



## *Office of the Onondaga County Legislature*

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**DEBORAH L. FICHERA**  
Clerk

**DALE A. SWEETLAND**  
Chairman

**JOHANNA H. ROBB**  
Deputy Clerk

**PUBLIC HEARING OF THE ONONDAGA COUNTY LEGISLATURE  
RE: PROPOSED LOCAL LAW RELATING TO SPECIAL REQUIREMENTS FOR COMMERCIAL AND  
RESIDENTIAL LAWN APPLICATION OF PESTICIDES  
MAY 8, 2006**

**Chairman Sweetland called the hearing to order at 6:05 p.m.**

The Clerk called the roll and the following legislators were present: Mr. Kraft, Mr. Meyer, Mr. Farrell, Mrs. Rapp, Mrs. Rhinehart, Mr. DiBlasi, Mr. Corbett, Mr. Stanczyk, Mr. Holmquist, Ms. Mulroy, Mr. Warner, Mr. Kinne, Mr. Laguzza, Mr. Ryan, Mrs. Chaplain, Mrs. Winslow, Mr. Chairman.

Absent: Legislators Baker, Whelan.

Chairman Sweetland announced that no comments or questions will be taken from legislators and he asked that all speakers respect each other and keep their remarks to 3 or 4 minutes. Written comments should be left with the Clerk.

**Janet Allen - *statement attached***

**Don Burton, President, NYS Lawn Care Association** – would like to show that what they do is helping pets and children. He is also here to represent thoughts of the Farm Bureau, NYS Alliance Environmental Concerns, and others. The Lawn Care Association has one million properties under contract, which covers more than four million New Yorkers. The issue is tough because there are a lot of allegations put out there that haven't gone to a real hearing process. The investigative part is that a problem is brought out and the issue is put to the test of science. Feels that this should not be rushed. Has gone around the counties in NYS and is very familiar with this issue and how it came about through politics. He asked that opposition to show data. There are folks that have concerns, and have a right to know regardless if there is a threat or hazard. He would enjoy, for peace of mind, being notified of spraying. The Association supports that; several ways that a voluntary system can be done. Ulster County has a good system

**Martha Loew, Sierra Club** – It has been 5 years since we went through this before. Sierra Club has been instrumental in getting a neighborhood notification law passed in many other counties; 12 counties have passed it; 74% of state is now protected. It is important that Onondaga County do this also and represent the dangers of these pesticides.

**Terry Ettinger** – Has been writing about these topics since 1987. Has taken a look at representatives of the green industry; they are portrayed as corporate moguls, as uncaring individuals. The fact is that most are native residents of Onondaga County, employ Onondaga County citizens; children have been part of their business. They live the environment every day, beginning at 4:00–5:00 a.m. until late in the evening, 365 days per year. They do their best to maintain the environment in a healthy manner. Lawns are excellent air filters; effective at taking dust and materials out of the air. No better cover for storm management than healthy turf grasses. Research from Cornell, Penn State, Michigan State and Iowa State, tried to force materials off turf areas into surface runoff and are barely detectible. The healthier the lawns are, the more effective they are.

\$10's of million/year spent on developing integrated test management protocols, using Onondaga County turf areas. Protocols are now in place worldwide in developing turf in environmentally sensitive manners. If this is implemented and adopted, it will reverse decades and millions of dollars spent, much in Onondaga County. Two years ago, he was diagnosed with testicular cancer. He has been around pesticides his entire life and after the diagnosis he never consider the possibility that the pesticide he was exposed to caused it. Humans are exposed to so many different materials that it is impossible to chisel out what may have induced some health issues. The amount of pesticides that people are exposed to on a daily basis is microscopic. Life is full of risks, impossible to legislate out every possible risk. This is one that is so small compared to all other risks that we face. The 11/22/00 NYS register points out effects of this law and anticipates that local governments will to have to spend between \$50,000-\$300,000/year to support this local law once implemented; not once, but in perpetuity. He hears this County is in dire straights financially. As a County taxpayer, he wants to know what will be cut from budget to pay for this legislation if adopted now and in the future.

**Austin Paulnack, Syracuse Move On – Statement attached**

**Lee Hudson, Onondaga County Farm Bureau – Statement attached**

**Linda DeStefano, Sierra Club** – was in a situation where both neighbors used pesticides. Is in favor of notification law. It doesn't work when companies say they will come one day, and then the weather isn't right and they have to come another time. A local tree/landscape service made a comment in the newspaper that a law isn't needed because most people don't care. People that don't care are probably not educated; they are uneducated to the dangers of pesticides to people or animals. Wants the government to make the registry mandatory and enforce it. There is a lot of data available with specific studies done by national groups.

**Annette Bailey** – in favor of notification law; people have the right to know when the spraying would be done, especially if it is toxin; have the right to protect their families and animals. Does not want wildlife exposed to it; would be better to use natural products.

