

Department of Legislative Services
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 660

(Delegate Frush, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Agriculture - Pesticides - Use Reporting

This bill requires the Maryland Department of Agriculture (MDA) to establish a public information program for the collection of information on pesticide use in the State. At least every five years, MDA must collect information on pesticide use in the State from farm operators, certified private applicators, licensed pest control businesses, and permitted public agencies. The information collected must include the type of pesticide, the active ingredient in the pesticide, and the total amount of pesticide used by calendar year. Every five years, MDA must prepare a report on the information collected and make the report available to the public on request.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: The bill's requirements are expected to be met by using a planned survey estimated to cost \$80,000 in FY 2012; however, that amount is included in the Governor's proposed FY 2012 budget. At least every five years thereafter, it is assumed that similar costs will be incurred. State agencies permitted to use pesticides are not expected to be materially affected. Revenues are not affected.

Local Effect: Local government agencies permitted to use pesticides are not expected to be materially affected.

Small Business Effect: Minimal. Any impact on small businesses that apply pesticides is expected to be minimal, assuming the bill is carried out through the pesticide use survey planned to be conducted by MDA and similar future surveys.

Analysis

Current Law/Background: MDA licenses commercial pest control and not-for-hire firms, issues permits to public agencies for pesticide application, and certifies private applicators (farmers or growers who wish to use restricted use pesticides in the production of agricultural commodities). MDA regulations currently require licensees, permittees, and certified private applicators to keep specified records regarding pesticide applications that must be maintained for two years and made available upon request to the department.

MDA indicates that currently there are 1,476 licensed commercial pest control businesses, 173 licensed not-for-hire businesses, 322 permitted public agencies, and 3,049 certified private applicators. Based on information from the 2007 Agricultural Census, the 3,049 certified private applicators are equivalent to 24% of the 12,853 farms in Maryland, the remainder of which (9,804 farms) would all have the potential to use pesticides. According to MDA, these farms may contract with commercial firms to apply pesticides for them or may be applying general use pesticides themselves. There is no license requirement for farmers or growers to apply general use pesticides.

State Expenditures: Since 1985, MDA has periodically conducted surveys of pesticide use through contracts with the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS). The surveys were conducted every three years through 2004. A survey has not been conducted since 2004, but MDA indicates that it has a memorandum of understanding with NASS to conduct a survey in January 2012 for the 2011 calendar year, the expected cost of which (\$80,000) is included in the Governor's proposed fiscal 2012 budget with special funds. MDA expects to implement the bill through that survey and similar future surveys and expects to request information in a manner that will have minimal impact on survey respondents, generally requesting the required information on a county or regional basis, based on best estimates of the percentages of pesticide usage that occurred in each county or region.

The 2004 survey (actually conducted in 2005, to gather 2004 pesticide application data) surveyed farmers, private applicators, commercially licensed businesses, and permitted public agencies, using lists of certified applicators, businesses, and public agencies provided by MDA's Pesticide Regulation Section and a comprehensive list of farm operators maintained by NASS. Responses were voluntary and not required by law.

Additional Information

Prior Introductions: None.

Cross File: SB 785 (Senator Montgomery, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture, Maryland Department of the Environment, Department of Natural Resources, Maryland Department of Transportation, Baltimore City, Howard and Montgomery counties, City of Bowie, Maryland State Pest Control Association, Department of Legislative Services

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