

**HB0229/490217/1**

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 229

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and P. Young” and substitute “P. Young, Brooks, Cardin, D.M. Davis, Healey, Moon, Palakovich Carr, Carr, C. Watson, Terrasa, Solomon, and Williams”; in line 3, strike “use” and substitute “aerial application”; in the same line, strike “in the State;” and substitute “on or after a certain date; prohibiting the use of chlorpyrifos in the State on or after a certain date subject to certain exceptions; establishing the Pesticide Transition Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of Agriculture to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor to include in the annual budget bill a certain appropriation to the Fund beginning in a certain fiscal year; defining a certain term;”; in line 5, after the semicolon insert “establishing the Pesticide Transition Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to work with the Department and the University of Maryland Extension on certain matters, monitor and share certain information, work with certain states and companies on certain matters, study and make recommendations regarding certain matters, and hold certain public meetings for certain purposes; requiring the Task Force to make certain reports to the Secretary of Agriculture and certain committees of the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act;”; in line 4, strike “of Agriculture”; and in line 9, after “5–210.6” insert “and 5–210.7”.

AMENDMENT NO. 2

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On page 1, after line 11, insert:

“Preamble

WHEREAS, In 2007, a petition was filed with the U.S. Environmental Protection Agency (EPA) requesting that the food tolerances for chlorpyrifos be revoked and all chlorpyrifos pesticide product registrations be cancelled; and

WHEREAS, The petition argued that continuation of the registrations and tolerances exposed the public to unsafe levels of chlorpyrifos; and

WHEREAS, In November 2015, the EPA responded to the petition by proposing to revoke all food tolerances for chlorpyrifos, stating that “at this time, the agency is unable to conclude that the risk from aggregate exposure from the use of chlorpyrifos meets the safety standard of section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act”; and

WHEREAS, In March 2017, a new administration reversed course, withdrawing the 2015 proposal and denying the 2007 petition; and

WHEREAS, In the absence of federal action, the states of California, Hawaii, and New York have already taken steps to prohibit the use of chlorpyrifos; now, therefore.”.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 16 through 18, inclusive, and substitute:

“(A) ON OR AFTER OCTOBER 1, 2020, A PERSON MAY NOT CONDUCT AN AERIAL APPLICATION OF CHLORPYRIFOS.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR AFTER DECEMBER 31, 2020, A PERSON MAY NOT USE IN THE STATE:

(1) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS; OR

(2) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

(C) (1) ON OR AFTER DECEMBER 31, 2020, ON WRITTEN APPLICATION, IF THE DEPARTMENT CONCLUDES THAT NO EFFECTIVE ALTERNATIVE EXISTS, THE DEPARTMENT MAY AUTHORIZE A PERSON TO USE:

(I) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS; OR

(II) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

(2) AN AUTHORIZATION GRANTED UNDER THIS SUBSECTION MAY NOT EXTEND BEYOND DECEMBER 31, 2021.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

5-210.7.

(A) IN THIS SECTION, "FUND" MEANS THE PESTICIDE TRANSITION FUND.

(B) THERE IS A PESTICIDE TRANSITION FUND.

(C) THE PURPOSE OF THE FUND IS TO SUPPORT MARYLAND FARMERS IN THE TRANSITION AWAY FROM THE USE OF CHLORPYRIFOS, AS REQUIRED BY § 5-210.6 OF THIS SUBTITLE.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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**(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

**(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

**(F) THE FUND CONSISTS OF:**

**(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**  
**AND**

**(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.**

**(G) THE FUND MAY BE USED ONLY TO:**

**(1) SUPPORT THE WORK OF THE PESTICIDE TRANSITION TASK FORCE, INCLUDING RESEARCH ON INTEGRATED PEST MANAGEMENT CONDUCTED BY THE UNIVERSITY OF MARYLAND AND THE UNIVERSITY OF MARYLAND EXTENSION TO INFORM THE DELIBERATIONS OF THE TASK FORCE;**  
**AND**

**(2) IMPLEMENT THE STATE'S PLAN TO TRANSITION AWAY FROM THE USE OF CHLORPYRIFOS, INCLUDING TO PROVIDE TECHNICAL ASSISTANCE TO FARMERS.**

**(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.**

**(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

**(J) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN AN AMOUNT SUFFICIENT TO SUPPORT THE DEPARTMENT'S ACTIVITIES UNDER THIS SECTION."**

AMENDMENT NO. 4

On page 2, in line 1, strike "2." and substitute "3."; and after line 4, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) There is a Pesticide Transition Task Force.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Agriculture, or the Secretary's designee; and

(4) the following members, appointed by the Secretary of Agriculture:

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- (i) two representatives of the Maryland Farm Bureau;
  - (ii) one representative of the Maryland Grain Producers Association;
  - (iii) two representatives of the Maryland Pesticide Education Network;
  - (iv) one scientist with expertise in pesticides from a nonprofit environmental law organization;
  - (v) two public health professionals with expertise in the health effects of chlorpyrifos;
  - (vi) one representative of the Chesapeake Bay Foundation;
  - (vii) one representative of the University of Maryland Extension with expertise in integrated pest management; and
  - (viii) one Certified Crop Advisor with expertise in integrated pest management.
- (c) The Secretary of Agriculture shall designate the chair of the Task Force.
  - (d) The Department of Agriculture shall provide staff for the Task Force.
  - (e) A member of the Task Force:
    - (1) may not receive compensation as a member of the Task Force; but
    - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

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(f) The Task Force shall:

(1) work with the Department of Agriculture and the University of Maryland Extension to:

(i) identify alternatives to chlorpyrifos;

(ii) educate farmers about alternatives to chlorpyrifos; and

(iii) provide technical assistance to farmers transitioning away from the use of chlorpyrifos;

(2) monitor and share information from the California Chlorpyrifos Alternatives Workgroup;

(3) work with neighboring states to encourage them to end the use of chlorpyrifos;

(4) work with companies currently contracting with farmers in Maryland to grow vegetables to encourage the companies to end the use of chlorpyrifos and maintain contracted acres in the State;

(5) in conjunction with Corteva and other manufacturers of chlorpyrifos, study and make recommendations regarding the establishment of a manufacturer-funded buy-back program for pesticides containing chlorpyrifos;

(6) study and make recommendations regarding the establishment of a well monitoring program for drinking water sources located on or near farms; and

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(7) host at least two public meetings per year to solicit public input and engage in strategic planning concerning the goals of the Task Force and the development of recommendations in accordance with this subsection.

(g) (1) On or before December 30, 2021, the Task Force shall report its interim findings and recommendations to the Secretary of Agriculture and, in accordance with § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

(2) On or before December 30, 2023, the Task Force shall report its final findings and recommendations to the Secretary of Agriculture and, in accordance with § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.”;

in line 5, strike “3.” and substitute “5.”; in line 6, strike “October” and substitute “June”; and in the same line, after the period insert “Sections 2 and 4 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2024, Sections 2 and 4 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.