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

Committee: Education, Health and Environmental Affairs

MGPA Position: **OPPOSED**

The Maryland Grain Producers Association serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. On an annual basis, nearly a million acres of these crops are grown in Maryland.

Senate Bill 268 would require authority for pesticide regulation to be transferred to the Maryland Department of Environment. Additionally, the bill would require the Secretaries of MDA, MDE and DHMH to ban or make restricted use pesticides at the state level.

Maryland grain farmers work with the Maryland Department of Agriculture and rely on their expertise in several program areas that would be impacted by this bill. As drafted, this bill would not only transfer Plant Protection & Weed Management to MDE which we believe to be an inherently agricultural function. This bill would also negatively impact the non-pesticide related functions of the State Chemist Office.

Delegated authority for pesticide regulation from the U.S. Environmental Protection Agency to State Departments of Agriculture is not unique to Maryland. In fact, there are very few do not have pesticide regulation housed within their Department of Agriculture. Maryland farmers have arguably the most interest in ensuring that pesticide regulation in the state is functioning and efficient from both a human and environmental health and financial perspective. Farmers are the primary applicators of pesticide products and have a vested interest in ensuring the products they use are safe for them, their families, and their farms. The Pesticide division of MDA is also responsible for investigating pesticide drift, off target application and misapplication on agricultural operations. We not only believe this is an inherently agricultural function but also have no complaints about the process and performance of MDA for inspections. While farmers may not always be happy with the outcome of the investigation, we are unaware of an instance in which MDA has not conducted a thorough investigation and communicated the results with the interested parties and handed down fines and penalties when warranted.

We are especially troubled by the requirement for a regulatory process to be set up to ban or make restricted use pesticides at the state level. First, we believe the state already has this authority. The State Chemist in reviewing a pesticide registration can choose not to register the product or place additional restrictions on its use based on state specific circumstances. To set up a state regulatory process is duplicative of the rigorous federal process in place and resource intensive.

On average, a pesticide takes ten years and \$200 million in research and development to come to market. The U.S. EPA assesses a wide variety of potential human health and environmental effects associated with use of each pesticide product they register. EPA 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." The registration process alone generally takes 2-3 years and each product is required to go through re-registration at least every fifteen years in order to consider new science and data. EPA can however initiate a review at any time. Maryland does not have the experts or resources in place to replicate this process at the state level.

MGPA respectfully asks for an UNFAVORABLE report on Senate Bill 268.