



Assateague Coastal Trust – PO Box 731, Berlin, MD 21811 – 410-629-1538

Testimony in Support of HB387 Pesticide Regulation – Transfer to Dept. of the Environment

This testimony covers these three key points:

1. **Problems with pesticides and how they affect the flora/fauna and water quality**
2. **How pesticides affect watermen, hunters, and aquaculture businesses on the shore**
3. **How pesticide oversight not adequately addressed by Maryland Department of Agriculture and how better served by the Maryland Department of Environment**

February 9, 2022

Dear Members of the House Environment & Transportation Committee:

Thank you for this opportunity to submit testimony in support HB387 on behalf of Assateague Coastal Trust, the Waterkeeper program for the lower Eastern Shore of Maryland. Working arm in arm with diverse community partners, ACT protects and defends the health of Delmarva's coastal waters through advocacy, education, science, and the enforcement of just and equitable clean water laws. If enacted, SB 268 will be vital for citizens of the lower Eastern Shore of Maryland.

The severity in which pesticides are affecting our bay and coastal waterways are vast. This legislation, **the Maryland Pesticide Regulation – Transfer to Dept. of the Environment Bill**, would move the authority to regulate pesticides from the Maryland Department of Agriculture (MDA) to the Maryland Department of the Environment (MDE)—the agency with scientific expertise charged with the oversight of toxic substances. Decisions on regulations would be made with advice and counsel of the Secretaries from MDA as well as the Maryland Department of Health (MDH). With appropriate oversight led by the Maryland Dept. of the Environment, pesticide regulations will include all voices and expertise at the table, rather than overwhelming one agency that lacks the needed critical expertise to accomplish the task. Our communities and children will be healthier, and our pollinators, Bay ecosystem, and the environment will be better protected.

With increasing severity of rain events happening over the past few years, we are seeing an increase in nutrients, pollutants, PFAs and declines in important species in our coastal waterways from the runoff and over application of these pesticides. More than three-quarters of the Chesapeake Bay's tidal waters are impaired by chemical contaminants. From the insecticides put on farm fields to the cleaners we use to disinfect our homes and hospitals, contaminants enter the Bay and its tributaries and harm the health of both humans and wildlife. For example, Methoprene has been scientifically shown to have adverse impacts on blue crabs. Just as methoprene is used on mosquitos as a pesticide to prevent mosquito larvae from maturing into an adult, it also prevents blue crab embryos from maturing into adult crabs as well. It affects the development of crabs at all stages of life. Young embryos and crabs at earlier stages of development are especially vulnerable. Scientific experiments showed that methoprene reduced the number of successful egg hatchings and caused lethargic swimming in hatched survivors, which made them much more vulnerable to predation.ⁱ In later stages of the crab's life in larval form, methoprene delayed and prevented molt to first crab form.ⁱⁱ 80% of larvae from those experiments died after exposure to methoprene in just 10 days, which demonstrates that methoprene acts both directly and indirectly in the death of blue crabs.ⁱⁱⁱ

Watermen, hunters, and aquaculture businesses are seeing a direct impact on how they make a living. Pesticides accumulate the tissue of blue crabs and remains there for a long time because it is very difficult for crabs to metabolize.^{iv} This results in long-term health impacts that may eventually lead to death of the crabs. We are also seeing this in fish, deer as well as bivalves. Not only does this affect watermen and their ability to make a living

but the health of every Marylander who eat these species are greatly impacted by having the pesticides transfer over to our bodies. Many watermen have even told me that as they were pulling their pots down along the western shores of Chincoteague Bay, they've had spray planes go over top of them and deposit spray on them!

Finally, over the years we have seen the misuse, overapplication and misrepresentation of how these pesticides affect the health of Maryland residents, its flora and fauna and ultimately impacts on environment. Our organization has supported several very needed pesticide protections which have passed the Maryland General Assembly to become law, but then experience problems with MDA implementation and enforcement. In the case of the Pollinator Protection Act, the department interpreted the wording to allow certain retailers to continue to sell banned products to consumers, despite it being illegal for consumers to purchase these products. Last year, legislators had to pass a bill to fix MDA's loophole. Another example is the Maryland General Assembly passed a 2014 bill to give funding for MDA to establish a scientifically-valid pesticide use data base to provide needed data for public health experts and Bay researchers, to effectively monitor impacts of pesticides used in the state. Only one annual survey and report has been completed since 2014 and that report only surveyed 7% of farmers, instead of the 80% response rate the agency promised.

The Time to Act Is Now

Eastern shore residents want to see change and better implementations when it comes to pesticide use. Maryland is far behind on legislation that will ultimately protect its' citizens and it's economic well-being. Pesticides are toxic to humans and the environment, but in Maryland, millions of pounds of pesticides are used annually without needed environmental and public health oversight. The regulation of more than 14,000 pesticide products is solely the charge of the Maryland Dept. of Agriculture (MDA), an agency that lacks scientific expertise on toxics, the environment, and health. Passing the Maryland Pesticide Regulation – Transfer to Dept. of the Environment Bill will shift the authority to regulate pesticides from MDA to the Maryland Dept. of the Environment—the agency with scientific expertise charged with the oversight of toxic substances—with advice and counsel from MDA and the Maryland Dept. of Health.

Please pass the Maryland **Pesticide Regulation – Transfer to Dept. of the Environment Bill**, which shifts the authority to regulate pesticides from MDA to the Maryland Dept. of the Environment—the agency with scientific expertise charged with the oversight of toxic substances—with advice and counsel from the Maryland Depts. of Health and Agriculture.

For all of these reasons, Assateague Coastal Trust urges a favorable report on HB387.

Sincerely,



Gabrielle Ross
Assateague Coastkeeper, Assateague Coastal Trust

ⁱ Walker et al., Effects of the Pesticide Methoprene on Morphogenesis and Shell Formation in the Blue Crab *Callinectes Sapidus*, (Journal of Crustacean Biology, 1999), at 703.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} Horst, *supra* at 124.