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TESTIMONY HB387

From: The University of Maryland Environmental Law Clinic, Adam Balick (Student Attorney), Joan Chu (Student Attorney), William Jesse Grady, (Student Attorney), Seema Kakade (Director)

To: House Environment and Transportation Committee

Position: PROVIDING DATA ON STATE PESTICIDE REGULATION

Date: February 9, 2022

My name is Adam Balick and I represent the University of Maryland Environmental Law Clinic. Fellow student attorneys and I have taken on legal research regarding regulation of pesticides at the state level. Today I will be providing testimony regarding six states that house authority on regulations of pesticides within the relevant corresponding state environmental agency.

Specifically, this overview of six state agencies demonstrates that the successful regulation of pesticides can be achieved by state agencies with expertise in health and safety. Transferring regulatory authority of pesticide laws to Maryland Department of the Environment (MDE) would not be a novel concept given that other states regulate pesticides within a similar administrative body.

To that end, this testimony provides information on the regulation of pesticides for six states. The states discussed in this document have chosen not to administer their pesticide laws with their state Department of Agriculture. Included in this document is a description of pesticide laws in six federally compliant states and their respective state agencies.

All state pesticide laws must comply with the requirements set out in the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”). However, **the federal government does afford a degree of flexibility to states in their regulations of pesticides to go beyond the registration to further restrict or ban pesticides it deems necessary to protect the interests of the state.**

A central purpose of pesticide regulation is to ensure that pesticides may be used without unreasonable adverse effects on the environment and human health, so states have a wide latitude in determining what a state needs to achieve these purposes. States

like New York have explicitly stated that they transitioned pesticide regulation authority from their Department of Agriculture to the Department of the Environment “to improve and coordinate the environmental plans, functions, powers, and programs of the state.”¹ Whether for health and safety evaluation, or for consolidation and efficiency, states have elected to give state agencies, outside of Agriculture, regulatory power over pesticides in their state. **More detailed information on FIFRA and state regulatory schemes can be found in the below “Report on Pesticide Regulation by States” included with this testimony.**

State	Primary Pesticide Regulatory Agency
Alaska	Department of Environmental Conservation
Connecticut	Department of Energy and Environmental Protection (DEEP)
New Jersey	Department of Environmental Protection
New York	Department of Environmental Conservation
Rhode Island	Department of Environmental Management with input from its Pesticide Relief Advisory Board.
South Carolina	Clemson University Division of Regulatory and Public Service Programs Department of Pesticide Regulation (DPR) with input from its Pesticide Advisory Committee. Department of Health and Environmental Control (DHEC).

Respectfully submitted,



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¹ See endnote ‘vii’ in “Report on Pesticide Regulation by States”

Report on Pesticide Regulation by States

Federal Framework (FIFRA) From US EPA Website:

State regulation of pesticides occurs within a broader federal regulatory scheme. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the Federal statute that governs the registration, distribution, sale, and use of pesticides in the United States. Pursuant to FIFRA §24(a) addressing “Authority of States,” a State may regulate the sale or use of any registered pesticide within the State. However, the regulation on the sale and use of the pesticide must not permit any sale or use prohibited by FIFRA. In addition, the EPA and the states (typically that state’s agriculture office, but not in all cases) register or license pesticides for use in the United States.ⁱ

Further, FIFRA allows states to have a role in setting standards for pesticides. States may choose to regulate the use or sale of pesticides in a more conservative manner than the federal government, but it should be noted that states are not permitted regulate labeling or packaging of pesticides differently than the federal government. While FIFRA does not require states to create regulatory programs, many states choose to.ⁱⁱ

Finally, the federal government regulates pesticide registration under §3 of FIFRA. Pesticides must be registered or exempted by EPA’s Office of Pesticide Programs before they may be sold or distributed in the United States. After a pesticide is registered by EPA, states can register pesticides under specific state pesticide registration laws. **A state may have more stringent requirements than FIFRA for registering pesticides for use in that state.** The minimum standard for pesticide registration allowable by FIFRA §3(c)(5) is as follows: A) the product’s composition is such as to warrant the proposed claims for it (passes benefit/risk standard); B) labeling and other information submitted with application comply with FIFRA; C) it will perform its intended function without unreasonable adverse effects on the environment (product works as claimed); and (D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The six states listed below have adopted laws where authority to regulate pesticides resides specifically within the Department of Environmental Conservation, Department of Energy and Environmental Protection, and the Department of Environmental Protection. Every state agency listed below has chosen to restrict certain pesticides, tailored to their own state’s local needs, further than what is

required by federal minimum standards. The following examples illustrate how states have delegated regulatory authority to agencies that are better suited to evaluate health and environmental risks.

The state laws covered below are **only a sampling of the many ways states may go beyond FIFRA requirements.**

Alaska

The Department of Environmental Conservation is responsible for regulating pesticides in Alaska. The regulations this department must enforce are stipulated in Alaska Administrative Code Title 18 (Environmental Conservation) Chapter 90 (Pesticide Control). The state code covers a range of pesticide regulatory areas from “Purpose, Applicability, Prohibitions, and Discharge Notification” (see § 18 AAC 90.010 to 18 AAC 90.040) to “Pesticide Handling Requirements” (see § 18 AAC 90.600 to 18 AAC 90.650) and “Forestry Vegetation Management” (see § 18 AAC 90.800). As described below Alaska will specifically look at the “threat to human health, safety, and welfare, animals, and the environment that might result from distribution, sale, or use of the pesticide” when it comes to action on application for registration.

When considering allowing registration of a pesticide, Alaska has established evaluation criterion. Alaska requires its Department of Environmental Conservation to evaluate the protection of the water of the state from pesticide contamination.

Code:

Alaska Admin. Code tit. 18, § 90.215 Department action on application for registration.

Example:

- (a) Within 60 days after an application for pesticide registration is submitted, the department will, in its discretion,
 - (1) register the pesticide, using the pesticide’s EPA registration number;
 - (2) refuse to register the pesticide; or
 - (3) notify the producer regarding restrictions on pesticide delivery, distribution, sale, or use by classifying that pesticide as a state restricted-use pesticide; examples of restrictions include
 - (A) sale to certified applicators only;
 - (B) prohibition of use in designated areas;
 - (C) permit required for use; or
 - (D) limitation on application rate or frequency.
- (b) In its decision under (a) of this section, the department will consider**

- (1) **the threat to human health, safety, and welfare, animals, and the environment that might result from distribution, sale, or use of the pesticide;**
- (2) **applicable findings and recommendations of a local, state, or federal agency;**
- (3) **protection of waters of the state from pesticide contamination.**

Connecticut

The Department of Energy and Environmental Protection (DEEP) is responsible for regulating pesticides in Connecticut. Connecticut Administrative Code Title 22a (Environmental Protection) stipulates the pesticide regulations for the state. Notably Connecticut code includes prohibition of neonicotinoid applications on linden or basswood trees shown in the Code provided below. Additionally, the commissioner of DEEP has the explicit statutory authority to restrict the use of a pesticide after finding that it causes unreasonable adverse effects on the environment.

Code:

Conn. Gen. Stat. § 22a-50 Classification of pesticides, notice of changes. Registration fees, supplemental statements, prima facie evidence

Example:

- (a) All pesticides which are registered shall be classified by the commissioner as acceptable for general use or for restricted use, provided if the commissioner determines that some of the uses for which the pesticide is registered should be for general use and that other uses for which it is registered should be for restricted use, he shall classify it for both general use and restricted use.
- (b) In the event that the commissioner determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, will not cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies for general use.
- (c) **In the event that the commissioner determines that the pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly**

recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify the pesticide, or the particular use or uses to which the determination applies, for restricted use as follows:

(1) If the commissioner classified a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that the acute dermal or inhalation toxicity of the pesticide presents a hazard to the applicator or other persons, the pesticide shall be applied for any use to which the restricted classification applies only by a certified applicator or under the direct supervision of a certified applicator;

(2) If the commissioner classified a pesticide, or one or more uses of such pesticide, for restricted use because of a determination that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment, the pesticide shall be applied for any use to which the determination applies only by a certified applicator or under the direct supervision of a certified applicator or subject to such other restrictions as the commissioner may provide by regulation.

(d) In the event that the commissioner determines that a general use or restricted use pesticide, when applied in accordance with its directions for use, warnings and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may usually cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, he shall classify, the general use or restricted use pesticide, or the particular restricted use or uses to which the determination applies, for permit use. If the commissioner classifies a pesticide, or one or more uses of such pesticide for permit use, the pesticide shall be applied for any use to which the permit use classification applies only by or under the direct supervision of a permit holder. The commissioner shall establish guidelines for issuing permits pursuant to this subsection. The commissioner may

restrict the permit to authorize that the pesticide be used only to control a particular pest or may restrict the location in which the pesticide may be used.

- (j) In no event shall registration of an article be construed as a defense for the commission of any offense under this part, subsection (a) of section 23-61a or section 23-61b, provided, if no cancellation proceedings are in effect, registration of a pesticide shall be prima facie evidence that the pesticide, its labeling and its packaging comply with the registration provisions of this part and said sections.
- (k) **In connection with the consideration of any registration under this part, the commissioner may consult with other state or federal agencies.**
- (l) Not later than January 1, 2018, the commissioner shall classify all neonicotinoids, as defined in section 22-61k, that are labeled for treating plants, as restricted use pursuant to subdivision (2) of subsection (c) of this section.

Code:

Conn. Gen. Stat. § 22a-61a Prohibition re neonicotinoid applications on linden or basswood trees.

Example:

- (a) No person shall apply, in any manner, any insecticide that is a neonicotinoid, as defined in section 22-61k, to any linden or basswood tree in this state.
- (b) The Commissioner of Energy and Environmental Protection may enforce the provisions of this section pursuant to section 22a-6 and establish a fine for the violation of the provisions of this section.

New Jersey

The Department of Environmental Protection is responsible for regulating pesticides in New Jersey. The regulations this department must enforce are stipulated in New Jersey Administrative Code Title 7 (Environmental Protection), Chapter 30 (Pesticide Control Code). These laws include regulations on Integrated Pest Management (IPM) in schools, extensive agricultural worker protections, and many unique restricted use pesticides beyond the minimum federal requirements. New Jersey's Pesticide Control Code allows the Department of Environmental Protection, through § 7:30-2.11, to use health evaluation criterion to tailor pesticide use restriction to the state's needs that go beyond the minimum restrictions of the federal government. **New Jersey has 381 'state' restricted pesticides on their 2022 restricted use pesticide registration list.**ⁱⁱⁱ

Code:

§ 7:30-2.11 Amending prohibited and restricted-use pesticide lists

Example:

- (a) **The department may revise the list of prohibited and restricted use pesticides designated by the State of New Jersey**; provided that, any change in the list shall be made in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq.
- (b) Any person may petition the Department for modification of the listings in N.J.A.C. 7:30-2.9 or 2.10 provided that the petitioner shall supply adequate information (as determined by the Department) to demonstrate that the modification is necessary.
- (c) **The Department shall consider the following criteria when evaluating a pesticide for placement on the prohibited or restricted use pesticide list:**
 - 1. Acute toxicity;**
 - 2. Neurotoxicity;**
 - 3. Chronic health effects, including but not limited to:**
 - i. Carcinogenicity;**
 - ii. Mutagenicity;**
 - iii. Teratogenicity;**
 - iv. Embryotoxicity;**
 - v. Reproductive effects.**
 - 4. Environmental fate, including but not limited to:**
 - i. Persistence;**
 - ii. Bioaccumulation;**
 - iii. Frequency of detection in environmental media;**
 - iv. Potential for contamination of "waters of the State";**
 - 5. Pesticide use pattern(s); and**
 - 6. Pesticide regulatory history.**

New York

The Department of Environmental Conservation (NYSDEC) is responsible for regulating pesticides in New York. The regulations this department must enforce are stipulated in New York Environmental Conservation Law Article 33 (Pesticides). These laws include robust pesticide database recordkeeping and reporting, water quality monitoring, and specific requirements for residential lawn treatment. Through § 33-0714 of the Environmental Conservation Law, the Department of Environmental Conservation is required to conduct water quality monitoring to provide adequate understanding of the health and environmental impacts of pesticide use in the state. This information is used to help assess the status of certain pesticides during their registration in New York.

Code:

§ 33-0714. Water quality monitoring for pesticides.

Example:

The department, in coordination with the United States Geological Survey National Water Quality Assessment Program, the New York State

Water Resources Institute, and other parties, shall conduct a water quality monitoring program to provide an adequate understanding of the health and environmental impacts of pesticide use in the state. The department shall utilize this program, as it deems necessary, in: making pesticide registration decisions; reviewing suspensions and cancellations of pesticide registrations in the state; and assessing the status, trends, and health impacts of any pesticide contamination of ground and surface waters on Long Island and throughout the state.

Additionally, New York law allows the NYSDEC Commissioner to place any conditions on the registration of any product that are deemed necessary to prevent damage or injury to health, property, and wildlife. The Department may also restrict the use of a product if it is determined that the proper use of the product requires training. *See* 6 NY-CRR 326.23(e) Registration application reviews and determinations. NYSDEC keeps an active list of pesticides that have been restricted by New York state specific language pursuant to 6 NYCRR 326.23(e). **The list of New York restricted pesticides, in excess of federal requirements, is over 20 pages in length and contains dozens of pesticides listed by name and restriction.**^{iv}

Code:

**§ 6 CRR-NY 326.23 (Title 6, Chapter IV, Subchapter A, Part 326)
Registration application review and determinations.**

Example:

- (a) All applications and filings will be reviewed for completeness. A determination of completeness will be made within 60 days from the date of receipt by the department. The applicant will be notified in writing of the determination of completeness or incompleteness. If the application or filing is determined to be incomplete, the notice will include a statement of the reasons for the determination. An incomplete application may be returned to the applicant with the notice. The resubmission or submission of additional information shall commence a new review of the completeness.
- (b) If a determination of completeness is not made within 60 days of receipt, the application will be deemed complete as of the 61st day.
- (c) Upon determination that an application is complete, the department will initiate a technical review of the data submitted as part of the application, in order to evaluate the potential for adverse impacts to human health and the environment which may occur when the product is used in accordance with the label directions. The commissioner will weigh the potential for human health and ecological risks against the potential benefits that could accrue from the use of the product when making a decision whether or not to approve the registration.

- (d) Upon completion of the review, the department will issue or deny the registration, or approve or disapprove amended labeling within the following periods, calculated from the date of the completeness determination:
- (1) 150 days for applications for a new active ingredient or a major change in labeling;
 - (2) 90 days for applications not involving a new active ingredient or a major change in labeling;
 - (3) 60 days for applications for a special local need;
 - (4) 30 days for amended labeling not involving a major change in labeling; or
 - (5) 60 days for experimental use permit (EUP) product applications.
- (e) The commissioner may place any conditions on the registration of any product that are deemed necessary to prevent damage or injury to health, property and wildlife. Conditions may include, but are not limited to:
- (1) the submission of additional data;
 - (2) classification as restricted use;
 - (3) recordkeeping or reporting requirements; and
 - (4) any other use conditions deemed necessary.
- (f) Compliance with the conditions of registration is required for the continued registration of the pesticide.
- (g) If registration or approval of amended labeling is not granted or denied within the prescribed time period, the applicant may submit a request to grant or deny the registration, by means of certified mail, return receipt requested, addressed to the Commissioner of Environmental Conservation, Attention: Director, Division of Solid and Hazardous Materials, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250. If the registration is not granted or denied within 30 days following the receipt of such request, the registration shall be deemed granted, except that for applications involving a special local need, the application will be deemed granted if a decision is not issued within 10 days. Any denial of registration or disapproval of amended labeling will specify the grounds for denial.
- (h) Any time period specified in this Part may be extended with the consent of the applicant.

Further, legislative intent of New York's Environmental Conservation Law (ECL), the source of the state's pesticide regulatory law, clearly indicates that **pesticide control is part of a broader environmental policy in the state**. A letter from then Governor Nelson Rockefeller's Office approving the ECL stated that "state programs begun in the 1960's to clean up air, water, and land pollution... the [ECL] reflects the need now to **consolidate and build upon these gains and to set up effective machinery**

to avert future problems.^v The letter goes on to explicitly list pesticide control as a significant environmental program under the new ECL.^{vi}

In addressing the proposed bill that became the ECL, the New York Department of Agriculture stated that they supported the bill because of “the desirability of having a consolidated statute in the area of environmental conservation.”^{vii} The Department of Agriculture listed “none” as their arguments in opposition to the ECL.^{viii} New York decided to regulate pesticide control under the Department of Environmental Conservation, and transfer authority away from the Department of Agriculture, **“to improve and coordinate the environmental plans, functions, powers and programs of the state.”**^{ix} New York is a clear example of a state recognizing that **regulating pesticide control, along with other environmental programs in the state, helps to reduce waste and improve governmental efficiency for achieving policy goals.** Maryland would not be the first state to transfer authority over pesticide regulation to a department better suited to carry out regulatory duties.

Rhode Island

The Department of Environmental Management is responsible for regulating pesticides in Rhode Island. The regulations this department must enforce are stipulated in Rhode Island General Laws Title 23 (Health and Safety), Chapter 25 (Pesticide Control). Rhode Island has established many requirements vested with the director of the Department of Environmental Management. The powers of the director include overseeing pesticide database recordkeeping and reporting, water quality monitoring, designating proper storage and protective equipment standards, and prescribing regulations tailored to local needs.

Code:

§ 23-25-9. Authority of director — Determinations — Rules and regulations — Restricted use and limited use of pesticides and uniformity.

