

# **Title 15 DEPARTMENT OF AGRICULTURE**

## **Subtitle 05 Pesticide Use Control**

### **Chapter 01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses**

**Authority: Agriculture Article, §§ 2-103(b), 5-204;  
Annotated Code of Maryland**

#### **.02 General Requirements for Applying or Recommending Pesticides.**

- A. This regulation sets forth the general requirements which a person, when applying or recommending a pesticide, shall follow.
- B. Pesticide Use or Recommendation. When using or recommending pesticides, a person shall:
- (1) Use or recommend only those pesticides which are registered with the Department;
  - (2) Use or recommend pesticides in strict accordance with:
    - (a) The Maryland Pesticide Applicators Law;
    - (b) The Maryland Pesticide Registration and Labeling Law; and
    - (c) Except as otherwise provided by State and federal law, the manufacturer's labeling directions;
  - (3) Observe all precautions in the handling, use, storage, and disposal of pesticides and their containers so that:
    - (a) Pesticides do not move from the intended site of application;
    - (b) Nontarget areas or organisms, including humans, do not suffer injury; and
    - (c) Unreasonable adverse effects on the environment do not occur or are minimized; and
  - (4) Comply with 40 CFR 165 (Pesticide Management and Disposal) and 40 CFR 170 (Worker Protection Standard), as amended, which are incorporated by reference.
- C. Limitations on Restricted Use Pesticide. A person may not use a restricted use pesticide unless that person is a certified applicator or is a person working under the supervision of a certified applicator.
- D. Restrictions on Use of Pesticides in the Cultivation of Medical Cannabis; Exemptions.
- (1) Except as provided in this section, a person may not use any pesticide in the cultivation of medical cannabis, defined as any part of the plant *Cannabis sativa*.
  - (2) A person may use a pesticide in the cultivation of medical cannabis that is labeled for use in a greenhouse environment that:
    - (a) Is formulated with inert and active ingredients listed in 40 CFR § 152.25(f)(1) and (2);
    - (b) Has been exempted from the food residue tolerance requirements listed in 40 CFR 180;

(c) Has met the criteria for organic food production as defined by 7 CFR 205; or  
(d) Is allowed by the United States Environmental Protection Agency by label language that is broad enough to include use on cannabis as determined by the Department.

(3) A person may use a pesticide on hard surfaces of items and areas used to support operations in the cultivation of medical cannabis for the purpose of disinfection or sanitation for the control of microorganisms provided that the pesticide is labeled for use on hard surfaces, including benches, floors, pallets, pots, skids, tools, and equipment.

(4) Any spray adjuvant that is labeled for use on food crops can be used with a pesticide that is applied to medical cannabis that has the intended use allowed by the spray adjuvant label. Spray adjuvant use is limited to those allowed for use with an insecticide or fungicide.

(5) If a pesticide is used in the cultivation of medical cannabis, it shall be applied in a manner consistent with State and federal application requirements.

(6) Any pesticide used in the cultivation of medical cannabis shall be registered according to Agriculture Article, § 5-105, Annotated Code of Maryland.

(7) The Department shall publish a list of pesticides for use in the cultivation of medical cannabis that is updated annually.

(8) The Natalie M. LaPrade Medical Cannabis Commission may remove any pesticide from the list of approved pesticides if there is reasonable documented evidence that the pesticide has the potential to cause harm to patients using medical cannabis.

(9) The Department may issue a stop-sale order to any registrant of a pesticide that the Secretary finds is in violation of Agriculture Article, Title 5, Annotated Code of Maryland, or has been found by federal or State authorities to cause unreasonable adverse effects to humans, animals, or the environment.

*E. Restrictions on Use of Insecticides that Contain Chlorpyrifos.*

*(1) Aerial Applications Prohibited. A person may not conduct an aerial application of any insecticide containing Chlorpyrifos in this State.*

*(2) Other Applications Generally Prohibited After December 31, 2020.*

*(a) Except as provided in §E(2)(b) and (c) of this regulation, a person may not apply an insecticide containing Chlorpyrifos or seeds that have been treated with Chlorpyrifos in this State for any use.*

*(b) Fruit Trees and Snap Bean Seeds. Until June 30, 2021, a person may use an insecticide containing Chlorpyrifos or seeds that have been treated with Chlorpyrifos in this State to treat Snap Bean seeds and the trunks and lower limbs of fruit trees. After this date, such applications are prohibited unless authorized by the Secretary under §E(2)(c) of this regulation.*

*(c) Limited Particular Use Authorization. After December 31, 2020, a person may file a written application with the Department, requesting authorization to use an insecticide that contains Chlorpyrifos or seeds that have been treated with Chlorpyrifos for a particular use. If the Secretary has determined that there are no effective alternatives for the particular use noted in the application, the Secretary may authorize such use for a specified period of time which, in no event, may extend beyond December 31, 2021.*

*(3) Establishment of Committee. The Secretary shall establish a committee, with members appointed by the Secretary, to determine alternatives to using Chlorpyrifos or seeds that have been treated with Chlorpyrifos, which shall dissolve on December 31, 2021.*