

**House Bill 4761** as passed by the House  
Second Analysis (7-10-89)

**Sponsor: Rep. Michael J. Bennane**  
**Committee: Public Health**

H.B. 4761 (7-10-89)

### ***THE APPARENT PROBLEM:***

Mosquitoes not only can be a nuisance, interfering with peoples' enjoyment of outdoor activities, they also can have an adverse impact on the state's tourism industry by discouraging tourists from visiting areas with annoying mosquito populations. In addition to affecting the tourism industry and generally lowering the quality of living for residents, however, mosquitoes also can pose a health threat both to humans and to other animals, because some of the more than 65 kinds of mosquitoes are potential disease carriers. For example, both eastern equine encephalomyelitis (EEE), a serious viral disease that can affect both horses and people, and heartworm, a parasite usually affecting only dogs, are transmitted by mosquitoes.

The gypsy moth will soon become the most conspicuous insect in Michigan. Rather than being confined to a few isolated areas, this tree defoliating pest will be evident in residential areas, urban centers, forest stands, parks, recreation areas, and along highway corridors and other scenic vistas. By the early 1990s, severe tree defoliation will be widely scattered across one million acres throughout Michigan's Lower Peninsula. The defoliation of trees caused by gypsy moths not only causes aesthetic distress to residents, it also can have an adverse effect on tourism and real estate values, while the caterpillars themselves can cause minor health problems.

Michigan has three existing mosquito abatement districts (one each in Bay, Midland, and Saginaw counties), and many cities, villages, townships, and housing and neighborhood or lake associations apply pesticides in an attempt to control mosquitoes. In addition, there are state programs aimed at eradicating (in the Upper Peninsula) or suppressing (in the Lower Peninsula) defoliation caused by gypsy moths. Although gypsy moth suppression programs receive state and federal funding (participating counties are reimbursed 25 percent by the Michigan Department of Agriculture [MDA] and up to 50 percent by the United States Department of Agriculture [USDA] Forest Service), financing mosquito abatement programs reportedly sometimes is difficult, and one municipality has hesitated to impose special assessments for mosquito abatement programs without statutory authority. At the request of constituent groups, legislation has been introduced which would facilitate the financing of mosquito control and gypsy moth programs by allowing the establishment and financing of "pest management authorities."

### ***THE CONTENT OF THE BILL:***

The bill would amend the Public Health Code to allow for the creation and termination of pest management authorities within local units of government (counties, cities, villages, or townships) and would establish mechanisms for financing pest management operations. In addition, the bill also would require annual reports from certified or commercial pesticide applicators under certain

circumstances, would allow exemptions from pesticide applications under certain circumstances, and would establish criminal penalties for anyone who deliberately interfered with pest management operations. "Pest" would be defined to mean mosquito, gypsy moth, "or other insect determined by the department [of public health] or the department of agriculture to be causing harm to the public health, safety, or welfare, or the environment."

#### Establishing and terminating pest management authorities.

A pest management authority could be established within a county by a resolution of the county board of commissioners or upon a petition to the board from eight percent of the registered voters or from one or more local units of government within the boundaries of the proposed authority. If, after a public hearing, the board decided that a pest management authority was needed, the board would create an authority and determine its boundaries. Two or more counties could consolidate their pest management authorities if they so desired.

Cities, villages, or townships could develop their own pest management programs, and existing city, village, or township programs would not have to be included in a pest management authority if the local unit's governing body notified the county board of commissioners of its intent not be to included in the authority.

A pest management authority could be terminated by the county board of commissioners (by resolution following a public hearing) or upon a petition to the board from eight percent of the registered voters. Voter petitions could not be initiated until the pest management authority had been in operation for two years, and voters could not initiate a petition for termination of a pest management authority more than once every two years. Within 60 days of receiving a petition, the county board of commissioners would have to hold a special election. If a majority of the votes cast in the election were in favor of terminating the authority, the board would have to comply.

Pest management board. If an authority were located within a single county, the county board of commissioners could either appoint a five-member governing board to run the authority or assign this responsibility to a county agency. If the authority crossed county lines, the board would consist of five members: two members from each county in the authority (appointed by their respective county boards), and one member, chosen by consensus of the appointed members, who was knowledgeable about pest management. Board members could not be paid for their services, but could be reimbursed for any necessary expenses they incurred when acting as board members.

