



EXHIBIT 4  
DATE 2-3-05  
HB 359

March 27, 1997

The Honorable Marc Racicot  
Governor of Montana  
PO Box 200801  
Helena, MT 59620

Dear Gov. Racicot,  
The Montana Agricultural Business Association respectfully requests you sign HB489, an act providing for local regulation of pesticide notification, as passed by the Montana Legislature--without any grandfathering amendment.

Our testimony presented in both the House and Senate committees is attached and explains the need for the legislation as well as outlines what it does and why we as well as numerous other groups support it.

It is a proactive effort to find a middle ground. Some 39 other states do not allow any local regulation of pesticides at all. This legislation allows for local regulation on a local option basis but prevents a patchwork of different regulations across the state that ultimately would impact homeowners as well as regulated industry.

We've made no bones in talking to legislators that our efforts are aimed at assuring Missoulians are not subjected to excessive regulation being promoted by environmental extremists, and more importantly, that excessive local regulation like Missoula is considering doesn't spread to the rest of the state.

We, as well as members of the Missoula Chamber of Commerce, have been frustrated in trying to work out any consensus with a Missoula city council committee. Suggestions to make the ordinance more workable or to promote education instead of the regulation have been ignored. Each successive draft of the ordinance has become more and more restrictive. Therefore, we would urge you to reject any amendment to grandfather in Missoula. (Missoula voted down a less restrictive ordinance 57 percent to 43 percent at the polls in November 1991.)

I have visited with Missoula Mayor Mike Kadas and pointed out there is an opportunity in the current Montana Pesticides Act (which was not changed in HB489) for Missoula to petition the Department of Agriculture to address specific local needs (page 4, lines 15 and 16) and committed to working with him--as we would any other locality with a specific local need. We strongly believe in consensus building, but it has not been possible in Missoula.

Beyond that, this legislation is a step forward for Montanans who want the right-to-know when pesticides are being applied; it is local option so it does not impose any additional burden on cities or counties unless they opt for it; it provides for uniformity statewide where pesticide notification ordinances exist, and, it is not excessive regulation. We ask that you sign HB489 and would be happy to answer any questions you may have.

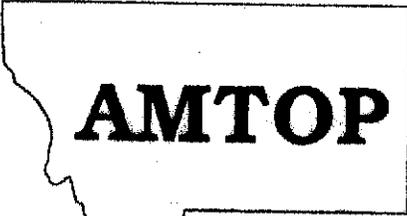
Thank you.

Sincerely,



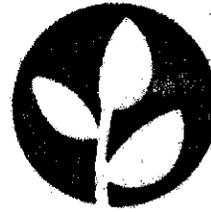
Pamela Langley  
Executive Director  
Montana Agricultural Business Association

c: Ralph Peck



**AMTOP**

Association of Montana  
Turf and Ornamental Professionals, Inc.



**MaBa**

### HB 489

1. This legislation is **the middle ground**. Some applicators don't want any local notification and posting at all. Some anti-pesticide individuals attempt to use pesticide notification and posting--particularly prenotification and homeowner posting--as a means to discourage pesticide use to the point that people won't use pesticides at all. We are not proposing HB 489 as a position to start negotiating from but as the middle ground.
2. It is a proactive effort to allow for local pesticide ordinances and yet maintain **uniformity statewide** for any pesticide notification ordinances that exist. This is important to those who operate in more than one local jurisdiction including Montanans who are commercial pest control operators and lawn care applicators as well as individuals who live and/or work in more than one jurisdiction.
3. It provides for **right to know** about pesticide applications. We believe that people who want to avoid exposure to pesticides should be able to. However, prenotification is not at all necessary--there is no exposure before the application. Posting at the time of application provides right to know for those who want to avoid exposure to pesticides.
4. It is **local option**. Localities are not required to adopt pesticide notification and posting ordinances, but if they choose it, it states what the ordinance must be. It is not an unfunded mandate and it also does not impact the state budget because if a locality chooses to adopt an ordinance, it must fund it.
5. It provides for **local control**. The vast majority of other states (39) prohibit any local control of pesticides. This legislation provides for local control as long as there is uniformity statewide of these ordinances.
6. Homeowner posting is not included in this legislation because where it exists, it is not being enforced because it's unenforceable.
7. Last session, Rep. Mike Kadas--who is now mayor of Missoula--had similar legislation which the anti-pesticide group in Missoula supported while pesticide user groups including agriculture opposed. (It was tabled in the House Agriculture Committee) His legislation was positive in that it contained no prenotification, no homeowner posting, and was local option. The problem with it was it required too

