

**TOWNSHIP OF NEW GARDEN
COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION No. 2025-001

**DECLARATION OF EMERGENCY REGARDING THE PHORID FLY INFESTATION AS A TRUE
PUBLIC HEALTH AND ECONOMIC EMERGENCY IN NEW GARDEN TOWNSHIP**

WHEREAS, Pennsylvania represents the largest percentage of mushroom agricultural production in the United States; and

WHEREAS, Within Pennsylvania, the Southeastern Pennsylvania region has the largest concentration of mushroom agricultural production; and

WHEREAS, New Garden Township, located in Southeastern Pennsylvania, is home to the largest concentration of mushroom growing operations in the region; and

WHEREAS, The mushroom Phorid fly, *Megaselia halterata*, is prominent wherever edible mushrooms are cultivated from mushroom growing operations; and

WHEREAS, In 2010, the EPA began to eliminate organophosphates which were previously used by mushroom growers to contain, mitigate, and eliminate Phorid flies emanating from mushroom growing operations; and

WHEREAS, When mushroom Phorid fly populations emanating from mushroom growing operations are left unmitigated, the exponential impact results in significant clusters of swarming flies invading residential houses, especially in neighborhoods in close proximity to mushroom growing operations, causing an extreme nuisance, reduction in quality of life, and a negative financial impact to the property owner; and

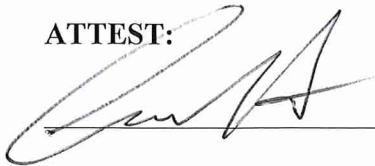
WHEREAS, The Penn State Agriculture Extension has conducted extensive research to target solutions expected to eliminate or substantially reduce Phorid fly infestations emanating from mushroom growing operations; and

WHEREAS, New Garden Township expresses a strong desire for effective collaboration among all applicable local, state, federal, and additional stakeholder agencies to pursue, promote, and implement effective solutions that eliminate the Phorid fly infestation emanating from mushroom growing operations; and

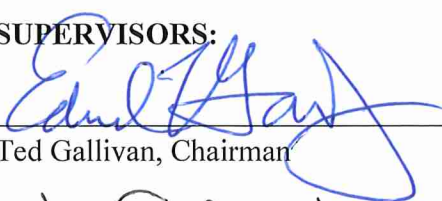
THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT, The New Garden Township Board of Supervisors issues this Declaration of Emergency which shall be in effect until the public health and economic emergency stemming from the Phorid fly infestation emanating from mushroom growing operations no longer exists, and effective solutions are in place.

This Resolution adopted this 6 day of January, 2025, by the New Garden Township Board of Supervisors.

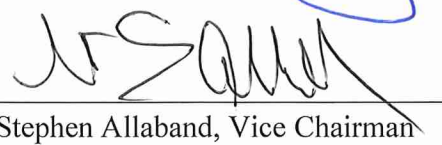
ATTEST:



SUPERVISORS:



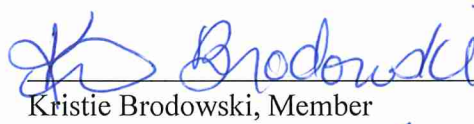
Ted Gallivan, Chairman



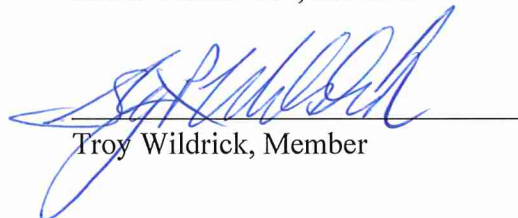
Stephen Allaband, Vice Chairman



David Unger, Member



Kristie Brodowski, Member



Troy Wildrick, Member



**KENNETT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2024-34

**DECLARATION
OF
PUBLIC HEALTH AND ECONOMIC EMERGENCY**

The Board of Supervisors of Kennett Township hereby declares that Phorid fly infestation is a public health and economic emergency in the Township and the greater region.

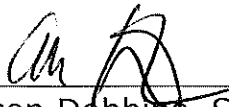
The Township Manager is hereby authorized to communicate with the Township's State Representatives, State Senator, U.S. Representative, U.S. Senator, and to the Township's surrounding municipalities for further advancement of this Township mandate to eliminate the Phorid fly infestation.

