

Date: Monday, May 20, 2013  
Subject: Re: EPA and Maryland pesticide regulations (fwd)  
Attachments: 2, 4-D AMINE 4 HERBICIDE.pdf; 2\_4-D.pdf

Date: Mon, 20 May 2013 12:29:13 0400  
**From: Paul Chrostowski**

EPA regulates pesticides through the Federal Insecticide Fungicide and Rodenticide Act (FIFRA). It focuses on registration (approving for use), use restrictions, labelling, and disposal of un used pesticides. Maryland Department of Agriculture (MDA) regulates pesticides at the state level.

It focuses on applicator training and education in addition to state level enforcement of EPA regulations. Both EPA and MDA are very strong on product approval and labelling, agricultural and commercial use (golf courses, nurseries etc), but fairly weak on residential use. Whenever EPA approves a pesticide it conducts a human health and ecological risk assessment that assesses the health risks to people or the environment who could be exposed to the pesticide. The approval is based on the behavior that is assessed. For example, EPA will conduct a detailed analysis of how a pesticide applicator will be exposed to the material throughout the workday. They will then limit the use based on this assessment. Again with the worker, if the risk assessment shows that he or she can absorb the pesticide through the skin, EPA could require the use of nitrile gloves which would be on the label and the material safety data sheet (MSDS). It would then be a FIFRA violation if the worker did not use these gloves.

The problem comes in that not every exposure scenario cannot be assessed. For example, a toddler crawling through the lawn and putting things in his or her mouth; a dog on a walk stopping and chewing on a bunch of grass; repeated applications of a pesticide by different parties; applications of more than one pesticide with synergistic effects in the same area; using more than specified on the label, etc. All of these could result in un anticipated adverse impacts. What we call "off label" use is a particular problem. The labels are highly detailed (see attached 2,4 D mentioned by Catherine label as an example) and people often do not take the time to adequately understand everything on the label (language is also a problem note that this label has only one word in Spanish). In addition, anyone should also read the MSDS which is even more detailed (also attached). Failure to thoroughly read and understand these documents can result in over application, inappropriate application, hazardous exposure, and inappropriate disposal.

One way to limit these problems would be for the City to support the Safe Grow initiative. By restricting the cosmetic use of these materials, the opportunities for creating an inadvertent hazard would also be reduced.

My understanding is that Safe Grow would not place any limits on the use of pesticides for public or environmental health purposes. For example, it would not restrict proper application to a tree for borers or use of pest control materials, but would only affect cosmetic impact to lawns. As a final point, many people in Takoma Park grow fruits and vegetables at home and many are interested in organic gardening both for food and ornamental crops. Limiting law

(especially broadcast) use of pesticides will certainly help these folks stay "organic" and not be subject to drift or runoff from places where the pesticides are being applied.

Paul C.

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**From:** "Mizeur, Heather Delegate" <Heather.Mizeur@house.state.md.us>  
**To:** "brucew@takomaparkmd.gov" <brucew@takomaparkmd.gov>, "kaydc@takomaparkmd.gov" <kaydc@takomaparkmd.gov>, "grimes@altaplana.com" <grimes@altaplana.com>, "freds@takomaparkmd.gov" <freds@takomaparkmd.gov>, "terrys@takomaparkmd.gov" <terrys@takomaparkmd.gov>, "freds@takomaparkmd.gov" <freds@takomaparkmd.gov>  
**CC:** "Moynihan, Moira" <MMoynihan@house.state.md.us>, "moira@heathermizeur.com" <moira@heathermizeur.com>  
**Date:** Wednesday, May 22, 2013  
**Subject:** Safe Grow Zone Initiative

Good evening Colleagues,

On Earth Day, I signed a petition in support of the Safe Grow Zone Initiative – an effort to pass an ordinance that would restrict the use of cosmetic lawn pesticides in Takoma Park.

As you may know, the 2013 Progress Report by the Maryland Children's Environmental Health Committee and the 2010 President's Cancer Panel reported that lawn pesticides may pose serious public health concerns and the Safe Grow Zone Initiative would implement strong safeguards to protect our community from toxic chemicals.

This is an effort that community members have been working towards for the past few years, and I proudly join City Council members Kay Daniels Cohen, Seth Grimes, and Tim Male in their support of this measure. I have reviewed the draft ordinance and urge the City Council to adopt it.

The Safe Grow Zone Initiative will help protect Takoma Park's families, pets, wildlife, and the Bay from the toxic effects of runoff from pesticides used on lawns. Thank you for your consideration of this issue, and please don't hesitate to contact my office with any questions.

All the best,  
Heather

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**From:** Elizabeth Brinkama  
**To:** <clerk@takomagov.org>  
**Date:** Friday, May 24, 2013  
**Subject:** Safe Grow initiative

May 24, 2013

Hello....

Letting you know for the record that I am FOR the Safe Grow Initiative.

Much thanks,

Elizabeth Brinkama  
Carroll Avenue (Pen neighborhood)

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**From:** Adam Diamond  
**To:** <grimes@altaplana.com>  
**Date:** Friday, May 24, 2013  
**Subject:** safe grow zone

Dear Seth,

I urge you to vote in favor of the safe grow zone initiative. Pesticides can be dangerous to human health and the environment, and we restrict plenty of other activities that are not as directly harmful to life forms. Takoma Park, as a leader in sustainability needs to take this step to protect its citizens and the environment that nourishes them.

thank you,  
Adam Diamond

**From:** Kathleen Murray  
**To:** <clerk@takomagov.org>  
**CC:** Bruce Williams <brucew@takomagov.org>, Fred Schultz <freds@takomagov.org>, Jarrett Smith <JarrettS@takomagov.org>, Kay Daniels-Cohen <kaydc@takomagov.org>, Seth Grimes <sethg@takomagov.org>, Terry Seamens <TerryS@takomagov.org>, Tim Male <timm@takomagov.org>  
**Date:** Wednesday, May 29, 2013  
**Subject:** My responses to anti-Safe Grow arguments

Dear Mayor Williams and Council Members:

I shared this on the takomapark yahoo group, and was encouraged to write directly to you. I deleted my introductory chit chat but unfortunately this isn't terribly short. Pasted anti Safe Grow arguments points are between the \*\*\*'s, and my responses are directly under each.