Example:

- (a) The **director is authorized** after due notice and an opportunity for a hearing:
- (1) To declare as a pest any form of plant or animal life (other than humans and other than bacteria, viruses, and other microorganisms on or in living humans or other living animals) which is injurious to health or the environment;
 - (2) To **determine whether pesticides registered** under the authority of § 24(c) of FIFRA, 7 U.S.C. § 136v(c), **are highly toxic to humans.** The definition of highly toxic, as defined in title 40, Code of Federal Regulations 162.8, as issued or amended, shall govern the director's determination; and

- (3) To determine pesticides and quantities of substances contained in pesticides which are injurious to the environment. The director shall be guided by EPA regulations in this determination.
- (b) The director is authorized after due notice and a public hearing as provided for in the Administrative Procedures Act, chapter 35 of title 42, to make appropriate regulations where those regulations are necessary for the enforcement and administration of this chapter, including but not limited to regulations providing for:
 - (1) The **collection, examination, and reporting of samples of pesticides** or devices pursuant to § 23-25-19;
 - (2) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;
 - (3) Labeling requirements of all pesticides required to be registered under provisions of this chapter; provided, that the regulations shall not impose any requirements for federally registered labels in addition to or different from those required pursuant to FIFRA;
 - (4) Specifying classes of devices which shall be subject to the provisions of § 23-25-5(1);
 - (5) Prescribing methods to be used in the application of pesticides where the director finds that these regulations are necessary to carry out the purpose and intent of this chapter. The **regulations may relate to the time, place, manner, methods, materials, and amounts and concentrations in connection with the application of the pesticide, may restrict or prohibit use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors which the director deems necessary to prevent damage or injury by drift or misapplication to: plants, including forage plants, on adjacent or nearby lands; wildlife in the adjoining or nearby areas; fish and other aquatic life in waters in reasonable proximity to the area to be treated; and humans, animals, or beneficial insects.**
 - (6) In issuing the regulations referred to in subdivision (5) of this subsection, the **director shall give consideration to pertinent research findings and recommendations of other agencies of the state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to the public, if he or she finds that the notice is necessary to carry out the purpose of this chapter.**
 - (7) Prescribing regulations requiring any pesticide registered for **special local needs** to be colored or discolored if he or she

determines that the requirement is feasible and is necessary **for the protection of health and the environment.** The regulations promulgated by EPA pursuant to § 25(c)(5) of FIFRA, 7 U.S.C. § 136w(c)(5), shall govern this determination.

- (8) Prescribing **regulations establishing standards for the packages, containers, and wrappings of pesticides registered for local needs.** The regulations shall be consistent with the regulations promulgated by EPA pursuant to § 25(c)(3) of FIFRA, 7 U.S.C. § 136w(c)(3).

Code:

§ 23-25-16. Monitoring of environment.

Example:

- (a) As part of his or her responsibility in administering this chapter, the director will carry out a program of **monitoring the amounts of pesticides throughout the environment in the state. Portions of the environment to be monitored will include but will not be limited to: fresh and salt waters of the state; soils; crops intended for human or animal consumption; places where food is served commercially or in institutions and where food for human or animal consumption is handled, stored, transported, prepared, or processed; and wildlife.**
- (b) **Results of the monitoring program will be reviewed at least annually by the pesticide relief advisory board.**
- (c) In carrying out the provisions of this section, the director may enter into agreements with public or private agencies to secure any technical assistance it deems necessary.

Additionally, Rhode Island's Pesticide Relief Advisory Board, recognized in its current form by the state's legislature is given explicit authority to evaluate and recommend restrictions on pesticides that require greater control than federally mandated. The Board is tasked with advising the director of the Department of Environmental Management on restricting the use of pesticides the state finds unsuitable for use. The Board is also responsible for reviewing pesticide's impact on contamination in the water supply.

Code:

§ 23-25.2-4. Pesticide relief advisory board — Powers and duties — No compensation — Legal and clerical assistance.

Example:

The **board shall make recommendations to the director concerning emergency responses to pesticide contamination and grants for IPM projects as provided in this chapter.** In making these recommendations, the board shall seek the most efficient measure to remedy or ameliorate

the effects of **pesticide contamination of wells or private water supplies**. The board shall also advise the director concerning the policies, plans, and goals to be attained in the administration of this chapter and chapter 25 of this title and shall make annual recommendations to the director; shall make comments and recommendations (prior to a public hearing or before these rules and regulations go into effect) on any rules and regulations relative to chapter 25 of this title and those promulgated by the director; shall review, comment on, and provide additional data to any monitoring program carried out under the provisions of § 23-25-16; **shall advise the director on pesticides currently in use which might pose health hazards; shall advise the director regarding the least hazardous means of controlling pests; shall review new pesticide applications and advise the director on possible health hazards posed by the pesticides; shall review any compilations of pesticides currently in use in this state to determine which chemicals and pesticides, if any, should be tested for in the periodic sampling of public water supplies, and to make recommendations to the director to that effect; shall evaluate and make recommendations to the director regarding chemicals and pesticides which require greater control than required by the federal label;** shall evaluate and make recommendations to the director regarding chemicals and pesticides which require application setbacks from domestic water wells; and shall perform any other advisory functions as may be assigned to it by the director. The board shall meet at least four (4) times per year. The members shall receive no compensation for their services. The board may request, through the department of environmental management, any clerical, technical, and legal assistance as it may deem necessary to accomplish its purpose.

South Carolina

The Clemson University Division of Regulatory and Public Service Programs Department of Pesticide Regulation (DPR) is responsible for regulating pesticides in South Carolina. The regulations this department must enforce are stipulated in South Carolina Code of Laws Title 46 (Agriculture), Chapter 13 (Pesticide Control Act). DPR is South Carolina's lead agency charged with regulating the distribution, sale and use of pesticides. This agency has an investigation and inspection program that consists of 14 field investigators and 2 program managers who "complete routine and for cause inspections on pesticide use (and alleged misuse) throughout the state of South Carolina."^x DPR partners with the South Carolina Department of Agriculture on education initiatives rather than using that administrative body to regulate their pesticide laws.^{xi} Further, pesticide disposal is managed by South Carolina Department of Health and Environmental Control (DHEC).^{xii}

South Carolina also has a legislatively enacted Pesticide Advisory Committee made up of a wide range of experts with the authority to give input and advice on pesticide regulation. This Pesticide Advisory Committee illustrates a state program

designed to have cross-department, collaborative input on pesticide use so the state can effectively address health and environmental consequences of pesticide use practices.

Code:

§ 46-13-150. Pesticide advisory committee.

Example:

There is created a pesticide advisory committee consisting of five licensed commercial applicators residing in the State, one of whom must be licensed to operate horticultural ground equipment, one must be licensed to operate agricultural ground equipment, one must be licensed to operate aerial equipment, and two must be licensed for structural pest control; one entomologist in public service; one toxicologist in public service; one herbicide specialist in public service; two members from the agricultural industry, one of whom must be a pesticide dealer; two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; **one representative of the South Carolina Department of Natural Resources**; one plant pathologist in public service; one representative of the **South Carolina State Forestry Commission**; one representative of the **South Carolina Department of Agriculture**; one representative of the **South Carolina Department of Health and Environmental Control**; and two citizens from the State at large.

The committee shall advise the Director on any or all problems relating to the use and application of pesticides. This may include pest control problems, environmental or health problems related to pesticide use, and review of needed legislation, regulations and agency programs.

Closing Summary

These states were highlighted not because they are especially unique, rather, they illustrate how the regulation of pesticides can be successfully implemented by numerous state agencies, including a state environmental agency. Maryland would *not* be the first state to transition regulatory authority to a different state agency. Although state pesticide regulatory authority is usually instituted by the state's Department of Agriculture^{xiii}, these examples have shown that this decision is far from a universal standard. Giving pesticide regulatory authority to an agency in the environmental space allows state agencies to evaluate threats to human and environmental health more effectively, evaluate pesticide's health impacts on groundwater and surface drinking water more effectively, efficiently collaborate on state-wide environmental policy goals, tailor policy needs locally to that state (rather than needing to rely on federal standards that may be too broad to be applicable or effective in that state), and reduces duplicative government work that results in economic waste.

State environmental departments are already tasked with evaluating health impacts associated with air, land, and water. Adding pesticides to this existing mandate is a logical extension of their existing authority. As stated by New York when they transferred authority to regulate pesticides from the Department of Agriculture to their Department of Environmental Conservation, transfer of authority to the Maryland Department of the Environment would help improve and coordinate the environmental plans, functions, powers, and programs of the state.

Respectfully submitted,

A handwritten signature in black ink that reads "Seema Kakade". The signature is written in a cursive, flowing style.

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APPENDIX – State Laws Regulating Pesticides

Alaska Department of Environmental Conservation

Alaska Administrative Code Title 18 - Environmental Conservation Chapter 90 - Pesticide Control

Article 1 - Purpose, Applicability, Prohibitions, and Discharge Notification (§ 18 AAC 90.010 to 18 AAC 90.040)

Article 2 - Pesticide Registration (§ 18 AAC 90.200 to 18 AAC 90.235)

Article 3 - Certification Requirements (§ 18 AAC 90.300 to 18 AAC 90.315)

Article 4 - Recordkeeping Requirements (§ 18 AAC 90.400 to 18 AAC 90.420)

Article 5 - Permit Requirements (§ 18 AAC 90.500 to 18 AAC 90.540)

Article 6 - Pesticide Handling Requirements (§ 18 AAC 90.600 to 18 AAC 90.650)

Article 7 - Inspection and Enforcement (§ 18 AAC 90.700 to 18 AAC 90.705)

Article 8 - Forestry Vegetation Management (§ 18 AAC 90.800)

Article 9 - General Provisions (§ 18 AAC 90.850 to 18 AAC 90.990)

Connecticut Department of Energy and Environmental Protection (DEEP)

Connecticut Administrative Code Title 22a - Environmental Protection

49 - Use of Pesticides

§ 22a-49-1 - Use of Pesticides

50 - Pesticide Registration and Classification

§ 22a-50-1 - Definitions

§ 22a-50-2 - General use classification

§ 22a-50-3 - Restricted use classification

§ 22a-50-4 - Classification criteria

§ 22a-50-5 - Classification criteria

§ 22a-50-7 - Registration

§ 22a-50-8 – Variances

54 - Application of Pesticides from the Air

§ 22a-54-1 - Application of pesticides from the air

§ 22a-54-2 - Fees for certification of pesticide applicators

§ 22a-54-3 - Financial responsibility of commercial aircraft applicators

56 - Fees for Examination and Registration of Pesticide Distributors

§ 22a-56-1 - Fees for registration of pesticide distributors

66 - Use of Pesticides

§ 22a-66-1 - Definitions

§ 22a-66-2 - Control of registrations and uses

§ 22a-66-2b - The use of microencapsulated methyl parathion

§ 22a-66-3 - Application of pesticides

§ 22a-66-4 - Registration of pesticide distributors

§ 22a-66-5 - Certification of applicators

§ 22a-66-6 - Permits

§ 22a-66-7 - Aircraft application

66a - Posting and Notification of Outdoor Pesticide Applications

§ 22a-66a-1 - Public notification of outdoor pesticide applications
§ 22a-66a-2 - Requests for notification of pesticide application to abutting property

66l - Application of Pesticides by State Agencies

§ 22a-66l-1 - Application of pesticides by state agencies
Appendix A
Appendix B

Pesticide - Regulatory Additions Public Act 18-84: AN ACT PROHIBITING THE USE OF RESIDENTIAL AUTOMATIC PESTICIDE MISTING SYSTEMS.

Sec. 22a-50. Reclassification of neonicotinoids

Sec. 22a-61a. Prohibition re neonicotinoid applications on linden or basswood trees.

Sec. 22a-61b. Prohibition re application of neonicotinoids when plant bears blossoms. Exceptions.

New Jersey Department of Environmental Protection

N.J.A.C. 7:30 Pesticide Control Code (Title 7, Chapter 30 – Environmental Protection)

Statutory Authority: N.J.S.A. 13:1D-1 et seq. and 13:1F-1 et seq.

SUBCHAPTER 1. SCOPE AND DEFINITIONS

7:30-1.1 Scope
7:30-1.2 Definitions
7:30-1.3 through 7:30-1.10 (Reserved)

SUBCHAPTER 2. PESTICIDE PRODUCT REGISTRATION, GENERAL REQUIREMENTS,

PROHIBITED AND RESTRICTED USE PESTICIDES

7:30-2.1 Registration
7:30-2.2 Registrations pursuant to the provisions of Sections 18 and 24(c) of FIFRA
7:30-2.3 Experimental use permits
7:30-2.4 Refusal, cancellation, or suspension of a pesticide registration
7:30-2.5 Right of entry or collection of samples
7:30-2.6 Records
7:30-2.7 General requirements
7:30-2.8 Order to secure or impound; disposition of pesticides
7:30-2.9 Prohibited pesticides
7:30-2.10 Restricted use pesticides
7:30-2.11 Amending prohibited and restricted-use pesticide lists
7:30-2.12 Advertising

SUBCHAPTER 3. PESTICIDE DEALERS

7:30-3.1 General requirements
7:30-3.2 Certification
7:30-3.3 Licensing
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7:30-3.5 Continuing certification

- 7:30-3.6 Right of entry or collection of samples
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- 7:30-3.8 Sale of restricted use pesticides
- 7:30-3.9 Sale of general use pesticides
- 7:30-3.10 Assignment of work
- 7:30-3.11 Denial, suspension, or revocation of pesticide dealer license
- 7:30-3.12 Reciprocity
- 7:30-3.13 Container and containment rule

SUBCHAPTER 4. PESTICIDE DEALER BUSINESSES

- 7:30-4.1 Licensing
- 7:30-4.2 Records
- 7:30-4.3 Sale of restricted use pesticides
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- 7:30-4.5 Right of entry or collection of samples
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SUBCHAPTER 5. COMMERCIAL PESTICIDE OPERATORS

- 7:30-5.1 General requirements
- 7:30-5.2 Training
- 7:30-5.3 Licensing
- 7:30-5.4 License renewal
- 7:30-5.5 Records
- 7:30-5.6 Right of entry of collection of samples
- 7:30-5.7 Denial, suspension, or revocation of commercial pesticide operator license
- 7:30-5.8 Requirement for commercial pesticide operator certification and licensing as pesticide applicators
- 7:30-5.9 (Reserved)

SUBCHAPTER 6. COMMERCIAL PESTICIDE APPLICATORS

- 7:30-6.1 General requirement and exemptions
- 7:30-6.2 Certification and training
- 7:30-6.3 Categories
- 7:30-6.4 Licensing
- 7:30-6.5 License renewal
- 7:30-6.6 Recertification
- 7:30-6.7 Right of entry or collection of samples
- 7:30-6.8 Records
- 7:30-6.9 Denial, suspension, or revocation of commercial pesticide applicator license
- 7:30-6.10 Purchase of restricted use pesticides
- 7:30-6.11 Responsibility for commercial pesticide operators and handlers
- 7:30-6.12 Assignment of work
- 7:30-6.13 Reciprocity

7:30-6.14 Container and containment rule

SUBCHAPTER 7. PESTICIDE APPLICATOR BUSINESSES

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7:30-7.2 Right of entry or collection of samples

7:30-7.3 Records

7:30-7.4 Financial responsibility

7:30-7.5 Assignment of work

7:30-7.6 Denial, suspension, or revocation of pesticide applicator business license

7:30-7.7 Responsibility of a pesticide applicator business for the actions of employees

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7:30-8.3 Licensing

7:30-8.4 License renewal

7:30-8.5 Continuing certification

7:30-8.6 Special licenses

7:30-8.7 Right of entry or collection of samples

7:30-8.8 Records

7:30-8.9 Purchase of restricted use pesticides

7:30-8.10 Assignment of work

7:30-8.11 Denial, suspension, or revocation of private pesticide applicator license

7:30-8.12 Reciprocity

7:30-8.13 Responsibility for the action of employees

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SUBCHAPTER 9. PESTICIDE EXPOSURE MANAGEMENT

7:30-9.1 (Reserved)

7:30-9.2 Mosquito/fly control permits

7:30-9.3 Aquatic pesticide permits

7:30-9.4 Aquatic notification

7:30-9.5 Storage of pesticides

7:30-9.6 Containers and container labeling

7:30-9.7 Disposal

7:30-9.8 Emergency containment and disposal of pesticides

7:30-9.9 Pesticide application and safety equipment

7:30-9.10 Notification: community or area wide applications

7:30-9.11 Notification to beekeepers

7:30-9.12 Notification: household or structural pest control

7:30-9.13 Notification: turf or ornamental applications

7:30-9.14 School notification

7:30-9.15 General notification

7:30-9.16 General agricultural notification

7:30-9.17 Reporting of pesticide spills

7:30-9.18 Accidental pesticide misapplications and spills

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7:30-10.2 Pesticide use and/or application

7:30-10.3 Rodent baiting

7:30-10.4 Restrictions on use of termiticides

7:30-10.5 Additional restrictions on the use of organochlorine termiticides

7:30-10.6 Aerial application of pesticides

7:30-10.7 Pesticide contamination clean-up

7:30-10.8 Assessment of fees for sample analysis

7:30-10.9 Submission of data on pesticide distribution or use

SUBCHAPTER 11. ENFORCEMENT AND REQUESTS FOR ADJUDICATORY HEARINGS

SUBCHAPTER 12. AGRICULTURAL WORKER PROTECTION

7:30-12.1 General duties, prohibited actions

7:30-12.2 Standard for workers

7:30-12.3 Entry restrictions associated with pesticide applications

7:30-12.4 Worker entry restrictions

7:30-12.5 Notice of applications to workers

7:30-12.6 Providing specific information about applications

7:30-12.7 Notice of application to handler employers

7:30-12.8 Worker pesticide safety training

7:30-12.9 Posted pesticide safety information

7:30-12.10 Decontamination

7:30-12.11 Emergency assistance by agricultural establishments

7:30-12.12 Standard for pesticide handlers

7:30-12.13 Restrictions during applications

7:30-12.14 Providing specific information about applications

7:30-12.15 Notice of applications to agricultural employers

7:30-12.16 Pesticide safety training for handlers

7:30-12.17 Knowledge of labeling and other site-specific information

7:30-12.18 Safe operation of equipment

7:30-12.19 Posted pesticide safety information

7:30-12.20 Handler personal protective equipment

7:30-12.21 Handler decontamination

7:30-12.22 Emergency assistance by commercial pesticide handling establishments

7:30-12.23 (Reserved)

SUBCHAPTER 13. INTEGRATED PEST MANAGEMENT IN SCHOOLS

7:30-13.1 Scope and purpose: Integrated Pest Management Policy

7:30-13.2 Integrated Pest Management Plan

7:30-13.3 Integrated pest management coordinator

7:30-13.4 Records

7:30-13.5 Annual notification

7:30-13.6 Notification: other than low impact pesticide use

7:30-13.7 Notification: emergency application of a pesticide other than a low impact pesticide

7:30-13.8 Other than low impact pesticide applications: prohibitions

7:30-13.9 Enforcement action

New York Department of Environmental Conservation

New York Environmental Conservation Law Article 33 Pesticides (Titles 1 — 15)

Title 1 Definitions (§§ 33-0101 — 33-0103)

§ 33-0101. Definitions

§ 33-0103. Exemptions

Title 3 General Provisions (§§ 33-0301 — 33-0305)

§ 33-0301. Declaration of policy and purposes

§ 33-0303. Powers and duties of the commissioner and the department

§ 33-0303. Powers and duties of the commissioner and the department

§ 33-0304. Fees

§ 33-0305. Severability

Title 5 Testing of Pesticide Samples (§ 33-0501)

§ 33-0501. Testing of pesticide samples

Title 7 Registration of Pesticides (§§ 33-0701 — 33-0725)

§ 33-0701. Scope of registration

§ 33-0703. Application for registration

§ 33-0704. Review of applications to register pesticides. [Expires and repealed July 1, 2023]

§ 33-0705. Fee for registration.