The board (or its designated agents) would be responsible for taking all "necessary and proper" steps for pest management within the authority. This would include, but not be limited to, establishing a public education program, buying supplies, and hiring seasonal employees (including

college students and the chronically unemployed). The board also would be required to use professional entomologists ("or other person with knowledge and experience in the field of pest control") to ensure that pest management operations were "consistent with state-of-the-art technology and good pesticide management practices." Finally, the board would be able to accept appropriations from federal, state or local units of government, as well as gifts and contributions from individuals, and to spend this money to implement the bill. Board members would not be paid for their services to the board, but could receive reimbursement for expenses.

Financing pest management operations. Local units of government would be allowed to finance pest management authority operations in a number of ways.

They could:

- (1) appropriate money to the pest management authority board;
- (2) impose a service charge on residents of the authority,
- (3) levy a special assessment on lands benefited by the authority, or
- (4) levy an ad valorem tax (of not more than five mills for not more than ten years) on the taxable property in the authority.

If a local government chose to impose a service charge or a special assessment, the pest management authority board would have to hold a public hearing (after giving public notice of the hearing in the newspaper) and consider public comments before deciding on how much to charge. Service charges could not be greater than the actual or anticipated costs of the pest management procedures and special assessments would be collected at the same time as ad valorem property taxes.

If a local government wished to levy an ad valorem tax, it could do so only if a millage were approved by a majority of the registered voters in a general or special election. An election could be called by resolution of the board, which would have to file a copy of the resolution with the clerks of the affected local units of government at least 60 days before the election. Elections to levy ad valorem taxes for pest management authorities could not be held more than twice in a calendar year, and the authority would be responsible for its share of the costs of a special election. Pest management authority taxes would be levied and collected in the same way as other ad valorem taxes.

Pesticide spraying reports. Every year, before January 31, certified or commercial pesticide applicators would be required to submit reports to the Department of Public Health (DPH) and the Department of Agriculture on all pest control spraying done in the previous year for local units of government, neighborhood organizations, lake associations, or subdivisions. These mandatory reports would have to include the name of the group that hired the pesticide applicator (and two contacts from this group), the date(s) on which spraying was done, the area sprayed, and the kind of pesticides used.

The Departments of Public Health and Agriculture could offer information on pesticide methods and materials to any of the local units of government, neighborhood organizations, or lake associations who hired pesticide applicators to spray for pest control. The information offered by the DPH and MDA would be such as to "help

to ensure the methods or materials used are effective and have the least potential for harm."

The DPH also could appoint a state technical advisory committee to advise the department on pest management methods and materials and which could review the required annual reports. Members of the committee would not be paid, and could include medical entomologists, veterinarians, physicians, members of wildlife or conservation organizations, drain commissioners and road commissioners, and anyone designated by the department.

Exemptions from pesticide applications. People owning or renting land in a pest management authority could request annually, in writing, that their property be excluded from pesticide application or other pest management procedures by writing to the authority board. The board could exclude the property from the pest management procedures if it decided that exclusion of the property would not seriously reduce the effectiveness of the program or if the request was because of a medical condition certified by a physician.

Penalties. Under the bill, anyone who intentionally prevented, hindered, delayed or interfered with the board or its designated agents in the exercise of their official powers or duties would be guilty of a misdemeanor punishable by a fine of up to \$100.

MCL 333.1101 et al.

## **BACKGROUND INFORMATION**

### Mosquito control.

1. Mosquito control techniques. Pesticide spraying alone does not constitute mosquito control. According to the *Michigan Mosquito Manual* (published in 1984 by the Michigan Department of Public Health), the most effective mosquito management and control strategy is an organized, community-wide program which is under the direction of an entomologist (insect specialist) or other qualified expert and which is based on the integration of the best and latest physical, biological, and chemical control techniques and materials. An integrated approach to mosquito control minimizes the use of chemical pesticides (which can harm the environment), and involves making an accurate and complete assessment of the problem and then using control measures that are best suited to the specific situation, including any one or a combination of physical, biological, or chemical techniques. (Physical management for mosquito control refers to making changes in the landscape, such as eliminating standing water, and so forth. Biological management includes using bacterial, fungal and viral pathogens which kill mosquito larvae. Chemical management includes the use of pesticides.)