Thank you for all of your time and hard work, as well as the energy and integrity you bring to our community.

Warmly,  
Kathleen Murray  
Boyd Ave

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From "safegrow.org:"

#### ENFORCEMENT RELIES ON TATTLING, NOT TESTING

...Takoma Park's city attorney says it would not be financially feasible for the city to actually test suspected offenders' lawns for pesticides. Instead, he said "The City would probably have to rely on residents to report violations." A program that relies on neighbors to rat out neighbors without expensive soil testing to verify their allegations could easily be abused to pursue grudges, given the simplicity of lodging an anonymous complaint.

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I just find this to be such an unfortunate and pessimistic conclusion. Really? What "grudges?" I am frustrated by a neighbor who always parks just far enough away from an alley so as to leave only enough space to park 2/3 of a car (HYPOTHETICAL, I swear!), so I'm going to watch their weekend lawn care and dial the City as soon as I see him/her with some weed killer? How would I know it wasn't being used for one of the exemptions (i.e., poison ivy)? It's not like pesticide (as defined by the proposed ordinance) use is \*BANNED\* entirely it's just banned for purposes not specifically exempted. With all due respect, I just find this argument cynical, reaching, and dumb. The noise ordinance also relies upon "tattling," and while I VERY much appreciate my right to reasonable quiet at night, a loud noise will not irritate my or my child's skin, throat, or lungs (ears, maybe).

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From "safegrow.org:"

**THE CITY MANAGER IS NOT QUALIFIED TO MAKE PESTICIDE DETERMINATIONS**  
The ordinance does not require the City Manager to have any expertise with pesticides or their use.

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Pardon me, but, seriously? Have you read the rest of the City of Takoma Park Municipal Code Title 14, which SafeGrow seeks to amend? Provisions include 14.04, "Nuclear Free Zone" and 14.16, "Gun Regulation." First of all, I don't interpret the ordinance as requiring the City Manager to "make pesticide determinations." The ordinance states: "The City Manager shall create and issue, by October 1, 2013, and shall thereafter maintain and update, a register of restricted pesticides and uses and any administrative regulations necessary for enforcement of this ordinance." It actually does not address how the city goes about adding a pesticide to the restricted list which I know is a source of concern for some but I appreciate the latitude. I've never been terribly impressed by the "slippery slope" argument in any context, and in this case, I just don't feel concerned that the duly elected City Council (or City Manager, or whomever) is going to ban soap suds and vinegar. And as for the other provisions mentioned who in City Government is "qualified" to determine whether or not a resident is constructing a facility in his/her garage to enrich uranium? And is anyone in City Government a gun expert, and would be able to spot easily that a gun was not equipped with a child safety device? Per 14.16.040 B: "It is unlawful for any person, other than a law enforcement officer, to carry, transport or keep a handgun in the City without a child safety handgun device installed on the handgun." Who are the experts in our elected government? We may or may not have people in our government who are extremely well educated about a specific regulated item or substance in our City Code; but the bottom line is in a small city like ours, that is never going to be a requirement. Items, practices and substances are going to be regulated and restricted and/or banned in a manner that reflects TP residents' values and beliefs; sometimes they will be a bit broad. We don't have a Fortunetelling, Palmistry and Clairvoyance Working Group (see 8.24!) and we never will.

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From "safegrow.org:"

#### **PROMOTES THE AGENDA OF LOBBYING GROUPS**

In fact, this ordinance reflects the agenda of lobbying groups that oppose all pesticide use. They are trying to win restrictions at a local level that they've failed to win at a national or state level. It targets weedkillers opposed by national activists, not substances that are somehow unique to Takoma Park or particularly ill suited to our city's soils and conditions. If those advocates can't win their fight on the basis of science and public process at the national and state levels, their tactic in appealing to local governments should be closely examined.

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This is my favorite. So... since the state and/or federal government has not decided to ban/eliminate/restrict/do X (insert unhealthy, dangerous, discriminatory item/thing/practice here), WE shouldn't either! Hmmm... see 14.16, Gun Regulation, and 9.04, Rights of Non US

Citizens in Takoma Park... and many others. Lobbying groups with and without "Patriot" in their names fight for various causes. Sometimes they get local/municipal traction, sometimes state traction, and sometimes federal traction. We've got all of those levels of government and more in this country, and they're supposed to represent Us. If more of Us oppose rather than support the ordinance, and the City Council hears from Us, then it probably won't pass. But it is a ridiculous argument to say that the motivation behind this ordinance is its lack of success at a higher level. Well on second thought, maybe there is some perverted truth to that argument if it WERE law in Maryland, we wouldn't need it to make it law in Takoma Park. But it's not so those of US in support are attempting to take a small step rather than trashing the whole idea. Frankly, I consider this pesticide restriction ordinance to be far more practical, reasonable, and worthy of our time right now than something more broad reaching and ideologically motivated (like the nuclear free zone initiative although I'm glad it's on the books and I respect those who worked hard to pass that).

