

HOUSE BILL 775

M4

(3lr2325)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Lafferty, Barve, Bobo, Carr, Costa, Frush, Guzzone, Healey, Hubbard, Hucker, Mizeur, Nathan-Pulliam, Pena-Melnyk, S. Robinson, and Schuh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Pesticide Reporting and Information ~~Act~~ Workgroup**

3 FOR the purpose of ~~requiring the Department of Agriculture to adopt certain~~
4 ~~regulations regarding reporting on the use, release, sale, and purchase of~~
5 ~~certain pesticides; requiring certain persons that use, release, sell, or purchase~~
6 ~~certain pesticides to submit certain reports to the Department; requiring the~~
7 ~~reports to contain certain information; requiring certain restricted-use pesticide~~
8 ~~reports to be submitted at least semi-annually in a manner required by the~~
9 ~~Department; requiring certain pesticide reports to be submitted annually~~
10 ~~beginning on a certain date; requiring the Department to establish the format of~~
11 ~~the reports; requiring the Department to adopt regulations for standard naming~~
12 ~~conventions for certain chemicals and products; requiring a person that~~
13 ~~withholds certain information from a certain report to notify the Department~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~and provide a certain explanation; establishing that this Act does not relieve a~~
2 ~~person from certain reporting requirements under federal, State, or local laws;~~
3 ~~authorizing the Department to inspect certain records; requiring certain records~~
4 ~~to be made available to the Department for inspection at a certain time;~~
5 ~~requiring the Department to provide notice of a certain inspection of records to a~~
6 ~~certain person; requiring the Department to serve as the repository for certain~~
7 ~~records; authorizing the Department to delegate certain data management~~
8 ~~functions; authorizing the Department to share data management resources~~
9 ~~with other State departments; requiring the Department to establish a system,~~
10 ~~including an electronic reporting system for the submission of reports; requiring~~
11 ~~the online electronic reporting system to allow certain information to be~~
12 ~~reported; authorizing the Department to establish a certain policy regarding~~
13 ~~electronic reporting; authorizing the Department to adopt regulations regarding~~
14 ~~the public availability of certain information; requiring the Department to adopt~~
15 ~~regulations to ensure that certain data will not result in the association of the~~
16 ~~data with a certain person; requiring the Department to adopt regulations to~~
17 ~~protect the identity of certain persons; limiting access to certain reports to~~
18 ~~certain persons; prohibiting access to certain reports unless certain~~
19 ~~requirements are met; requiring the availability of certain administrative and~~
20 ~~judicial review under certain circumstances; creating a Pesticide Use and~~
21 ~~Release Fund; providing for the administration of the Fund; requiring the Fund~~
22 ~~to be used for certain purposes; requiring the Fund to have an annual revenue~~
23 ~~target; requiring the Department to set the revenue target and adjust the target~~
24 ~~based on certain conditions; requiring certain penalties and fees to be deposited~~
25 ~~into the Fund; requiring the Department to place a certain surcharge on certain~~
26 ~~fees; requiring the surcharge fees to be deposited into the Fund; requiring the~~
27 ~~surcharge fees to be used for a certain purpose; prohibiting the violation of this~~
28 ~~Act; establishing the penalties for certain violations; providing for the~~
29 ~~enforcement of this Act; requiring the Department to establish a tracking~~
30 ~~system for certain pesticide purchases; defining certain terms; declaring certain~~
31 ~~findings of the General Assembly; and generally relating to pesticide use and~~
32 ~~release reporting.~~ establishing the Maryland Pesticide Reporting and
33 Information Workgroup; providing for the composition, cochairs, and staffing of
34 the Workgroup; prohibiting a member of the Workgroup from receiving certain
35 compensation, but authorizing the reimbursement of certain expenses;
36 requiring the Workgroup to study and make recommendations regarding the
37 establishment of a pesticide use database; requiring the Workgroup to report its
38 preliminary and final findings and recommendations to certain committees of
39 the General Assembly on or before certain dates; providing for the termination
40 of this Act; and generally relating to the Maryland Pesticide Reporting and
41 Information Workgroup.

