



February 10, 2021

**Testimony in Support of: SB375: Agriculture – Neonicotinoid Pesticides – Sales and Storage
Senate Education, Health & Environment Committee**

Dear Chairman Pinsky, Vice Chairman Kagan and members of the committee,

The Smart on Pesticide Coalition comprised of 108 organizations and businesses urges the committee's favorable report for SB375. The coalition is spearheaded by the Maryland Pesticide Education Network.

The Maryland General Assembly passed the nationally ground-breaking 2016 Pollinator Protection Act . This law, which went into effect in 2018, was intended to end all consumer use of garden products that contain *neonicotinoid* (or *neonic*) pesticides, known to kill and harm bees and other pollinators – not only posing a serious threat to our food supply, but also to our public health, and the environment. Unfortunately, a number of stores are using a loophole in the law to allow them to continue to sell these products to consumers.

In 2016, there was significant scientific evidence that the neonicotinoid class of pesticides endangers the survival of pollinators, which are critical for 1/3 of our food supply, and causing the alarming rates of pollinator injury and deaths in our state. Over the years this evidence has only grown stronger.

SB375 clarifies the bill language so it does what the legislature intended – keep these harmful products away from consumers. SB375 addresses the language that states “a person may not sell at retail in the State a neonicotinoid pesticide unless the person also sells a restricted use pesticide”; this has created a loophole that some retailers are exploiting. The law intended for certified applicators to be able to purchase these products. Due to the loophole, certain retailers are selling neonic-containing products unbeknownst to consumers who purchase them, and for whom it's illegal to use.

Maryland Dept. of Agriculture (MDA) is interpreting this loophole to allow more than 100 Restricted Use Pesticide retailers in Maryland to sell consumers neonic-containing products. This includes 39 Target stores, where the products are clearly for consumer use (e.g. they sell BioAdvanced, which is a small aerosol can that cannot be construed for use by restricted use certified applicators in agriculture or for lawn care and landscape companies).

After the 2016 bill went into effect, Dennis Howard, MDA's previous manager of pesticide regulation, noted that the law was meant to prohibit sales to the general public for outdoor use. According to a 2018 *Bay Journal* [article, Howard stated](#): “...the law's language can be a little confusing, but it does prohibit sales to the general public of neonicotinoid pesticides for outdoor use. ...They [neonics] should be behind the counter for the folks [certified applicators] who can actually apply it under the legislation.”

The bill states that beginning January 1, 2018, a person may not use a neonicotinoid pesticide unless the person is (1) a certified applicator or a person working under the supervision of a certified applicator; (2) a farmer, or a person working under the supervision of a farmer, who uses the pesticide for agricultural purposes, including crop production, livestock, poultry, equine, and non-crop agricultural fields; or (3) a veterinarian.

The Smart on Pesticides Coalition's volunteer Pollinator Protection Squad spot-checked "big box" and independent hardware and garden stores in 2018 and 2019 to monitor whether *neonics* were still being sold. In 2018, out of the 50 stores checked, 25% carried illegal products; in 2019, out of the 41 stores checked, 27% carried illegal products. Store checks were suspended in 2020, due to COVID-19.

The Bee Informed Partnership housed in the University of Maryland tracks national and state bee losses. Their annual bee loss survey for 2019-20 nationally found the second highest losses in history at a 44% loss. The 2019-2020 survey also found summer losses, a time when bees should thrive. The survey showed the highest summer losses ever recorded at a 32% loss in population.

Honeybees and other pollinators are responsible for one out of every three bites of food we eat. Bees pollinate 71 of the 100 crops that make up 90 percent of the world's food supply. Alarming, *neonics* have been shown to be responsible for the vast majority of the 48-fold increase in the toxicity of the U.S. environment to bees in the last 25 years.

Since the Pollinator Protection Act was passed in 2016 a notable number of peer reviewed studies have continued to underscore that even when used at labeled doses, neonics have been shown to weaken and eventually kill honeybee colonies. Recent studies, as noted in Dr. Hartmut Doebel's written testimony in support of SB375, add to an already considerable body of research in their findings that neonics prevent bees from foraging and protecting their hives by damaging their brains. They kill sperm, even inside queens after they have mated, preventing the replacement of old, dying bees. By making hives weak and sickly, allowing mites and viruses to reproduce to damaging levels, these toxic chemicals prevent honey bees from doing the job of pollinating crops here in the U. S. and around the world.

In fact, the European Union in 2018 took the momentous step of banning all outdoor use of all neonics. The lack of pollination is now decreasing crop yields, and the Worldwide Integrated Assessment on systemic insecticides concluded with alarm that current use of neonics "threatens global... food security" and "can destabilize ecosystems that form our life support system." These chemicals pose dangers to us on many levels, and we must limit their use.

The Pollinator Protection Act was passed by a strong bi-partisan majority with the understanding that consumers would no longer be able to purchase or use neonic-containing outdoor garden products as of January 2018.

SB375 provides a simple fix to close this loophole and end all consumer sales of *neonicotinoids* ensuring that consumers will not have access to *neonicotinoids*, as the law intended.

This amendment will enable the law to be enacted as it was originally intended by stipulating that retailers may only sell neonicotinoid pesticides to a certified applicator or farmer "and must keep the products behind the counter and out of reach of customers without assistance from a staff member."

Farmers remain exempt from this law, as it only applies to consumers.

By passing SB375, Maryland will continue to demonstrate its leadership and dedication to protecting our food supply, public health, and pollinators by reducing the widespread use of neonicotinoid pesticides that are toxic to our pollinators.

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