§ 33-0707. Disclosure of pesticide formulas

§ 33-0709. Requirements for registration

§ 33-0711. Procedure when registration is denied

§ 33-0713. Cancellation of registration

§ 33-0714. Water quality monitoring for pesticides

§ 33-0715. Advisory committees

§ 33-0717. Public hearing regarding registration

§ 33-0719. Suspension of pesticide registration

§ 33-0721. Judicial review

§ 33-0723. Experimental use permits

§ 33-0725. Approved agricultural uses

Title 9 Permits and Certification (§§ 33-0901 — 33-0911)

§ 33-0901. Commercial permits

§ 33-0903. Purchase permits

§ 33-0905. Pesticide applicator certification

§ 33-0907. Pesticide business and agency registration

§ 33-0909. Denial or revocation of certification or registration

§ 33-0911. Certification and registration fees

Title 9-A Special Permits and Certification for Commercial Application of Aquatic Antifouling Paints (§§ 33-0920 — 33-0925)

§ 33-0920. Definitions

- § 33-0921. Aquatic antifouling paint applicator certification
- § 33-0922. Aquatic antifouling paint business registration
- § 33-0923. Denial or revocation of certification or registration
- § 33-0924. Certification and registration fees
- § 33-0925. Sanctions

Title 10 Special Requirements for Commercial and Residential Lawn Applications (§§ 33-1001 — 33-1005)

- § 33-1001. Requirements and restrictions
- § 33-1003. Visual notification
- § 33-1004. Lawn applications; certain municipalities
- § 33-1005. [There are two sections 33–1005] Rules and regulations
- § 33-1005. [There are two sections 33–1005] Commissioner’s regulations

Title 11 Protection of Grape Growing Areas (§§ 33-1101 — 33-1105)

Title 12 Pesticide Sales and Use Data Base and Recordkeeping and Reporting (§§ 33-1201 — 33-1207)

- § 33-1201. Pesticide sales and use computer data base
- § 33-1201. Pesticide sales and use computer data base
- § 33-1203. Access to pesticide information
- § 33-1203. Access to pesticide information
- § 33-1205. Recordkeeping and reporting
- § 33-1205. Recordkeeping and reporting
- § 33-1207. Recordkeeping and reporting by importers and manufacturers
- § 33-1207. Recordkeeping and reporting by importers and manufacturers

Title 13 Unlawful Acts (§§ 33-1301 — 33-1303)

Title 15 Seizure (§§ 33-1501 — 33-1503)

New York Codes, Rules, and Regulations; Title 6 Chapter IV Subchapter A Parts 320-329

Part 320 Pesticides--General

Part 321 Pesticides in Grape Vineyards, Chautauqua County, Northern Townships

Part 322 Pesticides in Grape Vineyards, Niagara County

Part 323 Pesticides in Grape Vineyards, Chautauqua County, Southern Townships

Part 324 Pesticides in Grape Vineyards, Erie County

Part 325 Application of Pesticides

Part 326 Registration and Classifications of Pesticides

Part 327 Use of Chemicals for the Control or Elimination of Aquatic Vegetation

Part 328 Use of Chemicals for the Control or Extermination of Undesirable Fish

Part 329 Use of Chemicals for the Control or Elimination of Aquatic Insects

- 23-25-1. Short title.**
- 23-25-2. Enforcing official.**
- 23-25-3. Declaration of purpose.**
- 23-25-4. Definitions.**
- 23-25-5. Misbranded.**
- 23-25-6. Registration.**
- 23-25-6.1. Registration fee — Surcharge.**
- 23-25-7. Experimental use permits.**
- 23-25-8. Refusal to register — Cancellation — Suspension — Legal recourse.**
- 23-25-9. Authority of director — Determinations — Rules and regulations — Restricted use and limited use of pesticides and uniformity.**
- 23-25-10. Applicator categories for certification — Standards.**
- 23-25-11. Prohibitions for applicators.**
- 23-25-12. Licenses for commercial applicators — Rules and regulations.**
- 23-25-13. Certification of commercial applicators — Renewal — Regulations.**
- 23-25-14. Certification of private applicators — Renewal — Regulations.**
- 23-25-15. Licenses for dealers of restricted and limited use pesticides — Renewal — Regulations authorized — Responsibility for acts of employees**
- 23-25-16. Monitoring of environment**
- 23-25-17. Repealed.**
- 23-25-18. Unlawful acts and/or grounds for denial, suspension, or revocation of a license, permit, or certification.**
- 23-25-19. Storing and disposal of pesticides and pesticide containers.**
- 23-25-20. Enforcement.**
- 23-25-21. “Stop sale, use, or removal” order.**
- 23-25-22. Judicial action after “stop sale, use, or removal” order.**
- 23-25-23. Records.**
- 23-25-24. Cooperation with other agencies.**
- 23-25-25. Publication of information.**
- 23-25-26. Reports of pesticide accidents or incidents.**
- 23-25-27. Subpoenas.**
- 23-25-28. Penalties.**
- 23-25-29. Protection of trade secrets and other information.**
- 23-25-30. Delegation of director’s duties.**
- 23-25-31. Reciprocal agreements.**
- 23-25-32. Budget — Receipt and disposition of funds.**
- 23-25-33. Severability.**
- 23-25-34. Prior liability.**
- 23-25-35. Repeal of inconsistent acts.**
- 23-25-36. Protective clothing and equipment.**
- 23-25-37. Pesticide applications and notification of pesticide applications at schools.**
- 23-25-38. Pesticide applications and notification of pesticide applications at pre-schools and child care centers.**
- 23-25-39. Report on lawn care pesticide use.**

Chapter 25.2 Pesticide Relief Fund (§§ 23-25.2-1 — 23-25.2-9)

23-25.2-1. Legislative findings — Purpose of chapter.

23-25.2-2. Definitions.

23-25.2-3. Pesticide relief advisory board established — Appointment of members.

23-25.2-4. Pesticide relief advisory board — Powers and duties — No compensation — Legal and clerical assistance.

23-25.2-5. Pesticide relief.

23-25.2-6. Rules and regulations.

23-25.2-7. No waiver or enlargement of rights — Subrogation.

23-25.2-8. Annual report.

23-25.2-9. Severability.

South Carolina's Department of Pesticide Regulation

South Carolina Title 46, Chapter 13 Pesticide Control Act §§ 46-13-10 — 46-13-240)

§ 46-13-10. Short title; administration.

§ 46-13-20. Definitions.

§ 46-13-30. Duties delegated to Director.

§ 46-13-40. Registration of pesticides and devices.

§ 46-13-45. Pesticide registration fees; classes of fees.

§ 46-13-50. Licensing of pesticide dealers.

§ 46-13-55. Regulation of structural pest control activity.

§ 46-13-60. Standards for certification of pesticide applicators; applicators' licenses.

§ 46-13-70. Classification of certified applicators' licenses.

§ 46-13-80. Expiration and renewal of licenses.

§ 46-13-90. Denial, suspension, revocation, or modification of licenses and certificates.

§ 46-13-100. Financial responsibility required for commercial applicator's license.

§ 46-13-110. Reporting of accidents and incidents.

§ 46-13-120. Records as to use of restricted use pesticides.

§ 46-13-130. Reciprocity.

§ 46-13-140. Exemptions from licensing requirements.

§ 46-13-150. Pesticide advisory committee.

§ 46-13-160. Information and courses of instruction.

§ 46-13-170. Inspection of premises; legal actions; "stop sale, use, or removal" orders.

§ 46-13-175. Discretion to make pesticides available for minor uses.

§ 46-13-180. Penalties.

§ 46-13-185. Prosecution of criminal violators; use of counsel.

§ 46-13-190. Subpoenas.

§ 46-13-200. Adjudication of alleged violations; disposal of condemned pesticides or devices.

§ 46-13-210. Judicial review.

- § 46-13-220. Delegation of authority to employees of Clemson University.
§ 46-13-230. Disposition of fees.
§ 46-13-240. Federal, interstate, and intrastate cooperation.

ⁱ U.S. EPA, *About Pesticide Registration*, <https://www.epa.gov/pesticide-registration/about-pesticide-registration>. See also U.S. EPA, *Regulatory and Guidance and Information by Topic: Pesticides*, <https://www.epa.gov/regulatory-information-topic/regulatory-and-guidance-information-topic-pesticides> ⁱⁱ
Sea Grant Law Center, *STATE AND LOCAL REGULATION OF PESTICIDES: WHAT DOES FIFRA ALLOW?*, p. 7, <https://nsglc.olemiss.edu/projects/ag-food-law/files/regulation-of-pesticides.pdf>

ⁱⁱⁱ New Jersey of Environmental Protections *Pesticide Products Classified as Restricted-Use Pesticides (RUPs)*
<https://www13.state.nj.us/DataMiner/Search/SearchByCategory?isExternal=y&getCategory=y&catName=Pesticide+Control+Program>

^{iv} New York Department of Environmental Conservation, *New York State Specific Language or Restricted Use Status*, September 10th, 2021,
https://www.dec.ny.gov/docs/materials_minerals_pdf/nysactiveingredrev.pdf

^v State of New York Executive Chamber, *Memorandum filed with Assembly Bill Number 5984-A on behalf of Governor Nelson Rockefeller*, April 22nd, 1970,
https://nysl.ptfs.com/data/Library1/pdf/NY200060392_L-1970-CH-0140.pdf

^{vi} *Id.*

^{vii} State of New York Department of Agriculture and Markets, *Memorandum on Behalf of Assistant Commissioner John H. Stone et al.*, May 31st, 1972,
https://nysl.ptfs.com/data/Library1/pdf/NY200060392_L-1972-CH-0664.pdf

^{viii} *Id.* at p. 6.

^{ix} *Id.*

^x Clemson Department of Pesticide Regulation, *South Carolina's Department of Pesticide Regulation*, <https://www.clemson.edu/public/regulatory/pesticide-regulation/index.html>

^{xi} *Id.*

^{xii} South Carolina Department of Health and Environmental Control, *Pesticide Disposal Fact Sheet*, <https://scdhec.gov/environment/land-management/hazardous-waste/pesticide-handling>

^{xiii} Sea Grant Law Center, *STATE AND LOCAL REGULATION OF PESTICIDES: WHAT DOES FIFRA ALLOW?*, p. 7, <https://nsglc.olemiss.edu/projects/ag-food-law/files/regulation-of-pesticides.pdf>

HB 0387_ARule_fav.pdf

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Position: FAV



DEPARTMENT OF ENVIRONMENTAL HEALTH AND ENGINEERING

To: The House Environment & Transportation Committee
Testimony on: HB387 Pesticide Regulation – Transfer to Department of the Environment Bill
Position: Favorable
Hearing Date: February 9, 2022

We, Drs. Ana Maria Rule and Lesliam Quirós-Alcalá, would like to submit this written testimony **in favor of HB387**, which would transition Maryland’s oversight and regulation of pesticides from the Maryland Department of Agriculture (MDA) to the Maryland Department of the Environment (MDE). We are both Assistant Professors at the Johns Hopkins Bloomberg School of Public Health in the department of Environmental Health and Engineering with expertise in exposure science and environmental epidemiology. *The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.*

As exposure scientists focused on research on environmental exposures among agricultural workers and other vulnerable populations, we have concerns related to how the State regulates pesticides that can pose deleterious effects in humans and wildlife.

MDA has not prioritized public health when managing registration of pesticides.

Although all states have the right to go beyond EPA’s registration process, MDA has failed to address the health impacts that pesticides pose on all life forms when registering pesticides in the state. The agency’s primary focus is the protection and promotion of farmers and not the oversight of toxic substances. In fact, despite mounting scientific evidence, MDA has previously opposed several pesticide-restricting laws passed by the Maryland General Assembly meant to protect public health, including the first-in-the-nation Integrated Pest Management (IPM) in Schools laws to protect the health of our children and school staff, a first-in-the-nation Pollinator Protection Act protecting pollinators, and a law to ban all uses of the pesticide chlorpyrifos, which can impact children’s development.

Pesticides encompass a wide range of potentially harmful chemicals, including disinfectants whose use has dramatically increased during the Covid-19 pandemic, posing risks to public health.

Most people are unaware that most of the disinfectants used during the Covid-19 pandemic are registered pesticides. Many disinfectants directly weaken the immune system and can adversely impact respiratory health, including among those with pre-existing respiratory conditions like asthma. It is also recognized that exposures to disinfectants have increased in essential worker populations, including health professionals, food workers, farmworkers, custodial workers, and other service sector workers as a result of the pandemic. This has led to an increased pesticide exposure burden on both worker populations and the population at large.

Children and other vulnerable populations face unique health risks associated with pesticide exposures so greater oversight is needed to protect them.

In the population at large, a particular concern is the rising widespread use of disinfectants in homes, schools, daycare centers, hospitals, nursing homes, office buildings, and other public locations. Children, in particular, spend >90% of their time in indoor spaces where these disinfectants and other pesticides may be applied and persist. This increases their risk of exposure to these chemicals and their potential adverse health effects. Children are uniquely vulnerable to the potential effects of pesticides, and chemicals in general, because they are still developing and have more opportunities for chronic exposure throughout their lifetime. Additionally, for children and marginalized populations of color already living in highly polluted areas, the use

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of disinfectants may exacerbate their overall burden of exposures to toxic chemicals posing increased health risks.

Pesticides can affect the nervous, respiratory, and reproductive systems, as well as increase the risk of cancer and affect neurodevelopment. This is especially concerning for women of reproductive age, for the developing fetus, and children. Exposures among pregnant women are of concern as exposure to pesticides during pregnancy has been associated with increased risk of mental, motor, and behavioral problems in children. Notably, it is estimated that, on average, it costs twice as much to educate a child with learning or developmental disabilities in the U.S. compared to the costs associated with educating children without these disabilities. The detrimental health effects of pesticides place children and other vulnerable populations at a clear disadvantage, limiting their ability to become productive members of our society and resulting in economic consequences to the state and our nation.

Transferring oversight of pesticide regulation to the Maryland Department of Environment is a prudent step towards protecting public health.

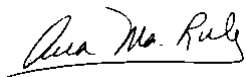
Passing the Maryland Pesticide Regulation – Transfer to Department of the Environment Bill, **is an urgently needed public health solution** to the widespread problem of toxic pesticide over-use in the state of Maryland that poses a risk to public health. MDE is uniquely qualified and positioned to oversee regulation of hazardous substances as the department:

- was created to protect and preserve the state's air, water, and land resources and safeguard the environmental health of Maryland's citizens,
- is responsible for enforcement of environmental laws and regulations, long-term planning, and research, and
- possesses the needed expertise to assess the level of safety and risks associated with pesticides and their impacts on the well-being of people, wildlife, and waterways based on the most current peer-reviewed scientific literature.

This bill would allow MDE to receive advice and counsel from the Maryland Department of Health for expertise on public health and safety, and from the MDA for expertise on the effectiveness of pesticides to kill target pests.

In summary, by passing HB387, this committee has the opportunity to truly protect the health of our citizens, including the most vulnerable, by allowing MDE to implement a more comprehensive approach to pesticide regulation and oversight.

