lobby,” Mr. Dagoberto added. Advocates had been pushing the legislature to pass *An Act to Protect Massachusetts Pollinators*, sponsored by pollinator champion Representative Carolyn Dykema, since 2014. Following [several failures](#) by state lawmakers to bring the bill over the finish line, efforts in 2019 resulted in a literature review on the impacts of neonicotinoids on pollinators. The [literature review](#)

found the vast majority of studies showing neonicotinoids contributing to pollinator declines. It notes that the only studies minimizing pollinator impacts are those conducted by the pesticide industry, and that “the authors” analyses relied heavily on unpublished reports published by these manufacturers, which limits third-party review of the underlying studies.”



Vermont Committee Recommends Mosquito Spray Program Needs Special Permit To Operate

MARCH 19, 2021 | As reported by [VTDigger](#), Vermont’s Endangered Species Committee recently took action to uphold the state’s endangered species law. The committee announced that a mosquito control program in the Champlain Valley, which uses the toxic pesticides [malathion](#) and [permethrin](#), is threatening five species of endangered bats—all of which are on Vermont’s list of threatened and endangered species. The committee voted unanimously to recommend to the state Secretary of the Agency of Natural Resources that the spraying program in the Brandon–Leicester–Salisbury–Goshen–Pittsford–Proctor Insect Control District be allowed only via special permit. Learn about safer mosquito management and insect-borne diseases at [Beyond Pesticides website pages](#). The bats inhabit the Insect Control District’s six towns, which are host to important feeding habitat for these creatures, as well as maternal roosting colonies where baby bats are

born and raised during the months when the pesticides are typically sprayed. In addition, the nighttime spraying of these compounds along 190 miles of road in these communities hangs in the air for hours, putting nocturnally active bats—who fly through the toxic mist or consume insects contaminated with the chemicals—at risk. Mason Overstreet of Vermont Law School’s Environmental Advocacy Clinic asserts that the mosquito spraying violates the state’s *Protection of Endangered Species Act*, saying: “The Act prohibits activities that create a ‘risk of injury’ to wildlife. It also allows for a permitting process for economically important activities to continue—albeit with modifications to mitigate the risk to endangered species. The legal conclusion is that the district must apply for this ‘incidental take permit’ to continue spraying in order to minimize risk to wildlife.”

Arkansas Plant Board Takes First Step To Roll Back Crop Damage Protections from Dicamba/Herbicide Drift

MARCH 23, 2021 | Earlier this month, the Arkansas State Plant Board (ASPB) voted to loosen regulations curtailing use of the highly drift-prone herbicide dicamba. With an 8-7 vote, ASPB eliminated measures [advanced in 2016](#) that protect growers from dicamba drifting off of genetically engineered (GE) soybean fields. Farmer, health, and environmental advocates are encouraging groups and individuals to submit testimony in opposition to the changes should the state’s governor advance the proposal to a 30-day comment period. Dicamba has been the subject



of intense debate and scrutiny over the last several years—most prominently in Southern and Midwestern states where extensive cotton and soybean monocultures are grown. Due to rampant weed resistance to glyphosate herbicides in GE crop fields, Bayer/Monsanto developed new seeds capable of growing into plants that can withstand repeated sprayings of both glyphosate and dicamba. The company released these [new seeds](#) in the mid-2010s without waiting for the U.S. Environmental Protection Agency (EPA) to approve a corresponding herbicide formulation Bayer/Monsanto claimed would reduce drift problems. Farmers began using [older, unapproved dicamba](#) formulations, but ultimately even after receiving approval, new formulations [proved too drift-prone and problematic](#) to be used without incident.