2. Mosquito-borne diseases. The major public health concern with mosquitoes is the possibility of mosquito-borne encephalitis, a potentially serious inflammation of the brain and, in some cases, the spinal cord. Eastern equine encephalomyelitis (EEE) is a potentially dangerous infection that can affect both horses and people which is spread by mosquitoes (horses cannot infect humans, nor humans horses). The fatality rate for horses infected with EEE is 90 to 95 percent, while 50 to 75 percent of infected humans will die and those who survive will suffer permanent, severe neurological damage (including mental retardation, behavioral changes, convulsive disorders, and paralysis). Fortunately, human infections of

EEE are relatively rare: there are an average of fewer than four cases a year in the entire United States, and there has been only a single confirmed case in Michigan. A second kind of mosquito-borne encephalitis, California LaCrosse type encephalitis, is much less severe and when it does occur complete recovery is usual. However, the public concern over this virus has been sparked by the fact that this kind of encephalitis can be spread by the Asian tiger mosquito (so-called because it is a native of Asia marked with distinctive black-and-white-stripes), an urban-adapted mosquito relatively new to the United States that reportedly both is more aggressive than other mosquito species and appears to prefer human blood as its source of food. However, although the mosquito has been discovered in Ohio, Indiana, and Illinois, it apparently has not yet moved into Michigan.

3. Existing programs. In Michigan, which is one of only a few states without legislation governing the establishment of mosquito control districts, mosquito control can be done either at the county level (through county-wide mosquito control districts organized through referenda and supported by special millage assessments) or at the local community level (through local community programs carried out on a routine or emergency basis by villages, cities, townships, or even by neighborhood, river or other civic associations).

There are three mosquito control districts organized in Michigan so far, one each in Saginaw, Bay, and Midland counties. The supervisor of each of the three existing mosquito control districts is a certified pesticide applicator, and all pesticide applications (which generally use the biological pesticide *Bacillus thuringiensis* [B.t.] for the larval stage of the mosquito and the chemical pesticide malathion for the adult stage) are done by "in-house" applicators.

In areas where there is not enough voter support to establish a county (or multi-county) mosquito control district by referendum, but where there are local groups of people who strongly support mosquito control, a city, village, township, or civic group (such as a neighborhood, housing, or river association) may institute a mosquito control program on a routine or emergency basis. If pesticide spraying is part of the program, the local unit of government may carry out the spraying or fogging operations on its own, using its own personnel, or it may contract for these services with a pest control company.

#### Gypsy moth control.

1. Spread. According to the Michigan Department of Agriculture, the gypsy moth is the most destructive forest pest in the northeastern United States. This tree defoliating pest was first detected in Michigan 30 years ago, and though eradication efforts have retarded its spread in the state, Michigan now recognizes the gypsy moth as a permanent resident. Thirty-seven southeastern counties in the Lower Peninsula are considered by the USDA Animal and Plant Health Inspection Service (APHIS) to be generally infested, and have been quarantined. Defoliation due to the gypsy moth has been evident since 1979, and by 1988 damage caused by this pest totaled over 70,000 acres (110 square miles) in 13 counties. The department estimates that more than 83,000 acres will be defoliated in 1989, 105,000 acres in 1990, and over 151,000 acres in 1991.

The gypsy moth, unlike some other insects, is not restricted to one or two tree species, but feeds on over 500 different kinds of trees and shrubs. Since this insect can feed on most Michigan tree species, large tracts of forest are

susceptible to defoliation. Each year since 1979 the number of counties affected has increased, with 13 central Lower Peninsula counties having experienced damage this year. In 1989 the gypsy moth continued to increase its range and damage to both forests and residential shade trees, with defoliation up nearly 80 percent over 1987. Most severely hit was Clare County (nearly 40,000 acres), followed by Midland County (with over 17,000 acres).