**Richard Weiskopf, MD, Physicians for Social Responsibility** – retired physician, practiced medicine for 35 years. This organization has devoted a lot of time to environmental programs; have a pesticide education program; there is a log of data on the harmful effects of pesticides at [www.PSR.org](http://www.PSR.org). Pesticides have bad effects on asthma, some on nervous system, toxicity, bone disease, bone marrow disease and many other disorders. A study was done regarding children whose lawns have been sprayed with pesticides and leukemia was a lot more common. In another study lymphoma in dogs had a 4–1 prevalence, when lawns were sprayed with pesticides. Physicians for Social Responsibility has a precautionary principal that states *if you have good evidence that something is causing harm, you should not wait for absolute proof*. He referred to radiation and minimal safety standards. Cannot always wait for scientific proof. If there is good evidence that something is causing harm, do something about it.

**Jim Sollecito, Sollecito Landscaping – Statement attached**

**Rick Kier, Pro-Scapes, Inc. – Statement attached**

**Jeff Rogers, Past President, NYS Nursery Landscape Association** – Has dedicated his business and life to the green industry; has 40 employees in season, 20 employees off-season. Education from OCC and LeMoyne; certified nursery professional in NYS; certified pesticide applicator in NYS; Regional President of Central New York Nursery and Landscape Association; and recent past president of NYS Nursery Landscape Association. Has had pleasure to travel through NYS, and spoken to many individuals small and large business, corporate moguls, but industry is primarily represented by mom and pop organization; a parent, a child, and up to 12 employees. The concept of big corporations controlling the environment, and what happens within that environment, is false. This is the 2<sup>nd</sup> largest growing marketplace in NYS. He had to cut jobs within his company as a result of discipline in the green industry; the company has grown and the jobs were placed elsewhere within landscape construction maintenance. Application is not a real task within his company – chose it that way because the future looked difficult. He applauds the individuals that are working that it stay that way. If this legislation is adopted, the cost to the consumer of the products and services will go up. Homeowners will pick up the slack and make applications. Do-it-yourselfers are less skilled, use too much

product, and often use the wrong product. Onondaga County should look hard and deep at this issue; and make sure that those that are trained, those that are stewards of the environment, are the people taking care of the environment on behalf of all of us.

**Tom Mullarney – *statement attached***

**Jackie Crane, Little York Plantation, NYSNLA** - has 30 members on staff, hazardous communications trainer – trains employees on how to protect themselves when pesticides are sprayed in the nursery; is President of NYS Nursery Landscape. She speaks to members from the Long Island Sound to shores of Erie Lake everyday. Today she was told the following from members: Erie County opted into 48 hours; however, there is no money and no interest in enforcing it -- even the big garden stores do not have the homeowner's posting flags. On Long Island an independent garden center has turned the 48 hour law into a big opportunity. In her own company she does applications in Tompkins County and added \$35-\$50 on each application because of notification. One member said that in his area landscapers asked homeowners to make their own application. She noted that 85% of pesticides are not applied by professional applicators. 48 hour notification is very powerful; asked that the legislature not make the mistake of turning pesticide application over to the homeowner.

**Mike Gorham – *statement attached***

**Gary Coye** – a homeowner and owner of a tiny lawn care business; most customers are senior citizens; many known on first name basis. He is in favor of neighbor notification and practices it in his company. They notify 3 neighbors and are cordial. If this law were passed he would have to notify thousands of neighbors--for a tiny business owner, it is a huge cost. Instead, it is possible to have a list of neighbors that desire to be notified. If this law passes, he has thought about what he would have to do. He could raise price of lawn treatment to defer cost, but would loose customers. He thought about calling it quits, allowing big lawn companies to take over; or maybe homeowners would have to fend for themselves. In 2006 he wonders if his days are numbered – he is getting regulated out of business. There is licensing, testing, registration, and all the fees that go with them, signed contracts of notification, dates of service, a list of pesticides, label distribution, education credits, apprenticeships, daily logs, annual reports, posting of signs. Most are very good, but one more nail in the coffin – neighbor notification, might put him under. Urges legislators not to vote for the law. Be the 1<sup>st</sup> county to start a registry for neighbors.

**John Fisher – *statement attached***

**Gerry Rubenstein –*statement attached***

**Michael Grimm – *statement attached***

**Bill Lipe – *statement attached***

**Lindsay Speer – *statement attached***

**Dereth Glance, Citizens Campaign for the Environment – *statement attached***

**Dorothy Kraebel** – urged legislature to pass law – has a 2 year son who has a breathing problem; is susceptible to material in the air. She takes precautions everyday to make sure the air around him is clean. She had to know when it is not, which includes when toxic chemicals will be sprayed near her home. The volunteer registry is nice to call people to ask for it, but without the power of law behind it, there is nothing making them do that.