Florida Officials Put a Stop to Trump Era Proposal To Spray Highly Toxic Insecticide in Citrus Groves Rejected in Florida

APRIL 27, 2021 | The Florida Department of Agriculture and Consumer Services (FDACS) is [denying a chemical company’s application](#) to use a highly toxic insecticide on the state’s citrus crops due to the risks the chemical poses to human health and the environment, according to a statement from FDACS released last week. At issue is aldicarb, a carbamate class insecticide that was [cancelled in the U.S.](#) over a decade ago. “While there are promising new horizons for fighting citrus greening, like recent

breakthroughs at the University of Florida on genetic resistance, aldicarb poses an unacceptable risk to human, animal, and environmental health in Florida, is one of the world's most toxic pesticides, and is banned in more than 100 countries," said Florida Commission of Agriculture and Consumer Services Nikki Fried. "The registrant's application does not meet the requirements of state law, and we must therefore deny the registration of aldicarb for use in the State of Florida." At the [end of the Trump administration](#), the U.S. Environmental Protection Agency (EPA) took "aggressive actions" by announcing it was registering aldicarb and the antibiotic streptomycin for use against citrus greening, a disease that is damaging Florida's citrus industry. The registration provided for a supplemental label allowing use on over 100,000 acres of citrus groves until April 2023. In its announcement, EPA proclaims that human health evaluation for aldicarb "...are complete and present no risks of concern, including to young children." The agency claimed that "ecological risks to birds, mammals, aquatic organisms, and honey bees are the same as aldicarb's existing uses and registrations." The statements flew in the face of the agency's own declarations about aldicarb. Over a decade ago, Bayer, the prime registrant for aldicarb, initiated a voluntary cancellation of the chemical. At the time, EPA wrote the chemical, "may pose unacceptable dietary risks, especially to infants and young children."

Maine Bans Consumer Use of Neonicotinoid Insecticides, with Some Exceptions

JUNE 18, 2021 | As the U.S. Environmental Protection Agency (EPA) continues to drag its feet on protective regulation of [neonicotinoid pesticides](#), states continue to step up to restrict their use. In April, the Maine legislature passed, and Governor Janet Mills has now signed, a [new law](#) that will prohibit

use of neonicotinoid pesticides with the "active ingredient[s] [dinotefuran](#), [clothianidin](#), [imidacloprid](#) or [thiamethoxam](#) used for application in outdoor residential landscapes such as on lawn, turf or ornamental vegetation." Though short of an outright ban, this law is a solid step forward for Maine in reining in use of these compounds, which are neurotoxins widely implicated in [pollinator](#) (and [other insect, bird, and mammal](#)) harm or decline. Until a federal ban happens, Beyond Pesticides offers guidance on avoiding use of neonicotinoid pesticides through its fact sheet, [Managing Pests Safely Without](#)



[Neonicotinoids](#), and its [Bee Protective](#) web pages. This new Maine law does, however, include exemptions for wood preservation, indoor pest control,

New York City Council Passes Landmark Law Eliminating the Use of Toxic Pesticides in City Parks and Playgrounds, Stipulates List of Allowed Materials

APRIL 23, 2021 | On Earth Day, the New York City Council passed landmark legislation to eliminate the use of toxic pesticides in parks and playgrounds. This new law eliminates the use of toxic pesticides, like glyphosate/Roundup, codifying a ban on pesticides with an allowance for only those permitted under federal organic standards. A few hours before passage of the bill, [Intro. 1524](#) (see factsheet, p. 86), the measure's sponsor, Council Member Ben Kallos, and the Speaker of the Council, Corey Johnson, were joined at a press conference by: Bertha Lewis, president of The Black Institute; those who began the movement for the legislation, retired teacher Paula Rogovin and some of her former students from Public School (PS) 290 in Manhattan; Jay Feldman, executive director of Beyond Pesticides; and Patti and Doug Wood, executive director and program director, respectively, of Grassroots Environmental Education. "Parks should be for playing not pesticides," said Council Member Ben Kallos. "I look forward to working with all of our city agencies to ban toxic pesticides and keep our children safe." "We no longer burn coal in our buildings, we don't light our offices with gas lamps, and we shouldn't be using toxic and dangerous chemicals in our public spaces," said Council Speaker Corey Johnson ahead of the vote. "Our NYCHA [New York City Housing Authority] residents and our families enjoying a day in the park deserve better. New Yorkers deserve better." "This legislation goes beyond banning a specific pesticide and recognizes that toxic pesticides across the board have no place in our municipal parks and playgrounds and that alternative practices and products are available for effective and resilient land management," said Mr. Feldman. In its report, [Poison Parks](#), The Black Institute, points out the disproportionate harm to people of color neighborhoods in New York City, and documents that the city landscapers who handle dangerous pesticides are almost all black and brown people. Ms. Lewis pointed out that this disproportionate harm is a classic example of environmental racism.

