



January 31, 2022

Senator Paul G. Pinsky, Chair  
Senator Cheryl C. Kagan, Vice-Chair  
Senate Education, Health & Environmental Affairs Committee  
2 West  
Miller Senate Office Bldg.  
Annapolis, MD 21401

**Re: Testimony on HB 387/SB 268 – Pesticide Regulatory Transfer – Oppose**

Dear Chairman Pinsky, Chairwoman Kagan, and Members of the Senate Education, Health & Environmental Affairs Committee:

The Maryland State Pest Control Association (MSPCA), the only trade group for structural pest management companies or “pest control” companies in Maryland, appreciates the opportunity to provide testimony on HB 387/SB 268 – transfer pesticide regulatory authority. MSPCA member companies manage pests including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings. MSPCA members are committed to providing quality pest management services that protect public health, food and property.

In late 1978, the U. S. Environmental Protection Agency (EPA) entered into a cooperative enforcement and certification agreement with Maryland to create a more uniform policy of training standards and enforcement regarding pesticides.<sup>1</sup> EPA has granted the State of Maryland full primacy, giving MDA the power to enforce the Federal pesticide laws as well as the Maryland law.<sup>2</sup> MSPCA supports MDA as the chief pesticide regulator in Maryland. Without MDA our pesticide laws would be weakly enforced – they are the strongest regulator with the largest depth of expertise and experience.

According to MDA, “Under the enforcement program, MDA conducts routine inspections of licensed pesticide businesses, public agencies and restricted use pesticide dealers. Inspections include the review of pesticide application records, restricted use pesticide sales records, safety equipment, storage areas, application equipment and vehicles, anti-siphon devices and employee training records. Use observations are also conducted to observe actual pesticide applications to ensure compliance with label directions and state and federal regulations. Pesticide misuse, incidents, and consumer complaints are also investigated by MDA.”<sup>3</sup>

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<sup>1</sup> <https://mda.maryland.gov/plants-pests/Documents/MD%20Core%20Manual.pdf>

<sup>2</sup> <https://mda.maryland.gov/plants-pests/Documents/MD%20Core%20Manual.pdf>

<sup>3</sup> <https://mda.maryland.gov/plants-pests/Documents/MD%20Core%20Manual.pdf>

We believe it is fair to ask the following questions, “Does MDE have the ability to match the regulatory strength of MDA? Is it correct to suspect that there are vast knowledge gaps between MDA and MDE when it comes to regulating pesticides?”

We are *very concerned* that this would have an injurious effect on pesticide stewardship, as MDA has a great deal of experience from regulating pesticides and pesticide applicators for decades. MDA has already submitted their certification and training plan for pesticide applicators to EPA for approval to come into compliance with the federal certification and training rule.<sup>4</sup> If MDE were to takeover, then the MDA plan may not be recognized, and the EPA could usurp our state’s authority to regulate pesticides.

We don’t know if this would happen, but we are concerned about disruptions to our industry, if this change were to take effect without considering the unintended consequences. If Maryland doesn’t have an approved plan, then we risk losing our state primacy to EPA, which to our knowledge, does not have a plan or existing resources to takeover for MDA. Our pesticide applicators could have to be regulated out of the EPA Region 3 office in Philadelphia, PA to take exams until MDE could obtain approval from EPA.<sup>5</sup> We also do not know if EPA or MDE would have inspectors ready on day one to enforce pesticide laws and rules.

Lastly, as a regulated industry how would certification, training, and enforcement change under MDE? We are opposed to this bill because of the lack of a clear plan, and we are confused and concerned for unintended consequences and the lack of evidence of a problem. MDA has been a fair, logical, and strong regulator of pesticides in Maryland.

Should you have any questions don’t hesitate to contact myself or Jake Plevelich, NPMA Director of Public Policy at [jplevelich@pestworld.org](mailto:jplevelich@pestworld.org). Thank you for your time and the opportunity to share our views on this important piece of legislation.

Sincerely,

Dr. Lucas Carnohan, BCE  
State Policy Affairs Representative  
Maryland State Pest Control Association

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<sup>4</sup> <https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators>

<sup>5</sup> <https://www.epa.gov/aboutepa/visiting-epa-region-3s-office-philadelphia-pa>