

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR BURKE**

RE: Calling on Albany to Stop Siding with Lobbyists and Allow Local Municipalities to Regulate Pesticide Usage

WHEREAS, due to intense lobbying efforts by the chemical industry in the nineteen nineties, local municipalities in many states do not have the power to regulate pesticide usage. This was done to prevent cities and counties from being able to implement environmental policies in their own districts. Thus taking away local control on matters of public health; and

WHEREAS, in 1991 the United States Supreme Court ruled in *Wisconsin Public Intervenor v. Mortier* that local municipalities have the right to implement stricter pesticide regulations in place of federal law in the interest of protecting public health. This prompted 7 states to pass laws allowing for local control over pesticide ordinances including Alaska, Hawaii, Utah, Nevada, Maryland, Vermont, and Maine; and

WHEREAS, New York State did not pass a law in union with these other states but the laws were proposed in both the Assembly and Senate. Senate Bill S2431 and Assembly Bill A5006 “grants local authorities power to enact pesticide local laws, ordinances, and regulations, subject to certain limits, but which may be more stringent than state law.” This was proposed in light of studies showing pesticides have contributed to the contamination of water systems in local areas across the state; and

WHEREAS, the provisions that concentrated the power to regulate pesticide usage in the New York State Legislature serve the interests of the chemical lobby and not every day New Yorkers who are affected by the harmful effects of pesticides. There is no reason why local municipalities shouldn’t have the authority to regulate pesticides in the interest of public health as evidenced in *Wisconsin Public Intervenor v. Mortier*; and

WHEREAS, Legislator Patrick Burke has introduced the Honeybee Protection Act to the Erie County Legislature in light of studies linking a widely used class of insecticides, neonicotinoids with the declining honeybee population. Over the past year alone, New York State has lost over fifty percent of its honeybees- threatening the state’s beekeepers, food supply and agricultural industry. Under the current restrictions, it is not possible to pass this bill; and

WHEREAS, it is entirely illogical to have the state decide what a local municipality can ban when the issue directly affects the health, safety, and wellbeing of the said local municipality. The current policies are regressive and take control away from the entities that should possess it, allowing companies who profit off of that lack of control. There should be a clear separation between elected officials whose job it is to ensure the public health and lobbyists who are simply trying to increase the profits of the chemical industry no matter the effect to the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the New York State Senate and Assembly to revisit S2431 (2011) and A5006 (2013) and pass them in order to ensure that local municipalities have the authority to regulate pesticides as it pertains to their own internal affairs.

RESOLVED, that a certified copy of this resolution is sent to the New York State Senate attention Majority Leader John J. Flanagan and the New York State Assembly attention Speaker Carl Heastie.

FISCAL IMPACT: None for resolution.