2. Impact on trees. The most notable impact of gypsy moth caterpillars on trees is loss of leaves (defoliation). Some trees will die after defoliation, while others may experience growth loss, and still others may be relatively unaffected. Whether or not a tree will die after defoliation depends on a number of interrelated factors such as the amount of defoliation, the health of the tree, the number of successive defoliations, the weather, and the specific site. A tree will re-leaf in midsummer when more than 50 percent of its leaves are consumed by gypsy moth caterpillars, and this second flush of leaves will weaken the tree. Weakened trees then often die due to infestations by other, secondary organisms. Healthy broadleaved trees can usually withstand two consecutive defoliations, while those in poor condition may die after one season of defoliation. Trees defoliated by more than 50 percent also generally will show a reduction in diameter growth as high as 50 percent, though light defoliation (of up to about 50 percent) has a minimal effect on wood produced by most trees. Oak trees usually die more often from defoliation, with subdominant trees with poorly developed crowns suffering the most.

3. Programs. Introductions of the gypsy moth were repeated and eradicated in several locations from 1954 to 1972. In 1973, the first annual eradication program was begun, and attempted eradication continued in seven central Lower Peninsula counties through 1984. In 1984, the Department of Agriculture conceded that the gypsy moth was spreading faster than eradication efforts and would have to be handled as an established pest. As a result, the department changed its approach to the problem, from that of eradicating the insect wherever it was detected to one of suppressing it at selected locations (except in the Upper Peninsula, where eradication efforts are still being carried out).

In 1985, the department developed a Voluntary Suppression Program for the Lower Peninsula modeled on existing programs in eight eastern states. The plan involves establishing natural enemies (insects from Europe and Asia that attack only gypsy moths) to reduce gypsy moth populations in uninhabited forests and selective aerial spraying of residential areas and high use recreational forests when high gypsy moth populations develop. This year's spraying program covered over 63,000 acres in eleven Lower Peninsula counties.

In the Upper Peninsula, where widespread infestations have not yet occurred, an eradication program to eliminate small detected populations of gypsy moths still is in effect, and the department estimates that with the eradication of one isolated infestation in the western UP it will be 26 years before general infestation spreads to the UP.

In addition to these suppression and eradication programs, a statewide permanent trapping program also has been established (carried out jointly by the MDA, Michigan State University, and the USDA) to detect incipient infestations and to monitor the gypsy moth's spread.

Unlike mosquito abatement programs, which are funded solely through local sources, counties with severe gypsy moth levels may participate in a cost sharing program with

the MDA and the USDA Forest Service. Initially, the local governments ("cooperators") contract with, and directly pay for, all contracted services. Then, after proper notification to the MDA, the local government is reimbursed 25 percent from the state and up to 50 percent from the U.S. Forest Service, so that the final local cost may be as low as 25 percent.

### **FISCAL IMPLICATIONS:**

The House Fiscal Agency says that the bill would have minimal fiscal implications for the state, and that these would be for staffing the technical advisory committee that the director of the Department of Public Health would be allowed (but not required) to appoint under the bill. (5-22-89)

### **ARGUMENTS:**

#### **For:**

Reportedly, some northern counties have been unable to get voters to approve ad valorem property taxes for the purpose of gypsy moth control, while a city has refused the request of two civic groups to impose a special assessment for mosquito control. The ability of local units of government to raise money for control of mosquitoes and of gypsy moths should be increased, since if these pests are not controlled, they can significantly lower the quality of life of state residents living in affected areas (both in terms of aesthetics and of outdoor recreation), and, in the case of mosquitoes, can seriously threaten the public health.

Gypsy moth infestations have become a serious problem in Michigan, with one estimate being that at least 22 counties will suffer heavy defoliation this year. Gypsy moth caterpillars are ugly and dirty, and the defoliation of trees causes much distress to people in affected areas. As defoliation continues to spread, so too will the anguish and distress among the states' citizens. Midland County has been able to finance its gypsy moth control program through voter-approved ad valorem property taxes, but apparently other counties have not been successful in getting similar tax proposals approved and have had difficulty in financing their programs.

