

# EFFORTS TO COMBAT PESTICIDE LEGISLATION FOR ARBORISTS<sup>1</sup>

by Phillip Alampi

Like most of you, I would be happy to see the controversy about chemical pesticides flitter away, like harmless butterflies. Life for all of us might be easier, but no better. Without pesticides, there would be no controversy of the current kind. Without pesticides, we could plant our crops and merely hope for the best. We could try to forget about bollweevils, cornborers, apple scab, Johnson grass, aphids and thrips, and many other mites, bugs, insects, fungi, and weeds.

We could plant our highly evolved seeds, fertilize the ground well, and irrigate the soil at the right times. By doing so we would be up-to-date, but without pesticides we would be producing only a fractional part of what we produce now. We might pick off the worms from the plants and drop them into a bucket of kerosene, but then kerosene is a pesticide.

If we wanted to be really extreme about pesticides, we could quit using flyswatters in our homes. Flyswatters are pesticides, also. So are human hands. Of course, the quality of life would be affected in our homes if we can't keep down the roaches, ants, flies, carpet beetles, clothes moths, silverfish, and other pests that infest our farm animals and our pets. Also, many pests attack works of art, many kinds of fabrics and paper, including valuable files and documents.

We have environmental extremists. There's the person who says don't spray for gypsy moth control, because the bare trees will attract woodpeckers. That person forgets about the dozens of other species of birds that will lose their feeding and nesting areas if the trees are denuded. In a denuded forest, the woodpeckers would be pretty lonesome, as would all wildlife. We found out in New Jersey that even the snakes move away when the shade is gone.

What we must do is convince the urban population—both the voting and the vocal popula-

tion—that carefully used pesticides are vital to their well-being as much as, or more than, to that of the farmer. Pesticides are as important to the ecology of the urban society as they are to agriculture. Farmers would love not to use fertilizers and pesticides—they would save a lot of money—but if they did that, we wouldn't eat. If you don't eat, you die!

Insect damage to forests, both in reduced production and actual destruction of standing timber, amounts to over 30 times that destroyed by fire every year. Shade trees, ornamental shrubs and lawns are subject to pest attack, and the cost of replacing such plants and turf exceeds greatly the cost of protection.

Insect damage affects the aesthetics of the outdoors, causes loss of the beneficial effects of pure air, is detrimental to watersheds, fish and game and recreation areas and may even affect the local climate. The entire environment is damaged.

When a resort area is involved (and we are very conscious of this in New Jersey, where our beaches, lakes and woods bring us much pleasure and income), or even around the backyard barbecue, hordes of mosquitoes, black flies, ants, and other insects prevent people from enjoying the out-of-doors. Such pests certainly cause both economic and personal losses.

I do not oppose the proper use of pesticides but am not advocating nor promoting indiscriminate pesticide use. We currently have highly regulated industries and realize the benefits from the proper usage of pesticides in almost all aspects of our lives. Schools, hospitals, restaurants, and our own homes are protected against termites, roaches, lice, rats, and fungi by pesticides. Mosquito control personnel, park supervisors, golf course greenskeepers, landscapers, and lawn care experts use pesticides to protect against insects

---

1. Presented at the annual conference of the International Society of Arboriculture in San Antonio in August 1986.

and disease and assure continued green acres. Proper pesticide usage helps us to maintain the quality of our lives and environments.

In 1981, a group of New Jersey arborists headed by Tom Intile, seeing the problems faced by arborists, organized the Alliance for Environmental Concerns. This organization is a group of associations, manufacturers, distributors, tree and lawn care operators, aerial applicators, farmers and others. It was formed to combat the proposed state and local ordinances regarding "Buffer Zones," "Pre-notification," and the "Banning of Aerial Application of Broad Spectrum Pesticides." Another reason for its formation was to communicate the positive effects of proper chemical usage to the public and legislature and to counter those who advocate the banning of the use of pesticides.

In February 1984, Senator Raymond Lesniak introduced S.1342/A.1536. He was quoted in the *New York Times* as stating, "My bill has been categorized as an anti-pesticide bill, and that's absolutely true. I confess it."

Nowhere in that attitude is there a recognition of the benefits that accrue from the proper usage of pesticides. A *Wall Street Journal* editorial on February 14, 1984 puts the situation in perspective, stating, "We shouldn't panic at the drop of a rat. First, modern civilization is not killing us; it has led to spectacular and continuing increases in life expectancy. Second, we are not suffering a cancer epidemic; age adjusted death rates from most forms of cancer have been steady or declining for 50 years. The modern world isn't risk free. The trick for public policy is to balance the risk of using modern technologies against the risk of not using them."