FACTS - AT - A - GLANCE

Intro 1524: Protecting New York City Residents from Toxic Pesticides

(See factsheet at bp-dc.org/nyc-intro-1524-factsheet.)

Intro 1524, introduced by City Councilmember Ben Kallos, will safeguard New York City (NYC) residents by eliminating the use of toxic pesticides on all NYC property. These protections are critical for vulnerable populations like children, elderly, and pregnant mothers. Those exposed to toxic pesticides in city parks as residents and as city workers managing sites are disproportionately people of color. While existing Local Law 37 made important progress in reducing some dangerous pesticides on the market, it continues to permit a range of synthetic chemicals linked to chronic health effects in people and population declines in wildlife like bees, butterflies, and birds. There is now greater understanding of pesticide dangers, and the healthy, sustainable practices and products that can successfully replace all toxic pesticide use. Intro 1524 restricts the use of toxic pesticides on NYC property in favor of materials regulated as organic or designated minimum risk—the least-toxic on the market. Intro 1524 is an opportunity to improve the health and safety of NYC workers, residents, and their pets, improve the city’s air and water quality, protect threatened wildlife populations like pollinators, and fight the climate crisis.

Background on Current Practices

- Local Law 37, passed in 2005, restricts the use of pesticides identified as carcinogenic or developmental toxicants, yet it continues to permit a range of synthetic chemicals that present hazards to human health and the environment.
- In 2018, there were over 284,000 applications of more than 156,000 lbs. of toxic pesticides to NYC properties. Each application puts both applicators and the public at risk.
- Although the use of carcinogenic glyphosate has declined, it accounted for 41% of all liquid herbicide use in NYC in 2018. With continued use, Council action is needed to protect at-risk people and communities.

Improving Protections

- Intro 1524 brings NYC in line with the latest science on pest management, thereby eliminating the dangers that pesticides pose to residents.

- Intro 1524 will incentivize land and pest managers to embrace safer, cost-effective, organic methods of addressing insect and weed problems by focusing on prevention, rather than product use after pests have already become a problem.
- A waiver provision will allow pesticide use only in emergency situations. This will ensure toxic pesticides are used only as a last resort when there is a threat to public health or it is required by state or federal law.

Addressing Long-standing, Disproportionate Harm to NYC Communities of Color

- *Poison Parks*, a report from NYC-based environmental justice organization The Black Institute, finds significant disparities regarding where pesticides are applied in the City, with low-income people of color communities at greatest risk.
- For low-income residents living in apartment complexes, public parks are often the only place to take children for play time. NYC school children use the parks for recreation. As the *Poison Parks* report explains, “Poisoning parks with toxic chemicals is yet another strike against the Black and Brown community. Enjoying a free, public space should not carry unexpected consequences.”
- Glyphosate, identified as a carcinogen by international agencies, is sprayed at much higher rates in parks within communities of color. “A chemical that disproportionately impacts people of color is an act of environmental racism,” finds the *Poison Parks* report “When Black and Brown families that are economically disadvantaged must bear the burden of toxic exposure at a higher rate than white families, there is no argument that can change the racist nature of the subject.”

Health Effects of Pesticides on Children

- In a landmark report, the American Academy of Pediatrics (AAP) called for governments to reduce children’s exposure to pesticides. AAP wrote that scientific evidence “. . . demonstrates associations between early life exposure to pesticides and pediatric cancers, decreased cognitive function, and behavioral problems.”
- Children take in more pesticides relative to their body weight than adults and have developing organ systems that are more vulnerable and less able to detoxify harmful chemicals.
- Pesticides increase the risk of developing asthma, exacerbate a previous asthmatic condition, or even trigger asthma attacks in susceptible children.

