
By: **Delegates V. Clagett, Bobo, Cadden, Donoghue, Frush, Lee, Leopold,
and Montgomery**

Introduced and read first time: February 6, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Pesticides - Maryland Pesticide Advisory Council**

3 FOR the purpose of establishing a Maryland Pesticide Advisory Council; establishing
4 the membership, terms, and duties of the Council; requiring the Secretary of
5 Agriculture to appoint the officers of the Council; establishing the terms of the
6 officers of the Council; requiring certain departments to provide staff for the
7 Council; prohibiting a member of the Council from receiving compensation for
8 serving on the Council; authorizing a member of the Council to receive
9 reimbursement for certain expenses; requiring a certain report to the Secretary
10 of Agriculture, the Governor, and the General Assembly on or before certain
11 dates; and generally relating to the Maryland Pesticide Advisory Council.

12 BY adding to

13 Article - Agriculture

14 Section 5-1001 through 5-1004, inclusive, to be under the new subtitle "Subtitle

15 10. Maryland Pesticide Advisory Council"

16 Annotated Code of Maryland

17 (1999 Replacement Volume and 2002 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Agriculture**

21 **SUBTITLE 10. MARYLAND PESTICIDE ADVISORY COUNCIL.**

22 5-1001.

23 (A) THERE IS A MARYLAND PESTICIDE ADVISORY COUNCIL.

24 (B) (1) THE COUNCIL CONSISTS OF 24 MEMBERS.

25 (2) THE EIGHT EX OFFICIO MEMBERS ARE AS FOLLOWS:

1 (I) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
2 SECRETARY'S DESIGNEE;

3 (II) THE SECRETARY OF AGRICULTURE OR THE SECRETARY'S
4 DESIGNEE;

5 (III) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S
6 DESIGNEE;

7 (IV) THE SECRETARY OF NATURAL RESOURCES OR THE
8 SECRETARY'S DESIGNEE;

9 (V) THE STATE SUPERINTENDENT OF SCHOOLS OR THE
10 SUPERINTENDENT'S DESIGNEE;

11 (VI) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF
12 MARYLAND WITH EXPERTISE IN PESTICIDES, DESIGNATED BY THE CHANCELLOR;

13 (VII) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
14 THE SPEAKER OF THE HOUSE; AND

15 (VIII) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
16 THE PRESIDENT OF THE SENATE.

17 (3) THE 16 GENERAL MEMBERS ARE AS FOLLOWS:

18 (I) ONE REPRESENTATIVE FROM THE JOHNS HOPKINS SCHOOL OF
19 PUBLIC HEALTH WITH EXPERTISE IN PESTICIDES, PUBLIC HEALTH, AND HEALTH
20 RISK ASSESSMENT, DESIGNATED BY THE CHANCELLOR;

21 (II) TWO REPRESENTATIVES FROM THE AGRICULTURAL
22 COMMUNITY, DESIGNATED BY THE MARYLAND FARM BUREAU;

23 (III) ONE REPRESENTATIVE OF THE PEST CONTROL INDUSTRY,
24 DESIGNATED BY THE MARYLAND STATE PEST CONTROL ASSOCIATION;

25 (IV) ONE REPRESENTATIVE OF THE PESTICIDE MANUFACTURING
26 INDUSTRY, DESIGNATED BY THE MARYLAND INDUSTRIAL TECHNICAL ALLIANCE;

27 (V) THREE REPRESENTATIVES OF ENVIRONMENTAL
28 ORGANIZATIONS OPERATING IN THE STATE WITH KNOWLEDGE OF PESTICIDES AND
29 THE PROTECTION OF HEALTH AND THE ENVIRONMENT, DESIGNATED BY THE
30 MARYLAND CITIZEN'S CAMPAIGN FOR THE ENVIRONMENT;

31 (VI) ONE REPRESENTATIVE DESIGNATED BY THE MARYLAND
32 PARENT TEACHER ASSOCIATION;

33 (VII) TWO REPRESENTATIVES OF THE GENERAL PUBLIC WITH
34 EXPERTISE IN THE AREA OF PESTICIDES AND PUBLIC HEALTH OR WHOSE HEALTH
35 HAS BEEN IMPACTED BY PESTICIDES OR WHO HAS HAD A FAMILY MEMBER
36 IMPACTED BY PESTICIDES, DESIGNATED BY THE MARYLAND PESTICIDE NETWORK;

1 (VIII) TWO LICENSED PHYSICIANS REPRESENTING THE MEDICAL
2 COMMUNITY:

3 1. ONE DESIGNATED BY THE MEDICAL AND CHIRURGICAL
4 FACULTY OF MARYLAND; AND

5 2. ONE DESIGNATED BY THE MARYLAND CHAPTER OF THE
6 AMERICAN ACADEMY OF PEDIATRICS;

7 (IX) TWO REPRESENTATIVES OF LOCAL GOVERNMENT:

8 1. ONE DESIGNATED BY THE MARYLAND ASSOCIATION OF
9 COUNTIES; AND

10 2. ONE DESIGNATED BY THE MARYLAND MUNICIPAL
11 LEAGUE; AND

12 (X) ONE REPRESENTATIVE OF A LABOR ORGANIZATION,
13 DESIGNATED BY THE MARYLAND/DISTRICT OF COLUMBIA AFL-CIO.