**Andrew Mackie, Audubon New York** – Audubon, NY has 50,000 members and 30 local chapters, including one chapter in Syracuse. Should err on the side of caution when it comes to human health and environment. Urges passing this law, it is reasonable and responsible in helping to protect human health, pets and wildlife in Onondaga County.

**Kimberly Rejmain** – household grows as much produce as they can and has 10' between her house and the neighbor, who sprays their yard. It doesn't do any good for them to come home to paper signs. Urges passing this law. Has heard a lot of comments about cost vs. health; urges voting for health.

**Peter Pedemonti** – urges County to pass this law. Has a garden in his yard, and apartment is about 3'-4' away from neighbors property line. Neighbor applied pesticides to his lawn and now doesn't know if his garden was exposed. Also, his bedroom window was open. Has a right to know and protect his home and be able to close his windows; 48 hrs. is not a lot to ask. It is a common sense law.

**Mathew Considine** – would like to see the law passed, would like to know when he can let the cats out. Would like to know when neighbors are spraying pesticides.

**Melinda Sobin, NYPERG** – *statement attached*

**Gerry Dolan** – returning veteran from Iraq, spent a year there; saw a lot of things and knew he would be exposed to dangers before he signed up; took those risks. He has a young son; important to protect his family; wants the right to know what dangerous pesticides will be sprayed. This is a simple law, provides notification now, not after studies are in or data it collected, or after more people get cancer or dogs die. Strongly urges it be put into practice.

**Vicki Baker** – Is here on behalf of Janet Besse, believes she died from pesticides near her well. Also here for Nancy Walsh, who's son died - read an email from her (*attached*). People do care. She referred to comments made previously – stating that every day our bodies are assaulted by chemicals. Something has happened to our society that people need a perfect lawn; millions of dollars have been spent on ads to this regard; dandelions have become bad. Health is the issue; neighbor notification is a no brainer. In 2001 she was here and received all handouts. She referred to one, which included a registry telephone number that “*should be handed out only when asked, not to be handed out at random.*” When people sign up for the registry they sign an understating that “*waives any and all future claims, suits, causes for any action, injuries, damages whatsoever, and hold harmless the NYS Lawn Care Association and individual officers and directors.*” She said people don't know about the registry and then if they do sign up, they waive away all their rights. She referred to Lee Hudson, Farm Bureau -- grows our food, produces our milk and we don't want pesticides in them. She questions if he was afraid that people would know that they are being used. What happened to Bill Lipe is a testimony that people get hurt by it. She referred to a report from the Attorney General's office – she urged people to read it, none of lawn care companies went out of business according to the report. There is every opportunity now to enhance organic treatment, enhance public education. Neighbor notification doesn't work if it is posted the same day. She referred to Jackie Crane's comments. Should let Onondaga County be known as a county that cared enough to let neighbors be notified before poisons are sprayed next door. Regarding enforcement, she compared it to the recycling law passed in Onondaga County 11 years ago with no enforcement. On the County's website there is a GIS system -- can easily know who owns properties in the area of spraying. The cost vs. impact off health; very conservative county – the Attorney General's office has come up with the cost of registry vs. implementation. Urges this law be passed.

**Dr. Michael Wolfson, Physician** - grew up here; supports the passage of this law without qualifications and very pleased that the legislature has decided to reconsider it again. The legislature didn't have the guts to pass this law and apply to the entire state. He has been treating individuals with pesticide exposures for 20 years. The comparison of the use of pesticides to the practice of medicine; it is laughable. The practice of medicine's basic principle is “first do no harm.” Every pesticide used is to kill something. The citizens of the county have a right to expect that our legislators will protect us; the notification law doesn't go far enough, but is a good start. It will protect individuals that do not want to be exposed to pesticides. He has a list of a piles of material, that is not even 5% of the material in his library, of the dangers of pesticides. He shared several examples of various pesticide exposure dangers to humans and animals. He listed the various cancers, reproductive problems, spontaneous abortions, toxic to fetus, stillbirths, limb reduction birth defects. He referred to brain disorders in children of Norwegian farmers, immune system effects, endocrine organ disorders, increased risk of breast cancer. He read excerpts from a letter from Dr. Sawyer, toxicologist

(**attached**). Hopes that the legislature considers the extreme risk to exposure to pesticides and votes for the notification law.

**Janet Sovik** – in favor on notification law; has a poodle that has developed an immune disease; loves wildlife and they are eating on the lawns. She is sure that this pollution affects them. When she walks her dog, she can't believe that almost every lawn has a sign that Chem-Lawn has been there. Her dog's nose can't touch any lawn, has to keep it in the street. The finches love the dandelions. It would be better if we used less pesticides; we need the wildlife and there won't be any left.

The public hearing was adjourned at 8:30 p.m.

Respectfully submitted,



DEBORAH L. FICHERA, Clerk  
Onondaga County Legislature