



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
October 30, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Wengraf, Hahn, and Davila
Subject: Resolution in Opposition to Local Pesticide Preemption

RECOMMENDATION

Adopt a Resolution opposing the local pesticide preemption clause in the upcoming federal Farm Bill, and send it to Senators Feinstein and Harris.

BACKGROUND

Section 9101 of the proposed federal Farm Bill¹ would institute federal preemption of local pesticide policies and prevent local jurisdictions from adopting protective laws that meet local environmental needs.

Localities have the right to implement their own pesticide regulations and bans according to Supreme Court case *Wisconsin v. Mortier* (1991). This preemption is unconstitutional and undermines local jurisdictions' abilities to protect the environment. Over 60 local officials in 39 communities from 15 states have publicly opposed this section of the Farm Bill.

Berkeley utilizes Integrated Pest Management (IPM) policies to reduce reliance on harmful pesticides (BMC 12.29.030.H). IPM policies are crucial to the protection of air, water, and beneficial insects, and our City has benefitted tremendously since implementing them. The Environmental Protection Agency under our current leadership has declined to ban pesticides and chemicals known to cause health defects, and using only federal guidelines is unsafe.

We join these and other localities or city officials in opposing Section 9101: Anne Arundel County, MD
Arcata, CA
Bothell, WA
Boulder, CO
Davis, CA
Dover, NH
Eden Prairie, MN
Everett, WA

¹ Found on page 555 of
https://agriculture.house.gov/uploadedfiles/agriculture_and_nutrition_act_of_2018.pdf

[Title of Report]

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Fairfax, CA
Greenbelt, MD
King County, WA
Malibu, CA
Maui, HI
Middlebury, VT
Minneapolis, MN
Montgomery County, MD
Montpelier, VT
Moorpark, CA
New Hope, MN
North Miami, FL
Northampton, MA
Ocean City, NJ
Ojai, CA
Portland, ME
Prince George's County, MD
Richmond, CA
Rockville, MD
Rockville, MD
Seattle, WA
Shorewood, MN
South Euclid, OH
South Portland, ME
Spokane, WA
St. Louis Park, MN
Takoma Park, MD
Vallejo, CA
Wellesley, MA
West Hollywood, CA
Williamstown, MA

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

CONTACT PERSON

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Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN OPPOSITION TO LOCAL PESTICIDE PREEMPTION

WHEREAS, Berkeley's local sovereignty is crucial to fighting climate change at a local and regional level; and

WHEREAS, Berkeley has committed to safe pest management techniques (BMC 12.29.030.H); and

WHEREAS, the proposed 2018 Farm Bill Section 9101 preempts localities from setting their own pesticide bans or regulations, instead complying only with federal regulations; and

WHEREAS, the proposed section is unconstitutional according to *Wisconsin v. Mortier* (1991); and

WHEREAS, elected officials from across the country have publicly opposed this section and Berkeley should stand with them.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley strongly opposes Section 9101 of the federal 2018 Farm Bill; and,

BE IT FURTHER RESOLVED that the City of Berkeley recognizes the rights of localities to set their own pesticide regulations.