- Children with elevated levels of commonly used pyrethroid insecticides, applied to manage common pests, are more likely to have ADHD (learning disabilities), and other behavioral issues. Pyrethroids were applied roughly 100,000 times in NYC in 2018, accounting for 61% of all insecticide use.

Tracking State and Local Reform, and Legal Liability

- Over 150 communities throughout the U.S. have passed policies that restrict the use of toxic pesticides.
- Major urban areas in the U.S. are increasingly passing laws that take protective steps for local residents in light of inaction by the U.S. Environmental Protection Agency. South Portland and Portland (Maine), Baltimore (Maryland), and Montgomery County (Maryland) have all enacted laws with criteria similar to the pesticide restrictions in Intro 1524 that allow the use of organic compatible products authorized by federal law.
- Increasingly, communities are looking to eliminate toxic pesticide use in light of recent court decisions and legal liability concerns regarding the herbicide glyphosate, including multimillion dollar awards resulting from a California school groundskeeper's cancer diagnosis.
- Organic land management is an important piece of a city's environmental strategy to become carbon neutral, eliminating petroleum-based pesticides and fertilizers.

use on pets, treatment of structure foundations, and controlling invasive insect pests, such as the Asian long-horned beetle, emerald ash borer, and hemlock woolly adelgid. The statute leaves other large loopholes that will permit continued use of neonicotinoids (neonics) as seed coatings, as well as the sale of nursery stock that has been treated with neonic insecticides. Neonics are used widely as [seed coatings](#), particularly for corn, soybeans, and other commodity crops. The Minneapolis [Star Tribune](#) reports that nearly all corn seed in the U.S. and as much as 50% of soybean seeds are coated with a neonicotinoid—thiamethoxam, imidacloprid, or clothianidin; it also notes that all three of these are banned in Europe for outdoor use.

Maine Aerial Forestry Spray Ban of Glyphosate and Other Herbicides Vetoed by Governor, Override Effort Begins

JUNE 29, 2021 | Maine Governor Janet Mills (D) vetoed legislation prohibiting the aerial use of glyphosate and other dangerous herbicides in forestry practices. [LD125, An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture](#), was supported by a wide range of health and conservation groups, and aimed to bring the state in line with best practices for public health and the environment. With Maine recently passing one of the strongest consumer bans on pollinator-toxic neonicotinoids, advocates are dismayed by the setback from the Governor's office. In a statement to Maine Public Radio, Senate President Troy Jackson said that Governor Mills should stop referring to herself as an environmentalist. "The science across the country, across the world, says that this stuff kills people, kills wildlife," Mr. Jackson says. "And all that it is a giveaway to the large landowners so they can maximize their profits off the lives of the people in Maine and the wildlife in Maine." Senator Jackson's words are



stern yet factual. Glyphosate has been identified by the [World Health Organization](#) as a probable human carcinogen. Monsanto, now owned by Bayer, has been the subject of high profile lawsuits that have been so successful, the company has set aside [\\$10 billion](#) to resolve existing claims. In addition to cancer, the chemical has been linked to [changes in DNA function](#), [adverse birth outcomes](#), and [antibiotic resistance](#). Forestry applications also put the environment at risk. Runoff pollutes groundwater, which can run into local rivers, lakes, and streams. Erosion caused by glyphosate use can release legacy pesticides back into the environment, quickly multiplying problems from chemical mixtures. Glyphosate has been found to [harm keystone wildlife](#) species that comprise the bottom of the food chain. Likewise, certain glyphosate formulations have been found to [harm pollinators](#) directly, but the entire range of herbicides used in forestry will eliminate the floral diversity on which pollinators rely. A Canadian study found that the use of glyphosate in forestry practices prompts [morphological changes](#) that may make them less attractive to pollinators.

