

# The Watershed Partnership

## Addendum

To Testimony at the Environment Committee's  
Public Hearing, February 25, 2013

From Jerry Silbert, M.D.  
Executive Director  
The Watershed Partnership.

Dear Senator Meyer, Representative Gentile, Senator Chapin, Representative Shaban, and honorable members of the Environment Committee:

I was present at the public hearing on February 25, 2013 and heard testimony opposed to a number of pesticide bills that was incorrect and I did not have an opportunity to address in my written testimony. I would appreciate the opportunity to address these issues so you can see the another side of the story.

### Introduction:

In this addendum you will find detailed information about toxic pesticide-free turf care. But my overriding concern is the health of children, or for that matter any of us, that can be exposed to toxic lawn pesticides. **There is no need to put children and pregnant women unnecessarily at risk from toxic lawn pesticides when there are cost effective ways of maintaining both fields and lawns in good condition and suitable for their designated use.**

There was testimony, by those who want to use toxic lawn pesticides, claiming that non-toxic alternatives are insufficient to maintain fields and that the use of toxic pesticides is needed to do their job.

I know that toxic pesticide-free care can be successful. I have seen the successes with my own eyes and documented it with photos. I could say that I am puzzled by their failures, but I am not. I pretty much know what happened. Groundskeepers and pesticide applicators had three years to transition to toxic pesticide-free care. Three years to restore the soil to its natural fertility by aerating, top dressing with compost, overseeding, using organic fertilizer, and cutting back on toxic pesticides.

Groundskeepers and applicators were offered courses in organic lawn care, for free or at minimal cost, by the Northeast Organic Farming Association, by Audubon Connecticut, and by Grassroots Environmental Education. Considering the number of school districts in Connecticut I estimate about 25% took advantage of this training. Most groundskeepers and applicators, including those who took the training, simply continued to treat the fields as usual with pesticides and high nitrogen fertilizers. This type of care degrades the soil and makes the grass roots weak and dependant on high nitrogen fertilizer. The turf becomes more susceptible to disease and stress. Then, when time came to stop using pesticides, they stopped. The grass could not withstand the stress of play and hardier weeds populated the bare spots. Without the use of herbicides the grass could not compete with the weeds in the degraded soil and the fields deteriorated.

I remember clearly when the school lawn pesticide ban went into effect what the then head of the Connecticut Recreation and Parks Association's Legislative Committee said. **"Ultimately, it may take the destruction of our fields, despite our best efforts, to show the legislators the error of their ways."** And many fields did deteriorate. **BUT NO "BEST EFFORT." WAS MADE.** It was because those responsible lacked the knowledge and/or the motivation to make a best effort.

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But those that did make a knowledgeable and best effort were successful. **It is ironic and telling that some of the best fields I have seen and documented are those that were NOT mandated to be pesticide-free. They were fields where those responsible wanted to do the right thing and wanted to succeed.**

Forgive me for getting into such detail but the devil is in the details. Greg Foran in his testimony stated that "...there is no effective organic treatment for grubs." Here are the facts. The nematode, *Heterorhabditis bacteriophora* (a bit of a tongue twister), is effective against Japanese beetle Oriental beetle grubs that most commonly damage turf. I have monitored the use of this nematode against Oriental beetle grubs and found it effective. However, it has to be applied properly as it is a living organism sensitive to ultraviolet light and needs to be thoroughly watered into the soil. There are less common grub species that this nematode is not as effective against. This is the reason for bill 917.

**Bill 917 An Act Authorizing the Use of Certain Microbial and Biochemical and Grub Control Products on School Grounds.**

Bill 917 would permit the use of Milky Spore bacteria that attacks Japanese Beetle grubs, and BT (*Bacillus Thuringiensis*) a broad spectrum larvicide. Both are non-toxic, non-infections biological pesticides. In addition, this bill allows the use of a grub control pesticide so long as the label does not have the words "caution," "warning," or "danger." This means that acute toxicity testing for ingestion, inhalation, and dermal and eye exposure were so low as to not merit a caution label. One such pesticide is Acelepryn. Acelepryn that has a broad spectrum of activity against grubs. Acelepryn was specifically mentioned by Mr. Foran in his oral testimony as one of the pesticides he would like to be able to use. It is a mystery to me why he then opposes bill 917. Perhaps he did not understand the intent of the bill was to give groundskeepers what they most complained they did not have – an effective way to treat for grubs. **Also note that DEEP Commissioner Esty favored passage of bill 917.**

I still favor the use of nematodes as a first line of defense as they are not harmful to humans and quite specific for their target prey. However, if nematodes cannot be obtained, or if the species is not susceptible to biological control Acelepryn could be used.