Thank you for your consideration,



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- ¹ <https://www.intechopen.com/chapters/37957>
- ² <https://publications.aap.org/pediatrics/article/130/6/e1757/30399/Pesticide-Exposure-in-Children>
- ³ <https://pubs.acs.org/doi/10.1021/acs.chas.1c00026>
- ⁴ <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/nvap/NVAP-Reference-Guide/Cleaning-and-Disinfection/Regulation-of-Disinfectants>
- ⁵ https://www.chesapeakebay.net/issues/chemical_contaminants
- ⁶ <https://www.thenation.com/article/archive/warning-signs-how-pesticides-harm-young-brain/>
- ⁷ <https://pubmed.ncbi.nlm.nih.gov/26685281/>

SB 0268_ARule_fav.pdf

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Position: FAV



DEPARTMENT OF ENVIRONMENTAL HEALTH AND ENGINEERING

To: 2022 Maryland General Assembly
Testimony on: SB268 Pesticide Regulation – Transfer to Department of the Environment Bill
Position: Favorable
Hearing Date: February 2, 2022

We, Drs. Ana Maria Rule and Lesliam Quirós-Alcalá, would like to submit this written testimony **in favor of SB268**, which would transition Maryland’s oversight and regulation of pesticides from the Maryland Department of Agriculture (MDA) to the Maryland Department of the Environment (MDE). We are both Assistant Professors at the Johns Hopkins Bloomberg School of Public Health in the department of Environmental Health and Engineering with expertise in exposure science and environmental epidemiology. *The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.*

As exposure scientists focused on research on environmental exposures among agricultural workers and other vulnerable populations, we have concerns related to how the State regulates pesticides that can pose deleterious effects in humans and wildlife.

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DEPARTMENT OF ENVIRONMENTAL HEALTH AND ENGINEERING

of disinfectants may exacerbate their overall burden of exposures to toxic chemicals posing increased health risks.

Pesticides can affect the nervous, respiratory, and reproductive systems, as well as increase the risk of cancer and affect neurodevelopment. This is especially concerning for women of reproductive age, for the developing fetus, and children. Exposures among pregnant women are of concern as exposure to pesticides during pregnancy has been associated with increased risk of mental, motor, and behavioral problems in children. Notably, it is estimated that, on average, it costs twice as much to educate a child with learning or developmental disabilities in the U.S. compared to the costs associated with educating children without these disabilities. The detrimental health effects of pesticides place children and other vulnerable populations at a clear disadvantage, limiting their ability to become productive members of our society and resulting in economic consequences to the state and our nation.

Transferring oversight of pesticide regulation to the Maryland Department of Environment is a prudent step towards protecting public health.

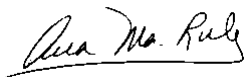
Passing the Maryland Pesticide Regulation – Transfer to Department of the Environment Bill, **is an urgently needed public health solution** to the widespread problem of toxic pesticide over-use in the state of Maryland that poses a risk to public health. MDE is uniquely qualified and positioned to oversee regulation of hazardous substances as the department:

- was created to protect and preserve the state's air, water, and land resources and safeguard the environmental health of Maryland's citizens,
- is responsible for enforcement of environmental laws and regulations, long-term planning, and research, and
- possesses the needed expertise to assess the level of safety and risks associated with pesticides and their impacts on the well-being of people, wildlife, and waterways based on the most current peer-reviewed scientific literature.

This bill would allow MDE to receive advice and counsel from the Maryland Department of Health for expertise on public health and safety, and from the MDA for expertise on the effectiveness of pesticides to kill target pests.

In summary, by passing SB268, this committee has the opportunity to truly protect the health of our citizens, including the most vulnerable, by allowing MDE to implement a more comprehensive approach to pesticide regulation and oversight.

Thank you for your consideration,



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DEPARTMENT OF ENVIRONMENTAL HEALTH AND ENGINEERING

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- ⁵ https://www.chesapeakebay.net/issues/chemical_contaminants
- ⁶ <https://www.thenation.com/article/archive/warning-signs-how-pesticides-harm-young-brain/>
- ⁷ <https://pubmed.ncbi.nlm.nih.gov/26685281/>

HB 0387_CKoetz_fav.pdf

Uploaded by: Bonnie Raindrop

Position: FAV



February 9, 2022

Supporting HB387: Pesticide Regulation – Transfer to the Department of the Environment

Greetings House Environment and Transportation Committee,

MOMs Organic Market has 10 stores in Maryland. We would like to express our **strong support for the HB387: Pesticide Regulation – Transfer to Dept. of the Environment Bill.**

MOM's Purpose is *to protect and restore the environment*. Since 2014, we have held an annual "Save the Dandelions" campaign to help raise awareness of the effects that toxic pesticides have on our environment, wildlife, pollinators, and health. This bill encompasses everything we believe in.

In Maryland, [millions of pounds of pesticides are used annually](#). According to the US EPA, pesticides can impact human health. Pesticides have been linked to adverse impacts on our respiratory, developmental, neurological, reproductive, and endocrine systems, and cancer.

Pesticides are especially of concern when it comes to impacting the developing fetus and young children **including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma**. According to the American Academy of Pediatrics, "the evidence is especially strong linking certain pesticide exposure with pediatric cancers and permanent neurological damage."

And our pollinators, and therefore our food supply is adversely impacted by pesticides. **More than half of Maryland's honeybee population died in 2020-21**. Other pollinators including wild bees, insects, and birds are also in serious decline due to pesticide impacts.

And then there is the Chesapeake Bay. A growing body of research underscores that a majority of the Chesapeake Bay's tidal waters are impaired by chemical contaminants including pesticides, impacting the health of all ecosystem life, according to the EPA Chesapeake Bay Program.

We are poisoning people and the planet. We can stop this. It is imperative that we 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.

Please stand with MOMs and support HB387 to transfer Pesticide Regulation.

Thank you,
Christine Koetz
MOM's Organic Market
Chief Brand Officer

HB0387_Pesticide_Regulation_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0387
Pesticide Regulation - Transfer to Department of the Environment

Bill Sponsor: Delegate Ruth

Committee: Environment and Transportation

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0387 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

The fact that pesticide regulation is managed by the Department of Agriculture is the very reason that we have had to endure pesticides like Chlorpyrifos for so many years after it was determined that the pesticide harmed infants and killed bees. Farmers loved it, so who actually cared about the harm?

The Department of the Environment, which is tasked with ensuring that our environment is healthy, would be a far better agency to manage decisions about pesticides. They should work in conjunction with the Department of Health to ensure that dangerous pesticides are appropriately controlled, as this legislation requires. Additionally, there should be some mechanism for enforcement, and this bill contains fines and penalties for violations of the pesticide regulations.

We support this bill and recommend a **FAVORABLE** report in committee.

HB 0387_DWeston_fav.pdf

Uploaded by: Derrick Weston

Position: FAV

HB 387 Pesticide Regulation - Transfer to Department of the Environment

Interfaith Partners for the Chesapeake supports passage of HB 387 to transfer Pesticide Regulation to the Maryland Department of the Environment (MDE)

Testimony of Derrick Weston, Board Member, Interfaith Partners for the Chesapeake, Founder of *Stories of Food and Faith*

Our organization supports this bill because it aligns with our mission to honor, protect, and restore our shared watershed. We work with hundreds of congregations in Maryland who have pledged to serve as good stewards of the land and waters of the Chesapeake and to sustain the life and health of all creatures.

- **Pesticides Impair the Health of People, Pollinators and the Chesapeake Bay:** 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. – Source: EPA Chesapeake Bay Program
https://www.chesapeakebay.net/issues/chemical_contaminants
Pesticides are linked to adverse neurological, developmental and respiratory impacts as well as linked to cancer, cognitive abnormalities and deficits, and other long-term health impacts.
Pesticides have also been linked to adverse impacts on pollinators and studies note serious declines in pollinators are also attributed to pesticides impacts.
- **Maryland Department of Agriculture (MDA) is not the right agency for oversight:** There are 14,000 pesticides registered for use in our state. MDA has little experience or regulatory or science expertise related to managing the human health and the environmental impact of pesticides. We at IPC urge you to move authority to the Maryland Department of Environment.

I am Derrick Weston, a Board Member of the Interfaith Partners for the Chesapeake Bay and founder of *Stories of Food and Faith*, a burgeoning multi-media collective for all who care about faith-based food justice. I live in Lutherville.

I am a long-time believer in the power of storytelling. I hold a Bachelor of Arts in Film Studies from the University of Pittsburgh and a Master of Divinity from the San Francisco Theological Seminary. I now devote myself full-time to the work of food and faith. I have also spent my career serving churches and faith-based non-profits and served as an ordained Presbyterian minister. My work has appeared in *Presbyterians Today*. *Stories of Food and Faith* is the culmination of my own education and experience as a producer, podcast host, writer, speaker, and community organizer. I am very happy to provide this testimony on behalf of IPC.

Faith Leaders support the change in oversight from MDA to Maryland Dept. of the Environment on these chemical agents. Pesticide oversight of more than 14,000 pesticide products is presently solely the charge of the MDA, an agency that lacks scientific expertise on toxics, the environment, and health. This legislation, the Maryland **Pesticide Regulation – Transfer to Dept. of the Environment Bill**, would move the authority to regulate pesticides from the MDA to the 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 from the MDE, pesticide regulations will include all voices and expertise at the table, rather than overwhelming one agency that lacks the necessary critical expertise to accomplish the task. Our communities and children will be healthier, and our pollinators, Chesapeake Bay ecosystem, and the environment will be better protected.

In Maryland, millions of pounds of pesticides are used annually. Pesticides are toxic: they have dangerous environmental and health impacts.

- The legislature must protect Maryland. We need to utilize the agencies with environmental and public health expertise to prevent exposure to the most toxic pesticides.
- MDE would restrict or ban the sale, use and distribution of any pesticide by regulation if it concludes that the pesticide causes substantial harm to the environment.

As a healthy foods advocate, with a strong interest in responsible food sourcing, I want to know that an agency in our state is reviewing pesticides for toxic impacts on people and the environment, and chemicals that need to be further restricted or even banned are evaluated.

There is also an important Environmental Justice component of this transfer of Authority to MDE. This is critical because we know that underserved communities are more exposed to pesticides in their diets, air, water, food, schools, day care centers, playing fields and at local public facilities.

As the Senate Education and Health Committee, you are responsible for understanding the implications when agencies do not follow through with the intent of laws your body institutes. I call on you to be thoughtful about who you hold accountable to uphold Maryland's laws. This bill ensures implementation of the law will be intentional and reliable.

Faith Leaders like me support your initiative to move this oversight to the MDE.

Derrick Weston
Founder, Stories of Food and Faith
Board Member, Interfaith Partners for the Chesapeake Bay
Lutherville, Maryland

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Uploaded by: Eric Gally

Position: FAV



Testimony re: HB 387: Pesticide Regulation – Transfer to Department of the Environment
Submitted to: The House Environment and Transportation Committee
Submitted by: The Maryland Pesticide Education Network and the Smart on Pesticides Coalition
Position: In Support

February 9, 2022

Dear Chair Barve, Vice Chair Stein, and Members of the Committee,

The Maryland Pesticide Education Network and its Smart on Pesticides Coalition composed of 109 organizations and businesses that address the adverse impacts of hazardous pesticides and promote safer alternatives, support passage of HB387 moving authority to regulate pesticides to the Maryland Department of the Environment (MDE), the state agency charged with oversight of toxics.

MD Dept of Agriculture (MDA) was given oversight for pesticides at a time when pesticide toxicity and the far-reaching damage of many pesticides was little-understood. MDA's primary mission is to promote and protect our state's agriculture industry—a truly important duty that they are well equipped to carry out, especially during these difficult times. When it comes to pesticides, MDA has expert staff with knowledge on managing a diverse range of pests, plant diseases, crop, and land care issues.

However, **MDA has no public or environmental health expertise, which is needed to assess the risks of over 14,000 pesticides which are annually registered for use in the state.** According to FIFRA, as documented in the University of Maryland Law Clinic's report (also submitted to the committee), **states have the authority to go beyond federal regulation of pesticides. This is common practice in other states** noted below and in the UMD Law Clinic testimony and report.

Millions of pounds of pesticides are used in Maryland annually. According to MDA's last voluntary pesticide use survey conducted in 2015 regarding 2014 usage, 4.9 million pounds of pesticides were used, but only 7% of farmers and 15% of certified applicators responded to its survey. If that sampling is representative, pesticide use in 2014 was potentially in the neighborhood of 70 million pounds. MDA has yet to conduct another survey as required by law.

To date, regulation of the more than 14,000 pesticides is solely the decision of MDA's chemist. MDA collects an annual fee from the manufacturers for every pesticide the chemist registers for sale and use, providing income for the agency.

Pesticides are not just used in agriculture. They are used in schools, daycare centers, hospitals, nursing homes, office buildings, and other public locations and are in thousands of consumer products. Pesticides are also broadly used in land care, including parks, golf courses and athletic fields.

Pesticide oversight needs to be conducted by the Maryland Dept. of the Environment (MDE), the agency uniquely qualified to handle regulation of hazardous substances. The agency was created to protect and preserve the state's air, water, and land resources and safeguard the environmental health of

Maryland's citizens. Its duties also encompass enforcement of environmental laws and regulations, long-term planning, and research. The agency is charged with overseeing and regulating hazardous chemicals and, therefore, has the needed expertise to assess the level of safety and risks of pesticides and their impacts on the health of people, wildlife, and waterways. The agency already does so for hazardous substances including lead in homes, radiation in hospitals, and hazardous waste.

[MDE's regulatory function](#) occurs through a coordinated effort with both internal, as well as external reviews performed. The agency's review process includes input from stakeholders, other agencies, the general public, and other units affected by the agency's regulations—a much-needed protocol for regulating pesticides¹. **MDE already provides advice on hazardous pesticides ([Things You Can Do For The Environment](#))** recommending the public consider alternatives to chemical pesticides, including biological, mechanical and cultural methods of control. **The missing aspect is the agency's ability to assess pesticides submitted by manufacturers for their potential adverse impacts**

A fully staffed, totally operational future MDE, as the agency has been in the past, has the expertise needed and a wider view of the environment and public health and can properly focus on enforcement.

Pesticides have been linked to:

- [Harming public health](#): Some, such as the organophosphates and carbamates, affect the nervous system. Some pesticides may be carcinogens. Others may affect the endocrine (hormonal) system in the body. – *US Environmental Protection Agency*.
 - Endocrine disrupting pesticides damage our chromosomes, making our future generations more likely to develop cancer.
 - [Hurting our children](#): “Extensive epidemiologic studies associate pesticide exposure with adverse birth and developmental outcomes, including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma. The evidence is especially strong linking certain pesticide exposure with pediatric cancers and permanent neurological damage.” – *American Academy of Pediatrics, former President Fernando Stein*
- [Threatening pollinators](#): Maryland's critical pollinators are harmed by pesticide use, threatening 1/3 of our food supply. Stunningly, Maryland lost 52% of its honeybees in 2020-21*; pesticides are a key driver of these losses. Other pollinators including wild bees, insects and birds are also in serious decline due to pesticide impacts. Honeybee losses above 10% annually are considered unsustainable, threatening the production of fruits and vegetables. **Bee Informed Partnership* annual national honeybee survey
- [Impairing the Bay](#): 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. – *EPA Chesapeake Bay Program*
- **Farm families and people living in areas near farms, as well as nursery owners and workers also suffer from pesticide-related acute and long-term impacts, as is noted by the [Agricultural Health Study](#)** conducted since 1993. The study is a collaborative project of the National Cancer Institute, the National Institute of Environmental Health Sciences, the U.S. Environmental Protection Agency and the National Institute for Occupational Safety and Health. This population also deserves to be protected from unnecessary exposure to highly toxic pesticides shown to have serious and even life-threatening impacts.

¹ <https://mde.maryland.gov/programs/Regulations/Pages/index.aspx>

MDA has opposed health-based pesticide-restricting bills including Md's first-in-the-nation laws like the Integrated Pest Management in Schools law, passed in 1998, to protect the health of school children and staff with common sense measures. MDA opposed a 2016 law banning sales of a pollinator harming pesticide, and most recently, despite MDA's initial opposition, the Maryland General Assembly got the state to ban brain-harming chlorpyrifos.

Increasingly, states are going beyond EPA registrations in restricting pesticides based on their own states' expert assessments to protect their state's residents and environment. Oversight in these states is under the charge of a similar agency to our MDE--*including New York, New Jersey, Connecticut, Rhode Island, S. Carolina and California and Alaska*

We urge a favorable report on HB387 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 MDA and the Maryland Dept. of Health. Our communities and children will be healthier, and our pollinators, Bay ecosystem, and the environment will be better protected.

REGULATION OF TOXIC PESTICIDES NEEDS ENVIRONMENTAL AND PUBLIC HEALTH EXPERTISE

Pass (HB387/SB268) to move the authority to regulate pesticides to the Maryland Dept. of the Environment

Pesticides are toxic to humans and the environment, but in Maryland, **millions of pounds of pesticides are used annually¹ 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.

MARYLAND DEPT. OF THE ENVIRONMENT NEEDS TO LEAD THE CHARGE ON PESTICIDE REGULATION BECAUSE:



MARYLAND DEPT. OF THE ENVIRONMENT IS UNIQUELY QUALIFIED TO HANDLE REGULATION OF HAZARDOUS SUBSTANCES.

The agency was created to protect and preserve the state's air, water, and land resources and safeguard the environmental health of Maryland's citizens. The department already oversees and regulates hazardous chemicals, including lead in homes and radiation in hospitals, giving them the needed expertise to assess the level of safety and risks of pesticides.



PESTICIDE REGULATION OVERBURDENS MDA.

The Maryland Dept. of Agriculture needs to be focused on their prime directive: the protection and promotion of farmers during these tough times. They are currently the sole decisionmaker on pesticides, but their agency lacks the advantage of public and environmental health experts needed to assess the risks of 14,000 pesticides being registered for sales and use in Maryland.



PESTICIDES HAVE DANGEROUS IMPACTS.

