



MURIEL BOWSER
MAYOR

November 8, 2023

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia is a bill entitled "Pesticide Operations Amendment Act of 2023".

The bill will amend section 4(b)(3) of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-403(b)(3)), to clarify that the Mayor may establish categories and subcategories of private pesticide applications. The amendment will also bring about greater conformity between that act and the District's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Compliance Plan.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser
Enclosures

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Pesticide Operations Act of 1977 to clarify that the Mayor may establish categories and subcategories of private pesticide applicators.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pesticide Operations Amendment Act of 2023”.

Sec. 2. Section 4(b)(3) of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-403(b)(3)), is amended by striking the phrase “commercial applicators” and inserting the phrase “commercial and private applicators” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

- 33 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
- 34 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

BRIAN L. SCHWALB
ATTORNEY GENERAL



PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

LEGAL COUNSEL DIVISION

MEMORANDUM

TO: Tommy Wells
Director
Office of Policy and Legislative Affairs

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: May 22, 2023

SUBJECT: Legal Sufficiency Review of Draft Legislation, the “Pesticide Operations Amendment Act of 2023”
(AD-23-124)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and has found it to be legally sufficient. If you have questions regarding this certification, please do not hesitate to contact me at 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Megan D. Browder

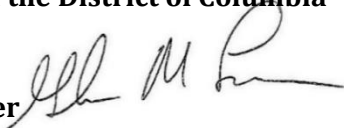
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: May 26, 2023

SUBJECT: Fiscal Impact Statement – Pesticide Operations Amendment Act of 2023

REFERENCE: Bill as provided to the Office of Revenue Analysis on May 11, 2023

Conclusion

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

Background

The Department of Energy and Environment (DOEE) regulates the application and use of pesticides in the District. DOEE ensures that pesticide applicators¹ are certified and licensed and that only approved pesticides are used in the District.

The bill expands DOEE's ability to categorize certified applicators for potential certification and licensure to include private individuals. Currently, DOEE can only create categories for commercial applicators based on the types of pesticides they use, the purposes of their use, the type of equipment used, and other factors DOEE determines are important.²

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill's implementation will ensure that

¹ Certified applicators are individuals certified by the Mayor as being competent to use or supervise the use of restricted use pesticides or other pesticides covered by the certification. (D.C. Official Code § 8-401(e)).

² Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-403(b)).

The Honorable Phil Mendelson

FIS: "Pesticide Operations Amendment Act of 2023," Bill as provided to the Office of Revenue Analysis on May 11, 2023

DOEE's laws and regulations are consistent with the Federal Insecticide, Fungicide, and Rodenticide Act³ and that DOEE stays in compliance with the Environmental Protection Agency. The bill allows DOEE make determinations about the types of pesticides an individual can apply or not apply on their property and DOEE can absorb any implementation costs within the agency's existing budgeted resources.

³ Effective June 25, 1947 (Public Law 80-104; 61 Stat. 163).