

Safe Grow Montgomery Response to Maryland Attorney General Opinion on Bill 52-14

April 27, 2015

Any bill is vulnerable to challenge, preemption or otherwise, especially when the opponents are backed by an industry that has unlimited resources.

Health advocates are confronting the industry on all fronts, domestically and internationally, because of the health dangers of pesticides and increasing pesticide use. Concern for human health is what is fueling GMO labeling bills, GMO bans, and local pesticide restrictions.

The pesticide industry pays full time lobbyists to thwart any and all limits on pesticide use in order to preserve profits; and they co-opt agriculture groups with fear. They're afraid of people acting on knowledge of health risks from exposure to pesticides.

Bill 52-14 is a healthy lawn care bill for Montgomery County that specifically exempts agriculture, yet the local agriculture groups are the most vocal opposition.

Maryland is one of seven states whose General Assembly has not passed a pesticide preemption law. In the other 43 states, the industry has successfully lobbied for an express prohibition on protective local laws.

We presume this is why Delegate Reznick asked on behalf of a Farm Bureau member for an AG opinion on implied preemption.

On Preemption:

Safe Grow Montgomery does not agree with Maryland's Attorney General opinion as stated in a letter to Delegate Reznick.

It focused on the law of other jurisdictions when there is clear precedent from Maryland Court of Appeals cases on analyzing the question of implied preemption. The AG opinion overlooks important factors used to analyze whether the General Assembly intended to exclusively occupy a field - in this case, the field of pesticides.

The AG opinion mischaracterizes text from the Maryland pesticide law as signifying intent to prevent local legislation, and to promote uniformity. The two quoted provisions both deal specifically with giving the Department of Agriculture permission to cooperate with, and adopt regulations of U.S. agencies. It is misleading and incorrect to take statutory language out of context to imply statutory intent.

Thank you,

Safe Grow Montgomery