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Senate Bill 268 - Pesticide Regulation - Transfer to Department of the Environment

Committee: Education, Health and Environmental Affairs

MGPA Position: **OPPOSED**

Delaware-Maryland Agribusiness Association (DMAA) represents agricultural retailers and manufacturers operating in Maryland. DMAA is opposed to Senate Bill 268 which would transfer pesticide authority from the Department of Agriculture (MDA) to the Department of Environment (MDE) and require these agencies to consult with the Department of Health to expand the current regulatory process to include provisions for banning and making restricted use pesticides at the state level.

DMAA believe this is unnecessary. First, MDA has delegated authority for pesticide regulation from the US Environmental Protection Agency. Maryland is in the majority of states where pesticide regulation resides in the department of agriculture. There are only five states in which pesticide regulation is housed within the states environmental department.

DMAA members employ certified pesticide applicators who must go through a training and certification process currently through MDA. Delays to this certification and recertification process due to transferring the program to MDE would be detrimental to workforce availability for our members.

DMAA members also submit pesticide registrations for each product they wish to register in the state on an annual basis. Delays to this process due to program transfer would have negative financial impacts on our member companies as well as delays in product availability for farmers.

The US Environmental Protection Agency (EPA) has a thorough and rigorous process for reviewing pesticides for commercial registration. This process considers the best available data to develops risk assessments that evaluate the potential for: "Harm to humans, wildlife, fish, and plants, including endangered species and non-target organisms; and Contamination of surface water or ground water from leaching, runoff, and spray drift." Based on those assessments, EPA sets limits for the use of pesticide products and labeled directions for how and when they can be used. EPA can also initiate a re-evaluation at any time, but every product must be evaluated at least every 15 years. The state of Maryland already has the authority to register, or not, any pesticide product at the state level or put additional limits on its use.

The only state we are aware of that completes its own state level evaluation to this caliber is California. The California Pesticide Regulation division has an annual budget upwards of \$100 million. To our knowledge, MDE does not have experts in pesticide risk evaluation, laboratory capacity, toxicologists or ecotoxicologists sitting in waiting to conduct these analyses. This would require a significant financial investment to set up the process set forth in this bill in any meaningful way.

DMAA believes the federal process is scientifically rigorous and complete and does not feel there is anything to be gained from a human or environmental health perspective by replicating this at the state level.

DMAA asks for your unfavorable report on Senate Bill 268.