42 ~~BY repealing and reenacting, without amendments,~~

43 ~~Article — Agriculture~~

44 ~~Section 5-101(g), 5-105, and 5-201(a), (e), (g), (j), (l), and (r)~~

45 ~~Annotated Code of Maryland~~

46 ~~(2007 Replacement Volume and 2012 Supplement)~~

1 ~~BY adding to~~
2 ~~Article Agriculture~~
3 ~~Section 5-2A-01 through 5-2A-21 to be under the new subtitle "Subtitle 2A-~~
4 ~~Use, Release, Sale, and Purchase of Pesticides"~~
5 ~~Annotated Code of Maryland~~
6 ~~(2007 Replacement Volume and 2012 Supplement)~~

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 ~~Article Agriculture~~

10 ~~5-101.~~

11 ~~(g) "Distributor" means a person who imports, manufactures, produces,~~
12 ~~mixes, or consigns pesticides as part of a commercial enterprise.~~

13 ~~5-105.~~

14 ~~(a) Except as provided in subsection (g) of this section, a distributor shall~~
15 ~~register with the Secretary each brand or product name of a pesticide before~~
16 ~~distributing it in the State. The registration for each pesticide expires December 31~~
17 ~~each year.~~

18 ~~(b) Each applicant shall file with the Secretary a statement listing:~~

19 ~~(1) The name and address of each applicant and the name and address~~
20 ~~of the person whose name will appear on the label, if other than the registrant;~~

21 ~~(2) The name of the pesticide;~~

22 ~~(3) A complete copy of the labeling accompanying the pesticide and a~~
23 ~~statement of every claim to be made for it, including directions for use; and~~

24 ~~(4) A full description of every test conducted and the results upon~~
25 ~~which any claim is based, if requested by the Secretary.~~

26 ~~(c) A separate application shall be filed for each person whose name appears~~
27 ~~on the label. Upon renewal, a person shall file a statement listing any required new~~
28 ~~information that does not appear on the statement filed when the pesticide was~~
29 ~~registered or was last reregistered.~~

30 ~~(d) The applicant shall pay an annual fee of \$100 to the Secretary for each~~
31 ~~product registered. Unless the Secretary determines otherwise, each applicant also~~
32 ~~shall pay a terminal registration fee of \$100 for each discontinued pesticide each year~~
33 ~~for two years.~~

1 ~~(e) In addition to the annual fee, any person filing a renewal application~~
2 ~~after January 31 for any product offered for sale shall pay a ten percent per month late~~
3 ~~registration fee for each pesticide, but not exceeding twice the annual registration fee~~
4 ~~per pesticide. Late fees apply retroactively to the January 1 filing date. Late fees are~~
5 ~~not applicable to new products which are registered before being distributed, sold, or~~
6 ~~offered for sale.~~

7 ~~(f) The Secretary may require the submission of toxicological,~~
8 ~~environmental, or health effects data that the Secretary considers appropriate, or the~~
9 ~~complete formula of any pesticide whenever he deems this action necessary to~~
10 ~~effectuate the purposes of this subtitle. The Secretary shall register the pesticide if he~~
11 ~~determines that the pesticide, its labeling, and other material required to be submitted~~
12 ~~comply with the requirements of this subtitle.~~

13 ~~(g) Provided the product label has not been altered or changed, a distributor~~
14 ~~shall not be required to register the brand or trade name of a pesticide which has been~~
15 ~~registered by another person under this subtitle.~~

16 ~~(h) Before a pesticide may be registered by the Secretary, the pesticide shall~~
17 ~~comply with the provisions of federal pesticide laws and regulations.~~

18 ~~5-201.~~

19 ~~(a) In this subtitle the following words have the meanings indicated.~~

20 ~~(e) "Certified applicator" means a person who is certified by the Secretary~~
21 ~~under this subtitle.~~

22 ~~(g) "Labeling" means all written, printed, or graphic matter:~~

23 ~~(1) Accompanying the pesticide or device at any time; or~~

24 ~~(2) To which reference is made on the label or in literature~~
25 ~~accompanying the pesticide or device, except to current official publications of the:~~

26 ~~(i) Environmental Protection Agency;~~

27 ~~(ii) United States Departments of Agriculture, Interior, and~~
28 ~~Health and Human Services;~~

29 ~~(iii) State experiment stations;~~

30 ~~(iv) State agricultural colleges; or~~

31 ~~(v) Other similar federal or State institutions or agencies~~
32 ~~authorized by law to conduct research in the field of pesticides.~~

1 ~~(j) (1) "Pest control applicator" means a person engaged in the business of~~
2 ~~pest control.~~

3 ~~(2) Except as provided by the Secretary, "pest control applicator"~~
4 ~~includes a person who applies pesticides on any premises where the public is~~
5 ~~commonly invited for the sale of goods or services.~~

6 ~~(k) "Pesticide" means any substance or mixture of substances intended for:~~

7 ~~(1) Preventing, destroying, repelling, or mitigating any pest;~~

8 ~~(2) Use as a plant regulator, defoliant, or desiccant; or~~

9 ~~(3) Use as a spray adjuvant such as a wetting agent or adhesive.~~

10 ~~(r) "Restricted use pesticide" means a pesticide so classified by the provisions~~
11 ~~in this title or by the federal government or the Secretary of Agriculture, State of~~
12 ~~Maryland.~~