much information on the signs and it did not provide for specialized cases like golf courses, right of way applications, nurseries or agriculture. Nurseries are already under EPA worker protection standards notification requirements. The agricultural exemption in HB 489 is primarily for clarity to local governments because most of agriculture (not pasture land, however) is also under EPA worker protection standards notification requirements. (We can't be expected to conform to two separate sets of rules.)

8. Those who want a chemical-free society use pesticide notification as an issue, ignoring the **positive effects of pesticides in our society**--a safe, abundant food supply; mosquito, hanta virus, weed and other pest control which provide a cleaner, healthier environment for all Montanans.

9. We support this legislation because we recognize that certain **individuals have reactions to chemicals--be they natural or man-made--in the environment**--including pesticides. However, the American Medical Society has not recognized what has been called "multiple chemical sensitivity" as a disease or illness. The symptoms vary widely from individual to individual and at this point, the AMA is calling it a "phenonoma" and suggesting a psychogenic rather than an organic cause. A second term has been used to describe it: "Idiopathic Environmental Intolerance"--idiopathic meaning the causes unknown. Most recently, the Mayo Clinic has named it "Odor Aversion," suggesting odor as the cause--whether it be from paints, perfumes, solvents, copy machines, carpets, pesticides, or fungus.

10. We support this legislation because while the voters of Missoula turned down a pesticide notification ordinance in 1991 by a 57-43 margin at the polls, anti-pesticide individuals are again trying to have an ordinance enacted. It would discourage pesticide use--it includes prenotification, homeowner posting, and, in general, is cumbersome and is very intrusive for individuals. Our efforts to work with them have failed--our members have basically been ignored. They had four or five drafts written before even contacting local lawn care operators. After that, a City Council committee agreed to listen to the green industry and yet ignored suggestions made. The Missoula Chamber of Commerce has now become involved and it's our understanding they are frustrated as well. With Missoula again looking at a pesticide notification ordinance, we think it's time for the Legislature to develop **statewide uniformity for pesticide notification** in cities and counties that may want to adopt local pesticide notification ordinances--if you do not, Missoula will set the standard for the rest of the state.

We ask that you resist any amendments providing for pre-posting, homeowner posting, more information on the signs or allowing localities to be more stringent than these standards. We want to move forward with local option notification that is workable and provides right to know but is not cumbersome or intrusive.



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## **HB489 Supporters**

Montana Department of Agriculture Director Ralph Peck  
Association of Montana Turf and Ornamental Professionals  
Montana Agricultural Business Association  
Peaks & Prairies Golf Course Superintendents Association  
Montana Association of Nurserymen and Nurserywomen  
Montana Grain Growers Association  
Montana Farm Bureau Federation  
Montana Farmers Union  
Montana Stock Growers Association  
Montana Wood Products Association  
Montana Water Resources Association  
Burlington Northern  
Montana Rail Link

## **HB489 Opponents:**

Missoulians for a Clean Environment (Will Snodgrass &  
Tony Tweedale)  
Missoula Mayor Mike Kadas  
Montana Environmental Information Center  
Northwest Coalition for Alternatives to Pesticides  
Missoula Urban Demonstration Project  
Women's Voices for the Earth (Missoula)