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Date: February 2, 2022  
To: Members of the Senate Education, Health & Environmental Affairs Committee  
From: Holly Porter, Executive Director  
Re: SB 268 – Pesticide Regulations – Transfer to Department of the Environment – **OPPOSE**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware **oppose** SB 268.

SB 268 would transfer the regulations of pesticides, plant diseases and mosquitos from the Maryland Department of Agriculture to the Maryland Department of Environment. In addition, the bill preempts federal authority and scientific expertise by allowing the Secretaries of Health, Environment and Agriculture to include regulations that establish restricted uses or prohibitions of pesticides.

Good public policy is an effective tool to solve the problems or challenges of the constituents that are impacted. However it is not at all clear what problem this bill is trying to solve as the regulated community that it most impacts (farmers, nurseryman and commercial pesticide applicators) have not voiced a problem with the regulations remaining under the enforcement of the Maryland Department of Agriculture.

Many of our chicken growers are certified commercial applicators or work closely with businesses that are certified applicators. Not once has our membership shared a concern with the current agency of jurisdiction not doing their jobs effectively. Even through COVID, the department was able to continue ensuring that commercial applicators received the trainings needed for them to maintain their certifications.

This bill would be transferring the expert personnel, funds, regulations and all programs and certifications from one agency to another. This would mean additional costs to the state, likelihood of losing personnel who choose to not make a commute from Annapolis to Baltimore, decrease in funds to effectively run the current state chemist program and added paperwork and confusion on the regulated small business community.

For years, both federal and state agencies recognize that the best path to compliance is working with the regulated community. The regulated community expects that enforcement be provided through the experts that best understand the industries they are regulating. That is why throughout the United States and District of Columbia, 45 other states regulate the plant disease and pesticides units through the departments of agriculture or equivalent units.

Just two weeks ago the Education, Health & Environmental Affairs committee had a hearing including Secretary Grumbles from the Maryland Department of the Environment (MDE) and members of the committee voiced concern with whether MDE had the capacity to effectively enforce the programs it currently oversees. DCA does not understand how adding another regulation to the Department, a



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regulation that involves altering federal grants, building new relationships with federal partners, overseeing thousands of new permittees and certifications and spending thousands of staffing hours and taxpayer dollars will be helpful in MDE enforcing its current programs.

DCA also has grave concerns with state agencies considering regulations to prohibit or restrict use of pesticides. There is a very lengthy, scientific process in place at the Federal level with the Environmental Protection Agency, which includes input from the public during various phases of licensing and use of pesticides. Having the state agencies considering restricted uses is duplicative and very concerning to farmers that need certainty as to what tools will be available to mitigate pests, whether in a corn field or around a chicken house.

For these reasons, we urge an **unfavorable** vote on SB 268.

Should you have any additional questions, please feel free to contact me at [porter@dcachicken.com](mailto:porter@dcachicken.com) or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.