



The Maryland Pesticide Education Network urges the committee's favorable report for **HB 402**. We strongly support the extent to which this bill alters the enforcement authority of the Department of the Environment (MDE) as it addresses existing gaps in the State's authority to enforce laws governing **safe drinking water**, wastewater facility operation, waterway construction and dam safety, and tidal and nontidal wetlands. We also support the provisions relating the requirement that certain information be reported to the MDE annually.

We are concerned that the enforcement provisions of the affected statutes have not been amended in many years, and even decades ago, and are incomplete or fail to provide sufficient deterrence. **HB 402** would ensure the State retains primacy and funding under the **Safe Drinking Water Act** and authorizes the State to enforce existing laws and regulations more effectively to protect public health and the environment, and especially our drinking water – a primary concern of our Network.

Our Network works to protect Marylanders from exposure to hazardous pesticides, which can and do migrate into our waterways including groundwater accessed by wells. The impact of pesticides on the health of our watershed is a public health issue. Not only because the watershed is the source of drinking water, but also because these are the waterways where we and our children live, work, learn and play. Comprehensive oversight by MDE of our watershed that includes enforcement authority will help to ensure that harmful pesticides do not find their way into our water, including our groundwater and other sources of drinking water.

We recognize that the current lack of injunctive relief and administrative and civil enforcement authority makes it difficult for the MDE to enforce **Safe Drinking Water Act** testing and recordkeeping requirements against the laboratories that perform these verifications on behalf of public and private drinking water systems – which we believe weakens the State's regulatory system that protects our drinking water.

We believe that MDE's lack of enforcement authority makes it difficult to even require public water systems to have certified operators. We are aware that The United States Environmental Protection Agency (US EPA) recommended that the MDE develop and implement a strategy to increase compliance with State and federal operator requirements under the **Safe Drinking Water Act**. **HB 402** could be part of that strategy to close the gaps in enforcement of our existing tools designed to protect one of our most precious resources, our water.

US EPA also requires Maryland to have injunctive relief and administrative and civil enforcement authority for its operator licensing laws as a condition of the delegation of primary enforcement responsibility to Maryland for the **Safe Drinking Water Act**. We fear that failure to have adequate enforcement authority could also jeopardize the federal **Drinking Water State Revolving Loan Fund Capitalization Grant**, which Maryland receives each year, and upon which Maryland's Water Supply Program and Drinking Water State Revolving Loan Fund depend.

Section 5-911 (Enforcement) currently provides for civil penalties and criminal fines for violations of the **Maryland Nontidal Wetlands Protection Act** (Environment Article Title 5, Subtitle 9), but Maryland currently has no administrative penalty authority. This is also true for the **Maryland Tidal Wetlands Act** (Environment Article Title 16). The current lack of administrative penalty authority limits the enforcement tools available to MDE in certain instances. **HB 402** would provide MDE the ability to recover administrative penalties for violations of the Title.

By passing **HB 402**, Maryland will continue to demonstrate its leadership and dedication to protecting our water quality, public health, and environment with comprehensive enforcement of existing protections under the laws of our state – especially those protecting our water from contamination by pesticides. Our Network recommends a favorable report on **HB 402**.

Bonnie Raindrop, Program Director

Maryland Pesticide Education Network | 1501 St. Paul St., Suite 123, Baltimore, MD 21202
raindrop@mdpestnet.org 410.404.3808