Mosquitoes, too, can cause considerable distress in residents. High mosquito populations make it virtually impossible to enjoy being outdoors. But in addition, mosquitoes can carry a number of diseases that can pose serious health threats to people and other animals. Nevertheless, apparently one city is unwilling to impose a special assessment for mosquito control at the request of civic groups, unless it is given specific statutory authority to do so. Meanwhile, these civic groups have been funding their mosquito control program by going door-to-door requesting donations from each household. Not only does this impose considerable burdens on the people doing the collecting, but some households don't contribute money even though they wind up benefiting from the program, while others believe that their city taxes should be paying for the program.

The bill would provide alternative financing mechanisms for gypsy moth and mosquito control programs should voters not approve financing through ad valorem taxes, while at the same time giving explicit statutory authority to local units of government to impose special charges or levy special assessments for pest management authorities. This would mean lower costs for mosquito control (if everyone paid, and not just those who had been solicited

door-to-door), and everyone would pay their fair share for the benefits from such programs.

**Response:** Cities already are able to levy special assessments for programs benefiting certain of their residents, and don't need special enabling legislation to do this, while counties already have among their general powers the ability to hold referenda and raise taxes for programs such as mosquito control. The bill still would not require local units of government, such as cities, to levy special assessments for mosquito control. However, if a local unit of government can't get enough support from its voters to approve ad valorem property taxes to carry out mosquito abatement or gypsy moth control, then it shouldn't attempt to get around this voter resistance by resorting to service charges or special assessments. Although the bill would require local governments choosing to impose a service charge or special assessment to hold a public hearing and consider public comments before deciding how much to charge, the hearing would not be a place for citizens to debate — much less decide — whether or not to impose these additional "taxes" on themselves. (In addition, it should be noted that presently, at least, there appears to be no public health threat from mosquito-borne encephalitis in the state.)

#### **For:**

Ironically, a major problem with gypsy moths and mosquitoes is neither the environmental nor the public health threat directly posed by either of these pests. Rather, it is the threat to people, wildlife, and the environment from the ineffective and environmentally unsound applications of chemical pesticides in uninformed attempts to control these insects.

As insect specialists consistently point out, pesticide spraying alone is neither a safe nor an effective way of controlling insects, whether mosquitoes or gypsy moths, and yet the general public often put considerable pressure on their local and state officials to engage in indiscriminate pesticide spraying, regardless of whether this action is warranted, safe, or effective. As a result, some local units of government apparently engage in "mosquito control" attempts that consist solely of spraying pesticides. At the same time, the MDA also reports considerable pressure from the public to employ drastic and (from the point of view of safe and effective control) unwarranted methods in controlling gypsy moths. For example, in response to defoliation from gypsy moth caterpillars some citizens have suggested clear-cutting forest lands while others have requested large block treatment with unregistered pesticides over the entire state. And in 1988, residents of one township in a northern Lower Peninsula county passed a 2.75 mill levy by a 2:1 margin that will allow all forested areas in the township to be treated for gypsy moths for the next three years — despite MDA site evaluations which suggest that treatment for two-thirds of the township is unwarranted for 1989. In addition, some citizens, upset by gypsy moth defoliation (and clearly not understanding the existing MDA Voluntary Suppression Program), have hired private pesticide sprayers when their land failed to qualify for the program (and when, in these citizens' views, the county extension service failed to meet their demands or expectations).

According to the DPH, Michigan is one of only a few states without enabling legislation for mosquito control. As a result, there are no state-wide standards to ensure that methods and materials used in mosquito control efforts are safe and effective. Nor is there any way of knowing when, where, and what materials (particularly chemical

pesticides) are being used. By requiring that pest management authorities use professional entomologists (insect specialists), the bill would begin to reduce the amount of uninformed (and ineffective) spraying of chemical pesticides and would begin to assure both that the latest and best technology for comprehensive, integrated mosquito control is used in insect control programs and that the most effective and least toxic materials are used by professional and experienced personnel. By requiring commercial and certified applicators to report to the state on pesticide applications they are hired to do for local units of government and civic groups, the bill also would help the state begin to track when, where, and which possibly dangerous materials were being used for systematic insect control.

**Response:** Since the existing three mosquito control programs (in Saginaw, Bay, and Midland counties) already use professional entomologists, and since the bill would allow local units of government to opt out of the bill's requirements, the bill would not reduce the present threat to public health and the environment caused by ineffective and ill-advised attempts to control mosquitoes or gypsy moths simply by spraying chemical pesticides.

