Supreme Court decides

Towns can regulate pesticide use

By Charlene LaVoie 11-6-91 E/C

WINSTED

AN IMPORTANT and wonderful legal event occurred recently. This summer the United States Supreme Court, in a 9-0 ruling, said local communities may go beyond federal law in regulating pesticide use. The Supreme Court also said that the local government, in determining the use of pesticides, did not need a particular expertise beyond knowing their own town well.

The importance to the local community of these two points of the decision cannot be overly emphasized.

Increasingly the local community operates under guidelines set by a distant and unresponsive federal or state government. Community loss of control over their own affairs and centralization of power in the federal or state government is one factor in the prevailing American sense that government is spiraling out of control.

This lack of control leads to the apathy toward involvement in politics that many citizens experience. A vocal and viable local community and government is part of the solution to these problems.

Consider Casey, Wisconsin, population 400. The Board of Selectmen voted to require everyone to apply for a permit to use pesticide on private or public land. The town spent three years developing a practical pesticide control ordinance under its authority to protect the health and safety of its residents.

As one of the country's most comprehensive pesticide ordinances, Casey regulated an area that both the federal and state government officials, pressured by the financial interests of the pesticide interests, ignored.

The local court and the Wisconsin Supreme Court struck down the local ordinance saying that the federal law intended to prohibit localities from regulating pesticides. Once this case was headed for the U.S. Supreme Court, the chemical corporations, lawn care companies and farm organizations and their "experts" united to fight the town. Their argument: Small towns cannot deal with the complexities and scientific advances of pest control and the burden and cost for pesticide companies to abide by thousands of local ordinances is too great.

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The Supreme Court's unanimous ruling in favor of the town accepted that argument and concluded that, while federal law regulates the pesticide industry, it left "ample room for localities to supplement federal efforts."

This ruling gave a one-two punch, one punch to the notion that localities may not regulate activities within their own sphere and another punch to those who assert that only "experts" can tell us what is appropriate, necessary or correct for our community's lives.

This decision has impact on other localities in the country seeking to regulate pesticide us, including towns and counties in Maine, Maryland and California. An inspiring example of community common sense, determination and spunk!

Charlene LaVoie is community lawyer for Winsted.