13 ~~**SUBTITLE 2A. USE, RELEASE, SALE, AND PURCHASE OF PESTICIDES.**~~

14 ~~**PART I. DEFINITIONS; GENERAL PROVISIONS.**~~

15 ~~**5-2A-01.**~~

16 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
17 ~~INDICATED:~~

18 ~~(B) "CERTIFIED APPLICATOR", "LABELING", "PEST CONTROL~~
19 ~~APPLICATOR", "PESTICIDE", AND "RESTRICTED USE PESTICIDE" HAVE THE~~
20 ~~MEANINGS STATED IN § 5-201 OF THIS TITLE.~~

21 ~~(C) "DISTRIBUTOR" HAS THE MEANING STATED IN § 5-101 OF THIS~~
22 ~~TITLE.~~

23 ~~(D) "FUND" MEANS THE PESTICIDE USE AND RELEASE FUND~~
24 ~~ESTABLISHED UNDER § 5-2A-14 OF THIS SUBTITLE.~~

25 ~~(E) "RELEASE" MEANS ANY PESTICIDE APPLICATION OR SPILL THAT~~
26 ~~DOES NOT COMPLY WITH PESTICIDE LABELING INSTRUCTIONS.~~

27 ~~(F) "USE" MEANS ANY PESTICIDE APPLICATION THAT COMPLIES WITH~~
28 ~~PESTICIDE LABELING INSTRUCTIONS.~~

~~5-2A-02.~~

~~THE GENERAL ASSEMBLY FINDS THAT:~~

~~(1) THE RELEASE OF PESTICIDES INTO THE ENVIRONMENT CAN HAVE A NEGATIVE EFFECT ON PUBLIC HEALTH AND THE ENVIRONMENT;~~

~~(2) NEGATIVE EFFECTS ON PUBLIC HEALTH AND THE ENVIRONMENT MAY OCCUR EVEN IF PESTICIDES ARE USED IN FULL ACCORDANCE WITH APPROVED APPLICATIONS AND LABELING INSTRUCTIONS;~~

~~(3) WITHOUT INFORMATION ON THE PATTERNS OF THE SALE, USE, AND RELEASE OF PESTICIDES, IT IS COSTLY AND CHALLENGING TO DESIGN APPROPRIATE MONITORING, TRACKING, EVALUATION, AND PROTECTION PROGRAMS;~~

~~(4) THE PROTECTION OF THE ENVIRONMENT, PUBLIC HEALTH, AND PUBLIC WELL-BEING FROM TERRORIST ATTACKS REQUIRES THAT CERTAIN INFORMATION ON THE SALE, USE, AND RELEASE OF PESTICIDES BE ASSEMBLED;~~

~~(5) IT IS RECOGNIZED THAT RESTRICTED USE PESTICIDES POTENTIALLY MAY BE USED BY TERRORISTS AND THAT THE TRACKING OF INFORMATION REGARDING THE PURCHASE AND SALE OF RESTRICTED USE PESTICIDES MAY BE USEFUL IN IDENTIFYING POTENTIALLY UNLAWFUL AND THREATENING USES OF THESE PESTICIDES;~~

~~(6) ACCESS TO REPORTED DATA AND THE IDENTITY OF A PERSON SUBMITTING A REPORT REQUIRED UNDER THIS SUBTITLE IS INTENDED FOR GOVERNMENT AGENCIES, RESEARCH ORGANIZATIONS, AND ENVIRONMENTAL AND PUBLIC HEALTH EXPERTS THAT HAVE A SECURITY, REGULATORY, PUBLIC HEALTH, OR ACADEMIC INTEREST IN THE SALE, USE, AND RELEASE OF PESTICIDES THAT COULD SIGNIFICANTLY IMPAIR OR DAMAGE PUBLIC HEALTH OR THE ENVIRONMENT; AND~~

~~(7) BECAUSE EFFICIENCIES IN REPORTING OF DATA CAN BE ACHIEVED THROUGH THE USE OF CONSOLIDATED ELECTRONIC SYSTEMS AND THE NEWEST ELECTRONIC TECHNOLOGIES, EFFORTS NEED TO BE MADE TO USE THESE TECHNOLOGIES FOR THE BENEFIT OF THE BUSINESSES THAT MUST REPORT THE DATA AND TO ASSIST GOVERNMENT AGENCIES AND RESEARCH ORGANIZATIONS THAT USE THE REPORTED DATA.~~