I'm not an academic by any stretch not an environmental expert or a legal scholar but I can read, I have kids, I spend time outside, and this really just seems like common sense. It won't stop everyone from using the pesticides even for uses not covered in the exceptions, and it will probably piss off some people who will then use them even more than before, but ultimately, as with any broad push for health and good, change will hopefully follow. It will just become part of the Takoma Park reputation a draw for some, not so for others.

Kathy Murray (Boyd Ave.)

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**From:** Rachel Gates  
**To:** "JessieC@takomaparkmd.gov" <JessieC@takomaparkmd.gov>  
**CC:** Michael Gates <magates63@yahoo.com>  
**Date:** Monday, July 08, 2013

Please support a strong Safe Grow Zone ordinance.

Thank you.

Rachel & Michael Gates  
Lee Ave.  
Takoma Park MD 20912

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**From:** Margot Bass  
**To:** Tim Male <timothymale@gmail.com>, <JessieC@takomaparkmd.gov>  
**Date:** Monday, July 08, 2013  
**Subject:** Citizen support of Safe Grow Zone ordinance

Dear Council Members,

I strongly support and urge you to pass the strong Safe Grow Zone ordinance as currently written, or an even stronger, enforcement based version. I am writing you to express that support as a long term resident and voter (since 2001) and home owner (since 2002) living in Council Member Tim Male's district in the City of Takoma Park. Being out of town, I regret that I cannot express my support in person along with other Safe Grow Zone supporters. I would like this letter to go on record with the City.

Takoma Park (20912) is already officially designated as a "high lead zip code." We bear that ugly distinction because of the high number of children living in this zip code who have been poisoned by the heavy metal lead, including children currently living within Tim Male's district. There is already a heavy toxic load of lead that is in Takoma Park's back and front yards in the form of lead dust, inside many of the city's bungalows and other pre 1978 homes in the form of lead paint and lead dust, and in the soils along our streets that were contaminated by leaded gasoline. The children of this City need your strong leadership to pass the Safe Grow ordinance in order to be protected from another major toxic burden.

Pesticides are already documented to change the hormone systems of humans, and to harm the ability of the human body to rid itself of other toxins. There have been significant fish kills in recent years in the Potomac River in areas near Washington, DC, that are attributed to the presence of damaging chemicals in the water, and there have been frightening changes of fish in terms of male female sexual changes (see the Washingtonian for a detailed article on water quality in this region). Is this what we would like to risk for our children in order to rid our yards of a few "weeds"?

Furthermore, the kinds of chemicals used in pesticides are harmful to biodiversity at large. Bee keepers are as a group uniting with environmentalists because they view the latest classes of pesticides available on the US market to be so damaging to the survival of bees, which are essential to the production of foods for humans. The numerous thriving organic farms in the US are a testament to the possibility to grow plants without relying on harmful chemical pesticides for "weed" control. In addition, many "weeds" are essential for the maintenance of local biodiversity, such as milkweeds for the survival of monarch butterflies.

The EU has already banned or never allowed some of the chemicals that are being sold in pesticides in the US. The EU has been much more progressive in terms of adopting a precautionary principle approach, whereas the US has taken an approach of typically allowing chemicals to be developed and sold after only basic safety testing, and then requiring removal of a particular chemical from the marketplace only in the face of long term, overwhelming scientific evidence that it is massively harmful. (The US banned lead paint some 100 years after

England and Australia had, despite the fact that lead is a known neurotoxin and can cause learning disabilities, to take that as a parallel example.)

I hope for an even stronger ordinance than the one on the table, but will still be encouraged if a Safe Grow Zone ordinance can be passed which maintains significant penalties and fines necessary to back up the education components. Some sort of lesser Safe Grow ordinance regarding pesticides that is "education only" will not have the meaningful, leadership statement and on the ground results that I seek. Further compromises that weaken the ordinance are not acceptable to me.

If the effects of pesticides were benign for human and animal health, and they could be fully contained on the individual properties to which they were applied, I might support a "do as you please," libertarian tact. But these chemicals are harmful and will spread to adjacent properties and waterways, even with careful application. The already overly reasonable compromises in the current Safe Grow Zone ordinance make it only just worth passing. Why not learn from the lead paint problem, rather than waiting 100 years and allowing for millions of children to have their systems poisoned in various ways?

The science is strong, the community support in favor is more numerous than the opposition, yet I understand that the political will of the Council is wavering. We need powerful, thoughtful, ethical leadership at local levels in the US to make decisions to cleanup and safeguard the local environment and local waterways that will serve the citizens and voters and their children in the short term and the long term. The moment is now. Please pass the ordinance as written or a stronger version.

Warm regards,

Margot S. Bass  
Elm Avenue  
Takoma Park, MD 20912

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**From:** Scott Schang  
**To:** <JessieC@takomaparkmd.gov>  
**Date:** Monday, July 08, 2013  
**Subject:** Comments on Safe Grow July 5 draft

I appreciate the opportunity to comment on the July 5 draft of the Safe Grow ordinance proposed by Councilmembers Grimes and Male.

In short, this ordinance fails to state a clear and present risk to be addressed under its own formulation of the precautionary principle, puts regulatory burdens on the City Manager that he is unprepared to exercise, is unenforceable, and inexplicably dismisses the obvious central role for education on this issue.

**\*Education.** \*The ordinance states education is not sufficient to address lawn pesticide risks. Where is the support for this assertion? The City doesn't use pesticides. The local hospital, when asked, stopped using them. These two examples show resoundingly that in Takoma Park education has worked and continues to work.

The ordinance's dismissive approach to education is unsupported by the record and should be rejected by the Council. The Council should make education the SOLE enforcement method in this ordinance. Takoma Park would be doing its citizens a service by working with local ag extension units of universities and colleges to educate people on integrated pest management, pesticide alternatives, and safe pesticide use. Those approaches should be taken before bans.