Studies have linked pesticides to health risks, including cancer, reproductive disorders, as well as nervous and hormonal system disruption.² Pesticide exposure is also linked to adverse birth and developmental outcomes, including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma.³ Pesticides are harming our food supply as a key cause of pollinator loss.⁴ They damage ecosystems, with more than three-quarters of the Chesapeake Bay's tidal waters impaired by chemical contaminants.⁵



PESTICIDES ARE NOT ONLY FOUND IN AGRICULTURE.

They are used throughout communities in schools, daycare centers, hospitals, nursing homes, office buildings, parks, golf courses, athletic fields, other public locations, and contained in thousands of consumer products.⁶ Pesticides are in our food, air, and run off into the Bay impacting the fish we eat and the greater ecosystem.⁷ Pesticides go beyond the scope of the Maryland Dept. of Agriculture. Other states already understand the need for pesticide registration oversight by experts in public health and the environment including New Jersey, New York, Connecticut, Rhode Island, Vermont, Maine, South Carolina, Wyoming, and California.

WHAT WILL THE BILL DO?

We need to protect the interests of everyone in our state. 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.

By making the Dept. of the Environment the lead agency on pesticides oversight, with input from the Depts. of Health and Agriculture, Maryland can finally have appropriate oversight of these toxic chemicals. Our communities and children will be healthier, and our pollinators, Bay ecosystem, and the environment will be better protected.

Maryland Dept. of the Environment brings staff with scientific expertise to assess and regulate toxic chemicals and their impacts on the health of people, wildlife, and waterways.

WITH ADVICE AND COUNSEL FROM:

Maryland Dept. of Health for expertise on public health and safety; and Maryland Dept. of Agriculture for expertise on the effectiveness of pesticides to kill the target pest or weed.



**TAKE ACTION TODAY TO BRING
EXPERTISE INTO DECISION-MAKING**

Ask your state elected officials and Governor Hogan to vote YES on (HB387/SB268) this session to transfer pesticide oversight to Maryland Dept. of the Environment—the agency charged with the oversight of toxics—with advice and counsel from the Maryland Depts. of Health and Agriculture.

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BIT.LY/MPENSOPC

(<https://mdpestnet.org/take-action/smart-on-pesticides-maryland/>)

#PESTICIDEOVERSIGHTINMD

**VOTE
YES ON
HB387/SB268**

**SMART on
PESTICIDES
maryland**

*For Safe Water
& Healthy Kids*

¹<https://mda.maryland.gov/plants-pests/Documents/MarylandPesticideSurveyPub.pdf>

²<https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-issues-related-pesticides#What>

³<https://www.nytimes.com/2017/11/01/opinion/pesticide-epa.html>

⁴<https://beeinformed.org/citizen-science/loss-and-management-survey/>

⁵https://www.chesapeakebay.net/issues/chemical_contaminants

⁶<https://nchh.org/information-and-evidence/learn-about-healthy-housing/health-hazards-prevention-and-solutions/pesticides/>

⁷https://www.chesapeakebay.net/issues/chemical_contaminants

MARYLAND PESTICIDE REGULATION – TRANSFER TO DEPT. OF THE ENVIRONMENT BILL

#PesticideOversightInMD

WE NEED BETTER OVERSIGHT OF TOXICS!

Pass SB268 / HB378



Other States Regulate Pesticides through Environmental Departments

Pesticides go beyond the scope of the Maryland Dept. of Agriculture. Pesticides are used in communities, schools, daycare centers, hospitals, athletic fields, other public locations, and are in thousands of consumer products. They're in our food, air, and run off into the Bay impacting the fish we eat, wildlife, and the greater ecosystem. Maryland Dept. of the Environment's toxic and scientific oversight is needed to address the impacts of these substances and their effects on human health and environment.

States that recognize the need for pesticide registration oversight by experts in public health and the environment include: **Alaska, California, Connecticut, Maine, New Jersey, New York, Rhode Island, and South Carolina.**

State	Primary Pesticide Regulatory Agency	Restricts Beyond Federal Registration (FIFRA)
Alaska	Department of Environmental Conservation	Considers threat to human health, safety, welfare of animals and the environment; uses applicable findings of a local, state or federal agency; protects waters of the state from pesticide contamination
Connecticut	Department of Environmental Conservation	Considers unreasonable adverse effects on the environment, as well as injury to the applicator and the hazard of dermal and inhalation toxicity, in designating a pesticide to be restricted use in the state i.e. in restricting neonicotinoids.
New Jersey	Department of Environmental Protection	Considers toxicity, chronic health effects (like carcinogenicity or reproductive health effects) environmental impact, pesticide use patterns, and regulatory history. NJ has 381 state-restricted pesticides.
New York	Department of Environmental Conservation	The list of New York-restricted pesticides, in excess of federal requirements, is over 20 pages long and contains dozens of pesticides listed by name and specific restrictive use language, i.e. county-specific limitations.
Rhode Island	Department of Environmental Management	Determines whether pesticides are highly toxic to humans and carries out a program of monitoring pesticides in the environment. Results of the program are reviewed at least annually and their pesticide board provides advice on least hazardous means of controlling pests and on possible health hazards posed by certain pesticides.
South Carolina	Clemson University Division of Regulatory and Public Service Programs, Department of Pesticide Regulation (DPR)	The DPR has an investigation and inspection program, and Pesticide Advisory Committee. Together, they consider dangers relating to the use and application of pesticides. May include pest control problems, environmental or health problems related to pesticide use, review needed legislation, regulations and agency programs.

Pass SB268 / HB387 to move the authority to regulate pesticides to the Maryland Dept. of the Environment

Supported by Maryland Smart on Pesticides Coalition of 109 organizations and businesses. www.SmartOnPesticides.org

EVALUATING HEALTH & ENVIRONMENTAL SCIENCE

A Guide for Legislators

Scientific evidence is the underpinning for policy decisions regarding health. This checklist offers guidance for legislators listening to and assessing scientific testimony and scientific arguments on these often difficult questions, as well as help in questioning witnesses during a hearing.

1. What is the purpose, and what is the source of the research being presented?

The goal of a study may influence the outcomes. For instance, studies that a manufacturer must undertake to submit a chemical or drug for federal registration are different from studies performed by independent scientists seeking to understand impacts of chemicals on humans, animals, or the ecosystem.

What you need to know: Are government findings based on industry-provided research? Are they based on a review of all available sources?

Example: In the debate of e-cigarette / vapor product regulation, research reports by the FDA's Division of Pharmaceutical Research was very credible because it reflected totally independent testing.

2. Have the studies been peer-reviewed?

Independent scientific research is subject to review by a panel of “peers”; these are other scientists with no stake in the findings and no conflicts of interest. Peer review ensures accuracy in methodology and statistical significance, as well as proper interpretation of the results. When a study passes peer review, it is usually published in a scientific journal, such as Environmental Health Perspectives or the Journal of the American Medical Association. This is a transparent process, ensuring that rigorous standards are upheld.

What you need to know: Are the studies being cited peer reviewed? If not, consider the source. Blogs and newspaper articles are not peer-reviewed materials, but may link back to a peer-reviewed source.

Peer Reviewed

A panel of independent experts in the same scientific field, who have no connection to the study and no conflicts of interest, have reviewed it and judged it to be valid and worthy of publication.

3. How certain is “certain enough” to act?

Scientists examine facts and complex information and then look for a preponderance of evidence. While scientists routinely disclose elements of uncertainty in their research, they form their conclusions based on the weight of the evidence.

What you need to know: Is there sufficient evidence regarding possible harms that warrants taking action? Is there sufficient evidence of safety to justify inaction?

Example: Based on the preponderance of evidence of likely harm, we passed seat belt laws and prevented children from drinking alcohol.

4. Are the scientists being too cautious?

Scientists are conservative regarding “certainty.” They use a “95% confidence test” in order to conclude that two observations that happen together are more than accidental and probably causal. When it comes to taking action,

however, public and environmental health experts recommend action based on sufficient scientific evidence to warrant concern and not on a specific percentage.

What you need to know: What are the risks and what could be the harm if we wait for more research to be conducted before taking action?

Example: Laws limiting human exposure to DDT, lead, tobacco and alcohol were all passed long before a 95% confidence test was met. These laws were based on a preponderance of evidence rather than 95% certainty.

5. Are the findings influenced by funding source, trade secrets, or suppression of data?

The design of a scientific study may be influenced by the source of its funding. This has been well documented by independent observers. It is therefore reasonable and prudent for legislators to ask all scientists and those who cite scientific research about their sources of funding.

What you need to know: What are the sources of funding for the work being cited? Were any data omitted due to trade secret protections or similar reasons?

Example: 1) The source of funding for a study can influence important findings or cause contrary results to be omitted from the study's report. 2) Important data that an industry provides to a federal agency before marketing will not be in the public domain and may not have been subjected to peer review.

6. Has anyone addressed the economic harm associated with inaction?

Policy-makers must weigh not only the cost of taking action but also the cost of inaction. Science offers insight into the costs of inaction.

What You Need to Know: What public and private costs may be incurred if we do not take action on this proposed policy?

Example: A 2015 peer reviewed study estimated the costs to the EU of human exposure to endocrine disruptors at \$209 billion annually in medical care and lost productivity. (*Trasande et al J Clin Endocrinol Metab. 2015 Apr; 100(4): 1245–1255.*)

Note: The fiscal note on a bill will not typically assess the costs of inaction. It addresses only the costs of adopting the policy, and usually only the costs to government.

7. Have long term effects been assessed?

Early life exposures can create high risks in later life. An example is the link between lead poisoning and long-term harms to children, or between tobacco and cancer. Over time, human exposures to multiple chemicals will have interactive effects that may be quite different from the effects of a single chemical.

What you need to know: Does the science presented also address the long-term effects of exposure? If not, is that because the research does not exist?

Note: Federal agency review does not establish absolute safety. The US EPA registers chemicals based on “reasonable certainty of no harm” and has yet to address the synergistic effects of chemicals in real life, such as interactions with other chemicals in the environment, medications, and illness.

Weight of the Evidence

This term refers to a judgment in the scientific community that most studies to date confirm a particular conclusion. Scientists are always open to new findings, so they may avoid using terms like “certainty”, “100%” or “we are sure.”

HB 0387_GRoss_fav.pdf

Uploaded by: Gabrielle Ross

Position: FAV



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.

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Uploaded by: Gwen DuBois MPH

Position: FAV



February 9, 2022

House Bill 387: Pesticide Regulation - Transfer to Department of the Environment

Committee: House Environment and Transportation Committee

Position: Support

Chesapeake Physicians for Social Responsibility (CPSR) is statewide evidenced-based, organization of over 900 physicians, other health professionals, and supporters that addresses the existential public health threats: nuclear weapons, the climate crisis and the issues of pollution and toxics' effect on health, as seen through the intersectional lens of environmental, social, and racial justice. As an organization founded by physicians, we understand that prevention is far superior to treatment in reducing costs, death, illness, injury, and suffering.

[The health consequences](#) of pesticide exposure include dermatologic, gastrointestinal, respiratory, cardiac, hormonal, reproductive, immunologic, neurologic, and in some cases carcinogenic. The list of [associated conditions](#) are as varied as the classes of pesticides used today and include congenital birth defects, pre mature labor, diabetes, asthma, chronic lung disease, hypertension neurodegenerative diseases like Parkinson's, Alzheimer, and a disturbing long list of cancers including childhood leukemia and brain cancer in children While pesticide exposures impact all people, **these risks can especially effect vulnerable populations, including children, and the elderly. Some of the most exposed are farm families, owners and workers, agricultural communities where pesticides are used on farms and more likely to get into their ground water and drinking water.** Pesticide residues get into plants, and animals when they graze, and into food including, for example, almost all soybeans, berries, grains, fish, and baby formula.

Pesticides are more than an agricultural tool to be used to prevent pest and weeds in food production. Pesticides are everywhere in our environment and the stake holders are all of us who depend on a healthy environment.

While pesticide use is part of farming, there is something called the [pesticide treadmill](#) and nothing better describes this than the story of glyphosate, and glyphosate based herbicides (GBH). Glyphosate is the most heavily applied herbicide in the world and its use has [tripled](#) since 1997. It is also the most heavily applied [pesticide in Maryland](#). Used to kill weeds and spare the genetically modified plants that are resistant to glyphosate, it has been hailed as a real advance and benefit for farmers and land care. For the farmers, the pesticide treadmill becomes expensive because resistance has led to [reduction in crop yields](#) over time. Once on this pesticide treadmill, it is hard to get off. In addition to reduction in crop yields, **resistance to**

GBH has led to higher costs associated with spraying more often and additions of herbicides like 2-4 d, [a component of Agent Orange](#)—the sixth heavily used pesticide in Maryland and a possible carcinogen by IARC. It is marketed with glyphosate as DUO.

The story gets more complicated though, because of health concerns related to glyphosate. It has been designated a probable carcinogen by the International Agency for Research in Cancer, IARC. A collection of studies looking at heavily exposed populations, including **workers who apply GBH, found a 45% [increased risk of non-Hodgkin's lymphoma](#)**. It is unclear whether adverse effects are due to glyphosate, the surfactants, or to their combined toxicity.

The US Geological Society found glyphosate in 36% of midwestern [streams](#) it tests and a degradation product in 69%. Maybe some of these pesticides are beneficial, especially with certain crops, but it would help to have evidence where these benefits outweigh risks to environment, health, and agriculture. We can see this is a complex picture involving chemicals, crops, environment, animals, and humans. **We need an agency qualified with toxic, scientific, and public health oversight to assess the appropriateness, for example, of using a pesticide that combines glyphosate with 2-4 d, both already linked to cancer individually.**

Other states ensure that EPA-registered pesticides, manufacturers want to sell in those states, **are reviewed by the state with a lens to assess the risks related to health and environmental impacts vs the benefits to the users**--especially farms and the land care industry, who rely on pesticides in their industry.

Chesapeake Physicians for Social Responsibility supports HB387 because we believe the **Department of the Environment is better suited**, in consultation with Departments of Agriculture and Health, **to sort out in this very complicated picture of ever-increasing amounts of pesticides in our environment, and how to regulate them in a way that benefits all the stakeholders, including users, people, animals, plants, and our environment.**

Gwen DuBois, M.D., MPH
President
Chesapeake Physicians for Social Responsibility
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HB 0387_JDavidson_fav.pdf

Uploaded by: Jason Davidson

Position: FAV



February 9, 2022

House Environment and Transportation Committee

Testimony of Jason Davidson, Friends of the Earth

In Support of HB 387

Chairman Barve, Vice Chair Stein, and members of the Committee

My name is Jason Davidson. I am testifying on behalf of Friends of the Earth, a national environmental advocacy organization with more than 30,000 members and supporters in Maryland. Friends of the Earth has worked for a decade to address pesticide uses posing the most harm to people and pollinators.

This decade has seen great progress in some regards, and significant inaction across multiple administrations in others. **At the federal level, EPA has taken nearly no actions to significantly restrict or ban the most egregious pesticides.** While the agency did revoke all food tolerances of the neurotoxic pesticide chlorpyrifos, which Maryland has already fully banned, the decision only came after the 9th Circuit Court ordered EPA to take action.

In the halls of Congress, even less has been done. No legislation banning or restricting a pesticide has passed at the federal level in decades. As a result, **attention has necessarily shifted** in this time to focus **on two important avenues for protecting public health: state legislation** and fixing the rules by which EPA registers pesticides.

On the state front, **Maryland has been a national leader in protecting people and pollinators from pesticides.** The legislature has passed 2 bills to restrict neonicotinoids, one of the leading causes of global bee declines, and the Hogan administration banned chlorpyrifos following a long legislative effort to do so. Many other states, including Maine, Vermont, Massachusetts, Connecticut, New York, New Jersey and Minnesota have taken steps to ban or restrict neonicotinoids and chlorpyrifos over the last decade.

In regard to **EPA's process for registering pesticides, a number of loopholes, oversights and institutionalized practices have led to a dearth of protections** from some of the most harmful pesticides. As a result, Senator Booker introduced the Protect America's Children from Toxic Pesticides Act. This legislation would close many of the aforementioned loopholes, ban neonicotinoids and organophosphates, the class of pesticides chlorpyrifos belongs to, and implement important protections for farm workers.

The relationship between state action (or inaction) and EPA's registration process are clear: In the vast majority of cases, and **for the vast majority of pesticides, state regulators such as the Maryland Department of Agriculture rely heavily on EPA decisions when registering pesticides in their states.**

While states, including Maryland, have made some great strides in pesticide protections, regulation remains slow and reactive, rather than proactive. For instance, while Governor Hogan issued an



executive order calling on the Maryland Department of Agriculture to ban chlorpyrifos, the order only came after three years of legislative efforts to ban the pesticide in 2020. This, despite EPA scientists recommending a ban in 2015 and 2016. After the Trump administration reversed course in 2017, proactive state regulation may have involved regulators who were well aware of the underlying science behind the recommendations for a ban in 2015 and 2016. Proactive regulators may have been empowered to weigh that science against the political decision to reverse course, and move to ban chlorpyrifos themselves.

Instead, as was the case in multiple states, it took years of legislative efforts before agencies stepped in. While this may not reflect a lack of concern or the intent of regulators, **the reality is that Maryland's existing system of pesticide regulation, as is the case in many states, is not built to proactively protect people and pollinators from pesticides.**

HB 387 would take an important step towards more proactive protections by shifting pesticide registration authority from the Department of Agriculture to the Department of the Environment. **States whose pesticide registration authority lies under their departments of the environment, rather than agriculture, have historically been more protective of people and pollinators.**

New York, for instance, **New York's Department of Environmental Conservation has banned 6 pesticides or classes of pesticides that EPA has not, and restricted many more.** Most recently, New York banned chlorpyrifos and classified a number of neonicotinoid uses as restricted-use.