Stamford, CT Passes Organic Land Ordinance Restricting Toxic Pesticide and Fertilizer Use on Public Property

SEPTEMBER 14, 2021 | Last week, Stamford, CT became the latest U.S. City to pass an [organic community ordinance](#), restricting toxic pesticide use on public

spaces in favor of safer, natural land care practices. The ordinance, championed by Nina Sherwood of the Stamford Board of Representatives with strong support from Stamford Mayor David Martin, is an outgrowth of years of research and coordination within city government. Advocates note that strong support from both national, state, and local groups like Pollinator Pathway Stamford helped make the case at public hearings. “By garnering support for the public hearing, many Stamford Pollinator Pathway members, Stamford residents and organizations from around the country let their voices be heard,” said Melanie Hollas, co-chair of Pollinator Pathway Stamford and a Stamford Parks and Recreation Commissioner. “Today, I am proud to be a Stamford resident and want to thank everyone, including Beyond Pesticides, for all their hard work to make this goal achievable.” Ms. Hollas describes the ordinance as, “a comprehensive easy to use system to help employees shift from long-term usage patterns of chemicals to products, and more importantly practices, that create a healthy ecosystem along with beautiful landscaping and usable sports fields.” The ordinance recognizes the dangers of non-organic pesticides registered by the U.S. Environmental Protection Agency (EPA) with glaring [data gaps](#), [little oversight](#), and [an increasing lack of public accountability](#). In the face of EPA inaction to protect local communities from toxic pesticides, Stamford’s ordinance allows only the use of materials permitted within the U.S. Department of Agriculture’s National Organic Program to be used on publicly owned property. These products represent the least-toxic, yet still effective, materials on the market. In further recognition of EPA’s lax approach to pesticide regulation, Stamford established a list of “permanently banned products” that include the highly toxic substances [glyphosate](#), [2,4-D](#), [1,3-D](#), the [neonicotinoids](#), and [chlorpyrifos](#), none of which are allowed under federal organic law. The ordinance provides for few exemptions. City employees may apply to the Director



Maui Prohibits Toxic Pesticides and Fertilizers on County Land, Allows Only Organic-Compatible Materials

AUGUST 27, 2021 | On August 24, as reported by [The Maui News](#), the Maui (Hawai‘i) County Council approved legislation that will stop use of toxic pesticides and fertilizers in county land management practices, allowing only those materials permitted under federal organic law. The approach set out in the bill is the creation of a comprehensive list of such materials that will be either allowed or prohibited for use, as the legislation indicates, on “any County highway, drainageway, sidewalk, right-of-way, park, building, community center, or other facility.” This decision comes on the heels of years of grassroots work and advocacy, including that of Beyond Pesticides director of Hawai‘i Organic Land Management Program Autumn Ness. The legislation ([CR 21-56](#)), which passed with a vote of 8–0 (with one member excused), will regulate pesticide and fertilizer use on county properties broadly, but will not affect property managed by the state or private owners, county agricultural parks, or county property used for agricultural purposes. The new ordinance will take effect for most county parcels one year from the August 24 approval date; the effective date for Maui’s War Memorial Stadium Complex and Ichiro “Iron” Maehara Baseball Stadium is two years from approval, and for the Waiehu golf course, three years hence. The legislation sets out the stipulations of the federal National Organic Program (NOP), asserting that no synthetic pesticides and fertilizers may be used unless they are compatible with organic systems as permitted under NOP, with some specific exemptions. (The sections of the federal code cited in the legislation, which detail such compatible materials, are found under the Title 7 Code of Federal Regulation.) At the county council meeting, community members gave testimony in support of the legislation, citing worries about impacts of synthetic pesticide and fertilizer use on young people who use county sports fields and parks, and about environmental impacts, including those on marine life. (Maui County has numerous oceanfront parcels under its management.) Council Member Shane Sinenci, who introduced the legislation, said of its final passage, “This shows that we are very responsible stewards for our keiki [children], kupuna [ancestors], and the kai [sea].”

of Operations to apply a prohibited pesticide but must show that: i) attempts to address the pest problem have already utilized organic products, ii) the attempt was unsuccessful, and iii) a prohibited product will be effective. If approved to use a prohibited product, the applicant must also have a plan to prevent recurrence of the pest problem utilizing an organic approach. Otherwise, prohibited products can only be used in the case of an imminent threat to public health or the environment, as determined by the city's Director of Health. Products listed as "permanently banned" are only permitted to be used at the city's municipal golf course, by the fire department when engaging in public safety activities, and to manage invasive species under state law.