The implementation of this Resolution shall be pursued through the promotion of inter-municipal and inter-agency cooperative measures - more particularly set forth in the Addendum to this Resolution 2024-34, partnering with all applicable federal and state representatives, regulators, nearby municipalities, researchers, mushroom growers, the American Mushroom Institute, other trade associations, and impacted residents, to pursue and promote effective solutions to the emergency.

Further, that the above-stated measures continue to be employed until such time as the emergency no longer exists, and solutions are in place which eliminate the Phorid fly infestation.

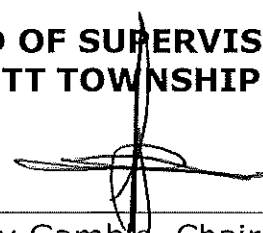
RESOLVED this 18th day of December, 2024

ATTEST:

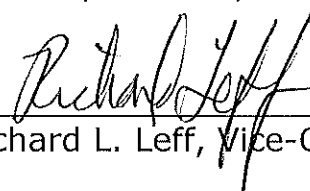


Alison Dobbins, Secretary

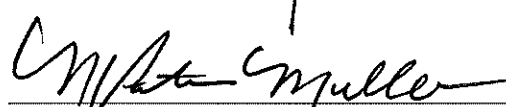
**BOARD OF SUPERVISORS OF
KENNETT TOWNSHIP:**



Geoffrey Gamble, Chairman



Richard L. Leff, Vice-Chairman



M. Patricia Muller, Member

ADDENDUM TO RESOLUTION NO. 2024-34

Background

Agriculture is the leading industry in the Commonwealth of Pennsylvania. The mushroom growing and related industries are the number one agricultural and economic engine in the greater Kennett Square community, including Kennett Township and has been thriving in Kennett Township and neighboring communities since the late 1800s.

There are over 2,000 mushroom growing rooms in the greater southern Chester County community, generating over \$1 Billion in positive economic impact, but growing mushrooms attracts and facilitates the reproduction of Phorid flies which can reduce mushroom crop yield by 10%-40%, causing serious economic repercussions for growers. Phorid flies leave the mushroom growing facilities and invade private residences by the thousands, causing extreme discomfort, unsuitable living conditions, a negative financial impact to homeowners spending thousands of dollars to attempt to mitigate the nuisance, a decline in home values at the time of sale due to the required disclosure of the pests and the inability to peacefully enjoy their home.

Before 2012, Phorid flies were contained and eliminated by mushroom growers with an organophosphate, Diazinon. The Environmental Protection Agency began to eliminate organophosphates in 2010 and the manufacturer of Diazinon thereafter removed it from the market, causing economic injury to mushroom growers and a significant reduction in the quality of life for residents within several miles of mushroom growing rooms given the proliferation of the Phorid flies.

Recent Research

Research has been conducted through private organizations as well as by Dr. Michael Wolfin, Assistant Research Professor, Department of Entomology at Penn State University, to find solutions that are expected to eliminate or substantially reduce Phorid fly infestations. The results of research conducted by Dr. Wolfin in 2023 and 2024 show promising results in the reduction and possible elimination of the Phorid fly at the source in mushroom growing rooms. Phorid flies travel from mushroom farm to mushroom farm and to private residences in between and beyond.

Limitations of Authority

Kennett Township recognizes the limitations imposed on it by Commonwealth law in direct regulation of the Phorid fly infestation and recognizes that the primary culprit for the recent infestation issues has been driven, in large part, by the lack

of approved treatments by mushroom farmers, but the Township desires to act within its authority to push for the implementation of the measures set forth below.

Action

Kennett Township calls for a comprehensive, multi-agency approach to eliminate the Phorid fly infestation threat, to be immediately pursued including but not limited to:

- More State funding to research mitigation controls through Penn State University and private entities;
- Research must include:
 - Reduction and elimination of the Phorid fly at growing facilities;
 - Best practices and products to be used in private residences to eliminate Phorid fly infestations;
- State funding through grants for implementing the above-referenced Best Management Practices and products for growers
- Education for mushroom growers on mitigation controls and the distribution of the same;
- State regulations to allow mushroom growers the ability to implement effective, safe pest controls;
- Fast-tracking of review and approval of mitigation controls by the State and any other applicable regulatory authorities;
- A multi-agency task force be established to include the Department of Agriculture, the Pennsylvania Department of Environmental Protection, the U.S. Department of Environmental Protection, and any other overseeing governmental agency, and further to include Dr. Wolfin, representatives of the mushroom growing industry, and representatives of private citizens impacted by Phorid fly infestation;
- Education and information being provided, on a periodic basis, to the Township, its residents, and nearby municipalities.

