

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 1163

(Senator Salling)

Education, Health, and Environmental Affairs

Rules and Executive Nominations

Baltimore County - Marinas Infested With Midges - Funding for Larvicide

This bill requires the Department of Natural Resources (DNR), in consultation with the Maryland Department of Agriculture (MDA), to provide financial assistance for the purchase of larvicide to an owner of a public or private marina in Baltimore County that is located on waters of the State and is infested with midges. The financial assistance may not be for more than 50% of the cost of the purchase of larvicide.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: General fund expenditures increase, potentially significantly, beginning as early as FY 2016, to provide financial assistance. The actual increase depends on the extent to which marina owners seek such assistance and the percentage of the costs covered. For every 10 acres treated, the maximum State share (50%) of the costs ranges from \$13,100 to \$41,800 for treatment similar to options recommended by a DNR-assembled expert panel. DNR indicates that effective suppression efforts could require treatment of a significant number of acres. Revenues are not affected.

Local Effect: The bill is not expected to directly affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background:

Midges in Back River

DNR indicates that midges (types of flying insects) are common in shallow, nutrient-rich waters with muddy, sandy substrate and can result in severe nuisance and economic problems to residents and businesses. In response to a severe nuisance midge problem in Back River in Baltimore County, DNR assembled an expert panel of specialists in 2014 to make recommendations on the optimal method(s) to address the issue. According to DNR, nutrient pollution is likely the ultimate cause of the problem in Back River, and continuing efforts to improve water quality in the river are expected to reduce midge populations in the future. However, the panel of experts recommended in 2014 that biological control of the nuisance midges be undertaken using Bti, a naturally occurring soil bacteria used as a microbial insecticide, to address the current problem. The panel recommended actions and options for undertaking biological control of the nuisance midges, including test applications, monitoring, identification of hotspots, and suppression options. DNR's role in addressing the nuisance problem, however, has only been to provide technical support to this point, and the panel's recommendations have not been fully implemented.

MDA Pest Management

MDA conducts pest management efforts under its Office of Plant Industries and Pest Management, including forest pest management and mosquito control. MDA has the authority to control or slow the spread of any plant infestation, plant infection, or animal or human disease known or suspected to be spread by an arthropod (*e.g.*, an insect), by aircraft dissemination of pesticides. The department also has specified authority to engage in mosquito control, including placing or spreading of insecticides or other substances to control or eliminate mosquitoes.

General Discharge Permit for Pesticides

Subject to exceptions, discharges to State waters from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue, including application for mosquito or other flying pest control, are covered by and must comply with the Maryland Department of the Environment's General Permit for Discharges from the Application of Pesticides. The permit implements both State and federal law.

State Expenditures: General fund expenditures increase, potentially significantly, beginning as early as fiscal 2016, to provide financial assistance under the bill. The extent of the increase cannot be reliably estimated because it is uncertain to what extent marina

owners seek financial assistance and what percentage, up to 50%, of the costs of larvicide are covered by the financial assistance. DNR is only aware of a nuisance midge problem in Back River, but presumably, financial assistance may be requested for nuisance midge problems in other areas in Baltimore County as well. There are approximately 90 marinas in Baltimore County and approximately 13 on Back River.

Based on costs of Bti provided in the report on the recommendations of the expert panel assembled by DNR, for every 10 acres treated, the State's share (up to 50%) of the larvicide costs ranges from \$2,615 to \$5,225 for a single treatment and from \$13,075 to \$41,800 per year for multiple treatments (recommended by the expert panel) over the course of a year. DNR advises that Back River likely covers more than 4,500 acres and, due to the large midge population in the river and midges' ability to fly, treatment of small areas and infrequent treatments will likely be ineffective in controlling midge populations.

Small Business Effect: Small business marinas affected by nuisance midges may benefit to the extent they receive funding for the purchase of larvicide in accordance with the bill. The above-mentioned report on recommendations regarding the nuisance midge problem in Back River indicated that marine businesses' profits had greatly declined as a result of the problem. Small businesses involved in midge suppression efforts also benefit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Maryland Department of Agriculture, Maryland Department of the Environment, Baltimore County, Department of Legislative Services

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