Appeal Court Strikes Down Hazardous Statewide California Pesticide Spray Program

OCTOBER 22, 2021 | The [California Court of Appeal](#) (Third District, Sacramento) has ruled that a statewide pesticide spraying program violates state law. The court found that the program, launched in 2014 and administered by the California Department of Food and Agriculture (CDFA), contravenes California's landmark 1970 [Environmental Quality Act](#) (CEQA). It does so, the court found, by failing to: assess and reduce damages of pesticide applications to bees, other pollinators, and waterbodies; conduct site-specific environmental reviews, and; notify the public before spraying is conducted.

This decision is a victory, and a step toward a less-toxic California, say plaintiffs and many health and environmental advocates, including Beyond Pesticides. The history of CDFA's actions in the state is riddled with invocations of emergency provisions of California's Food and Agriculture Code. These emergency declarations have allowed CDFA to conduct pesticide spraying for invasive species nearly anywhere—in backyards, on school and recreational grounds, on organic farms, on public lands, and sometimes, across entire neighborhoods—without any analysis of the health and environmental impacts of those applications, or any notice to the public or opportunity to comment on the program. From 2014 to 2018, CDFA conducted more than 1,000 such pesticide applications. Petitioners before the Court of Appeal comprise two groups: those from the original case that was adjudicated in 2018 by Sacramento County Superior Court, and the additional parties in the current case—an appeal of that 2018 decision by CDFA. Plaintiffs in the original case included the City of Berkeley, Environmental Working Group (EWG), Center for Biological Diversity (CBD), Beyond Pesticides, California Environmental Health Initiative, MOMS Advocating Sustainability, Center for Food Safety, Pesticide Action Network North America, Center for Environmental Health, Environmental Action Committee of West Marin, Californians for Pesticide Reform, and Safe Alternatives for our Forest Environment. Additional petitioners in the appeal case are North Coast Rivers Alliance, Pesticide Free Zone, Inc., Health and Habitat, Inc., Californians for Alternatives to Toxics and Gayle McLaughlin (former mayor of Richmond, California).

The petitioners sought writs of mandate challenging the CDFA pesticide program's environmental impact report (EIR). A writ of mandate is a procedure in California that allows superior courts, courts of appeal, and the state Supreme Court to command lower courts and state agencies to take, or not take, specific actions. When a writ is issued,

the responsibility for enacting the content of the writ falls to the lower body. In this case, this means that, although the appeal court agreed with a host of the petitioners' claims, it did not explicitly set aside the program's EIR or tell CDFA to stop carrying out the program. Rather, it will send its ruling back to the lower court, which by law should issue orders consistent with the appeal court's decision. Unfortunately, this means that CDFA can continue this pesticide spraying program until the lower, trial court issues such orders. The CDFA pesticide program at issue uses—on public and private property, on agricultural lands, and even on wild lands—pesticides known to be carcinogenic and teratogenic (causing birth defects), and toxic to, especially, bees, birds, fish, and butterflies.



California Releases Strategy for Land Management Practices that Confronts Climate Crisis

NOVEMBER 5, 2021 | Once again earning its environmental leadership reputation, California has released a draft strategy document designed to catalyze near- and long-term climate action through focused attention on the state's natural and working lands, and on nature-based solutions. The California Natural Resources Agency (CNRA) announced the draft [Natural and Working Lands Climate Smart Strategy](#) in mid-October. In the [announcement](#), CNRA asserts that the state's 105 million acres can "sequester and store carbon emissions, limit future carbon emissions into the atmosphere, protect people and nature from the impacts of climate change, and build resilience to future

climate risks.” The agency also notes that the plan would secure food and water supplies, improve public health and safety, and forward equity. It has invited public comment, and a coalition of California (and national) nonprofit advocates is delivering a letter that calls on the agency to include, in the plan, ambitious targets to move the state’s agricultural sector away from the use of harmful synthetic pesticides. Beyond Pesticides will sign on to the letter. This “natural and working lands” document will [inform California’s 2021 State Adaptation Strategy](#) and the [2022 Scoping Plan](#)—master documents guiding the state’s climate action during the coming years. As the document notes, “According to the Intergovernmental Panel on Climate Change . . . reducing emissions in transportation, industry and buildings are [sic] not enough to avert catastrophic climate change—lands must be part of the climate solution.”