New York State conducts technical reviews of new active ingredients (NAI) and major change in labeled use patterns (MCL) of previously registered active ingredients in NYS. NAI and MCL **applications are thoroughly reviewed for potential impact to human health, non-target organisms, and environmental fate** by technical staff from the Department and from the NYS Department of Health. A complete assessment is provided in the Department registration decision letter to the applicant. If a mitigated measure is negotiated between the Department and the applicant, the measure is recorded in the registration decision letter. NAI/MCL registration decision letters can be viewed on the NYS Bureau of Pesticide Management Information Portal (NYSPAD) by searching on the active ingredient letters tab and searching by active ingredient name or chemical code. The NYS specific language statement must be located in an obvious section of the label within the directions for use or on the front panel if directed by the Department as sited in the registration decision letter.

This investment in carefully reviewing pesticide products is in line with the New York Department of Environmental Conservation's Mission, **"to conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare** of the people of the state and their overall economic and social well-being." Meanwhile, **the Maryland Department of the Environment's mission is to "protect and restore the environment for the health and well-being of all Marylanders."**



The Maryland Department of Agriculture’s mission is “...to provide leadership and support to agriculture and the citizens of Maryland by conducting regulatory, service, and educational activities that assure consumer confidence, protect the environment, and promote agriculture.”

These mission statements, along with the more proactive nature of New York’s pesticide regulations (as one example), paint a clear picture: **pairing pesticide regulation with the regulators whose mission it is to protect people and the environment from pollution can result in better protections for people, the Bay, and pollinators from pesticides.**

New York and other states whose pesticide regulations fall under their departments of environment still consult with Departments of Agriculture and take fully into account the costs and benefits associated with regulating pesticides, as does EPA. Shifting regulation to the agency with the most expertise and resources as well as the mission to protect people and the environment will allow for a more proactive approach that will ultimately benefit all Marylanders.

Friends of the Earth urges you to favorably report HB 387 out of Committee.

Thank you.

Jason Davidson
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Uploaded by: Jesse Illiff

Position: FAV



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CFC#: 31891

Committee: House Environment and Transportation
Legislation: HB 0387
Position: SUPPORT
Date: February 9, 2022

Dear Chairman Barve, Vice Chair Stein, and members of the Committee:

Waterkeepers Chesapeake supports HB 0387, which will transfer pesticide regulation from Maryland Department of Agriculture (MDA) to the Department of Environment (MDE) and urges a favorable report from the committee. Waterkeepers Chesapeake is a coalition of seventeen independent, non-profit Waterkeeper organizations, united behind a vision of clean water for all Chesapeake and coastal bay communities. We believe that the Department of Environment's mission to protect the State's environment makes it better suited to regulate toxic pesticides than the Department of Agriculture for the following reasons:

The EPA Chesapeake Bay Program reports 82% of the Chesapeake Bay's tidal waters are partially or fully impaired by chemical contaminants.¹ The Program notes that from the insecticides put on farm fields to the cleaners we use to disinfect our homes, contaminants enter the Bay and its tributaries and harm the health of both humans and wildlife. The Bay program further notes that the contamination of our waters by toxic pollution has worsened since 2010.² This decline must not continue.

The Maryland Department of the Environment is most qualified to handle regulation of hazardous substances. We believe MDE should regulate pesticides in the state because its mission "To protect and restore the environment for the health and well-being of all Marylanders" is properly focused on protecting health and the environment. Additionally, MDE already regulates hazardous waste, toxic air pollution, reviews toxic materials permit applications, and monitors toxic water pollution. Thus, MDE has the expertise and tools in place to regulate the toxic and hazardous chemicals classified as pesticides.

Existing MDE programs to protect human health and the environment:

- The Wetlands and Waterways Program is designed to protect and manage Maryland's tidal and nontidal wetlands and waters. Besides its regulatory functions, the Program purpose includes creating, restoring, and enhancing nontidal wetlands and streams; providing training and technical assistance to local jurisdictions and private organizations; and helps develop watershed management plans. Pesticides present imminent threats to these resources, and the division of regulatory authority over the threat from the resource threatened adds bureaucratic obstacles to prompt, effective protective action.
- The Environmental Risk and Assessment Program monitors shellfish and fish tissues for contaminants; and studies water quality. To evaluate and reduce whole effluent toxicity, the Program oversees tests at municipal and industrial facilities and develops and promulgates regulations to protect the quality of groundwater and surface water. By including pesticide oversight, this program could also include needed monitoring for pesticide contamination of the bounty of seafood from the Bay and protect human health.

¹ Toxic Contaminants Policy and Prevention. 2016. Chesapeake Progress. Retrieved January 28, 2022, from <https://www.chesapeakeprogress.com/clean-water/toxic-contaminants-policy-and-prevention>

² *Id.*

Anacostia RIVERKEEPER®
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Gunpowder RIVERKEEPER®

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Miles-Wye RIVERKEEPER®
Patuxent RIVERKEEPER®
Potomac RIVERKEEPER®

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Protection of the environment and human health is not the Department of Agriculture's central mission.

For example, **MDA's reporting of pesticide use in the State is woefully incomplete.** In 2014 the General Assembly provided annual dedicated funding for MDA to survey and report pesticide use. Since then, MDA has conducted only one survey, published in December 2016. The survey gathered data from just 7% of farmers and 15% of certified applicators in the State. A 7-15% confidence level for a study is a poor indication of statistical significance. Notwithstanding the doubtfulness of any overall conclusions that can be drawn from such a sample, the quantitative data the survey revealed are sobering. The 2016 survey reported 4.9 million pounds of pesticides were used by participating reporters. If the 7% of farmers is representative of all farmers in the State, farmer use alone could be in the realm of 70 million pounds of pesticides used in Maryland during the study period of 2014. A better grasp on the usage of these chemicals is vital to understanding and addressing the effects pesticides have on Maryland's waterways and critical ecosystems.

Review of scientific literature on the Bay and pesticides from 2011 to 2021 reveal the following alarming trends:

- Application rates for dominant pesticides suggest that while total pesticide mass declined, the toxicity of pesticides has stayed the same or increased because the chemistry of pesticides are manufactured to be more toxic and the real load of pesticides entering the Bay is under-reported.³
- More understanding of toxicity levels and regulating the use of more toxic pesticides can reduce potential risks to human health and activity.^{4 5 6}
- The presence of multiple contaminants in the watershed can increase the potential for pesticide synergism, when the toxicity or harmfulness of some (even less toxic) pesticides is increased through combination with other chemicals.^{4 7 8 9}
- The persistence of many toxic pesticides means that pesticide loads build up over time, ultimately exceeding EPA benchmarks. Monitoring this accumulation of historic and legacy pesticides is an important component of any approach to pesticide management.^{4 5 8 9 10 11}
- Studies on a range of species indicate that pesticides pose serious risks to physical development and the functioning of most physiological systems (including hormone, reproduction, immune, and nervous

³ Hartwell, S.I., 2011, Chesapeake Bay pesticide use declines but toxicity increases. *Environmental Toxicology and Chemistry* 30:1223-1231. <https://doi.org/10.1002/etc.491>

⁴ Nieder, R., D.K. Benbi, and F. X. Reichl. 2018. Health risks associated with pesticide in soils. *Soil Components and Human Health*. Springer ebook 907 pp. <https://doi.org/10.1007/978-94-024-1222-2>

⁵ Thanomsit, C., S. Saowakoon, A. Wattanakornsiri, J. Nanuam, W. Prasatkaew, P. Nanthanawat, P. Mongkolvai and W. Chalorchaoenyng. 2020. Glyphosate (Roundup): Fate in aquatic environment, adverse effect and assessment in aquatic organisms. *Naresuan University Journal: Science and Technology* 28: 65-81 <https://doi.org/10.14456/nujst.2020.7>

⁶ Samsel, A. and S. Seneff. 2017. Glyphosate pathways to modern diseases VI: Prions, amyloidosis and autoimmune neurological diseases. *Journal of Biological Physics and Chemistry* 17:8-32 <http://doi.org/10.4024/2SSA16A.jbpc.17.01>

⁷ McClure, C.M., K. L. Smalling, V. S. Blazer, A. J. Sperry, M. K. Schall, D. W. Kolpin, P. J. Phillips, M. L. Hladik and T. Wagner. 2020. *Science of The Total Environment* 728: 138765 <https://doi.org/10.1016/j.scitotenv.2020.138765>

⁸ Smalling, K.L., O.H. Devereux, S.E. Gordon, P.J. Phillips, V.S. Blazer, M.L. Hladik, D.W. Kolpin, M.T. Meyer, A.J. Sperry and T. Wagner. 2021. Environmental and anthropogenic drivers of contaminants in agricultural watersheds with implications for land management. *Science of the Total Environment* 774:145687 <https://doi.org/10.1016/j.scitotenv.2021.145687>

⁹ Powell, K.W., W.G. Cope, C.E. LePrevost, T. Augspurger, A.M. McCarthy and D. Shea. 2017. A retrospective analysis of agricultural herbicides in surface water reveals risk plausibility for declines in submerged aquatic vegetation. *Toxics* 5, 21. <https://doi.10.3390/toxics5030021>

¹⁰ Yang, C., W. Lim and G. Song. 2021. Immunotoxicological effects of insecticides in exposed fishes. *Comparative Biochemistry and Physiology, Part C* 247: 109064 <https://doi.org/10.1016/j.cbpc.2021.109064>

¹¹ Mahler, B.J., L.H. Nowell, M.W. Sandstrom, P.M. Bradley, K.M. Romanok, C.P. Konrad and P. C. Van Metre. 2021. Inclusion of pesticide transformation products is key to estimating pesticide exposures and effects in small U.S. streams. *Environmental Science and Technology* 55:4740-4752. <http://doi.org/10.1021/acs.est.0c06625>

systems). Monitoring the presence of tumors and other ill effects in animals can help us monitor overall water quality and better understand potential risks to human health and activity.^{4 9 10 11 12 13 14 15 16 17 18}

- Pesticides are difficult to control, even when professionally applied. Risks can be mitigated through a variety of regulatory approaches. State legislators can take steps to ban or limit the most dangerous and persistent compounds. The negative impacts of other pesticides can be decreased through management tactics that emphasize controlled application, groundwater retention, and sediment management. Stormwater management is also an important tool in managing pesticides that is well documented but not yet practiced across the Chesapeake Bay watershed.^{17 18 19 20}

Maryland would not be the first state to implement these measures. Other states that regulate pesticides through their environmental agencies include New Jersey, New York, Connecticut, Rhode Island, Vermont, Maine, South Carolina, Wyoming, Alaska, and California.

Waterkeepers Chesapeake urges the committee to provide a favorable report on HB0387 to ensure toxic pesticides are properly assessed for their unique impacts on our treasured Bay, its tributaries, and the communities that depend on them.

Sincerely,



Jesse L. Iloff

Board Chair, Waterkeepers Chesapeake

¹² Blazer, V.S., S. Gordon, D. Jones, L.R. Iwanowicz, H.L. Walsh, A.J. Sperry and K.L. Smalling. 2020. Estrogenic endocrine disruption in the Chesapeake Bay Watershed: A retrospective review and land-use influences. *Chemosphere* 266: 129009 <https://doi.org/10.1016/j.chemosphere.2020.129009>

¹³ Gordon, S., D. Jones, V.S. Blazer, L. Iwanowicz, B. Williams and K. Smalling. 2021. Modeling estrogenic activity in streams throughout the Potomac and Chesapeake Bay watersheds. *Environ. Monitoring and Assessment* 193:105 <https://doi.org/10.1007/s1066>

¹⁴ Britt, A., M. Bernini, B. McSweeney, S. Dalapati, S. Duchin, K. Cavanna, N. Santos, G. Donovan, K. O'Byrne, S. Noyes, M. Romero, K.N.T.Poonacha and T. Scully. 2020. The effects of atrazine on the microbiome of the eastern oyster: *Crassostrea virginica*. *Scientific Reports* 10:11088 <https://doi.org/10.1038/s41598-020-67851-4>

¹⁵ Van Meter, R.J., R. Adelizzi, D.A. Glinski and W.M. Henderson. 2019. Agrochemical mixtures and amphibians: the combined effects of pesticides and fertilizer on stress, acetylcholinesterase activity, and bioaccumulation in a terrestrial environment. *Environmental Toxicology and Chemistry* 38:1052-1061 <https://doi.org/10.1002/etc.4375>

¹⁶ Hostovsky, M., J. Blahova, L. Plhalova, V. Kopriva and Z. Svobodova. 2014. Effects of the exposure of fish to triazine herbicides. *Neuroendocrinology Letters* 35 (suppl. 2):3-25 https://www.nel.edu/userfiles/articlesnew/1520712285_35_s2_hostovsky_3-25-pdf.pdf

¹⁷ Potter, T.L., Coffin, A.W. 2017. Assessing pesticide wet deposition risk within a small agricultural watershed in the Southeastern Coastal Plain (USA). *Science of the Total Environment* 580:158-167. <http://dx.doi.org/10.1016/j.scitotenv.2016.11.020>

¹⁸ Wolfram, J., S. Stehle, S. Bub, L.L. Petschick and R. Schulz. 2019. Insecticide risk in US surface waters: drivers and spatiotemporal modeling. *Environmental Science and Technology* 53:12071-12080. <https://doi.org/10.3390/ijerph18020468>

¹⁹ Kim, H.W. and M.-H. Li. 2016. Managing stormwater for urban sustainability: an evaluation of local comprehensive plans in the Chesapeake Bay watershed region. *Journal of Environmental Planning and Management* 60:1702-1725 <https://doi.org/10.1080/09640568.2016.1251399>

²⁰ Schueler, T. and A. Youngk. 2015. Potential benefits of nutrient and sediment practices to reduce toxic contaminants in the Chesapeake Bay Watershed Part 1: Removal of urban toxic contaminants. Final Report prepared for the Toxics Work Groups, Chesapeake Bay Partnership. Chesapeake Stormwater Network. 111 pp. https://www.chesapeakebay.net/channel_files/22745/110115_review_draft_urban_toxics_contaminants_report.pdf



HB0387_MDSierraClub_fav 9Feb2022.pdf

Uploaded by: Josh Tulkin

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Environment & Transportation

Testimony on: HB387 “Pesticide Regulation – Transfer to Department of the Environment”

Position: Support

Hearing Date: February 9, 2022

The Maryland Sierra Club strongly supports this bill, which would move the responsibility of pesticide regulation from the Department of Agriculture (MDA) to the Department of the Environment (MDE). The bill would also encourage the MDE to consult with both the MDA and the Maryland Department of Health (MDH) and thus incorporate a wider perspective into the regulation of pesticides.

The term pesticides include herbicides, insecticides, rodenticides, and fungicides. These chemicals are toxic to plants, animals, and humans and may persist in the environment long after they are used for their intended purpose. For this reason, we need tight regulation in all areas where they are used, expanding beyond the agricultural domain. Pesticides are routinely used in parks, school grounds, golf courses, athletic fields, office buildings and grounds, and other locations too numerous to list here.

Shifting the authority to regulate pesticides to the MDE places the responsibility in a department that has both a broader scope of oversight as well as an expertise in toxic substances. The MDE already regulates hazardous substances and has the imperative to protect the state’s air, water, and land, where many of these pesticides end up.

Pesticides pose a significant public health problem. Human exposure to pesticides has been linked to cancer, reproductive disorders, and hormonal system disruption.¹ With this in mind, the MDH will provide invaluable input into the decisions about pesticide regulation.

In summary, by giving the MDE the overall responsibility to regulate pesticides in a more comprehensive way, while still retaining the ability to consult with the MDA and the MDH, we will realize benefits to the health of our ecosystems and ourselves. We request a favorable report on HB387.

Lily Fountain
Natural Places Committee Chair
Lily.Fountain@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

¹Environmental Protection Agency (November 4, 2021) <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-issues-related-pesticides#what>

HB 0387_KHuffling_fav.pdf

Uploaded by: Katie Huffling

Position: FAV

February 9, 2022

Testimony re: HB 387: Pesticide Regulation – Transfer to Department of the Environment
Submitted to: The House Environment and Transportation Committee
Position: In Support

Dear Chairman Barve and members of this Committee,

The Alliance of Nurses for Healthy Environments is the only national organization of nurses whose main focus is on the intersection of health and the environment. We are concerned about the human health effects that may be associated with pesticide exposures and strongly support HB 387.

A growing body of science regarding the adverse impacts of pesticides on human health is undebatable. Pesticide exposure is linked to asthma and other respiratory disorders, autism, ADHD, cancer, developmental disorders, Parkinson’s disease, Alzheimer’s, birth defects, fertility problems and more (see references below).

According to the US EPA, “The health effects of pesticides depend on the type of pesticide. Some, such as the organophosphates and carbamates, affect the nervous system. Others may irritate the skin or eyes. Some pesticides may be carcinogens. Others may affect the hormone or endocrine system in the body.”¹

According to the Centers for Disease Control and Prevention’s 4th National Report on Human Exposure to Environmental Chemicals², pesticides are ubiquitous in our environment and are leading to increasing body burdens of these chemicals. What this means is that people of all ages, including newborn babies at the time of birth are found to have pesticides, among other potentially hazardous chemicals, circulating in their blood.

A case in point: in 2021, the US EPA finally banned chlorpyrifos on all food crops, after several states (including Maryland) restricted, and even banned, the use of the brain-harming organophosphate pesticide chlorpyrifos because it was found to be impacting the developing fetus and young children at any detectable level. This decision was based on the EPA’s own 20+ years of research³ on this pesticide and in response to lawsuits and pressure from the 9th Circuit Court of Appeals demanding that EPA make a final determination on chlorpyrifos. Maryland was among [several states](#) that sued the EPA for its decision to reverse the ban on chlorpyrifos for agricultural uses.

