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City Attorney Klein Files Lawsuit Challenging State Ban on Local Pesticide Regulations Aimed at Protecting Water Supply

Lawsuit alleges that the state's ban is unconstitutional and deprives residents of essential functions of local government

COLUMBUS, OH—Columbus City Attorney Zach Klein announced today that the City of Columbus has filed a lawsuit in the Franklin County Court of Common Pleas against the State of Ohio due to the state's recently enacted ban on local pesticide regulations. The City argues that the state's restriction violates the home rule provision of the Ohio Constitution and could potentially lead to the contamination of the water supply and threaten public health.

“Providing safe, clean drinking water is a core function of government, but new state regulations make it harder for cities to perform those critical tasks,” said Columbus City Attorney Zach Klein. **“The City stands ready to make a strong case before the Court to defend the rights of cities like Columbus to take reasonable steps to protect our water supply from contaminants that pose a serious threat to public health and safety. We will not walk away from this essential duty.”**

For years, the City of Columbus and the Department of Public Utilities have worked to provide a world class water system free from contaminants, including petroleum, pesticides, chemical and manufacturing waste, and other substances hazardous to human health.

Ohio House Bill 507, which went into effect in April 2023, prohibits cities from regulating or banning the sale, storage and use of pesticides on any private property beyond what is already prohibited by state and federal law, even in areas specifically defined as Wellfield Protection Areas—land located near ground water supplies which are vulnerable to contamination. The law also prohibits the City from continuing to gather data from property owners on what pesticides they are keeping at their properties in order to track what is being used and how that could potentially impact the water supply.

“Through our wellfield protection program, the Columbus Department of Public Utilities protects our community's groundwater from pesticide contamination to prevent risk to public health and the need to install costly treatment. Usually, that means working with our commercial, industrial, and agricultural neighbors to ensure our

source water is protected through the safe use and storage of pesticides. But when a spill or discharge of pesticides presents an imminent threat, the Columbus Department of Public Utilities must have the ability to act to safeguard the water supply for our region,” said Department of Public Utilities Director Kristen Atha.

The City’s lawsuit claims that the new state law infringes upon the City’s home rule authority over sanitary regulations necessary to ensure municipal water supplies are safe. The lawsuit also contends that the state’s new restrictions hurt the City’s ability to go after nuisance property owners who willfully pollute Wellfield Protection Areas.

Further, the City’s lawsuit decries the state’s ban on preventative measures to protect city water against pesticide contamination, including gathering data on pesticide usage, saying that pre-emptive action is necessary, reasonable and the most cost-effective way to protect the water supply and public health.

“For more than a century, Ohio cities have had extensive authority to self-govern when it comes to public safety, and the issue of protecting water quality is no different. HB 507 infringes on our rights as a city, so we are taking the necessary action to defend those rights, and with it, our ability to provide safe, clean water for residents,” said Solicitor General Rich Coglianese, the city’s lead lawyer on the lawsuit.

While the city’s lawsuit has been filed, the Court has not indicated when an initial hearing will be held on the case.