**\*Enforcement.** \*Using education first is even more important because the ordinance remains unenforceable. Many commenters have made this obvious point, so I won't repeat their comments.

**\*City government.** \*Other branches of government, both federal and state, are charged with examining each of the pesticides targeted by SafeGrow and determining whether the substance presents an unreasonable risk of harm as used. Takoma Park is within its rights to decide it is less tolerant of potential harms and to adopt more restrictive measures. But if Takoma Park takes this approach, it should be prepared to implement and defend the decisions and regulatory actions it takes on. The City Manager should be trained in pesticide science and pesticide use to make the decisions asked of him. Personally, I think it's a poor use of limited City resources to take on this issue as there are more pressing issues facing Takoma Park residents. And I don't think the City Manager is qualified to make the kinds of decisions the ordinance asks of him and potentially puts people at risk by deciding when and how people can use pesticides.

**\*Precautionary Principle.\*** The precautionary principle cited in the draft ordinance is: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation." This does not stand for the proposition that any risk or doubt is something government should address. Proponents of SafeGrow make generalized claims of harm that fail to support the particularized claims for relief found in this ordinance.

A responsible legislature should ask that proponents show 1) for each of the pesticides identified in the ordinance to be restricted 2) the threat of serious or irreversible damage not addressed by existing government regulation when used as a lawn care pesticide. In the face of the massive amounts of data that exist the restricted substances, the Council should ask for no less in applying the precautionary principle, which applies most effectively in the absence of data.

It is important to note that SafeGrow proponents adopt the same tactic so effectively used by climate deniers: cherry pick a few studies and data points among millions and trumpet one scientist and one hospital to create doubt and fear. The City Council should resoundingly reject this unscientific approach to policymaking whether used by those on the left or right of the political spectrum.

*\*Good Government.\** The Council has failed to do its due diligence on this ordinance. No representatives of lawn care firms have been called to testify. No state pesticide regulator has been consulted publicly or called to testify. No data about lawn pesticide use in Takoma Park has been requested or sought.

This is an example of local government being used to advance a national political agenda around a topic that lacks a coherent, well supported Takoma Park nexus. The Council should show itself to be a serious local legislature by only passing well researched, thoroughly vetted ordinances that are enforceable and put Takoma Park's interests and good government first.

Scott Schang

**From:** Erik Lichtenberg  
**To:** Jessie Carpenter <JessieC@takomaparkmd.gov>  
**Date:** Monday, July 08, 2013  
**Subject:** Comments on the July 5 draft of the Safe Grow Zone ordinance

Jessie,

Please circulate the following comments to the City Council.

Thanks!

Erik

*\*Safe Grow Comments July 8 2013\**

My name is Erik Lichtenberg. I live on Holly Avenue. I am a professor of agricultural and resource economics at the University of Maryland. I have been involved in research on pesticide regulation for 30 years and have won awards for my work on this topic. Among other things, I've written a review article on health risk assessment in addition to conducting cost effectiveness analyses of reducing health risks from pesticides.

I appreciate the opportunity to state the reasons for my opposition to the Safe Grow ordinance. I hope the Council will take them into account in deciding whether to move forward with this ordinance.

*\*Do we actually have a problem?\**

Opponents of this ordinance have pointed out repeatedly that no one has offered evidence that lawn pesticides are causing real problems here in Takoma Park.

Proponents keep repeating that the science behind the ordinance is "strong". But there is absolutely no scientific support for the ordinance.

- Proponents have cited boilerplate studies about the evils of pesticides generally.
- Proponents have cherry pick selected studies about health risks from agricultural and other uses of pesticides that don't reflect the weight of the evidence. There are tens of thousands of toxicology and environmental fate studies about these pesticides; none are cited by proponents.
- Proponents have provided no data on what pesticides are applied to lawns in Takoma Park, where they're applied, and how often they're applied. And photos of little flags just don't cut it—those flags are required no matter how safe to humans or animals the pesticides applied are..

- The Committee on the Environment hasn't provided any evidence either —appropriately enough, since they weren't asked to. They didn't conduct a review of the toxicological evidence about the pesticides on the banned list—they weren't asked to do that. They didn't conduct a baseline study of lawn pesticide use in Takoma Park—they weren't asked to do that, either. They did say that a ban would add an extra margin of safety—but that's meaningless, since it's true when measures are taken to reduce risks that are negligible to begin with (which could well be the case with lawn care pesticides).

Actually, the current state of knowledge about many of the pesticides listed by name in the ordinance is that they have little or no human toxicity and that they are immobile in the environment, so they're not generally a significant source of risk.

Lacking solid evidence about actual problems caused by lawn pesticides in Takoma Park, proponents have cited the precautionary principle as justification for action. Councilmember Tim Male's recent blog post says why the precautionary principle is important for proponents — namely that it absolves the Council from having to figure out whether lawn care pesticides actually pose a big enough problem in Takoma Park to justify banning them.

Actually, the precautionary principle isn't enough. The most recent draft of the ordinance uses a version of the precautionary principle that says “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation.” That version says that you have to show that there are serious damages at issue.

Proponents have failed to show there are serious damages at issue, so Councilmember Male invokes a second principle. He says we have a problem because “[m]ore than 400 residents have signed a petition indicating they think pesticides are a major health concern.” Perhaps we should call this the Tinkerbelle Principle—if enough people believe, it must be true. By this logic, 400 signatures on a petition is all the evidence we need to decide that lawn pesticides pose a problem worth setting up a City bureaucracy and imposing real burdens on people who want a reasonable way to deal with weeds, diseases, and bugs in their yards.

