

2/1/2017

13-R-17

A RESOLUTION

Urging the State of Illinois to Repeal Preemption of Local Regulation of Pesticides

WHEREAS, The City of Evanston in March 2016 issued a proclamation advocating for monarch butterflies and committing the City to take steps toward a healthy environment for pollinators, including planting more milkweed and encouraging pollinator gardens on public and private properties; and

WHEREAS, The City of Evanston has moved away from the use of synthetic pesticides and herbicides on the properties it manages, other than neonicotinoids to control emerald ash borer; and

WHEREAS, Evanston residents also have been advocating to encourage pollinator and bird habitats and to discourage the use of synthetic pesticides on private property; and

WHEREAS, In 1983, the State of Illinois adopted an amendment to the Illinois Pesticide Act of 1979, 415 ILCS 60/1 *et seq.*, that prohibits local governments from regulating the registration, purchase, use, storage and disposal of pesticides; and

WHEREAS, In 1991, the United States Supreme Court ruled that, absent state law to the contrary such as exists in Illinois, federal pesticide law does *not* preempt local regulations of pesticides (*Wisconsin Public Intervenor, et al., Petitioners v. Ralph Mortier*, 501 U.S. 597); and

WHEREAS, In *Wisconsin Public Intervenor*, the U.S. Supreme Court held

that the federal statute that governs the registration, distribution, sale and use of pesticides in the United States, Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), 7 U.S.C. 6 §136 *et seq.*, leaves local regulation of pesticides in the hands of local authorities; and

WHEREAS, the 1983 Illinois law expressly prohibits local ordinances regulating pesticides, thus making the aforementioned 1991 United States Supreme Court decision not applicable in Illinois,

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

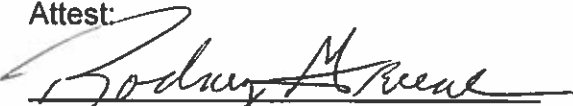
SECTION 1: The City of Evanston urges the General Assembly of the State of Illinois to repeal the preemption of local government regulation of pesticides.

SECTION 2: The City of Evanston supports an amendment to the Illinois Pesticide Act to provide for the right of local home rule governments to adopt pesticide regulations that are more restrictive than State law.

SECTION 3: Resolution 13-R-17 shall be in full force and effect from and after its passage and approval, in the manner provided by law.


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Adopted: February 13, 2017