The bill would not preclude a local unit of government from developing its own pest management program, nor require local units currently operating such programs to join a pest management authority should such an authority be established. At the same time, it would not require that pest management programs of local units of governments opting out of pest management authorities use entomologists to plan and supervise their programs, use only certified or commercial pesticide applicators for pesticide application, or use only pest management methods and materials that were effective and that posed the least threat of harm to people and the environment.

The bill would allow the DPH and MDA to advise those units of government who do use certified or commercial applicators, offering information "that will help ensure the methods or materials used are effective and have the least potential for harm." But this advice need not be followed by the local units of government, would not apply to units not hiring certified or commercial pesticide applicators, and would be given only after the pesticide application already had occurred. (In the case of the existing mosquito control districts, the Department of Public Health (DPH) already has an advisory capacity through its membership on the Mid-Michigan Mosquito Control Technical Advisory Committee.)

In fact, the primary thrust of the bill appears to be to provide a funding source for pest management methods that favor the spraying of chemical pesticides. Section 13911(2) refers to "good pesticide management practices," rather than "good pest management practices" (and as entomologists consistently emphasize, good pest management practices include much more than simply spraying pesticides), while Section 13921 refers specifically to the reporting of "pest control spraying," rather than "pest control methods."

While a bill regulating pest management — or at least mosquito abatement — may well be needed, such a bill ought to focus more on public education and state oversight of and guidance for local pest management programs and less on funding the spraying of chemical pesticides.

### **For:**

In addition to adverse social and emotional effects on homeowners, defoliation by gypsy moths also is likely to have an increasingly adverse economic impact, in tourism

(including public forest recreation), in real estate values, and in state timber revenues. Therefore, local mechanisms for funding of control programs ought to be increased.

**Response:** Although it is reasonable to conclude that without treatment for gypsy moths some area will lose some tourist dollars, an MDA report notes that the Department of Commerce does not currently measure the effect of gypsy moths on tourism and real estate, and says that the impact "is too small to estimate."

### **Against:**

Allowing voters to initiate a petition to terminate a pest management authority after only two years could result in termination of an authority before it was able to effectively deal with an insect pest problem. Insect cycles are weather-dependent, and two years may not be enough time to adequately address a particular insect pest problem.

### **Against:**

The Department of Public Health (DPH) has no authority to regulate pesticide use (which is regulated by the Department of Agriculture). Therefore, unless the bill means to imply that pesticide spraying poses a public health threat (as some people believe), there seems to be little reason to require that commercial pesticide applicators report to the DPH when they do pesticide spraying for local units of government, neighborhood organizations, or lake associations. On the other hand, since pesticide spraying can cause environmental harm, the Department of Natural Resources should be added to the list of state agencies to whom reports of pesticide spraying must be sent.

### **Against:**

There appear to be some problems with the bill's definition of pest. The bill would define "pest" to mean mosquito, gypsy moth, "or other insect determined by the department [of public health] or the department of agriculture to be causing harm to the public health, safety, or welfare, or the environment." But both mosquitoes and gypsy moths, while certainly nuisances (and in this sense posing a threat to the public welfare), do not appear to be harming the public health or safety or even the environment to any significant extent. Furthermore, the bill's definition is vague in the sense that it fails to specify any mechanism (such as a minimum population threshold) to be used by either the DPH or the MDA in determining when an insect is to be classified as a pest.

### **Against:**

The bill would unfairly impose unequal reporting requirements on the private sector. The bill would require that commercial or certified applicators hired by local units of government, neighborhood organizations, or lake associations ("or subdivisions") to make annual reports to the Departments of Public Health and Agriculture, while exempting local units of government (or private civic groups) from these reporting requirements when they do their own "in-house" pesticide applications (that is, use their own personnel instead of contracting with a pest management company). Not only is this requirement unfair, it also means that the state agencies charged with regulating pesticides and protecting the public health still will not have accurate information on the extent and nature of certain kinds of pesticide application.