The precautionary principle used in the most recent version of the ordinance says that cost effective measures can be justified when there's uncertainty about damage. But we have no idea of whether the measures proposed in the ordinance will be cost effective because we have no idea how much they'll reduce risk. But perhaps the Tinkerbelle Principle is being invoked to duck this part of the analysis, too.

\*What kind of a city government do we have?\*

This ordinance has very little to do with actual problems in Takoma Park—if it did, proponents would have documented actual risks from lawn pesticide use in the City and designed a set of cost effective policies to deal with those specific problems.

Instead, the purpose seems to be to put proponents and the City in the national limelight by

getting out in front of a campaign being pushed by advocacy groups like Beyond Pesticides, Defenders of Wildlife, and their National Coalition for Pesticide Free Lawns.

That's not governance in the interest of our City. And it's not good governance.

\*What kind of a city are we?\*

When I moved to Takoma Park, people described it to me as a place where people want to get to know their neighbors. That's been my experience here for 25 years.

But this ordinance brings out another side of Takoma Park that's not so attractive—the self righteous attitude that says that everyone should conform to the greener than thou morality of the greenest of the green, the most sanctimonious of the environmentally concerned.

- It tells people who have conventional ideas of a nice lawn that their taste in lawns isn't welcome here.
- It tells residents to be watch out because their neighbors might turn them in to City code enforcement officers who will get warrants to take soil samples and search their basements and garages for forbidden chemicals.
- The latest version says that you have to post a City approved notice every time you spray for weeds or bugs, under penalty of a fine—and it's up to you to claw your way through a welter of information and requirements that would challenge a professional.

\*What kinds of policies could be justifiable right now?\*

Pesticides are tools, and like any tools, they can be misused and they can be used inefficiently. We could, as a City, promote safer, more effective use of lawn pesticides by:

- Having the City work with Washington Adventist University, the Adventist Church, and other institutions to adopt safer lawn care practices. That worked with the Hospital and ought to work with any institution that wants good relations with the City.
- Having the City work with commercial building owners and commercial lawn care services to promote awareness of safer lawn care practices. Again, these are entities with an interest in maintaining good relations with the City—and likely an interest in promoting safety as well.
- Having the City conduct awareness and educational programs for homeowners about safer lawn care practices. There's a wealth of resources to draw out, including the University of Maryland Extension Home and Garden program and its master gardeners; outreach is part of their mission. The City newsletter could be used to provide a tip of month. In short, there are a lot of creative ways to increase residents' awareness about lawn care.

If the Council cares about safer lawn care, it will focus on these educational and outreach efforts and drop any attempt to ban pesticides.

If the Council thinks that lawn care pesticides may be causing problems, it should commission (a) a survey to determine what pesticides are being used on lawns, where they're used, how often they're used and (b) a review of the toxicological and epidemiological evidence about the pesticides that are being used. It should move forward with further measures only if those studies show that we do, in fact, have real problems here. If those problems are due to misuse, it should deal with them accordingly. City regulation should only be considered if the evidence shows there are real problems due to approved use.

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**From:** Jamiegriffin  
**To:** <jessiec@takomaparkmd.gov>  
**Date:** Monday, July 08, 2013  
**Subject:** Please support of Safe Grow Zone

jessie, please share with council:

Dear Council,

I regret that I am out of town so i could not deliver my support in person with other Safe Grow Zone supporters.

I urge you to pass a strong Safe Grow Zone ordinance. A result that is "education only" will not be acceptable.

Jamie Griffin  
Ward2  
Ethan Allen ave

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**From:** Carol Mermey

**To:** <JessieC@takomaparkmd.gov>, <Brucew@takomaparkmd.gov>, Terry Seamens <TerryS@takomagov.org>, <SethG@takomaparkmd.gov>, <KayDC@takomaparkmd.gov>, <JarrettS@takomaparkmd.gov>, <FredS@takomaparkmd.gov>, <TimM@takomaparkmd.gov>

**Date:** Monday, July 08, 2013

**Subject:** Comments on Safe Grow July 5 draft

Dear Mayor and Council Members,

I appreciate the opportunity to comment on the July 5th draft of the Safe Grow ordinance.

\*Unfortunately, although I am a strong supporter of promoting environmentally sound health and public policy, I oppose the current draft:\*

- it does not demonstrate a clear risk in Takoma Park from current lawn practices,
- it fails to establish a baseline of current health risks from pesticide use in Takoma Park,
- it does not establish scientific criteria for selecting pesticides to be banned,
- it is problematic to implement,
- it is invasive in terms of requiring warrants, soil sampling of private property, etc.,
- it would require expenditures for enforcing punitive measures that have not been shown to be necessary.

\*The type of ordinance we pursue says a lot about whether we want to be a city that bans or a city that finds creative ways to work together\*. Both promoters and opponents of Safe Grow seek to limit pesticide risks. This is not about being for or against pesticide use.\* \*Do we talk to neighbors OR report them to the enforcers? Do we become the punitive city that bans and brings a warrant for a soil sample on your property OR the city that promote creative community awareness and education programs, e.g., demos by master gardeners, poster contests, online tutorials and games, tip of the month posted on website, newsletter, etc.

\*The proponents of Safe Grow say that the science is clear. This is a gross oversimplification the lengthy process of testing, classifying, and labeling done by state and federal agencies. It is in fact complex and shouldn't be shortchanged in the rush to push through a ban. \*If the science were so simple and clear, the EPA would not need to spend millions of dollars on studies, experts, and testing.