A [2018 review by leading experts in Project TENDR](#) found that the widespread use of organophosphate pesticides, including chlorpyrifos, to control insects has resulted in ubiquitous human exposures and that prenatal exposure at low levels is putting children at risk for cognitive and behavioral deficits and for neurodevelopmental disorders.

Pesticides are particularly dangerous to the health of children. Children are especially susceptible to adverse health effects from pesticides, particularly in the fetal period and in early life when brain and organ development occurs. [Fernando Stein, former president of the American Academy of Pediatrics, said:](#) “*Extensive epidemiologic studies associate pesticide exposure with adverse birth and developmental outcomes, including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma. The evidence is especially strong linking certain pesticide exposure with pediatric cancers and permanent neurological damage.*”

¹ <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/human-health-issues-related-pesticides#What>

² <https://www.cdc.gov/exposurereport/index.html>

³ <https://www.regulations.gov/document/EPA-HQ-OPP-2015-0653-0454>



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

The Maryland IPM in Schools Law notes that all parents and staff must receive notification prior to pesticide applications in our public schools and that the notice include possible adverse impacts; a US EPA statement notes that “pregnant women and children under the age of two should avoid unnecessary exposure to pesticides”.

Oversight of pesticides by a state needs to take human health impacts into account. The Maryland Department of the Environment (MDE) is uniquely positioned to provide such oversight, since they currently regulate all other hazardous chemicals.

The Alliance of Nurses for Healthy Environments strongly urges you to protect the health of Marylanders with a favorable report for HB 387 to ensure authority to regulate pesticides is shifted from the Maryland Department of Agriculture whose charge is the promotion and protection of Maryland’s agriculture industry to the Maryland Dept. of the Environment—the agency with scientific expertise that is already charged with the oversight of toxic substances.

Thank you for the opportunity to provide support for this bill.

Sincerely,

Dr. Katie Huffling, DNP, RN, CNM, FAAN

Executive Director, Alliance of Nurses for Healthy Environments

katie@enviRN.org

Additional References:

- Abou-Donia, M. B., Goldstein, L. B., Bullman, S., Tu, T., Khan, W. A., Dechkovskaia, A. M., & Abdel-Rahman, A. A. (2008). Imidacloprid induces neurobehavioral deficits and increases expression of glial fibrillary acidic protein in the motor cortex and hippocampus in offspring rats following in utero exposure. *Journal of Toxicology and Environmental Health, Part A*, 71(2), 119-130.
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- Salam, M. T., Li, Y. F., Langholz, B., & Gilliland, F. D. (2004). Early-life environmental risk factors for asthma: findings from the Children's Health Study. *Environ Health Perspect*, 112(6), 760-765.
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- <http://civileats.com/2016/02/03/are-bee-killing-pesticides-impacting-our-health-neonicotinoids/>

SB 0268_KHuffling_fav.pdf

Uploaded by: Katie Huffling

Position: FAV

February 2, 2022

Testimony re: SB 268: Pesticide Regulation – Transfer to Department of the Environment
Submitted to: The Senate Education, Health and Environmental Affairs Committee
Position: In Support

Dear Chairman Barve and members of this Committee,

The Alliance of Nurses for Healthy Environments is the only national organization of nurses whose main focus is on the intersection of health and the environment. We are concerned about the human health effects that may be associated with pesticide exposures and strongly support SB 268.

A growing body of science regarding the adverse impacts of pesticides on human health is undebatable. Pesticide exposure is linked to asthma and other respiratory disorders, autism, ADHD, cancer, developmental disorders, Parkinson’s disease, Alzheimer’s, birth defects, fertility problems and more (see references below).

According to the US EPA, “The health effects of pesticides depend on the type of pesticide. Some, such as the organophosphates and carbamates, affect the nervous system. Others may irritate the skin or eyes. Some pesticides may be carcinogens. Others may affect the hormone or endocrine system in the body.”¹

According to the Centers for Disease Control and Prevention’s 4th National Report on Human Exposure to Environmental Chemicals², pesticides are ubiquitous in our environment and are leading to increasing body burdens of these chemicals. What this means is that people of all ages, including newborn babies at the time of birth are found to have pesticides, among other potentially hazardous chemicals, circulating in their blood.

A case in point: in 2021, the US EPA finally banned chlorpyrifos on all food crops, after several states (including Maryland) restricted, and even banned, the use of the brain-harming organophosphate pesticide chlorpyrifos because it was found to be impacting the developing fetus and young children at any detectable level. This decision was based on the EPA’s own 20+ years of research³ on this pesticide and in response to lawsuits and pressure from the 9th Circuit Court of Appeals demanding that EPA make a final determination on chlorpyrifos. Maryland was among [several states](#) that sued the EPA for its decision to reverse the ban on chlorpyrifos for agricultural uses.

A [2018 review by leading experts in Project TENDR](#) found that the widespread use of organophosphate pesticides, including chlorpyrifos, to control insects has resulted in ubiquitous human exposures and that prenatal exposure at low levels is putting children at risk for cognitive and behavioral deficits and for neurodevelopmental disorders.

Pesticides are particularly dangerous to the health of children. Children are especially susceptible to adverse health effects from pesticides, particularly in the fetal period and in early life when brain and organ development occurs. [Fernando Stein, former president of the American Academy of Pediatrics, said](#): “*Extensive epidemiologic studies associate pesticide exposure with adverse birth and developmental outcomes, including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma. The evidence is especially strong linking certain pesticide exposure with pediatric cancers and permanent neurological damage.*”

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Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

The Maryland IPM in Schools Law notes that all parents and staff must receive notification prior to pesticide applications in our public schools and that the notice include possible adverse impacts; a US EPA statement notes that “pregnant women and children under the age of two should avoid unnecessary exposure to pesticides”.

Oversight of pesticides by a state needs to take human health impacts into account. The Maryland Department of the Environment (MDE) is uniquely positioned to provide such oversight, since they currently regulate all other hazardous chemicals.

The Alliance of Nurses for Healthy Environments strongly urges you to protect the health of Marylanders with a favorable report for SB 268 to ensure authority to regulate pesticides is shifted from the Maryland Department of Agriculture whose charge is the promotion and protection of Maryland’s agriculture industry to the Maryland Dept. of the Environment—the agency with scientific expertise that is already charged with the oversight of toxic substances.

Thank you for the opportunity to provide support for this bill.

Sincerely,

Dr. Katie Huffling, DNP, RN, CNM, FAAN

Executive Director, Alliance of Nurses for Healthy Environments

katie@enviRN.org

Additional References:

- Abou-Donia, M. B., Goldstein, L. B., Bullman, S., Tu, T., Khan, W. A., Dechkovskaia, A. M., & Abdel-Rahman, A. A. (2008). Imidacloprid induces neurobehavioral deficits and increases expression of glial fibrillary acidic protein in the motor cortex and hippocampus in offspring rats following in utero exposure. *Journal of Toxicology and Environmental Health, Part A*, 71(2), 119-130.
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- <http://civileats.com/2016/02/03/are-bee-killing-pesticides-impacting-our-health-neonicotinoids/>

HB 0387_KTrousdale_fav.pdf

Uploaded by: Kristie Trousdale

Position: FAV



February 9, 2022

Re: HB 387: Pesticide Regulation - Transfer to Department of the Environment
Submitted to: House Environment and Transportation Committee
Position: Support

Dear Chairman Barve, Vice Chair Stein, and members of the committee,

I am the Deputy Director for the [Children's Environmental Health Network](#), a Maryland resident, and a parent. I am writing in support of HB387 (Pesticide Regulation - Transfer to Department of the Environment) to transfer the authority to regulate pesticides from the Department of Agriculture to the Department of the Environment.

The Children's Environmental Health Network is a national organization that for 30 years has worked to protect children and future generations from environmental health hazards and promote a healthy environment. Our Executive Director has served on the Maryland Children's Environmental Health and Protection Advisory Council for over 5 years. Pesticides, by design, are environmental health hazards, and therefore children's health and developmental considerations must be central to the pesticide regulatory process.

Children at all stages of development (including during prenatal development) are especially vulnerable to the toxic health effects of pesticides due to their unique physiological and behavioral differences, such as differences in their absorption, distribution, metabolism and excretion of xenobiotics. In addition, their organ systems (including their immune, nervous, and respiratory systems) are still developing, and disruption during development can lead to life-long harm. Pesticides have well documented adverse effects on children, including preterm birth, low birth weight, congenital abnormalities, pediatric cancers, neurobehavioral and cognitive deficits, and asthma.¹

Maryland's children are struggling with many of these health and developmental conditions:

- The latest Centers for Disease Control and Prevention surveillance reports that the autism rate among 8-year-olds in Maryland is up 6.5 percent since surveillance two years prior.²
- The prevalence of behavioral or conduct problems among Maryland children age 3-17 is 7.6 percent compared with the nationwide prevalence of 6.8 percent.³

¹ <https://www.epa.gov/sites/default/files/2015-12/documents/pest-impact-hsstaff.pdf>

² <https://www.cdc.gov/mmwr/volumes/70/ss/ss7011a1.htm>

³ <https://mchb.hrsa.gov/data/national-surveys>

- The prevalence of asthma among Maryland children age 0-17 years is 10.1 percent compared with the nationwide prevalence of 7.7 percent.⁴
 - In Baltimore City (a predominantly African American city), the asthma prevalence is 20 percent—double the state prevalence.⁵
- Maryland's percentage of children born at low birth weight is higher than the national rate (9 percent compared with 8 percent).
 - In Baltimore City, the rate is 12 percent.⁶
- While the rate of preterm births in Maryland mirrors the national average, the rate among Maryland's Black women is 44 percent higher than the rate among all other women in the state.⁷

We need to improve maternal and child health and development outcomes in our state, and we need to address the significant health disparities for our families of color and in under-resourced communities. A critical strategy to achieve this lies with effective regulation of toxic substances, including pesticides. Improved regulation, informed by thorough assessment of the most up-to-date, rigorous, peer-reviewed pediatric, toxicological and epidemiological science by subject matter experts, will reduce children and pregnant peoples' exposures and reduce their risk of adverse impacts.

The Maryland Department of Agriculture was initially established to serve the agricultural interests of the state, and a significant part of its current mission is to support farming and farmers. The department lacks environmental and toxicological, epidemiological and other scientific expertise among its staff to effectively assess the level of safety and risks of pesticides and their impacts on human health. **The Maryland Department of the Environment has the staff expertise and the clear, uncompromised mission of environmental and public health protection to best oversee pesticide regulation, with counsel from the Maryland Departments of Agriculture and Health. It is important to note that the Department of the Environment will need additional resources and increased capacity to take on this new authority.**

For the reasons stated above, I strongly urge this committee to vote favorably on HB387, Pesticide Regulation - Transfer to Department of the Environment. Children are our most important resource and are the very embodiment of our future. A favorable vote on HB387 will safeguard their health and provide them with a better chance to reach their full potential.

Respectfully submitted,

Kristie Trousdale, Deputy Director
Children's Environmental Health Network
202-543-4033 x11 kristiet@cehn.org

⁴ Ibid.

⁵ [https://abell.org/sites/default/files/files/2020_Abell_pediatric%20asthma_FINAL-web%20\(dr\).pdf](https://abell.org/sites/default/files/files/2020_Abell_pediatric%20asthma_FINAL-web%20(dr).pdf)

⁶ https://www.countyhealthrankings.org/sites/default/files/media/document/CHR2021_MD.pdf

⁷ <https://www.marchofdimes.org/peristats/tools/reportcard.aspx?rmodrc=1®=24>

FSPTA HB0387.docx.pdf

Uploaded by: Laura Stewart

Position: FAV

**Written Testimony Submitted for the Record to the
Maryland House of Delegates
Judicial Proceedings Committee
For the Hearing on
Pesticide Regulations – Transfer to Department of the Environment (HB387)
February 9, 2022**

SUPPORT

Free State PTA represents over 34,000 volunteer members and families in over 500 public schools. Free State PTA is composed of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. As the state's premier and largest child advocacy organization, Free State PTA is a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education.

House Bill 387 bill would place the oversight of pesticides used in our homes, schools, and communities in the state agency whose scope includes oversight of toxins in Maryland and protection of Maryland's natural resources. Free State PTA's position pertaining to environmental health and safety addresses support for HB0387 as it advocates for laws that:

- **Eliminate environmental pollutants and prevent new hazards.**
- **Protect children** from health risks by testing for specific hazards in and around homes and schools and, if hazards are found, **by limiting exposure and addressing remedies.**
- Support research and **data collection about environmental hazards and health risks.**

Free State PTA believes that transferring the regulation of pesticides from the Department of Agriculture to the Maryland Department of Environment (MDE) would provide expanded comprehensive protection to our children and our natural resources (i.e., air, water, soil) from exposure to known toxins, specifically to US Environmental Protection Agency registered hazardous pesticides, over 1,4000 of which MDA registered for use in Maryland in 2021.

Free State PTA strongly believes MDE enforcement and adherence to the 1997 Maryland School Integrated Pest Management (IPM) Law would ensure that our children receive the full protection intended by this groundbreaking legislation. We appreciate the enormous challenges posed by this public health crisis and believe that pesticide regulations under MDE would create safer physical environments for our children, teachers, and staff when EPA registered pesticides are used in schools, especially those currently being used to control pathogens associated with the COVID-19 pandemic. Transparency, verification, and compliance with the Maryland School IPM Law, intended to specifically protect children and their school environment is necessary to ensure the measures taken meet current science-based guidance on safer air quality and water quality during pest management in schools.

The mission of PTA is to make every child's potential a reality by engaging and empowering families and communities to advocate for all children.

As pesticide use exists where children live, work (attend school) and play (our communities), an agency whose priority is agriculture and supporting farmers in Maryland does not align with protecting children and their environmental health. We believe an agency whose focus is protecting public health and our environment from known toxins would be better able to protect children from pesticides allowed for use in the State of Maryland.

HB 387 is about meeting the health and environmental protection needs of all Maryland children. The State agency whose primary focus is protection should be the agency that oversees the most hazardous of toxins, pesticides, which are designed to kill living things and are a known hazard to children's health.

We support all efforts to protect the most vulnerable, infants and children, from known hazards. The chemicals in pesticides have the potential for causing harm to growing children. It is prudent and responsible to monitor these chemicals as they enter the environment, and therefore have the potential for coming in contact with children. Maryland has a responsibility to track these chemicals and monitor their impact to public health and specifically to growing children. The MDE is the agency best equipped to perform that vital responsibility. Our children deserve their protection.

Free State PTA recommends a favorable report on HB 387.

Marla Posey-Moss, President
Free State Parent Teacher Association
president.fsptamd@gmail.com

The mission of PTA is to make every child's potential a reality by
engaging and empowering families and communities to advocate for all children.

HB 0387_LGoembel_fav.pdf

Uploaded by: Luke Goembel

Position: FAV



Established 1997

Testimony re: HB 387: Pesticide Regulation – Transfer to Department of the Environment
Submitted to: The House Environment and Transportation Committee
Submitted: Luke Goembel
Position: Support

February 9, 2022

Dear Chairman Barve, Vice Chair Stein, and members of the committee

I have a Ph.D. in chemistry and I've worked for organizations such as the Army Material Systems Analysis Activity, NASA's Laboratory for Extraterrestrial Physics, and The Johns Hopkins University Applied Physics Laboratory. I'm also a beekeeper and have served three terms as an officer of the Central Maryland Beekeepers Association, currently serve as a member of the Board, have published articles in *American Bee Journal*, have served as a panelist at a Congressional Briefing on pesticides and pollinators, and have spoken at the White House Council on Environmental Quality.

I am providing testimony based on my expertise as a scientist and as a beekeeper. From both perspectives, I strongly urge passage of HB 387 to ensure pesticide regulation is under the auspices of the Maryland agency charged with protecting the health of people and our environment. **It is important to understand that the EPA does not “approve” pesticides but rather registers them on a risk/benefit ratio... the benefit to the industry and its ability to effectively address pest and weed pressures vs the risks to the health of people, pollinators, drinking water, waterways and the environment,** as a whole. This subjective exercise allows for a lot of ‘wiggle room’. What seems an appropriate risk/benefit ratio analysis of a pesticide use for North Dakota is not necessarily appropriate for Maryland.

As a scientist, I understand why FIFRA ensures that state agencies can go beyond EPA's registration of pesticides. In my meetings with EPA personnel, conversations with retired EPA scientists, and familiarity with lawsuits against the agency's approval of increasingly more environmentally harmful pesticides and their use, combined with my knowledge of the current science on pesticides and pollinators, it is clear to me that in order to assure Maryland has a safe environment for people, pollinators, and other life forms we depend on, **Maryland must do what is allowed by FIFRA: Maryland can and *must* perform their own risk/benefit assessment based on current science.** Agency decisions must be based on what Marylanders need and not muddled by politics nor a ‘revolving door policy’ with those they are supposed to regulate.

MDA does not have staff with public or environmental health backgrounds dedicated to ensuring environmental risks are considered, when registering pesticides manufacturers submit to MDA's chemist. Other states, where pesticide oversight is not under a Dept. of Agriculture, have taken steps to further restrict and even ban certain EPA-registered pesticides that they have assessed pose a threat to health, including pollinator health.

In any risk/benefit analysis on pesticides used in our state, **we must consider their role in**

- **the nearly 50-fold increase in the toxicity of the environment to bees¹,**
- **a 75% reduction in the biomass of flying insects over the past three decades²,**
- **a 30% reduction in the population of birds³, and**
- **the fact that Maryland beekeepers lose one-third to one-half of their hives each year⁴, as compared to much lower losses (~10%) in past decades.**



Established 1997

The Maryland Department of Agriculture (MDA) does not have the expertise to oversee pesticide regulation. They lack scientific expertise on toxics, the environment, and health.