Another misdirection was the statement that Branford, whose Park Department has perfectly playable fields, is not organic because they used Acelepryn for grubs and a herbicide for poison ivy. Let me state that no toxic pesticide has been used on the fields for over 4 years. These are NOT school fields. These are town fields where the Director of Parks and recreation, Alex Palluzzi (current President of the Connecticut Recreation and Parks Association) decided to not use toxic lawn pesticides and converted all the town's fields and town green to toxic pesticide-free care.

Poison ivy is not found on athletic fields. It generally grows on fences. DEEP policy allows the use of a herbicide to kill poison ivy if it is located where contact is likely. What is interesting is that killing poison ivy with a herbicide does not eliminate its dermal toxicity! The irritating chemical (urushiol) is an oily substance that persists in and on the dead plant for up to 5 years. In order to eliminate the danger, the plant should be removed.

Acelepryn was used because nematodes could not be obtained and there was a severe grub infestation of one of the fields. (Actually, this inspired the drafting of bill 917).

To say that Branford is not organic and imply that it used the full panoply of toxic lawn pesticides is a misrepresentation of the facts.

**Bill 916 An Act Authorizing Civil Penalties For ... Negligent Application of Pesticides**

It is a mystery to me why organizations that represent applicators would oppose bill 916. **Commissioner Esty was entirely correct in supporting this bill and explained that it actually was of benefit to applicators** because, as the pesticide statutes now stand, the only recourse for the DEEP for the faulty, careless, or negligent application of a pesticide is to suspend or revoke the applicator's certification. This bill actually allows a more lenient penalty and gives the DEEP more flexibility.

**Bill 6440 An Act Concerning Municipalities and the Application of Lawn Pesticides**

There seemed to be a possible misunderstanding of bill 6440 An Act Concerning Municipalities and the Application of Lawn Care Pesticides. In the testimony of Kachina Walsh-Weaver for the Connecticut Conference of Municipalities opposing local control over lawn pesticide use there was a conversation during the question period where it seemed that there was confusion about whether this was a mandate for the towns. **It is not a mandate. It is enabling legislation. It does not let a town regulate a lawn pesticide less strictly than existing state law. The town can only regulate more strictly. To regulate a lawn pesticide the town has to request permission from the DEEP.** Each town has its own zoning regulations. Each town has its own wetland regulations. And these are appropriate, for each town has special circumstances and they should be able to deal with them locally. A town should be able to ask DEEP for permission to regulate lawn pesticides. For example, Hamden has a public drinking water reservoir into which storm sewers empty carrying runoff from residential lawns. Should Hamden not have the ability to regulate what toxic lawn pesticides can be applied to those lawns?

Finally, strange as it may seem, I am not enamored with the term "organic lawn care." It is generally true that creating natural conditions for plants to thrive is much less toxic than an "industrial" approach that has a very narrow focus on a desired outcome and gives little consideration to broader adverse consequences. An attempt to mimic nature has led to a definition of "organic" that includes natural pesticides that can be toxic. This is why I prefer the term "toxic-pesticide-free" lawn care. It is less pithy than "organic" but it is more accurate because it emphasizes that what we are aiming at - doing no harm to ourselves or to the environment. It is a simple statement of fact that the air we breathe, the food we eat, and the environment around us is inescapably part of us.

This is why I advocate for a view that best accomplishes what we desire with the least harm.

Thank you for allowing me to elaborate on my testimony and hopefully provide some additional clarity to this issue.

Respectfully,

  
Jerry Silbert, M.D.