

# Natural Resources

2009 Issues Briefing

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Although spring 2007 was one of the most productive legislative sessions in years for important environmental policy issues, the 2008 Spring Session adjourned on May 31 with much work still uncompleted and very few successes. During the 2008 Spring Legislative Session, the Illinois League focused its attention on natural resources issues related to pesticides, toxics, and protection of natural areas.

## PESTICIDES

The Structural Pest Control Act - Re-enactment (HB4407) was introduced in the Illinois House by Representative Elizabeth Coulson to amend the Structural Pest Control Act and provide for the continuation and re-enactment of the Act from January 1, 2008 to December 31, 2009. On January 1, 2008 the Structural Pest Control Act expired after legislation to extend a sunset provision did not pass. This Act governs the indoor application of pesticides and enforces provisions for the implementation of an integrated pest management (IPM) program in schools and childcare centers.

In the 1990s, local Leagues worked with their school districts in the implementation of IPM policies. Also during the 1990s, the LWVIL participated in a campaign organized by the Safer Pest Control Project and with the coalition formed, lobbied successfully for the amendment to the Structural Pest Control Act requiring the adoption of an IPM program in schools.

HB4407 passed both the Illinois House and Illinois Senate (5/20/2008) and was sent to the Governor on 6/18/2008. The Governor approved the legislation on 8/7/2008 and HB4407 became Public Act 95-0786. Thanks to League members who helped make HB4407 one of the few environmental legislative successes of the 2008 Session.

## TOXICS

The Child-Safe Chemical Acts (HB5705 and SB2868), introduced in the Illinois House by Representative Elaine Nekritz and in the Illinois Senate by Senator Dan Kotowski, regulate the sale and distribution of children's products or product components containing lead, cadmium, phthalates, and bisphenol A. These chemicals, designated as chemicals of high concern, have been linked to long-term health impacts such as birth defects, reproductive harm, impaired learning, liver toxicity, and cancer. Children, during their developmental stages, are especially vulnerable to the effects of these chemicals.

Both HB5705 and SB2868 have been referred to the House and Senate Rules Committees (3/14/2008).

The Toxic Fire Retardant Prevention Act (HB5298) was introduced in the Illinois House by Representative Elaine Nekritz. This bill restricts the use of the brominated flame retardant decaBDE in mattresses and upholstered furniture and in the casing of televisions, computers, and other electronic devices by 2011. Several studies in lab animals have suggested that decaBDE is neurotoxic, delaying brain development and

causing behavior problems. Although legislation supported by the League was passed in 2005 eliminating the use of two other flame retardants called pentaBDE and octaBDE, it has become more difficult to pass legislation prohibiting the use of the toxic-flame retardant decaBDE.

HB5298 remains in the House Rules Committee (3/14/2008).

## LARGE-SCALE LIVESTOCK FACILITIES

Controversy over the proposed construction in 2008 of a large-scale dairy farm in Jo Daviess County continues into 2009. This mega-farm was considered to be the largest such confinement farm operation ever proposed in Illinois and one sited in one of the most pristine areas of the state (just a few miles from the Apple River Canyon State Park). On February 12, 2008, the Jo Daviess County Board rejected the proposal, but state law states that the county's vote is not binding. The law was changed four years ago giving full control over whether to grant a permit to the state. State law also all but cuts the Illinois Environmental Protection Agency (EPA) out of the permit process, giving almost total authority to the Department of Agriculture. Although the proposed dairy farm did not meet all of the 8 guidelines set out in the Livestock Management Facilities Act for the siting of a large-scale farm, the Illinois Department of Agriculture (IDA) approved the permit.

Lawsuits were filed against the Illinois Department of Agriculture and the applicant; however, construction of the dairy was begun in June 2008. On September 8, 2008, the Galena City Council passed a resolution asking for a moratorium on large Concentrated Animal Feeding Operations (CAFOs) in Jo Daviess County. On October 22, 2008, a preliminary injunction halting the project was issued by Associate Circuit Judge Kevin Ward. According to this injunction, the owner of the mega-dairy farm cannot house more than 199 cows on the site and is prohibited from using any waste storage structures or ponds at the site. Both sides of this controversy have suffered financially. There is the possibility that the plaintiffs may be sued for reimbursement of the losses to the dairyman. However, the plaintiffs state that "they want clean air and water and are willing to see this through to the end."

The effects on the community of large-scale livestock facilities are well documented. The outlook for Illinois is not good. Small, Illinois farms are going out of business. It seems likely that more mega-farms are coming to Illinois. The best hope, environmental groups believe, is to change state law and return the power of siting to regional and/or local control.

## LAND USE (NATURAL AREAS)

Since 2001, the Illinois Department of Natural Resources (IDNR) has lost nearly a quarter of its staff from budget cuts and hiring freezes. And then, on July 11, 2008, Governor Blagojevich cut \$14 million from their budget. On November 30, 2008, Illinois witnessed the closing of seven state parks and thirteen historic sites. These closings happened despite the fact that Governor Blagojevich signed SB790, a sweeps bill that restored \$220 million in funds cut from the state budget in July 2008 and SB1103, a supplemental appropriations bill directing that \$2.1 million of those funds be spent to keep open the eleven parks originally slated to close November 30, 2008. However, only four of the eleven targeted state parks were kept open.

According to the Illinois Environmental Council, while the Illinois legislature's action was an important step towards keeping the state parks open, it comes at the expense of several other programs impacting the environment that are being raided to cover the gap in the Illinois Department of Natural Resources (IDNR) budget. During the 2009 legislative session, funding solutions to the IDNR budget problems as well as ways to protect funds for open space and natural areas acquisition will be proposed.