ACTION: Tell your state legislators and governor to adopt a Natural and Working Lands Climate Smart Strategy that supports organic agriculture and land management. (California Residents: Please use this form.) California state agencies, led by the California Natural Resources Agency (CNRA), released a draft Natural and Working Lands Climate Smart Strategy to guide and accelerate near- and long-term climate action across key California landscapes. All states need such strategies, and to be effective, they must be backed by ambitious targets focused on reduction of pesticides and support for organic agriculture.

Bug Bombs, Prone to Exploding, Are Target of Legislation To Ban Their Use

NOVEMBER 17, 2021 | An effort is underway in New York State to restrict, and in certain cases ban, “bug bombs,” led by State Senator Zellnor Myrie (D-NYC). Total release foggers, more aptly referred to as bug bombs (because in



some cases, they literally blow up), are dangerous indoor devices that release an aerosolized plume of toxic pesticides and unknown inert (or other) ingredients in an overpowered, ineffectual attempt to manage common pest problems. As Senator Myrie notes in his legislative justification for the bill, [S.7516](#), “This is an environmental justice issue disproportionately affecting lower-income individuals, as bug bombs are a relatively inexpensive pest management solution. As a result, individuals living in older, larger multi-dwellings, who also suffer from adverse health outcomes like asthma at higher rates, are disproportionately exposed to the harmful effects of bug bombs.” While eliminating consumer use by restricting the devices to certified pesticide applicators would be an important step forward, there is considerable evidence to justify an all-out ban that extends beyond multi-family units. Problems with these devices stretch far back. In spite of over 450 bug bomb related illnesses between 2001–2006 in the U.S., [EPA rejected a petition from the NYC Department of Health \(DoH\) in 2009](#), claiming that incidents were “overwhelmingly minor in nature,” resulting from “a few basic errors” and concluded that “label improvements can mitigate these risks.” EPA subsequently introduced new labels, this time with comic-book style pictures indicating the steps required to use the products. Almost a decade later, in 2018, CDC officials published a new report on the revised labels, determining that EPA’s actions represented a public health failure. Between 2007 and 2015, CDC cataloged 3,222 illnesses caused by bug bomb use. This nearly 8-fold increase in reported

incidents reveals that EPA’s new labels caused more problems and confusion than the previous labels already determined to be deficient. The main cause of poisoning was a failure to leave the premises. The CDC report also notes, “Some users ventilated treated premises for the recommended length of time or longer, but still became ill, suggesting that ventilation might be inadequate or the recommended period might be insufficient to fully eliminate TRF [total release fogger] residuals before occupancy.”

ACTION: Urge your governor (Mayor for DC residents) to ban bug bombs in your state!

Bug bombs are small cans primarily comprised of an insecticide, often a synthetic pyrethroid, a synergist such as piperonyl butoxide (PBO), and an aerosol propellant. In addition to the explosion/fire risk, if the aerosol product is used in an unattended home near a pilot light or other spark-producing appliance, both synthetic pyrethroids and PBO pose acute and chronic human health risks. PBO is added to pesticide formulations to increase the toxicity of synthetic pyrethroids, and has been linked to childhood cough. Peer-reviewed research associates synthetic pyrethroids with behavioral disorders, ADHD, and delayed cognitive and motor development, and premature puberty in boys. Not only can bug bombs acutely poison, but once applied these chemicals can persist in the home for over a year, putting individuals and families at risk of chronic exposure and subsequent health issues.

