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By: **Senator Pinsky**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Pesticides - Education and Reporting**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
4 develop a program to educate State residents and health care workers about  
5 certain effects of pesticides; establishing the requirements of the program;  
6 requiring the Department to develop a Pesticide Illness Reporting System for  
7 certain purposes; establishing an Advisory Council to assist the Department  
8 with certain programs; providing for the termination of the Advisory Council;  
9 requiring the Department to prepare and submit certain annual reports;  
10 defining a certain term; and generally relating to educating State residents and  
11 health care workers on the health risks associated with pesticides.

12 BY repealing and reenacting, with amendments,  
13 Article - Agriculture  
14 Section 5-101  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2000 Supplement)

17 BY adding to  
18 Article - Health - General  
19 Section 13-1601 through 13-1604, inclusive, to be under the new subtitle  
20 "Subtitle 15. Pesticides"  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume)

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

25 **Article - Agriculture**

26 5-101.

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

1 (b) "Active ingredient" means:

2 (1) In the case of a pesticide other than a plant regulator, defoliant, or  
3 desiccant, an ingredient which prevents, destroys, repels, or mitigates insects,  
4 nematodes, fungi, rodents, weeds, bacteria, or other pests;

5 (2) In the case of a plant regulator, an ingredient which, through  
6 physiological action, accelerates or retards the rate of growth or rate of maturation or  
7 otherwise alters the behavior of ornamental or crop plants or their produce;

8 (3) In the case of a defoliant, an ingredient which causes the leaves or  
9 foliage to drop from a plant;

10 (4) In the case of a desiccant, an ingredient which artificially accelerates  
11 the drying of plant tissue.

12 (c) A pesticide is "adulterated" if (1) its strength or purity falls below the  
13 professed standard or quality expressed on the labeling under which it is sold, (2) any  
14 substance has been substituted wholly or partially for the article, or (3) any valuable  
15 constituent of the article has been wholly or partially abstracted.

16 (D) "ADULTICIDE" MEANS A PESTICIDE DESIGNATED TO KILL ADULT INSECTS  
17 BUT THAT MAY BE CAPABLE OF KILLING ALL LIFE STAGES OF INSECTS.

18 [(d)] (E) "Antidote" means the most practical immediate treatment in case of  
19 poisoning, including first aid treatment.

20 [(e)] (F) "Defoliant" means any substance or mixture of substances intended  
21 to cause leaves or foliage to drop from a plant, with or without causing abscission.

22 [(f)] (G) "Desiccant" means any substance or mixture of substances intended  
23 to accelerate artificially the drying of plant tissues.

24 [(g)] (H) "Distributor" means a person who imports, manufactures, produces,  
25 mixes, or consigns pesticides as part of a commercial enterprise.

26 [(h)] (I) "Fungi" means nonchlorophyll-bearing thallophytes, that is, all  
27 nonchlorophyll-bearing plants of an order lower than mosses and liverworts, such as,  
28 rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in any living  
29 man or animal.

30 [(i)] (J) "Fungicide" means any substance or mixture of substances intended  
31 to prevent, destroy, repel, or mitigate any fungus.

32 [(j)] (K) "Herbicide" means any substance or mixture of substances intended  
33 to prevent, destroy, repel, or mitigate any weed.

34 [(k)] (L) "Inert ingredient" means an ingredient which is not an active  
35 ingredient.

36 [(l)] (M) "Ingredient statement" means:

- 1           (1)     A statement of the name and percentage of each active ingredient,  
2 together with the total percentage of inert ingredients in the pesticide;
- 3           (2)     A statement of the name of each active ingredient, together with the  
4 name of each and total percentage of any inert ingredient in the pesticide; or
- 5           (3)     In the case of a pesticide containing arsenic in any form, a statement  
6 of the percentages of total and water soluble arsenic, each calculated as elemental  
7 arsenic, in addition to the requirements of paragraphs (1) and (2) of this subsection.  
8 Paragraph (1) of this subsection applies to any preparation declared highly toxic to  
9 humans, pursuant to § 5-104(b) of this subtitle.
- 10       [(m)]   (N)     "Insect" means any small invertebrate animal generally having a  
11 more or less obviously segmented body and, for the most part belonging to the class  
12 insecta, which is comprised of six-legged, usually winged forms, such as, beetles,  
13 bugs, bees, flies, and to other allied classes of arthropods whose members are wingless  
14 and usually have more than six legs, such as, spiders, mites, ticks, centipedes, and  
15 wood lice.
- 16       [(n)]   (O)     "Insecticide" means any substance or mixture of substances intended  
17 to prevent, destroy, repel, or mitigate any insects which may be present in any  
18 environment.
- 19       [(o)]   (P)     "Label" means the written, printed, or graphic matter on or attached  
20 to a pesticide, or its immediate container, and the outside container or wrapper of any  
21 retail package of a pesticide.
- 22       [(p)]   (Q)     "Labeling" means every label and other written, printed, or graphic  
23 matter (1) on any pesticide, its container, or wrapper; (2) accompanying the pesticide  
24 at any time; or (3) to which reference is made on the label or in literature  
25 accompanying the pesticide, except when an accurate, not misleading reference is  
26 made to any current official publication of any federal agency, State agency, or any  
27 agency of another state which is authorized by law to conduct pesticide research.
- 28       [(q)]   (R)     A pesticide is "misbranded" if:
- 29           (1)     Its labeling bears any statement, design, or graphic representation  
30 relative to the pesticide or its ingredients which is false or misleading in any  
31 particular;
- 32           (2)     It is an imitation of another pesticide or is offered for sale under the  
33 name of another pesticide;
- 34           (3)     Its labeling bears any reference to registration under this subtitle;
- 35           (4)     The labeling accompanying it does not contain instructions for use  
36 which are necessary and adequate if complied with, for the protection of the public  
37 and the environment;

1           (5)     The label does not contain a warning or caution statement which may  
2 be necessary and adequate if complied with, to prevent injury to living man and other  
3 vertebrate animals;

4           (6)     The label of the retail package does not bear an ingredient statement  
5 on the immediate container and on any outside container or retail package wrapper,  
6 through which the ingredient statement on the immediate container cannot be clearly  
7 read as presented or displayed under customary conditions of purchase;

8           (7)     Any word, statement, or other information required by this subtitle to  
9 appear on the labeling is not placed prominently and conspicuously, as compared with  
10 other words, statements, designs, or graphic matter in the labeling and in terms that  
11 render it likely to be read and understood by the ordinary individual under customary  
12 conditions of purchase and use;

13          (8)     In the case of an insecticide, fungicide, or herbicide, when used as  
14 directed or in accordance with commonly recognized practice, the pesticide is  
15 injurious to living man including any person applying it, other vertebrate animals, or  
16 vegetation, except weeds;

17          (9)     In the case of a plant regulator, defoliant, or desiccant when used as  
18 directed, the pesticide is injurious to living man including any person applying it,  
19 other vertebrate animals, or vegetation to which it is applied, except that physical or  
20 physiological effects on any plant, or part of it, is not deemed to be injury, when this  
21 is the purpose for which the plant regulator, defoliant, or desiccant is applied, in  
22 accordance with the label claims and recommendations.

23    [(r)]   (S)     "Nematicide" means any substance or mixture of substances intended  
24 to prevent, destroy, repel, or mitigate nematodes.

25    [(s)]   (T)     "Nematode" means any invertebrate animal of the phylum  
26 nemathelminthes and class nematoda, that is, an unsegmented round worm,  
27 commonly known as a nema or eelworm, with an elongated, fusiform or saclike body  
28 covered with cuticle, and which inhabits soil, water, plants, or plant parts.

29    [(t)]   (U)     "Pesticide" means (1) any substance or mixture of substances  
30 intended for preventing, destroying, repelling, or mitigating any insects, rodents,  
31 fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in  
32 living humans or other animals, which the Secretary declares to be a pest; and (2) any  
33 substance or mixture of substances intended for use as a plant regulator, defoliant, or  
34 desiccant.

35    [(u)]   (V)     "Plant regulator" means any substance or mixture of substances,  
36 intended to accelerate or retard, through physiological action, the rate of growth or  
37 maturation, or to otherwise alter the behavior of ornamental or crop plants or their  
38 produce, but does not include any substance to the extent that it is intended as a  
39 plant nutrient, trace element, nutritional chemical, plant inoculant, or soil  
40 amendment.