\*Safe Grow proponents are promoting punitive legislation, fines, and enforcement that would require adding expert personnel and contractors, training current staff, getting warrants for soil samples on private property, paying laboratories for analysis. Other costs include city attorney fees, city employee time spent at the courthouse, etc. \*

\* \*

\*An ordinance focusing on awareness and education avoids these issues and costs.\*

\* \*

The City Attorney wrote the following regarding the Safe Grow Ordinance:

"Whether the enforcement consists primarily of citing violations of the posting requirement or the use of restricted pesticides, the City probably will require additional staffing to respond to complaints, issue citations, and testify in court. The employee may need special education or training to be able to conduct chemical tests, or the City may have to procure private laboratory services. The City will also incur legal fees for advice provided to the enforcement officer and the prosecution of municipal infraction citations in court.

As noted above, the most efficient method of enforcement will be to educate the public about dangers of chemical pesticides and the availability of alternatives to encourage voluntary compliance."

The TP Committee on the Environment wrote:

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"The COE prefers an approach that promotes safer alternatives and practices that are available to attain the same goals as the restricted list pesticides."

\*Although proponents of Safe Grow claim that awareness and education don't work, awareness and education are increasingly being used by government and private industry to bring about successful change management.\* In fact, our City Councilmen talked to Adventist Hospital administrators—they are ceasing pesticide use—awareness and education have a proven track record so far at Adventist Hospital...and no bans, warnings, warrants or soil samples required.

\*I urge the City Council to look to concrete solutions to real problems here in Takoma Park. Let's approach the problem scientifically\*:

- Starting point should be an assessment / baseline of pesticide use and misuse in Takoma Park,\*\*
- Then do an analysis of alternatives (to my knowledge this hasn't been done),\*\*
- Initiate an awareness and education campaign on best practices for lawn care,



- If there's still a problem, look take further action.

\*I urge you to go the incremental route, starting with least costly, most neighbor friendly solutions. If they don't work, then escalate to more "invasive" and "intrusive" laws \*

Carol Mermey  
Holly Ave.

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From: Joe Edgell  
To: Councilmember Tim Male <timm@takomaparkmd.gov>, Seth Grimes <grimes@altaplana.com>, Jarrett Smith <JarrettS@takomagov.org>, Fred Schultz <FredS@takomagov.org>, "kaydc@takomagov.org Kay" <kaydc@takomagov.org>, Seamens Terry <TerryS@takomagov.org>, "brucew@takomagov.org Williams" <brucew@takomagov.org>  
CC: City Clerk <Clerk@takomagov.org>  
Date: Monday, July 08, 2013  
Subject: Actual Exposure Data

Nearly 100,000 accidental pesticide exposures are reported to poison control centers each year. Many of these exposures involve children, providing clear evidence that current efforts to protect children by manufacturers and others are inadequate.

By products of the insecticide chlorpyrifos were found in 93 percent of urine samples taken from children ages three to 13.12 In a separate study, 99 percent of 110 Seattle area children ages two to five had detectable levels of organophosphate residues in their urine.  
<http://www.ehhi.org/reports/lcpesticides/summary.shtml>

On 8 Jul 2013, at 20:08 , Joe Edgell <joe@edgell.us> wrote:

> We have national figures from Beyond Pesticides which can be extrapolated to Takoma Park:  
>

> Lawn Pesticide Facts and Figures

>

> A Beyond Pesticides Factsheet  
Version

PRINT Adobe pdf

>

> PESTICIDE USAGE

> 78 million households in the U.S. use home and garden pesticides.(i)

> Herbicides account for the highest usage of pesticides in the home and garden sector with over 90 million pounds applied on lawns and gardens per year. (ii)

> Suburban lawns and gardens receive more pesticide applications per acre (3.2-9.8 lbs) than agriculture (2.7 lbs per acre on average). (iii)

> Pesticide sales by the chemical industry average \$9.3 billion. Annual sales of the landscape industry are over \$35 billion. (iv)

> Included in the most commonly used pesticides per pounds per year are: 2,4 D (8-11 million), Glyphosate (5-8 million), MCPP (Mecoprop) (4-6 million), Pendimethalin (3-6 million), Dicamba (2-4 million). (v)

> A 2004 national survey reveals that 5 million homeowners use only organic lawn practices and products and 35 million people use both toxic and non-toxic materials. (vi)

#### > HEALTH & EXPOSURE RISKS

> Of 30 commonly used lawn pesticides 19 have studies pointing toward carcinogens, 13 are linked with birth defects, 21 with reproductive effects, 15 with neurotoxicity, 26 with liver or kidney damage, 27 are sensitizers and/or irritants, and 11 have the potential to disrupt the endocrine (hormonal) system. (vii)

> Pregnant women, infants and children, the aged and the chronically ill are at greatest risk from pesticide exposure and chemically induced immune suppression, which can increase susceptibility to cancer. (viii)

> Scientific studies find pesticide residues such as the weedkiller 2,4 D and the insecticide carbaryl inside homes, due to drift and track in, where they contaminate air, dust, surfaces and carpets and expose children at levels ten times higher than preapplication levels. (ix)

#### > CHILDREN & PESTICIDES

> Children take in more pesticides relative to body weight than adults and have developing organ systems that make them more vulnerable and less able to detoxify toxins. (x)

> The National Academy of Sciences estimates 50% of lifetime pesticide exposure occurs during the first 5 years of life. (xi)

> A study published in the Journal of the National Cancer Institute finds home and garden pesticide use can increase the risk of childhood leukemia by almost seven times. (xii)

> Studies show low levels of exposure to actual lawn pesticide products are linked to increased rates of miscarriage, and suppression of the nervous, endocrine, and immune systems. (xiii)

> Exposure to home and garden pesticides can increase a child's likelihood of developing asthma. (xiv)

> Studies link pesticides with hyperactivity, developmental delays, behavioral disorders, and motor dysfunction. (xv)