The Alliance then organized a campaign to "kill the bill." I was the spokesman for the Alliance and served as their consultant. Working with the many Alliance members, as well as with the New Jersey Farm Bureau, the New Jersey Department of Agriculture, the New Jersey State Chamber of Commerce, New Jersey Business and Industry Association, National Agricultural Chemicals Association, Chemical Industry Council, the National Federation of Independent Business, New Jersey Mosquito Association, New Jersey Conference of Mayors, South Jersey Development

Council, New Jersey Hospital Association, New Jersey State AFL-CIO, New Jersey Food Council, New Jersey Association of Counties, New Jersey Petroleum Council, New Jersey Taxpayers' Association, New Jersey Christmas Tree Growers Association, New Jersey Golf Course Superintendent Association, New Jersey Chapter of the International Society of Arboriculture, New Jersey Association of Nurserymen, New Jersey Pest Control Association, New Jersey Turfgrass Association, New Jersey Arborist Association, Chemical Specialties Manufacturers Association, International Sanitary Supply Association, and with 184 other organizations, we worked against the bill. More organizations were opposed to this bill than any other bill in the history of New Jersey.

By using newspaper editorial headlines (*Trentonian*—"A Crazy Bill" and *The Herald News*—"A Case of Overkill"), editorial board meetings, radio, TV, magazines, and personal visits with legislators, cabinet members, the Governor's office, and many others, we were successful in our appearance at the three committee meetings to have the bill not released from the Energy and Environmental Committee, chaired by Senator Daniel Dalton. It was interesting to note that not one legislator other than the sponsor would go on either the Senate or Assembly bills.

Our opposition to the bill was based on the following factors:

1. *Unnecessary*, in that our present legislation grants the Commissioner of the Department of Environmental Protection broad regulatory, investigatory, and enforcement powers. The present pesticide code was recently revised after 18 months of public hearings, during which written and oral testimony was given by any and all interested parties. The revised code was challenged in Superior Court as not going far enough in protecting the public. The succinct opinion of the Court found that suit "clearly without merit."

2. *Duplicative* of existing Federal and New Jersey programs. EPA sets standards for labeling, packaging, and transport. S.1342 charges the New Jersey Department of Environmental Protection to evaluate the effectiveness and safety of the approximately 6700 pesticides currently registered in the State. This would duplicate the existing product registration program of EPA. The

EPA registration division has a budget of \$16 million and employs approximately 230 people. In addition, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) may preempt or restrict the exercise of such regulatory authority by the State.

3. *Onerous*, due to the failure to note that pesticides have benefits as well as risks. The bill was irresponsibly vague in its use of such terms as "potential threat," "no less harmful procedure or substance is available of comparable effectiveness," "has been the subject of any false or misleading statement or implication," and "any other information." In addition, the private-right-of-action section would lead to innumerable suits and harassment.

NJ S.1342/A.1536 mirror recent efforts by national environmental organizations to revise FIFRA and impose extraordinary restraints upon pesticide manufacturers and users. This legislation would change New Jersey's registration process, impose restrictions upon private, commercial, and agricultural applications of pesticides, inhibit aerial applications of products in urban and rural areas of the State and subject residents to unacceptable public health risks.

Specifically, the stringent pre-notification requirements, the banning of aerial application of broad spectrum pesticides, the 10-acre minimum for aerial application, the strict definition of target site and the mandating of registration revocation for many commonly used products would diminish or restrain the following functions: mosquito control; lawn, tree, and shrub treatment; pest control in apartment houses, hospitals, hotels, and restaurants; agricultural production; rodent control in urban areas; tourism; and highway and utility clearing.

And to what purpose? NJ S.1342/A.1536 are either knowingly duplicative of existing law or the result of special environmental interests who believe that more law is better law. New Jersey has enough laws and regulations to cover pesticide usage and we believe that the current pesticide code has been fairly arrived at through extensive public hearings. Proposed revisions to the code are being discussed at present, indicating that the regulatory process is responsive

to protecting the public interest and has the flexibility to react to new research promptly and effectively. We chose to go the regulatory route rather than the legislative process.

I have said S.1342 is the worst piece of legislation that I have seen in my 50 years as a Vo-Ag teacher, farm and garden radio-TV broadcaster, or as the New Jersey Secretary of Agriculture.

For over 30 years, the New Jersey Department of Agriculture has been a leader in biological insect control research and the programs for integrated pest management. Our laboratory, now known as the Phillip Alampi Beneficial Insect Laboratory, has been able to control many pests by biological means. We are expanding this program, for these biologics are a pest's natural enemies and are verified by the U.S. Department of Agriculture as harmless to vegetation, humans, and animals.

Pesticides are vital to public health, providing an adequate food supply, holding down food costs and controlling damaging and annoying pests. What we've got is good; we should keep it until we come up with something better. Competition from within and pressure from without the pesticide industry ultimately will bring something better. Progress should come from thought and research—not emotion and commotion.

In conclusion, my policy on pesticides in New Jersey is that the proper use and control of pesticides is essential for the protection of the health of our citizens, the continued prosperity of our agriculture, and the conservation of our natural resources. Problems are not created by the use of pesticides, but from their misuse. Practical regulation, not the banning of pesticides, will be in the best interest of the citizens. Indisputable evidence leads to the conclusion that pesticides can be used safely, based on directions, and on the registration for their use based on established, painstaking, and valid research.

Scientific evaluation should not be submerged under waves of public pressure nor scientific flimflam. Objectivity, not subjectivity, should guide all policy decisions.

*13 Windybush Way  
Titusville, New Jersey 08560*