1 [(v)] (W) "Registrant" means any person who registers any pesticide pursuant  
2 to the provisions of this subtitle.

3 [(w)] (X) "Rodenticide" means any substance or mixture of substances  
4 intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal  
5 which the Secretary declares to be a pest.

6 [(x)] (Y) "Weed" means any plant or plant part which grows where it is not  
7 wanted.

8 **Article - Health - General**

9 **SUBTITLE 15. PESTICIDES.**

10 13-1601.

11 (A) ON OR BEFORE MARCH 1, 2002, THE DEPARTMENT SHALL DEVELOP A  
12 PROGRAM TO EDUCATE RESIDENTS OF THE STATE ABOUT PESTICIDES AND ABOUT  
13 RISKS ASSOCIATED WITH PESTICIDES.

14 (B) THE PROGRAM SHALL:

15 (1) EDUCATE HEALTH CARE PROVIDERS IN THE STATE ABOUT THE  
16 POTENTIAL ADVERSE EFFECTS OF EXPOSURE TO PESTICIDES BY RESIDENTS OF THE  
17 STATE;

18 (2) MAKE AVAILABLE TO RESIDENTS OF THE STATE INFORMATION  
19 ABOUT HOW RESIDENTS CAN MINIMIZE THE RISK OF EXPOSURE TO PESTICIDES  
20 THAT CAN CAUSE ACUTE OR CHRONIC HEALTH EFFECTS;

21 (3) INFORM RESIDENTS OF THE STATE ABOUT THE USE OF  
22 ADULTICIDES BY STATE OR LOCAL AGENCIES THROUGH ALL LOCAL MEDIA:

23 (I) AT LEAST 2 DAYS BEFORE THE ADULTICIDES ARE USED FOR  
24 DETERMINED PUBLIC HEALTH PRIORITIES AND IMMEDIATELY FOR PUBLIC HEALTH  
25 EMERGENCY; AND

26 (II) AT THE BEGINNING OF MOSQUITO SEASON WHEN  
27 ADULTICIDES ARE USED FOR THE CONTROL OF MOSQUITOES; AND

28 (4) EDUCATE THE RESIDENTS OF THE STATE ABOUT THE RISKS OF  
29 ADVERSE HEALTH EFFECTS FROM EXPOSURE TO PESTICIDES USED BY STATE  
30 AGENCIES.

31 (C) THE DEPARTMENT SHALL COLLECT THE INFORMATION REQUIRED UNDER  
32 SUBSECTION (B)(4) OF THIS SECTION FROM OBJECTIVE SOURCES, INCLUDING:

33 (1) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;

34 (2) THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY; AND

1 (3) THE EXTENSION TOXICOLOGY NETWORK.

2 (D) THE DEPARTMENT SHALL MAKE THE INFORMATION COLLECTED UNDER  
3 SUBSECTION (C) OF THIS SECTION AVAILABLE TO THE PUBLIC:

4 (1) THROUGH THE INTERNET; AND

5 (2) THROUGH A TOLL FREE HOTLINE.

6 13-1602.

7 (A) (1) ON OR BEFORE MARCH 1, 2002, THE DEPARTMENT SHALL DEVELOP A  
8 PESTICIDE ILLNESS REPORTING SYSTEM.

9 (2) THE SYSTEM IS A SYSTEMATIC EFFORT TO COLLECT, SUMMARIZE,  
10 AND INTERPRET A STANDARD SET OF DATA DESCRIBING INCIDENTS OF PESTICIDE  
11 POISONING OR CONDITIONS AND DISEASES THAT A HEALTH CARE PROVIDER KNOWS  
12 OR REASONABLY BELIEVES TO BE CAUSED BY OR EXACERBATED BY EXPOSURE TO  
13 PESTICIDES.

14 (B) TO DEVELOP THE PESTICIDE ILLNESS REPORTING SYSTEM, THE  
15 DEPARTMENT:

16 (1) SHALL ESTABLISH SENTINEL MEDICAL CENTERS AROUND THE  
17 STATE REPRESENTING BOTH URBAN AND RURAL AREAS, INCLUDING MIGRANT FARM  
18 WORKER CLINICS; AND

19 (2) SHALL ADOPT REGULATIONS REQUIRING A HEALTH CARE PROVIDER  
20 ASSOCIATED WITH A MEDICAL CENTER ESTABLISHED IN PARAGRAPH (1) OF THIS  
21 SUBSECTION TO REPORT SUSPECTED AND CONFIRMED PESTICIDE-INDUCED  
22 HEALTH EFFECTS.

