



**House
Legislative
Analysis
Section**

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LOCAL PESTICIDE REGULATION

House Bill 4344

Sponsor: Rep. Tom Alley

Committee: Agriculture and Forestry

Complete to 3-2-93

A SUMMARY OF HOUSE BILL 4344 AS INTRODUCED 2-24-93

Prohibition of local pesticide ordinances. The bill would amend the Pesticide Control Act to prohibit a local unit of government from enacting, maintaining or enforcing an ordinance or regulation that conflicts "in any manner" with the act. The bill would state that "it is the express legislative intent that this act preempt any local ordinance, regulation or resolution that purports to duplicate, extend, or revise in any manner the provisions of this act."

Exceptions. However, the bill would allow a local unit to enact an ordinance regulating the distribution, sale, storage, handling, use, application, transportation, or disposal of pesticides if either "unreasonable adverse effects on the environment will exist within the local unit of government," or if the local unit had determined that the use of a pesticide within its jurisdiction had resulted in the violation of other existing state or federal laws. The bill would specify that an ordinance enacted under this provision could not conflict with existing state or federal laws and could not be enforced by the local unit until it was approved by the Commission of Agriculture. If the commission denied an ordinance under this provision, it would have to provide a detailed explanation of the basis for the denial.

Department of Agriculture duties. The bill would require the Department of Agriculture to develop a program on pesticide container recycling and disposal. The program could not require a retail food establishment regulated under the Michigan Food Law to accept return containers. Also, the bill would specifically allow the department to promulgate rules regarding notification or posting designed to inform people entering public and private buildings or areas where pesticides have been applied. Finally, the bill would not prohibit the department from contracting with a local unit of government to enforce the Pesticide Control Act.

MCL 286.568 et al.

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