~~5-2A-03. RESERVED.~~

~~5-2A-04. RESERVED.~~

~~PART II. REPORTING.~~

~~5-2A-05.~~

~~A DISTRIBUTOR, CERTIFIED APPLICATOR, OR PEST CONTROL APPLICATOR SHALL SUBMIT A REPORT UNDER THIS PART.~~

~~5-2A-06.~~

~~THE DEPARTMENT SHALL ADOPT REGULATIONS FOR REPORTING:~~

~~(1) THE USE AND RELEASE OF PESTICIDES, INCLUDING:~~

~~(I) OUTDOOR AGRICULTURAL RELEASE;~~

~~(II) WOOD DESTROYING INSECT CONTROL, INCLUDING OUTDOOR AND SUBSURFACE BUILDING TREATMENTS;~~

~~(III) LAWN CARE AND LANDSCAPING SERVICES;~~

~~(IV) GOLF COURSE MAINTENANCE;~~

~~(V) HIGHWAY, UTILITY, AND RAILROAD RIGHTS OF WAY MAINTENANCE;~~

~~(VI) FOREST PEST CONTROL; AND~~

~~(VII) MOSQUITO CONTROL; AND~~

~~(2) THE PURCHASE AND SALE OF RESTRICTED USE PESTICIDES.~~

~~5-2A-07.~~

~~(A) A PERSON REQUIRED TO SUBMIT A REPORT UNDER THIS PART SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT INDICATING:~~

~~(1) THE QUANTITIES OF THE PESTICIDE USED OR RELEASED IN AT LEAST ANNUAL TOTALS OR AS REQUIRED BY THE DEPARTMENT;~~

~~(2) THE ACREAGE OF LAND MASS COVERED BY THE QUANTITIES OF THE PESTICIDE USED OR RELEASED;~~

~~(3) THE TYPES OF PESTICIDE USED OR RELEASED;~~

1 ~~(4) THE LOCATIONS WHERE PESTICIDE IS USED OR RELEASED BY~~
2 ~~ZIP CODE, WATERSHED, OR OTHER GEOGRAPHIC AREA DETERMINED BY THE~~
3 ~~DEPARTMENT;~~

4 ~~(5) THE INTENDED PURPOSES OF THE PESTICIDE APPLICATION~~
5 ~~OR RELEASE, INCLUDING:~~

6 ~~(I) CROPS TO WHICH PESTICIDE IS APPLIED; AND~~

7 ~~(II) TARGETED ORGANISMS FOR PESTICIDE USE;~~

8 ~~(6) THE 16-DIGIT U.S. GEOLOGICAL SURVEY UNIT CODE FOR~~
9 ~~THE WATERSHED, OR EQUIVALENT CODE ESTABLISHED BY THE DEPARTMENT,~~
10 ~~IN WHICH PESTICIDE WAS USED OR RELEASED; AND~~

11 ~~(7) ANY ADDITIONAL INFORMATION RELATING TO PESTICIDE USE~~
12 ~~OR RELEASE THAT THE SECRETARY REQUIRES.~~

13 ~~(B) RESTRICTED USE PESTICIDE SALE AND PURCHASE REPORTS~~
14 ~~REQUIRED UNDER THIS PART SHALL BE SUBMITTED AT LEAST SEMI-ANNUALLY~~
15 ~~IN A MANNER REQUIRED BY THE DEPARTMENT.~~

16 ~~(C) PESTICIDE USE AND RELEASE REPORTS REQUIRED UNDER THIS~~
17 ~~PART OR REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE SHALL~~
18 ~~COVER THE PRECEDING CALENDAR YEAR AND BE SUBMITTED ANNUALLY TO~~
19 ~~THE DEPARTMENT BEGINNING ON MARCH 1, 2015.~~

20 ~~(D) (1) THE DEPARTMENT SHALL SPECIFY THE FORMAT OF REPORTS~~
21 ~~REQUIRED UNDER THIS PART.~~

22 ~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR~~
23 ~~STANDARD NAMING CONVENTIONS AND CATEGORIES FOR THE VARIOUS~~
24 ~~CHEMICAL NAMES, PRODUCT NAMES, AND PRODUCT FORMULATIONS.~~

25 ~~(E) A PERSON THAT WITHHOLDS INFORMATION FROM A REPORT~~
26 ~~REQUIRED UNDER THIS SECTION BASED ON A CLAIM THAT THE INFORMATION IS~~
27 ~~CONFIDENTIAL BUSINESS INFORMATION SHALL:~~