23 (C) THE PESTICIDE ILLNESS REPORTING SYSTEM SHALL BE DESIGNED TO  
24 ACCOMMODATE HEALTH CARE PROVIDERS WHO ARE NOT ASSOCIATED WITH ONE OF  
25 THE SENTINEL MEDICAL CENTERS BUT WHO VOLUNTARILY OPT INTO THE SYSTEM.

26 (D) THE DATA COLLECTED UNDER THIS SECTION SHALL BE USED TO:

27 (1) ESTIMATE THE PUBLIC HEALTH BURDEN POSED BY  
28 PESTICIDE-RELATED ILLNESS;

29 (2) PROVIDE A SYSTEMATIC TRIAGE OF PERSONS REPORTING  
30 SYMPTOMS SUGGESTIVE OF PESTICIDE-RELATED ILLNESS; AND

31 (3) PROVIDE AN APPROPRIATE PUBLIC HEALTH RESPONSE.

32 13-1603.

33 (A) THERE IS AN ADVISORY COUNCIL ON PESTICIDE INJURIES.

1 (B) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING SIX  
2 MEMBERS:

3 (1) THE ENVIRONMENTAL HEALTH DIRECTOR OF THE DEPARTMENT OF  
4 HEALTH AND MENTAL HYGIENE, OR THE DIRECTOR'S DESIGNEE;

5 (2) THE DIRECTOR OF THE PESTICIDE REGULATION SECTION OF THE  
6 MARYLAND DEPARTMENT OF AGRICULTURE, OR THE DIRECTOR'S DESIGNEE;

7 (3) THE STATE EPIDEMIOLOGIST, OR THE EPIDEMIOLOGIST'S DESIGNEE;  
8 AND

9 (4) THE FOLLOWING THREE MEMBERS, APPOINTED BY THE GOVERNOR:

10 (I) A REPRESENTATIVE OF THE MARYLAND PESTICIDE NETWORK;

11 (II) A PHYSICIAN FROM THE JOHNS HOPKINS UNIVERSITY SCHOOL  
12 OF HYGIENE AND PUBLIC HEALTH; AND

13 (III) A PUBLIC HEALTH REPRESENTATIVE WITH EXPERTISE IN  
14 PESTICIDE INJURIES.

15 (C) THE ADVISORY COUNCIL SHALL ASSIST THE DEPARTMENT WITH  
16 DEVELOPING A PLAN FOR CARRYING OUT THE REQUIREMENTS OF §§ 13-1601 AND  
17 13-1602 OF THIS SUBTITLE.

18 (D) THE ADVISORY COUNCIL SHALL CONVENE BY SEPTEMBER 1, 2001 AND  
19 TERMINATE WITHIN 6 MONTHS OF THE DATE ON WHICH THE ADVISORY COUNCIL  
20 CONVENES.

21 (E) ON OR BEFORE THE DATE ON WHICH THE ADVISORY COUNCIL  
22 TERMINATES, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND TO THE  
23 GOVERNOR'S PESTICIDE COUNCIL AND, IN ACCORDANCE WITH § 2-1246 OF THE  
24 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, A PROPOSED PLAN FOR  
25 CARRYING OUT THE REQUIREMENTS OF §§ 13-1601 AND 13-1602 OF THIS SUBTITLE.

26 13-1604.

27 (A) ON OR BEFORE DECEMBER 31, 2002, AND ON OR BEFORE DECEMBER 31 OF  
28 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PREPARE AN ANNUAL REPORT  
29 OF PESTICIDE ILLNESS REPORTING SYSTEM DATA AND OF PESTICIDE EDUCATION  
30 AND PUBLIC INFORMATION PROGRAM ACTIVITY.

31 (B) THE DEPARTMENT SHALL:

32 (1) SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS  
33 SECTION TO THE GOVERNOR AND TO THE GOVERNOR'S PESTICIDE COUNCIL; AND

34 (2) MAKE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS  
35 SECTION AVAILABLE TO THE PUBLIC.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2001.