CA Supreme Court Upholds \$87M Award in Glyphosate Damage Lawsuit, Bayer/Monsanto Challenge Fails

NOVEMBER 30, 2021 | The chronicle of developments in the glyphosate saga has just grown longer: the [California Supreme Court](#) has rejected a request



by Bayer AG for review of the August 2021 First District Court of Appeal (San Francisco) ruling, for the plaintiffs, that Monsanto knowingly marketed a product—Roundup—whose active ingredient (glyphosate) could be dangerous. The \$87 million in damages awarded to the plaintiffs in the litigation, Alberta and Alva Pilliod, has thus survived Bayer’s challenge. This highest state court decision racks up another loss for Bayer (which now owns the Monsanto “Roundup” brand)—despite its dogged insistence, throughout multiple lawsuits (with many more still in the pipeline), that glyphosate is safe.

Glyphosate has been the subject of a great deal of public, advocacy, and regulatory attention, as well as the target of thousands of lawsuits—particularly since the 2015 declaration by the IARC (International Agency for Research on Cancer) that the compound is a likely human carcinogen. In June 2020, facing approximately 125,000 suits for Roundup’s role in cancer outcomes, Bayer announced a \$10 billion settlement to resolve roughly 75% of current and potential future litigation; claimants who signed on to the settlement were to receive compensation and were not to pursue any additional legal action. That said, roughly 30,000 complainants ultimately did not sign on to the settlement, so the queue of potential lawsuits is still potentially enormous. Seeing the writing on the wall, Bayer tried for a second settlement (of roughly \$2 billion) to handle any future claims, but in 2021, a U.S. District Court judge (for the

Northern District of California) rejected Bayer’s settlement proposal, saying that it was inadequate for future victims diagnosed with cancer after using the herbicide. Still, Bayer has never acknowledged any harm caused by glyphosate. Indeed, the company responded to the California Supreme Court’s decision with this: “We continue to stand strongly behind the safety of Roundup, a position supported by assessments of expert regulators worldwide as well as the overwhelming weight of four decades of extensive science.” Fast forward to late July 2021, when Bayer announced its plan to end sales of its glyphosate-based herbicides (including its flagship product, Roundup) in the domestic U.S. residential lawn and garden market in 2023.

Community Pesticide Use Restrictions Expand; Organic Takes Root Across the Country

DECEMBER 17, 2021 | (December 17, 2021) Los Alamos, New Mexico is the latest locality to act on some degree of [protection](#) of the community from pesticides. Its County Council passed a proposal on December 15 that will ban use of glyphosate-based herbicides on county properties, among other provisions. Cities, towns, and counties (and occasionally, a state) across the U.S. are moving to protect their parks, playing fields, other green spaces, and the communities broadly from the harms of synthetic pesticide and fertilizer use. The approaches vary: sometimes comprehensive, though often piecemeal, i.e., tackling the problem one compound, one category of pesticide, or one or two kinds of properties at a time. Beyond Pesticides endorses comprehensive approaches that embrace the transition to [organic land management](#). Because these can sometimes be more challenging for localities to enact, Beyond Pesticides has announced its program—[Parks for a Sustainable Future](#)—that helps localities learn about, secure training in, and



benefit from the guidance of experts on, organic land management. Synthetic pesticides and fertilizers are used widely in agriculture, but also, in a large variety of public spaces—on and in playgrounds, parks, and playing/recreational fields and courts; along roads, sidewalks; hiking and bike trails; next to fences of all kinds, and; in many other locations. In these green spaces and corridors, use of herbicides to control growth of weeds, invasive species, and/or those considered “noxious” (such as poison ivy, oak, or sumac, or giant hogweed) is very common. These land areas may be managed by municipalities, counties, state agencies, water districts, transportation authorities, utility companies or entities, or others. For larger expanses of turf, such as playing fields, golf courses, and parks, herbicides are often “spot” applied, and use of synthetic fertilizers is routine, as managers and the public have come to expect such fields to be a perky, bright green all the time. This expectation runs counter to how plants actually behave in most circumstances; most plants have cycles of decline and dormancy, followed by renewal and growth. But in many places, the expectation is that the baseball field or the golf course or the park has to look 100% all the time—a notion that helps drive use of [high-nitrogen, synthetic, petrochemical fertilizers](#). Organic land management can meet community expectations, while ensuring that people and pets can live in an environment that is safe for all.