28 ~~(1) NOTIFY THE DEPARTMENT THAT INFORMATION IS BEING~~
29 ~~WITHHELD; AND~~

30 ~~(2) PROVIDE AN EXPLANATION FOR THE CLAIM THAT THE~~
31 ~~WITHHELD INFORMATION IS CONFIDENTIAL.~~

1 ~~(F) THIS SECTION DOES NOT RELIEVE A PERSON FROM ANY OTHER~~
2 ~~REPORTING REQUIREMENTS UNDER FEDERAL, STATE, OR LOCAL LAWS.~~

3 ~~5-2A-08.~~

4 ~~(A) THE DEPARTMENT MAY INSPECT ANY RECORDS OR REPORTS OF~~
5 ~~PESTICIDE USE, RELEASE, SALE, AND PURCHASE BY A PERSON.~~

6 ~~(B) ON REQUEST BY THE DEPARTMENT, A PERSON SHALL MAKE~~
7 ~~RECORDS AVAILABLE FOR INSPECTION BY THE DEPARTMENT DURING NORMAL~~
8 ~~BUSINESS HOURS.~~

9 ~~(C) IF THE DEPARTMENT INTENDS TO INSPECT RECORDS AT THE~~
10 ~~LOCATION WHERE THE RECORDS ARE MAINTAINED, THE DEPARTMENT SHALL~~
11 ~~PROVIDE ADVANCE NOTICE OF NOT LESS THAN 1 WEEK TO THE PERSON IN~~
12 ~~POSSESSION OF THE RECORDS.~~

13 ~~5-2A-09.~~

14 ~~(A) THE DEPARTMENT SHALL SERVE AS THE REPOSITORY FOR DATA~~
15 ~~REGARDING PESTICIDE USE, RELEASE, SALE, AND PURCHASE IN THE STATE.~~

16 ~~(B) THE DEPARTMENT MAY DELEGATE THE MANAGEMENT OF THE~~
17 ~~DEPARTMENT'S DATA REPOSITORY FUNCTIONS TO ANOTHER STATE AGENCY OR~~
18 ~~PRIVATE CONTRACTOR.~~

19 ~~(C) THE DEPARTMENT MAY SHARE SYSTEMS AND RESOURCES WITH~~
20 ~~OTHER STATE DEPARTMENTS TO OPTIMIZE THE MANAGEMENT AND SHARING OF~~
21 ~~THE DATA REPOSITORIES OF THE DEPARTMENT.~~

22 ~~5-2A-10.~~

23 ~~(A) (1) THE DEPARTMENT SHALL ESTABLISH A SYSTEM, INCLUDING~~
24 ~~AN ELECTRONIC REPORTING SYSTEM FOR THE SUBMITTAL OF REPORTS~~
25 ~~REQUIRED UNDER THIS PART.~~

26 ~~(2) THE ELECTRONIC REPORTING SYSTEM SHALL IDENTIFY THE~~
27 ~~WATERSHED WHERE THE PESTICIDES ARE USED OR ARE RELEASED AS~~
28 ~~REQUIRED UNDER § 5-2A-07(A)(6) OF THIS PART.~~

29 ~~(B) THE DEPARTMENT MAY ESTABLISH A POLICY TO ENSURE THAT 90%~~
30 ~~OF THE REPORTS REQUIRED UNDER THIS PART ARE SUBMITTED BY 2018.~~

31 ~~5-2A-11.~~

1 ~~(A) THE DEPARTMENT MAY ADOPT REGULATIONS REGARDING ACCESS~~
2 ~~BY THE PUBLIC TO INFORMATION SUBMITTED TO OR MAINTAINED BY THE~~
3 ~~DEPARTMENT REGARDING PESTICIDES USED, RELEASED, SOLD, AND~~
4 ~~PURCHASED IN THE STATE.~~

5 ~~(B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:~~

6 ~~(I) ENSURE THAT PUBLICLY DISTRIBUTED DATA WILL NOT~~
7 ~~RESULT IN THE ASSOCIATION OF ANY DATA WITH A PERSON; AND~~

8 ~~(II) PROTECT THE IDENTITY OF A PERSON REQUIRED TO~~
9 ~~SUBMIT A REPORT UNDER THIS PART.~~

10 ~~(2) ACCESS TO INDIVIDUAL REPORTS SHALL BE LIMITED TO:~~

11 ~~(I) GOVERNMENT AGENCIES;~~

12 ~~(II) RESEARCH ORGANIZATIONS THAT HAVE A REGULATORY~~
13 ~~OR ACADEMIC INTEREST IN THE USE, RELEASE, SALE, OR PURCHASE OF~~
14 ~~PESTICIDES; AND~~

