

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
06/11/2018		Document Number
Emergency Status Approved		Date of Publication in MD Register
_ -Yes _ -No		
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation
15 05 01 .02

2. Name of Promulgating Authority

Department of Agriculture

3. Name of Regulations Coordinator Telephone Number
Iva Benson 410-841-5829

Mailing Address

50 Harry S. Truman Parkway, Suite 303

City State Zip Code
Annapolis MD 21401

Email
iva.benson@maryland.gov

4. Name of Person to Call About this Document Telephone No.
Dennis Howard (410) 841-5710

Email Address
dennis.howard@maryland.gov

Title 15
DEPARTMENT OF AGRICULTURE

Subtitle 05 PESTICIDE USE CONTROL

15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§ 5-105, 5-106, 5-204, Annotated Code of Maryland and Chapter 598, Laws of Maryland 2018 (Uncodified Section 11)

Notice of Emergency Action

[]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to repeal existing Regulations 02D and E and to adopt new .02D under COMAR 15.05.01, Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2018

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special (Pesticide Fund)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This action has no economic impact because it merely implements the requirements of Chapter 598 (Uncodified Section 11), Laws of Maryland.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Response to small business worksheet:

Attached Document:

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 05 Pesticide Use Control

15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§ 5-105, 5-106, 5-108, 5-204, Annotated Code of Maryland and Chapter 598, Laws of Maryland 2018 (Uncodified Section 11)

.01 Definitions.

(text unchanged)

.02 General Requirements for Applying or Recommending Pesticides.

A. – C. (text unchanged)

D. Restrictions on Use of Pesticides in the Cultivation of Medical Cannabis; Exemptions. 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.

(1) 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 40 CFR 152.25 (f)(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*

(2) 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

(3) 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.

(4) 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.

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

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

(7) 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.

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

JOSEPH BARTENFELDER
Secretary of Agriculture