14 (4) EACH MEMBER OF THE COUNCIL SHALL BE A RESIDENT OF THE
15 STATE.

16 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
17 TERM OF A GENERAL MEMBER IS 4 YEARS.

18 (2) (I) OF THE ORIGINAL GENERAL MEMBERS OF THE COUNCIL, FOUR
19 ARE TO SERVE A 4-YEAR TERM, FOUR ARE TO SERVE A 3-YEAR TERM, AND FOUR ARE
20 TO SERVE A 2-YEAR TERM.

21 (II) THE CHAIRMAN OF THE COUNCIL SHALL DESIGNATE WHICH
22 MEMBERS WILL SERVE THE TERMS DESCRIBED IN SUBPARAGRAPH (I) OF THIS
23 PARAGRAPH.

24 (3) AT THE END OF A TERM, A GENERAL MEMBER CONTINUES TO SERVE
25 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A GENERAL MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
27 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
28 AND QUALIFIES.

29 (5) A GENERAL MEMBER OF THE COUNCIL MAY BE REAPPOINTED TO
30 THE COUNCIL AT THE END OF THE MEMBER'S TERM.

31 5-1002.

32 (A) FROM AMONG ITS MEMBERS, THE SECRETARY SHALL APPOINT THE
33 FOLLOWING OFFICERS:

34 (1) CHAIRMAN;

1 (2) VICE CHAIRMAN; AND

2 (3) SECRETARY.

3 (B) THE TERM OF AN OFFICER IS 2 YEARS.

4 (C) AN OFFICER MAY BE REAPPOINTED BY THE SECRETARY AT THE END OF
5 THE OFFICER'S TERM IN OFFICE.

6 5-1003.

7 (A) A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM.

8 (B) THE COUNCIL SHALL MEET AT LEAST SIX TIMES A YEAR, AT THE TIMES
9 AND PLACES DETERMINED BY THE SECRETARY OR THE CHAIRMAN.

10 (C) A MEMBER OF THE COUNCIL:

11 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL;
12 BUT

13 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
14 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

15 (D) (1) THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE STAFF TO THE
16 COUNCIL.

17 (2) THE COUNCIL MAY ALSO CALL ON THE STAFF OF THE STATE
18 AGENCIES REPRESENTED ON THE COUNCIL, AS NECESSARY.

19 5-1004.

20 (A) THE COUNCIL SHALL ADVISE AND ASSIST THE SECRETARY, THE
21 GOVERNOR, AND OTHER STATE AGENCIES ON MATTERS INVOLVING PESTICIDES,
22 INCLUDING:

23 (1) REVIEWING AND RECOMMENDING MEASURES TO ADDRESS THE
24 LONG-TERM PROBLEMS AND ISSUES, INCLUDING HOMELAND SECURITY, RELATING
25 TO PESTICIDE MANUFACTURING, TRANSPORTING, STORAGE, USE, AND DISPOSAL;

26 (2) REVIEWING AND RECOMMENDING MEASURES TO ADDRESS SPECIFIC
27 PESTICIDE ISSUES, INCLUDING:

28 (I) FOOD SAFETY;

29 (II) PESTICIDE APPLICATION;

30 (III) BIOMECHANICAL USES;

31 (IV) IMPACTS ON GROUNDWATER;

- 1 (V) INTEGRATED PEST MANAGEMENT PROGRAMS;
- 2 (VI) HOMEOWNER USE;
- 3 (VII) ENDANGERED AND THREATENED SPECIES PROTECTION;
- 4 (VIII) WORKER PROTECTION;
- 5 (IX) DISPOSAL; AND
- 6 (X) HOMELAND SECURITY; AND
- 7 (3) RECOMMENDING ANY PROPOSED LEGISLATION, REGULATIONS, AND
8 POLICIES NECESSARY FOR THE MANAGEMENT AND CONTROL OF PESTICIDES IN THE
9 STATE AND FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT.
- 10 (B) THE COUNCIL SHALL ANNUALLY REPORT, ON OR BEFORE DECEMBER 1, TO
11 THE SECRETARY, THE GOVERNOR, AND THE GENERAL ASSEMBLY, IN ACCORDANCE
12 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ITS ACTIVITIES,
13 ACCOMPLISHMENTS, AND RECOMMENDATIONS.
- 14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.