15 ~~(III) ENVIRONMENTAL AND PUBLIC HEALTH EXPERTS.~~

16 ~~(3) ACCESS TO INDIVIDUAL REPORTS MAY NOT BE PROVIDED TO~~
17 ~~AN ENTITY LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS THE~~
18 ~~ENTITY:~~

19 ~~(I) DEMONSTRATES THE ENTITY HAS ADEQUATE SECURITY~~
20 ~~MEASURES TO PREVENT THE RELEASE OF INFORMATION THAT IS~~
21 ~~ATTRIBUTABLE TO A PERSON SUBMITTING A REPORT; AND~~

22 ~~(II) SIGNS AN AGREEMENT TO KEEP CONFIDENTIAL THE~~
23 ~~IDENTITY OF A PERSON THAT HAS SUBMITTED A REPORT.~~

24 ~~(C) FOR MATTERS RELATING TO THE DEPARTMENT'S PROTECTION OF~~
25 ~~THE IDENTITY OF A PERSON REQUIRED TO SUBMIT A REPORT, A PERSON SHALL~~
26 ~~BE ENTITLED TO:~~

27 ~~(1) A REVIEW BY AN ADMINISTRATIVE LAW JUDGE; AND~~

28 ~~(2) AN APPEAL TO A COURT OF COMPETENT JURISDICTION, AS~~
29 ~~AUTHORIZED BY STATE LAW.~~

1 ~~5-2A-12. RESERVED.~~

2 ~~5-2A-13. RESERVED.~~

3 ~~PART III. PESTICIDE USE AND RELEASE FUND.~~

4 ~~5-2A-14.~~

5 ~~(A) THERE IS A PESTICIDE USE AND RELEASE FUND IN THE~~
6 ~~DEPARTMENT.~~

7 ~~(B) THE SECRETARY SHALL ADMINISTER THE FUND.~~

8 ~~(C) (1) (i) EXCEPT AS PROVIDED BY SUBPARAGRAPH (ii) OF THIS~~
9 ~~PARAGRAPH, THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
10 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

11 ~~(ii) IF THE FUND HAS SUFFICIENT MONEY TO COVER ALL~~
12 ~~COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE FOR THE~~
13 ~~UPCOMING FISCAL YEAR, THE DEPARTMENT MAY TRANSFER EXCESS MONEY TO~~
14 ~~AN ACCOUNT IN THE DEPARTMENT FOR THE PURPOSE OF ADMINISTERING THE~~
15 ~~OFFICE OF THE STATE CHEMIST IN THE DEPARTMENT.~~

16 ~~(2) THE STATE TREASURER SHALL HOLD THE FUND~~
17 ~~SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

18 ~~(D) THE FUND CONSISTS OF:~~

19 ~~(1) REVENUE DISTRIBUTED TO THE FUND UNDER THIS SUBTITLE;~~

20 ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

21 ~~AND~~

22 ~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
23 ~~FOR THE BENEFIT OF THE FUND.~~

24 ~~(E) THE FUND SHALL BE USED FOR:~~

25 ~~(1) THE COLLECTION, MANAGEMENT, AND ANALYSIS OF DATA~~
26 ~~RECEIVED BY THE DEPARTMENT FROM PERSONS REQUIRED TO REPORT IN~~
27 ~~ACCORDANCE WITH THIS SUBTITLE OR REGULATIONS ADOPTED IN~~
28 ~~ACCORDANCE WITH THIS SUBTITLE;~~

29 ~~(2) ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE; AND~~

1 ~~(3) IN ACCORDANCE WITH SUBSECTION (C)(1)(II) OF THIS~~
2 ~~SECTION, THE ADMINISTRATION OF THE OFFICE OF THE STATE CHEMIST IN~~
3 ~~THE DEPARTMENT.~~

4 ~~(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
5 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

6 ~~(2) ANY INTEREST OR OTHER INVESTMENT EARNINGS OF THE~~
7 ~~FUND SHALL BE CREDITED AND PAID INTO THE FUND.~~

8 ~~(G) (1) THE FUND SHALL HAVE AN ANNUAL REVENUE TARGET.~~

9 ~~(2) THE ANNUAL REVENUE TARGET SHALL BE SET AND ADJUSTED~~
10 ~~ANNUALLY BY THE DEPARTMENT IN RESPONSE TO DOCUMENTED PROGRAM~~
11 ~~NEEDS OR CHANGES IN THE COST OF LIVING INDEX USED BY THE STATE.~~

12 ~~(3) THE ANNUAL REVENUE TARGET SHALL BE SET AT A LEVEL~~
13 ~~SUFFICIENT TO COVER ALL COSTS OF THE PROGRAM ESTABLISHED UNDER THIS~~
14 ~~SUBTITLE.~~