BOROUGH of KENNETT SQUARE
COUNTY of CHESTER, COMMONWEALTH of PENNSYLVANIA

Emergency Declaration - Resolution 2024-18

Whereas;

Agriculture is the number one industry in the Commonwealth of Pennsylvania; and

Whereas;

The mushroom growing and related industries are the number one agricultural and economic engine in the greater Kennett Square community; and

Whereas;

The mushroom industry has been thriving in Kennett Square and neighboring communities since the late 1800s; and

Whereas;

There are over 2,000 mushroom growing rooms in the greater southern Chester County community, with over \$1b in economic impact; and

Whereas;

Growing mushrooms attracts and facilitates the reproduction of Phorid flies; and

Whereas:

The Phorid fly can reduce mushroom crop yield by 10%-40%, causing serious economic repercussions for growers; and

Whereas:

Phorid flies leave the mushroom growing facilities and invade private residences by the thousands, causing:

- Extreme discomfort;
- Unsuitable living conditions;
- A negative financial impact to homeowners spending thousands of dollars to attempt to mitigate the nuisance;
- A decline in home values at the time of sale due to the disclosure of the pests; and
- The inability to peacefully enjoy their home; and

Whereas:

Before 2012, Phorid Flies were contained and eliminated by growers with an organophosphate, Diazinon. The Environmental Protection Agency began to eliminate organophosphates in 2010 and the manufacturer of Diazinon thereafter removed it from the market, causing economic injury to mushroom growers and a significant reduction in quality of life for private residences within several miles of mushroom growing rooms given the proliferation of the Phorid flies; and

Whereas:

Research has been conducted through private organizations as well as Dr. Michael Wolfin, Assistant Research Professor, Department of Entomology, at Penn State University to find solutions that are expected to eliminate or substantially Phorid fly infestations; and

Whereas:

The results of research conducted by Dr. Wolfin in 2023 and 2024 show promising results in the reduction and possible elimination of the Phorid fly at the source in mushroom growing rooms; and

Whereas:

Phorid flies travel from mushroom farm to mushroom farm and to private residences in between and beyond; and

Whereas:

Kennett Square Borough recognizes the limitations imposed on it by state law in direct regulation of the issue and recognizes that the primary culprit for the recent infestation issues has been driven, in large part, by the lack of approved treatments by mushroom farmers, but the Borough is desirous of acting within its authority to push for the implementation of the measures set forth below;

Therefore:

A comprehensive, multi-agency approach to eliminate the Phorid fly infestation threat must immediately be pursued, including:

- More state funding to research mitigation controls through Penn State and private entities;
- Research must include:
 - Reduction and elimination of the Phorid fly at growing facilities;
 - Best practices and products to be used in private residences to eliminate Phorid fly infestations;
- State funding through grants for implementing the above-referenced Best Management Practices and products for growers
- Education for mushroom growers on mitigation controls and the distribution of the same;
- State regulations to allow mushroom growers the ability to implement effective, safe pest controls;
- Fast-tracking of review and approval of mitigation controls by the State and any other applicable regulatory authorities;
- A multi-agency task force be established to include the Department of Agriculture, the Pennsylvania Department of Environmental Protection, the U.S. Department of Environmental Protection, and any other overseeing governmental agency and further include Dr. Wolfin, representatives of the mushroom growing industry and representatives of private citizens impacted by Phorid fly infestation;

- Education and information being provided to the Borough, nearby municipalities and our residents as to the status of the above efforts; and

Therefore,

I, Matthew Fetick, Mayor of the Borough of Kennett Square declare the Phorid fly infestation to be a true emergency in our community and the greater region and ask that the Borough Council of Kennett Square ratify and extend this emergency resolution until such time as the emergency no longer exists and solutions are in place to eliminate the Phorid fly infestation and that this Emergency Resolution be forwarded to our Commonwealth of Pennsylvania State Representatives and Senators along with our surrounding municipal leaders for further advancement of this Emergency. The implementation of the instant Declaration shall be pursued through the promotion of the above inter-municipal and inter-agency cooperative measures, partnering with all applicable federal and state representatives, regulators, nearby municipalities, researchers, mushroom growers, the American Mushroom Institute and other trade associations, and those impacted residents, to pursue and promote effective solutions to the issue.

Signed this 2nd Day of December, 2024

Matthew W Fetick, Mayor

Extended and Ratified by the Council for The Borough of Kennett Square
This 2nd day of December, 2024

Robert Norris, President