> Children ages 6-11 have higher levels of lawn chemicals in their blood than all other age categories. Biomonitoring studies find that pesticides pass from mother to child through umbilical cord blood and breast milk. (xvi)

>

#### > WILDLIFE, PETS & PESTICIDES

> Studies find that dogs exposed to herbicide treated lawns and gardens can double their chance of developing canine lymphoma and may increase the risk of bladder cancer in certain breeds by four to seven times. (xvii)

> Of 30 commonly used lawn pesticides: 16 are toxic to birds, 24 are toxic to fish and aquatic organisms, and 11 are deadly to bees. (xviii)

> Pesticides can be toxic to wildlife and cause food source contamination, behavioral abnormalities that interfere with survival, and death. (xix)

> Lawn and garden pesticides are deadly to non target species and can harm beneficial insects and soil microorganisms essential to a naturally healthy lawn. (xx)

>

#### > PESTICIDES IN THE WATER

> Of 30 commonly used lawn pesticides, 17 are detected in groundwater, and 23 have the potential to leach. (xxi)

> Runoff has resulted in a widespread presence of pesticides in streams and groundwater. 2,4 D, found in weed and feed and other lawn products, is the herbicide most frequently detected in streams and shallow ground water from urban lawns. (xxii)

> Of the 50 chemicals on EPA's list of unregulated drinking water contaminants, several are lawn chemicals including herbicides diazinon, diuron, naphthalene, and various triazines such as atrazine. (xxiii)

> Runoff from synthetic chemical fertilizers pollutes streams and lakes and causes algae blooms, depleted oxygen and damage to aquatic life.

#### > THE REGISTRATION SYSTEM & PESTICIDE REGULATION

> The health data assessed by EPA for the registration of pesticides comes from the manufacturer of the pesticide. EPA is not obligated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) to review peer reviewed scientific literature.

> The U.S. GAO has told Congress on several occasions that the public is misled on pesticide

safety by statements characterizing pesticides as “safe” or “harmless.” EPA states that no pesticide is 100 percent safe. (xxiii a)

> Pesticide testing protocol was developed before science fully understood the human immune and hormonal system. EPA still does not evaluate data for several neurological effects or disruption of the endocrine (hormonal) system.

> EPA does not evaluate the health and environmental effects of actual pesticide formulations sold on the shelf. Data submitted to the EPA also does not account for low dose effects, synergistic effects with inerts or combined exposure to more than one pesticide at a time.

> Most states have preemption laws that prohibit localities from passing local pesticide related ordinances that are stricter than the state policy. (xxiv)

#### > "INERT" INGREDIENTS

> Pesticide products are made of an active ingredient and several inert, or other, ingredients. Inert ingredients are neither chemically, biologically nor toxicologically inert. Inerts are not disclosed to the public due to their status as “trade secrets”.

> Active ingredients usually comprise only 5% of the actual product; the other ingredients make up the majority of a given pesticide product or formulation. (xxv)

> Inert ingredients can be more toxic to humans than the active ingredient. Ethylene chloride, a nerve poison, is an example of an inert ingredient linked with damage to the heart, eyes, liver, and adrenal glands.

> 800 out of 1200 inerts are classified as “of unknown toxicity,” 57 as highly toxic due to known carcinogenicity, adverse reproductive effects, birth defects, neurotoxicity and/or other chronic effects, and 64 as potentially toxic. (xxvi)

> 394 chemicals used as inert ingredients are listed as active ingredients in other pesticide products, and more than 200 inerts are considered hazardous pollutants and/or hazardous waste under federal environmental statutes. (xxvii)

> <http://www.beyondpesticides.org/lawn/factsheets/facts%26figures.php>

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**From:** Nadine Bloch

**To:** <JessieC@takomaparkmd.gov>, Bruce Williams <brucewtakoma@gmail.com>, Tim Male <timothymale@gmail.com>, Kay Daniels-Cohen <kdcward3@gmail.com>

**Date:** Monday, July 08, 2013

**Subject:** Support for strong Safe Grow Zone ordinance!

Dear Council,

I'm writing this as an individual member of the Takoma Park community. I support a strong Safe

Grow Zone ordinance.

I urge you to pass a strong Safe Grow Zone ordinance. A result that is "education only" will not have the meaningful, leadership statement and effects that so many members of the community support, and that should be a part of Takoma Park along with such ordinances at the Tree Protection Law.

I hope for a stronger ordinance, but will still be encouraged if a Safe Grow Zone ordinance can be passed which maintains the true penalties and fines necessary to back up the education efforts. If the effects of pesticides were benign for human and animal health and they could truly be contained on properties to which they are applied, I might support a "do as you please", libertarian tact. But these chemicals are harmful (designed to be) where they are applied and harmful to community which they will spread to, even with careful application which is often not the case. The already overly reasonable compromises in the ordinance make it only just worth passing.

The science is strong, the broader community support in favor, yet political will is wavering. Please pass the ordinance as written or a stronger version.

Thank you for your work on this,  
**Nadine Bloch**

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From: Joe Edgell  
To: City Clerk <Clerk@takomagov.org>, Jessie Carpenter  
<JessieC@takomaparkmd.gov>  
CC: Councilmember Tim Male <timm@takomaparkmd.gov>, Seth Grimes  
<grimes@altaplana.com>, Jarrett Smith <JarrettS@takomagov.org>, Fred Schultz  
<FredS@takomagov.org>, "kaydc@takomagov.org Kay" <kaydc@takomagov.org>, Seamens  
Terry <TerryS@takomagov.org>, "brucew@takomagov.org Williams"  
<brucew@takomagov.org>  
Date: Monday, July 08, 2013

Subject: Full Comments for the Public Record

Jessie:

Please file these comments with the public record. I did not have time to complete these comments during the allotted time:

The opponents of Safe Grow have called the proponents emotional extremists. So let's focus on the science and the experts rather than emotion.

