## MARYLAND REGISTER

# **Emergency Action on Regulations**

TO BE COMPLETED BY AELR COMMITTEE		TO BE COMPLETED BY DSD
Date Received by AELR Committee	EMERGENCY Transmittal Sheet	Date Filed with Division of State Documents
06/11/2018		Document Number
Emergency Status Approved		Date of Publication in MD
YesNo		Register
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

#### 5. Check applicable items:

- X- New Regulations
- \_- Amendments to Existing Regulations
- X- Repeal of Existing Regulations
- \_- Incorporation by Reference of Documents Requiring DSD Approval

### 6. Date Requested for Emergency Status to Begin: 6/5/2018

#### Date Requested for Emergency Status to Expire: 10/5/2018

### 7. Agency Will Take the Following Action on These Regulations

- \_- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- X- Allow them to expire

### 8. Is there proposed text which is identical to emergency text:

X-Yes \_- No

If yes, corresponding proposed text published in:

X- same issue

\_- future issue

\_- previous issue; it appeared in

: Md. R

(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

#### 9. Check the following item if it is included in the attached document:

\_- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

#### 10. Reason for Request for Emergency Status

Law requires emergency status under Chapter 598, Laws of Maryland (Uncodified Section 11).

#### 11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Craig A. Nielsen, Assistant Attorney General, (telephone #(410) 841 5883) on June 5, 2018. A signed copy of the approval is on file at this agency.

#### Name of Authorized Officer

Joseph Bartenfelder	
Title	Telephone No.
Secretary	(410) 841-5884
Date	
June 5, 2018	

## 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