

A RESOLUTION

25-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 11, 2024

To declare the existence of an emergency with respect to the need to amend the Pesticide Operations Act of 1977 to clarify that the Mayor may establish categories and subcategories for private pesticide applicators.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Pesticide Operations Emergency Declaration Resolution of 2024”.

Sec. 2. (a) Under the Federal Insecticide, Fungicide, and Rodenticide Act, states must certify applicators in accordance with a state certification plan approved by the U.S. Environmental Protection Agency (“EPA”). The District’s latest certification plan was approved by EPA on February 27, 2023. The certification plan identifies legislative and regulatory changes that must be made to meet federal requirements.

(b) Among the legislative changes required by the certification plan is to clarify that the Mayor may establish categories and subcategories for private pesticide applicators depending on the types of pesticides used, their purpose, the types of equipment required in their application, the degree of knowledge or skill required for application, and other relevant factors.

(c) Making the legislative change described in subsection (b) of this section would enable the Department of Energy and Environment (“DOEE”) to publish a rule, through the agency’s rulemaking process, to establish categories and subcategories for the certification of private applicators and revise the current categories for commercial applicators.

(d) The EPA-established deadline for final adoption of the regulations will fall on October 27, 2024.

(e) On March 18, 2024, the Committee on Transportation and the Environment held a public hearing on the Pesticide Operations Amendment Act of 2023, as introduced on November 8, 2023 (Bill 25-569). While the Committee intends to act on the introduced bill, the time it takes for the introduced bill complete the legislative process – that is, receive 2 votes at the full Council, be transmitted to the Mayor for their signature, and be transmitted to Congress for the mandatory congressional review period – will likely prevent DOEE from completing the rulemaking before the EPA-established deadline.

**ENROLLED ORIGINAL**

(f) This emergency legislation is now necessary to enable DOEE to complete the rulemaking process before the EPA-established deadline.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Pesticide Operations Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.