15 ~~5-2A-15.~~

16 ~~ANY FEE OR PENALTY COLLECTED IN ACCORDANCE WITH THIS SUBTITLE~~
17 ~~SHALL BE DEPOSITED INTO THE FUND.~~

18 ~~5-2A-16.~~

19 ~~(A) THE DEPARTMENT SHALL PLACE A SURCHARGE ON REGISTRATION~~
20 ~~FEES PAID UNDER § 5-105 OF THIS TITLE IN AN AMOUNT SUFFICIENT TO~~
21 ~~GENERATE FUNDS TO MEET THE ANNUAL REVENUE TARGET ESTABLISHED~~
22 ~~UNDER § 5-2A-14(C) OF THIS PART.~~

23 ~~(B) THE SURCHARGE PORTION OF REGISTRATION FEES UNDER~~
24 ~~SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF~~
25 ~~SUPPORTING THE DEVELOPMENT AND OPERATION OF, AND COMPLIANCE WITH,~~
26 ~~THE REPORTING PROGRAMS REQUIRED UNDER THIS SUBTITLE.~~

27 ~~(C) THE SURCHARGE ON THE PESTICIDE REGISTRATION FEES SHALL BE~~
28 ~~DEPOSITED INTO THE FUND.~~

29 ~~5-2A-17. RESERVED.~~

30 ~~5-2A-18. RESERVED.~~

~~PART IV. ENFORCEMENT AND PENALTIES.~~

~~5-2A-19.~~

~~A PERSON MAY NOT KNOWINGLY OR RECKLESSLY SUBMIT FALSE INFORMATION IN RESPONSE TO A REPORTING REQUIREMENT UNDER THIS SUBTITLE.~~

~~5-2A-20.~~

~~(A) A PERSON SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$100 FOR AN INITIAL NOTICE OF NONCOMPLIANCE WITH THIS SUBTITLE.~~

~~(B) FAILURE TO SUBMIT A REPORT OR PAY THE FEES AS REQUIRED UNDER THIS SUBTITLE ON SECOND AND SUBSEQUENT NOTICES DELIVERED AT LEAST 30 DAYS FROM THE INITIAL OR PREVIOUS NOTICE SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH NOTICE.~~

~~(C) KNOWINGLY SUBMITTING FALSE INFORMATION TO THE DEPARTMENT IN A REPORT REQUIRED UNDER THIS SUBTITLE SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$5,000.~~

~~(D) A PERSON THAT VIOLATES AN AGREEMENT OF CONFIDENTIALITY UNDER § 5-2A-11 OF THIS SUBTITLE SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$5,000.~~

~~5-2A-21.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROVISIONS AND PROCEDURES OF TITLE 12 OF THIS ARTICLE SHALL BE USED AND APPLIED TO ANY PERSON THAT KNOWINGLY OR RECKLESSLY VIOLATES:~~

~~(1) THIS SUBTITLE; AND~~

~~(2) ANY REGULATION ADOPTED UNDER THIS SUBTITLE.~~

~~(B) A PENALTY IMPOSED FOR A VIOLATION OF THIS SUBTITLE IS PAYABLE TO THE FUND AND MAY BE COLLECTED IN ANY MANNER PROVIDED BY LAW FOR THE COLLECTION OF DEBTS.~~

~~(C) THE DEPARTMENT AND OTHER AGENCIES ASSIGNED TO SUPPORT THE DEPARTMENT SHALL ENFORCE THIS SUBTITLE.~~

1 ~~(D) UNLESS A PERSON SERVED WITH NOTICE OF A PENALTY UNDER~~
2 ~~THIS PART MAKES A WRITTEN REQUEST FOR A HEARING WITHIN 30 DAYS OF~~
3 ~~RECEIPT OF THE NOTICE, THE PENALTY IS CONSIDERED FINAL.~~

4 ~~(E) IF A PERSON REQUIRED TO PAY A FINAL PENALTY IMPOSED UNDER~~
5 ~~THIS PART FAILS TO PAY WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL,~~
6 ~~A LIEN SHALL BE RECORDED AGAINST ANY REAL PROPERTY OWNED BY THE~~
7 ~~PERSON IN THE AMOUNT OF THE PENALTY, TOGETHER WITH INTEREST AND ANY~~
8 ~~COSTS THAT MAY ACCRUE.~~

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

10 ~~(a) The Department of Agriculture shall establish a tracking system to~~
11 ~~facilitate the reporting, recording, and investigating of suspicious pesticide purchases.~~

12 ~~(b) The tracking system shall include:~~

13 ~~(1) a toll-free telephone line for citizens to anonymously report~~
14 ~~suspicious pesticide purchases; and~~

15 ~~(2) a database, maintained by the Department, to record all citizen~~
16 ~~reports.~~

17 ~~(c) Once a report has been entered into the database, the Department shall:~~

18 ~~(1) review the report; and~~

19 ~~(2) forward to the appropriate federal or State law enforcement agency~~
20 ~~any report the Department determines to contain credible evidence of potentially~~
21 ~~dangerous or illegal activity.~~

22 ~~(d) On or before October 1, 2014, the Department shall adopt regulations to~~
23 ~~carry out these provisions.~~

24 (a) There is a Maryland Pesticide Reporting and Information Workgroup.