Some claiming the mantle of science have weighed in against the ordinance arguing that they are scientists and you should listen to them. And it's important to listen to scientists. But it's important to listen to the right scientists.

For example, you wouldn't seek advice on the health of the Takoma Park tree canopy from a geologist who specializes in volcanoes. You would seek the advice of an expert in trees. So when thinking about this ordinance, I encourage you to listen to the experts in the endocrine disrupting effects of pesticides.

So what do those endocrine experts say?

Suburban lawns and gardens receive more pesticide applications per acre (up to 9.8 lbs) than agriculture (2.7 lbs per acre on average)

A 2012 Study on the Low Dose Effects of Hormones and Endocrine Disrupting Chemicals in the Journal Endocrine Reviews looked at a number of other studies on these issues.

It cites, for example, a 2004 study by Tyrone B Hayes from the Molecular Toxicology and Endocrinology Group at UC Berkeley, who looked at the effects of EDCs at doses normally found in the environment. The pesticide he looked at, Atrazine, produced gonadal abnormalities including hermaphroditism, males with extra testes, discontinuous gonads, and other defects.

The studies they examined looked at more than 11 pesticides\*, and found many endocrine effects at levels commonly found in our environment. Atrazine, by the way, is the most commonly detected pesticide in ground and drinking water.

The USGS's National Water Quality Assessment Program found that waters containing EDCs, including pesticides, produced the following effects in wildlife: reduced penis size, feminized behavior, non descended testicles, nonfunctional testes, and intersex fish.

One study in 2011 from the Journal of Pediatric Research noted that "very subtle thyroid hormone insufficiency in pregnant women is associated with cognitive deficits in their children" and that EDCs impacted those thyroid hormones.

Dr. Theo Colborn, noted expert on endocrine disruption and creator of The Endocrine Exchange, notes on her website that the "particular concern about pesticides is that they have been designed to disrupt biological systems [and] the biochemistry of most living things is similar enough that humans ... can also be adversely affected by pesticides." She notes that the "effects may happen at extremely low doses; they may affect multiple ... systems that control function and development; they may be subtle, long term and/or delayed; and through parental exposure they may even affect subsequent generations."

She further notes, the "health effects [of EDCs] are overlooked because they are invisible and not life threatening—but might have significant health, social, and economic impacts at the individual and population levels."

In order to address these effects, Dr. Colborn urges, "innovative regulatory policy to protect human and environmental health."

The Safe Grow Zone Ordinance is that kind of innovative regulatory policy.

The beauty of the current approach is there's a two year education period during which time each resident who doesn't understand how to comply can be educated on how to comply. After that two year period, then the enforcement begins.

As the former Assistant Administrator for Enforcement and Compliance at EPA used to note: "Law without enforcement is merely a suggestion."

This is a good ordinance with necessary enforcement provisions reasonably calculated to bring compliance. Don't let the perfect be the enemy of the good. Please pass this ordinance as currently written. Thank you.

\*Aldrina, Alachlor, Amitrole, Bitertanol, Carbendazim, Diazinon, Endrina, Fenoxycarb, Mirexa, Zineb, and Ziram

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**From:** Charlotte  
**To:** <JessieC@takomaparkmd.gov>, <BruceW@takomagov.org>, Seth Grimes <grimes@altaplana.com>, Kay Daniels-Cohen <kdcward3@gmail.com>, Tim Male <timothymale@gmail.com>  
**Date:** Tuesday, July 09, 2013  
**Subject:** Comments RE Safe Grow Zone

Dear Mayor, Councilmembers and Jessie,

I feel strongly that we should pass the Safe Grow Zone Initiative, including issuing warnings and fines for use of cosmetic pesticides.

It's clear that these pesticides are not just harmful to our children and pets, but to the people who apply them - sometimes unwittingly - and to the animals in the surrounding environment. A bit of lawn-care herbicide harms the worms, birds, bees other pollinators, and the fish downstream.

I don't see enforcement as being a significant problem. Similar to bans on smoking or littering this ban will mostly serve to educate and inform neighbors who might not be aware of the environmental damage they are doing by engaging in 'normal' lawn care maintenance - again similar to outlawing smoking or littering.

While we can deal with bureaucratic issues that may (or may not) arise as a result of the ban

later, we should act now to staunch the flow of harmful chemicals and pesticides into our fragile ecosystem and watershed.

Thanks so much,  
Charlotte

Charlotte Schoeneman  
Earthclot Design:  
Finding the Space You Need in the House You Have  
301.270.1801

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**From:** Elizabeth Knox  
**To:** <JessieC@takomaparkmd.gov>  
**Date:** Tuesday, July 09, 2013  
**Subject:** support Safe Grow

Please support Safe Grow Ordinance.

The arguments against it cannot possibly outweigh the good.

Thank you,

Elizabeth Knox  
Holly Ave.  
Takoma Park, MD

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**From:** William Fischer

To: "JessieC@takomaparkmd.gov" <JessieC@takomaparkmd.gov>,  
"Brucew@takomaparkmd.gov" <Brucew@takomaparkmd.gov>, "TerryS@takomagov.org"  
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"TimM@takomaparkmd.gov" <TimM@takomaparkmd.gov>

Date: Tuesday, July 09, 2013

Subject: Comments on Safe Grow July 5 draft

Dear Mayor and Council Members,

As a citizen of Takoma Park since 1990, I would like to register my support for Carol Mermey's position on the July 5th draft of the Safe Grow ordinance.

William A Fischer  
Elm Avenue  
Takoma Park , MD 20192  
301 270 1993

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