HB 116

Department of Legislative Services

Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 116 (Delegate Stein, *et al.*)
Environment and Transportation

Pesticides - Use of Chlorpyrifos - Prohibition

This bill prohibits a person from using chlorpyrifos in the State, including any insecticide that contains chlorpyrifos, beginning January 1, 2019.

Fiscal Summary

State Effect: Special fund revenues decrease by $5,300 annually beginning in FY 2019. Expenditures are not materially affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
SF Revenue	($5,300)	($5,300)	($5,300)	($5,300)	($5,300)
Expenditure	0	0	0	0	0
Net Effect	($5,300)	($5,300)	($5,300)	($5,300)	($5,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: Meaningful.

Analysis

Current Law/Background: To be sold, distributed, or used in Maryland, a pesticide must be registered by both the Maryland Department of Agriculture (MDA) and the U.S. Environmental Protection Agency (EPA). Numerous products containing chlorpyrifos are registered by EPA and MDA. EPA indicates that chlorpyrifos is used in a variety of settings, including on food and feed crops. EPA is required, under federal law, to establish maximum limits (or "tolerances") for the amount of pesticide residue that can safely remain on food and feed commodities (unless a pesticide is exempted from the

tolerance requirement) and, accordingly, there are chlorpyrifos tolerances established in federal regulations for various food and feed commodities.

In April 2017, EPA denied a petition originally filed in 2007 that requested that the food tolerances for chlorpyrifos be revoked (which would not allow any residue to remain on food or feed commodities) and all chlorpyrifos pesticide product registrations be canceled. The petition argued that continuation of the registrations and tolerances exposed the public to unsafe levels of chlorpyrifos. EPA proposed, in November 2015, to revoke the tolerances for chlorpyrifos because it could not determine that they were safe and sought comment on additional data related to the proposal in November 2016. EPA, however, indicated in its 2017 denial of the 2007 petition that, after reviewing comments submitted in response to the 2015 proposal and 2016 request for additional comments, the agency concluded that further scientific evaluation is needed. The agency indicates that it plans to continue to evaluate the potential risks posed by chlorpyrifos as part of a statutorily mandated review process for EPA pesticide registrations which, for chlorpyrifos, must be completed by October 1, 2022.

State Revenues: Special fund revenues decrease by $5,300 annually, reflecting a reduction in pesticide registration fees paid to the State Chemist Section within MDA due to pesticide products containing chlorpyrifos no longer being registered. There are currently 48 pesticide products containing chlorpyrifos registered with MDA.

Small Business Effect: The bill's prohibition on the use of chlorpyrifos is expected to have a meaningful impact on at least some small businesses in the State, based on information provided by MDA and industry representatives and a 2015 EPA analysis of the small business impact (nationwide) of the 2015 proposed revocation of EPA food and feed tolerances for chlorpyrifos. The majority (71%) of chlorpyrifos pesticide products registered with MDA are used by farmers for agricultural products. Small business farms that use chlorpyrifos may have yield or quality losses, or increased production costs, due to a lack of availability of adequate alternatives, or higher-priced alternatives.

Additional Information

Prior Introductions: None.

Cross File: SB 500 (Senator Nathan-Pulliam, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture; U.S. Environmental Protection Agency; Maryland Farm Bureau; Maryland Grain Producers Association; Delaware-Maryland Agribusiness Association; Department of Legislative Services

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