If the private sector is to be subjected to additional reporting requirements, then the public sector should also be required to submit reports when they do their own pesticide spraying, particularly if the intent of this requirement is to track when and where (and which) pesticides are being applied. (In fact, it might be more appropriate to require certified or commercial pesticide applicators to report to their employers when hired by local units of government to do pesticide spraying, and then require the local unit of government, the neighborhood organization, or lake association to report to the state, than to require the private applicators to report to the state.)

**Response:** Under the Pesticide Control Act, restricted pesticides can be applied only by certified or commercial applicators. If a local unit of government or a subdivision wishes to use its own personnel to apply restricted pesticides, then they will have to use a certified applicator, who will then have to report to the Departments of Public Health and Agriculture. However, commercial applicators hired by private citizens still would be exempted from the bill's reporting requirements.

### **Against:**

Gypsy moth control programs, to be effective, must be conducted on a region-wide basis that usually does not conform to local political boundaries. Usually gypsy moth control programs must at least be county-wide, and would not be effective if restricted to the boundaries of a village, city, or township. However the bill would allow a pest management authority to be created within any local unit of government — village, city, township, or county — though the county board of commissioners would ultimately be responsible for deciding whether or not an authority was needed.

### **Against:**

In order for local units of government to receive matching funds from the federal government for gypsy moth control programs, the federal government requires that a federally-designated state agency (in this case, the MDA) administer the program. If gypsy moth control is placed under the sole management of local pest management authorities, the possibility of federal cost sharing (which can pay for up to 50 percent of a gypsy moth control program) will be lost to these authorities. While some programs might be able to continue solely under local funding, others could not.

### **Against:**

Unlike the MDA's gypsy moth control program, which will not treat land if the owner objects, the bill does not guarantee that individuals who object to being exposed to pesticide spraying will be excluded from spraying ordered by the pest management authority, even if they request exclusion and can back their request up with a letter from their doctor. Nor does the bill provide recourse for people who request exemption from authority-ordered spraying if their request for exclusion is denied by the pest management authority board. As public awareness of the dangers of pesticide misuse and overuse increases there need to be mechanisms guaranteeing that those who object to involuntary pesticide spraying not be ignored but that their concerns be appropriately addressed.

**Response:** It would be a rare case in which exclusion of a plot of land from a spraying program would not seriously reduce the effectiveness of the program. If someone with a small plot of land can be exempted from

spraying on a whim, the whole mosquito control program can be jeopardized, since that plot of land can serve as a breeding ground for mosquito populations. Unless exemption requests are based on serious need, they should not be allowed, since they will subvert mosquito control spraying programs.

### **Against:**

The state technical advisory committee that the director of the Department of Public Health could create could include medical entomologists, veterinarians, physicians, members of wildlife or conservation organizations, drain commissioners and road commissioners, and DPH designees. But there is no requirement that members of environmental groups be included. Members of wildlife or conservation organizations would not necessarily represent the point of view of many environmentalists whose focus is on the environment rather than on hunting and fishing.

## **POSITIONS:**

The Department of Public Health supports the bill. (7-7-89)

The Riverdale Park Civic Association supports the bill. (7-6-89)

The Brightmoor Mosquito Control Association supports the bill. (7-7-89)

The Michigan Association of Counties supports the bill. (7-10-89)

The Michigan Mosquito Control Association supports the bill. (7-6-89)

Midland County Mosquito Control supports the bill. (7-6-89)

Bay County Mosquito Control supports the bill. (7-6-89)

Saginaw County Mosquito Control supports the bill. (7-6-89)

The Department of Agriculture has no position at this time. (7-6-89)

The Department of Natural Resources does not yet have a position on the bill but is concerned that provisions of the Surface Quality Control Act not be circumvented. (7-7-89)

The Michigan Pest Control Association has no position on the bill. (7-10-89)

The Midland County Gypsy Moth Control Program does not support the bill. (7-7-89)

The Michigan Environmental Council does not support the bill in its present form. (6-29-89)

The Ecology Center of Ann Arbor does not support the bill in its present form. (7-7-89)

Citizens for Alternatives to Chemical Contamination opposes the bill. (7-6-89)

The Lone Tree Council (a Saginaw-Midland-Bay City environmental group) opposes the bill. (7-6-89)

The Organic Growers of Michigan oppose the bill. (7-7-89)