25 (b) The Workgroup consists of the following members:

26 (1) two members of the Senate of Maryland, appointed by the
27 President of the Senate;

28 (2) two members of the House of Delegates, appointed by the Speaker
29 of the House;

30 (3) the Secretary of Agriculture, or the Secretary's designee;

1 (4) the Secretary of Health and Mental Hygiene, or the Secretary's
2 designee;

3 (5) the Secretary of Natural Resources, or the Secretary's designee;

4 (6) the Secretary of the Environment, or the Secretary's designee;

5 (7) the Chair of the Pesticide Advisory Committee, or the Chair's
6 designee; and

7 (8) the following members appointed jointly by the President of the
8 Senate and the Speaker of the House:

9 (i) one representative of the Chesapeake Bay Foundation;

10 (ii) one representative of the Maryland Pesticide Network;

11 (iii) one representative of the Maryland Farm Bureau;

12 (iv) one representative of the Maryland State Pest Control
13 Association;

14 (v) one representative of the Maryland Grain Producers;

15 (vi) one representative from the pesticide manufacturing
16 industry;

17 ~~(vi)~~ (vii) one representative from the environmental community;

18 ~~(vii)~~ (viii) one public health expert;

19 (ix) one public health and toxicology expert;

20 ~~(viii)~~ (x) one environmental health expert; and

21 ~~(ix)~~ (xi) one farmer.

22 (c) (1) The President of the Senate shall designate one of the members
23 appointed from the Senate of Maryland as cochair of the Workgroup.

24 (2) The Speaker of the House shall designate one of the members
25 appointed from the House of Delegates as cochair of the Workgroup.

26 (d) The Department of Agriculture shall provide staff for the Workgroup.

27 (e) A member of the Workgroup:

- 1 (1) may not receive compensation as a member of the Workgroup; but
 2 (2) is entitled to reimbursement for expenses under the Standard
 3 State Travel Regulations, as provided in the State budget.

4 (f) The Workgroup shall:

5 (1) identify any pesticide use data gaps;

6 (2) determine the need for a data reporting program;

7 ~~(2)~~ (3) determine the appropriate format to make data available for
 8 research;

9 ~~(3)~~ (4) review scientific research and data regarding the use of pesticides
 10 and the potential for harm from pesticides;

11 ~~(4)~~ (5) determine and make recommendations regarding how to protect
 12 the privacy of a person reporting data;

13 ~~(5)~~ (6) determine and make recommendations regarding the best method
 14 for assembling and maintaining data;

15 ~~(6)~~ (7) determine the need for and make recommendations regarding
 16 regulations and guidelines needed for a consistent, unified database;

17 ~~(7)~~ (8) determine and make recommendations regarding whether
 18 legislation is necessary to facilitate access to pesticide information and data;

19 ~~(8)~~ (9) determine whether it is feasible to gather data from retailers and
 20 homeowners; and

21 (10) study the current federal process to approve a pesticide for use;

22 (11) conduct a cost-benefit analysis of:

23 (i) implementing and maintaining a data reporting program;
 24 and

25 (ii) any recommendations that will have an economic impact on
 26 the State;

27 (12) study the impacts of using organic pesticides on farms; and

28 ~~(9)~~ (13) consult with the U.S. Environmental Protection Agency and
 29 other federal agencies when the Workgroup determines it necessary.

1 (g) (1) On or before December 31, 2013, the Workgroup shall report its
 2 preliminary findings and recommendations to the House Environmental Matters
 3 Committee and the Senate Education, Health, and Environmental Affairs Committee
 4 in accordance with § 2-1246 of the State Government Article.

5 (2) On or before July 1, 2014, the Workgroup shall report its final
 6 findings and recommendations to the House Environmental Matters Committee and
 7 the Senate Education, Health, and Environmental Affairs Committee in accordance
 8 with § 2-1246 of the State Government Article.

9 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
 10 effect July 1, 2013. It shall remain effective for a period of 2 years and, at the end of
 11 May 31, 2015, with no further action required by the General Assembly, this Act shall
 12 be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.