

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 582 (Senator Montgomery, *et al.*)
Education, Health, and Environmental Affairs

Agriculture - Pesticides - Regulation of Atrazine Study

This bill requires the Maryland Department of Agriculture (MDA) to, in consultation with interested stakeholders, study the feasibility of prohibiting the use, distribution, or sale in the State of atrazine, including pesticides that contain atrazine. The department must report its findings to the Governor and specified legislative committees by December 15, 2011.

The bill takes effect June 1, 2011.

Fiscal Summary

State Effect: The bill's requirement is expected to be handled with existing resources by MDA, assuming the study would rely largely on available research on atrazine and expertise within State government. Staff, however, will be diverted from existing responsibilities. To the extent a more in-depth study of the feasibility and Maryland-specific impacts of a prohibition on the use, distribution, and sale of atrazine is conducted, general fund expenditures may increase for contractual services.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Regulation of Pesticides and Pesticide Use

A pesticide distributor generally must register with the State Chemist Section within MDA each brand or product name of a pesticide before distributing it in the State, unless it has been registered by another person and the product label has not been altered or changed. The registration for each pesticide expires December 31 each year. Registered pesticide products undergo a review of the product's label, proposed uses, and potential adverse impacts on agriculture, the environment, the general public, and the regulated industry. State Chemist field inspectors also sample randomly selected products in the market to ensure the products are effective and safe for consumers and the environment. Products that are determined to be ineffective, misbranded, or harmful are removed from the marketplace.

MDA also licenses commercial pest control and not-for-hire firms, issues permits to public agencies for pesticide application, certifies private applicators (farmers or growers who wish to use restricted use pesticides in the production of agricultural commodities), and conducts use observations and inspections of those regulated entities/individuals.

Atrazine

According to the U.S. Environmental Protection Agency (EPA), atrazine is one of the most widely used agricultural pesticides in the United States. It may be applied before and after planting to control broadleaf and grassy weeds and is used primarily on corn, sorghum, and sugarcane. MDA indicates that atrazine is an important tool to farmers using conservation tillage and no-till methods (used to protect soil and prevent erosion), provides economical weed control, and is an essential tool in weed-resistance management programs. Currently 80 pesticide products registered with MDA contain atrazine.

Concerns about the impact of atrazine on human health and the environment led EPA to undertake a comprehensive reevaluation of the potential health and ecological impacts of atrazine in October 2009, which has yet to be completed. EPA indicates that, based on the evaluation, the agency will decide whether to revise its current atrazine risk assessments and whether new restrictions are necessary. Leading up to the reevaluation, EPA had been subject to criticism that it was not taking into account emerging scientific evidence in animal toxicology and human epidemiology studies in determining its levels of concern for atrazine concentrations in drinking water sources.

Economic Impact of the Loss of the Use of Atrazine

An EPA analysis, discussed in a 2003 document reviewing the registration of atrazine under federal law, found that corn growers would incur a loss of yield (amount produced per acre) and increased costs for a replacement herbicide in the event of the loss of the use of atrazine.

A more recent study by the Minnesota Department of Agriculture, in partnership with the state's health and pollution control agencies, found the impact a loss of the use of atrazine would have on yield and herbicide costs for Minnesota corn farmers difficult to quantify for a number of reasons. The Minnesota study indicated that various economic and yield studies on atrazine differed in scope, design, and execution, making comparisons difficult and possibly not reflecting real world scenarios for Minnesota farmers. Cost estimates for herbicide alternatives also varied significantly. The study also indicated that the range in the yield impact of use of atrazine or alternatives could vary greatly from year to year on one farm, and from one farm to another.

Additional Information

Prior Introductions: None.

Cross File: Although HB 659 (Delegates Frush and Barnes - Environmental Matters) is designated as a cross file, it is different.

Information Source(s): Maryland Department of Agriculture, U.S. Environmental Protection Agency, Minnesota Department of Agriculture, Department of Legislative Services

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