

Legislation Text

File #: 210053, **Version:** 0

January 27, 2021

TO THE PRESIDENT AND MEMBERS OF THE
COUNCIL OF THE CITY OF PHILADELPHIA:

I am hereby returning without my signature Bill No. 200425-A, which was passed by Council at its session on December 3, 2020. This bill prohibits the use of synthetic herbicides on any outdoor property owned by the City, with certain exceptions, unless a waiver is obtained after going through a multi-step process. The bill also requires record keeping and reporting of pesticide usage. The Law Department reviewed this bill and determined that the prohibition contained therein is an attempt by Council to exceed its authority under the City's Home Rule Charter. Council cannot dictate how City properties are managed. Nevertheless, since my administration is committed to providing safe and healthy outdoor green spaces for all residents, we will go above and beyond the measures we already take that currently achieve these goals in order to explore the efficacy of organic vegetation management.

Currently, in managing over 12,000 acres of land, Parks & Recreation (PPR) only uses herbicides that have been approved by the US Environmental Protection Agency (US EPA), which requires extensive scientific data on the potential health and environmental effects of these substances. Our use of these herbicides is always in accordance with their labels and pursuant to state and federal laws. Additionally, PPR staff and contractors who perform herbicide applications hold Certified Pesticide Applicator Licenses, and follow strict guidelines to ensure the proper use of herbicides. Furthermore, PPR's application of synthetic herbicides is based on guidance from an extensive network of local and national subject matter experts, such as environmental scientists and well-respected practitioners, including senior members of PPR staff with decades of experience managing and restoring Philadelphia's rich and diverse park system. These products are critical in controlling problematic vegetation throughout our parks and have been part of our land management strategy for decades. To date, there have been no reports of anyone being harmed by these methods. The bill's prohibition would restrict the department to only organic practices, which are far less effective and far more costly, which means our already-stretched capacity to manage invasive plants would be greatly reduced.

Nonetheless, to allay any lingering concerns, my administration makes the following commitments in an overabundance of caution:

- 1) We will post signs in advance of applying any herbicides, which will remain up until it dries.
- 2) Herbicides will not be applied within 50 feet of play equipment on PPR property.
- 3) A pilot program will be initiated on certain park lands to objectively evaluate the cost, time, effectiveness

and applicator safety of organic products compared to products currently used. We will share the results in a public forum and will utilize the findings to make further timely decisions about organics and their uses.

4) We will engage in on-going record keeping and reporting on all pesticide usage. This approach strikes the right balance in ensuring the safety of all residents while simultaneously meeting our obligation to best-practices for adequately maintaining thousands of acres of land for all to enjoy. For these reasons, I am returning Bill No. 200425-A without my signature.

Respectfully,
JAMES F. KENNEY
Mayor