My own experience as a beekeeper has underscored that Md. Dept of the Environment, rather than MDA, would be best suited to assess which pesticides may need to be further restricted, based on the science that they threaten pollinators. For example:

1) In 2016, I was invited to participate in the Maryland Managed Pollinator Protection Program (MP3) Summit – a stakeholder meeting planned and hosted by the MDA to make decisions on how to improve survival for pollinators in Maryland. To my surprise, most of the stakeholder’s present were pesticide company executives and pesticide users, resulting in the majority of participants deciding that pesticides have little to do with our devastating annual hive losses.

2) MDA opposed the Pollinator Protection Act of 2016 and ignored the breadth of research that has shown a clear link between the alarming pollinator losses we are experiencing in the state and pesticide exposures. I give details of the MDA’s MP3 flawed process in “Beekeeping Stakeholder,” published in *American Bee Journal* [attached].

3) After the Pollinator Protection Act was implemented in 2018, members of Central Maryland Beekeepers Association found retailers were still selling consumer neonic-containing products for two years after the ban went into effect. We shared this information with MDA. We later learned that MDA was allowing for a loophole in the law, whereby retailers who had Restricted Use Pesticide licenses could also continue to sell these products to consumers—even though consumers are forbidden by the law to use them. Over 350 Maryland beekeepers signed on to testimony to support the bill last year to close this loophole. Beekeepers are grateful to this committee and the Maryland General Assembly for passing this corrective law in 2021.

These examples are why we need an agency whose primary expertise is scientific, regarding toxic impacts on the health of the environment and people.

As both a scientist that has observed some of the gaps in MDA’s scientific understanding and references over the years and as a long-time beekeeper, I urge a favorable report on HB387.

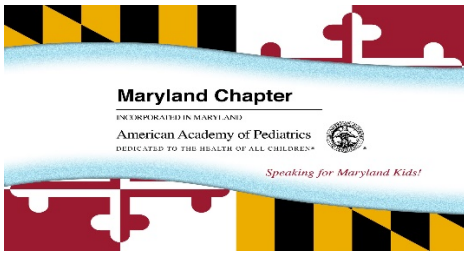
References:

- 1) <https://pubmed.ncbi.nlm.nih.gov/31386666/>
- 2) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185809>
- 3) <https://news.cornell.edu/stories/2019/09/nearly-30-birds-us-canada-have-vanished-1970>
- 4) <https://beeinformed.org/2021/06/21/united-states-honey-bee-colony-losses-2020-2021-preliminary-results/>

HB 0387_Mlchniowski_fav.pdf

Uploaded by: Mike Ichniowski

Position: FAV



TO: The Honorable Kumar Barve, Chair
Members, House Environmental and Transportation Committee
The Honorable Dana Stein, Vice Chair

FROM: Dr. Michael Ichniowski

DATE: February9, 2022

RE: **SUPPORT** – House Bill 387 – *Pesticide Regulation – Transfer to Department of the Environment*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for House Bill 387.

Children are uniquely susceptible to adverse health effects from toxic substances, particularly in the prenatal period and in early life when brain and organ development occurs, and growth begins to take place. Pesticide exposures have been linked to childhood cancers, developmental delays and lower IQs, autism spectrum disorders, inattention, and ADHD. Other effects include preterm birth, low birth weight and effects on the endocrine system. In its report, *Pesticide Exposure in Children*, the American Academy of Pediatrics (AAP) recommended that “Children’s exposures to pesticides should be limited as much as possible.” Oversight of these toxic chemicals needs to take their effects on human health into account, as well as harmful effects on our environment, including wildlife, pollinators, and the Chesapeake Bay. The Maryland Department of the Environment (MDE) is uniquely positioned to provide such oversight, since they currently regulate all other hazardous chemicals. The effectiveness of such regulations will be dependent on support at all levels of the state government to assure enforcement of these protections for human and environmental health.

Pesticides, which are toxic by design, are applied not only to agricultural fields, but also to parks, recreational fields and golf courses and are used in schools, day care centers, hospitals, nursing homes and other public locations. They leave residues on our foods and enter our water supplies through aerial drift and surface runoff. Their effects extend well beyond targeted agricultural pests and include environmental impacts and risks to human health.

Millions of pounds of pesticides are used annually in Maryland, though the exact amount of pesticide use is not currently available. The Maryland Department of Agriculture (MDA) was charged with reporting pesticide use in Maryland by a statute passed in 2014, which also provided annual funding for these reports. Only one such report has been produced to date, a voluntary survey of pesticide use in 2014, which was based on information from only 7% of Maryland farmers and 15% of all commercial pesticide applicators in the state. A total of 4.9 million pounds of pesticide was reported in 2014 in this incomplete survey. Given the very low response rate and the lack of information for the subsequent 7 years, it is likely that pesticide use in Maryland far exceeds this amount every year and would represent substantial pesticide exposures for all Marylanders, with the youngest being the most affected by any adverse effects.

Our children deserve to be protected from harmful chemicals that can have lasting detrimental effects on their health and well-being. Significant pesticide exposures in children occur regularly in non-agricultural settings, including schools, daycare centers, parks and recreational fields. MDA is currently the agency in charge of these non-agricultural uses of pesticides, including the disinfectants being used during the current COVID-19 pandemic. MDA is also in charge of implementing and enforcing the 1998-1999 Integrated Pest Management in Schools law, a law for which MDAAP was a strong advocate. Transferring the responsibility for using IPM methods and minimizing the use of chemical pesticides in schools to MDE would take advantage of their expertise in evaluating toxic substances and their use in non-agricultural settings like schools. MDE would be better able to consider environmental health, public health, and the health of children in the regulatory process, in addition to agricultural concerns. As Senate Bill 268 proposes, input from the Maryland Department of Agriculture and the Maryland Department of Health would be part of this decision-making process. Such a transfer of regulatory oversight would also minimize the need for Maryland legislators to have to consider pesticides and related chemicals on a case-by-case basis.

MDAAP respectfully requests a favorable report for House Bill 387.

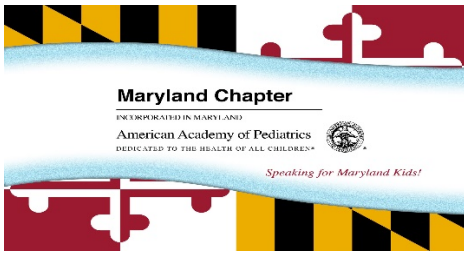
For more information:

Loretta Hoepfner, Executive Director
loretta@mdaap.org

SB 0268_Mlchniowski_fav.pdf

Uploaded by: Mike Ichniowski

Position: FAV



TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Cheryl C. Kagan

FROM: Dr. Michael Ichniowski

DATE: February 2, 2022

RE: **SUPPORT** – Senate Bill 268 – *Pesticide Regulation – Transfer to Department of the Environment*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 268.

Children are uniquely susceptible to adverse health effects from toxic substances, particularly in the prenatal period and in early life when brain and organ development occurs, and growth begins to take place. Pesticide exposures have been linked to childhood cancers, developmental delays and lower IQs, autism spectrum disorders, inattention, and ADHD. Other effects include preterm birth, low birth weight and effects on the endocrine system. In its report, *Pesticide Exposure in Children*, the American Academy of Pediatrics (AAP) recommended that “Children’s exposures to pesticides should be limited as much as possible.” Oversight of these toxic chemicals needs to take their effects on human health into account, as well as harmful effects on our environment, including wildlife, pollinators, and the Chesapeake Bay. The Maryland Department of the Environment (MDE) is uniquely positioned to provide such oversight, since they currently regulate all other hazardous chemicals. The effectiveness of such regulations will be dependent on support at all levels of the state government to assure enforcement of these protections for human and environmental health.

Pesticides, which are toxic by design, are applied not only to agricultural fields, but also to parks, recreational fields and golf courses and are used in schools, day care centers, hospitals, nursing homes and other public locations. They leave residues on our foods and enter our water supplies through aerial drift and surface runoff. Their effects extend well beyond targeted agricultural pests and include environmental impacts and risks to human health.

Millions of pounds of pesticides are used annually in Maryland, though the exact amount of pesticide use is not currently available. The Maryland Department of Agriculture (MDA) was charged with reporting pesticide use in Maryland by a statute passed in 2014, which also provided annual funding for these reports. Only one such report has been produced to date, a voluntary survey of pesticide use in 2014, which was based on information from only 7% of Maryland farmers and 15% of all commercial pesticide applicators in the state. A total of 4.9 million pounds of pesticide was reported in 2014 in this incomplete survey. Given the very low response rate and the lack of information for the subsequent 7 years, it is likely that pesticide use in Maryland far exceeds this amount every year and would represent substantial pesticide exposures for all Marylanders, with the youngest being the most affected by any adverse effects.

Our children deserve to be protected from harmful chemicals that can have lasting detrimental effects on their health and well-being. Significant pesticide exposures in children occur regularly in non-agricultural settings, including schools, daycare centers, parks and recreational fields. MDA is currently the agency in charge of these non-agricultural uses of pesticides, including the disinfectants being used during the current COVID-19 pandemic. MDA is also in charge of implementing and enforcing the 1998-1999 Integrated Pest Management in Schools law, a law for which MDAAP was a strong advocate. Transferring the responsibility for using IPM methods and minimizing the use of chemical pesticides in schools to MDE would take advantage of their expertise in evaluating toxic substances and their use in non-agricultural settings like schools. MDE would be better able to consider environmental health, public health, and the health of children in the regulatory process, in addition to agricultural concerns. As Senate Bill 268 proposes, input from the Maryland Department of Agriculture and the Maryland Department of Health would be part of this decision-making process. Such a transfer of regulatory oversight would also minimize the need for Maryland legislators to have to consider pesticides and related chemicals on a case-by-case basis.

MDAAP respectfully requests a favorable report for Senate Bill 268.

For more information:

Loretta Hoepfner, Executive Director
loretta@mdaap.org

HB0387-FAV-DTMG-2-9-22.pdf

Uploaded by: Olivia Bartlett

Position: FAV



Olivia Bartlett, DoTheMostGood Maryland Team

Committee: Environment and Transportation

Testimony on: HB0387 – Pesticide Regulation – Transfer to Department of the Environment

Position: Favorable

Hearing Date: February 9, 2022

Bill Sponsor: Delegate Sheila Ruth

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members who live in all districts in Montgomery County and in several neighboring jurisdictions. DTMG supports legislation and activities that keep all residents of our communities healthy and safe in a clean environment. DTMG strongly supports HB0387 because better regulation of toxic pesticides is needed to protect the health of Maryland residents and beneficial insect species.

Pesticides – including insecticides for crop eating insects, herbicides to kill unwanted weeds, and fungicides to kill crop diseases – are applied to crops, but often spread far beyond where they are applied in aerosols and water run-off. They also end up in food we eat. Therefore, regulation of pesticides has to consider more than just their effects on farm crops.

Many pesticides have potentially dangerous health effects for humans and kill essential pollinators such as bees and butterflies. Scientific studies have shown that pesticides contribute to a wide variety of human diseases, including cardiac failure, lung and ovarian cancer, liver and kidney problems, thyroid hormone imbalance, and musculoskeletal diseases including osteoporosis. The pesticide chlorpyrifos, for example, harms infants' brains and neurological development and kills bees. The widely used weed-killer glyphosate has been linked to non-Hodgkin lymphoma. People are exposed to glyphosate through their skin, their eyes, or by breathing it in while using it or by touching plants that are still wet with spray.

In addition, pesticides regularly end up in our food chain, such as by eating food that was sprayed with glyphosate. Glyphosate was found in nearly every sample of popular oat-based cereals and other foods marketed to children. Glyphosate has also been found in grain and bean products, as well as in avocados, apples, blueberries, cherries, cucumbers, dates, dried peas, garlic, lemons, olives, peanuts, pomegranates, potatoes, rice, spinach, sugarcane, tobacco, tomatoes, and walnuts.

Therefore, pesticides are not just an issue for agriculture – they are a problem for all of us who breathe the air and eat food grown on farms. While the Maryland Department of Agriculture (MDA), which currently regulates pesticides, has expertise in how pesticides are used in agriculture, the Department of the Environment (MDE) has broader expertise in toxic substances and how they affect our health. Therefore, MDE, which is tasked with ensuring that our environment is healthy, would be a far better agency to manage decisions and policies regarding toxic pesticides.

HB0387 will accomplish this commonsense transfer and will require MDE to work in conjunction with MDA and the Department of Health to ensure that dangerous pesticides are appropriately used and controlled. HB0387 also includes mechanisms for enforcement, including fines and penalties for violations of the pesticide regulations.

DoTheMostGood therefore strongly supports passage of this important legislation to keep our environment clean and keep Maryland residents healthy, and **we urge a favorable report on HB0387.**

Respectfully submitted,

Olivia Bartlett
Co-Lead, DoTheMostGood Maryland Team
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240-751-5599

MdPHA-HB387-support-2022-FNL.pdf

Uploaded by: Raimee Eck

Position: FAV



***Mission:** To improve public health in Maryland through education and advocacy **Vision:** Healthy Marylanders living in Healthy Communities*

HB387 Pesticide Regulation - Transfer to Department of the Environment

Hearing Date: 2/9/2022

Committee: E&T

Position: SUPPORT

Chairperson Barve and members of the Environment and Transportation Committee: The Maryland Public Health Association would like to express support for HB387. This bill will transfer the regulation of pesticides, plant diseases, and mosquitos in the State from the Department of Agriculture to the Department of the Environment.

It is critically important that oversight of pesticides by a state needs to take human health impacts into account. Pesticides are toxic by design and must be appropriately regulated to limit exposures to people, particularly those most vulnerable, which includes children and the elderly as well as those who have highest risk of exposure, which includes agricultural workers and their families. In its report, Pesticide Exposure in Children, the American Academy of Pediatrics (AAP) recommended that "Children's exposures to pesticides should be limited as much as possible." Long-term human health impacts from pesticides include some cancers and problems in the reproductive, immune, endocrine, and nervous systems.

Millions of pounds of pesticides are used annually in Maryland, though the exact amount of pesticide use is not currently available. Pesticides are applied not only to agricultural fields, but also to parks, recreational fields and golf courses and are used in schools, day care centers, hospitals, nursing homes and other public locations. They leave residues on our foods and enter our water supplies through aerial drift and surface runoff. Their effects extend well beyond targeted agricultural pests and include environmental impacts and risks to human health.

As a state, it is our duty to ensure the strongest protections against toxic exposures across the entire population where we live, work, and play. One of the strongest interventions we can take to prevent environmentally caused diseases like cancer are preventing or eliminating exposures to contaminants. Strong oversight, monitoring, and regulation of pesticide use are critical to protect the health of all Marylanders.

The Maryland Department of the Environment (MDE) is uniquely positioned to provide such oversight, since they currently regulate all other hazardous chemicals. It is important to note that the Department of the Environment will need additional resources and increased capacity

to take on this new authority.

We urge a favorable report on HB387.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.

HB 0387_RTodd_fav.pdf

Uploaded by: Robin Todd

Position: FAV



February 9, 2022

HB0387: Pesticide Regulation – Transfer to Department of the Environment.

Position: Support: HB0387

The Maryland Ornithological Society (MOS) asks that the House Environment and Transportation Committee give a favorable report of **HB0387** and move it to the full House.

MOS supports this bill as it would move pesticide regulation from the Department of Agriculture (MDA), which lacks expertise on toxics, the environment, and health, to the Department of Environment (MDE). Furthermore, pesticides are not used only in agriculture, but also have many household, institutional and commercial uses. MDE has the requisite expertise and broader purview. The bill would also require consultation with MDA and the Department of Health (MDH), allowing all three stakeholders to have input to the regulation of pesticides.

The impacts of pesticides on birds are well known. The subject first came to the notice of the public in 1962 with the publication of Rachel Carson’s book *Silent Spring*, which detailed the ravages of DDT on wildlife, birds, insects, domestic animals, and humans. **Most of us know how DDT led to precipitous declines** in the populations of such birds as the Bald Eagle, Peregrine Falcon, and Brown Pelican. **Since the ban of DDT, all have recovered** and been removed from the federal Endangered Species Act.

A study published in 2020 documented that increased use of neonicotinoid pesticides in the United States **led to statistically significant reductions in bird populations between 2008 and 2014**, with annual declines of grassland birds of 4%, and insectivorous birds of 3%. Other bird species declined annually by 2%¹. Neonicotinoids are toxic to birds, and at sub-toxic levels negatively affect reproduction. Fortunately, the retail sale of neonicotinoids has been banned in Maryland.

In another case, The **Environmental Protection Agency’s 2016 Draft Biological Evaluation of Chlorpyrifos** with reference to endangered species **found that chlorpyrifos was “likely to adversely affect” 97 percent of all taxa, including 93 out of 110 bird species.** Only five birds received a “no effects” determination, and this was based on the fact that these birds are already extinct. Chlorpyrifos was also found to affect 100 percent of the 30 designated Critical Habitats for birds.² Just last year, chlorpyrifos was banned in Maryland.

As the above examples, pesticides present a profound threat to our bird populations, and the need for regulation is evident. Millions of pounds of pesticides are used annually in Maryland.³

¹ Li, et al, Neonicotinoids and decline in bird biodiversity in the United States, Nature Sustainability, Vol 3, December 2020,

² Environmental Protection Agency, Biological Evaluation Chapters for Chlorpyrifos ESA Assessment, update January 18, 2017, <https://www.epa.gov/endangered-species/biological-evaluation-chapters-chlorpyrifos-esa-assessment>

³ <https://mda.maryland.gov/plants-pests/Documents/MarylandPesticideSurveyPub.pdf>

Pesticides are one of the many threats that have led to significant decline. **North America has lost 3 billion birds, 29% of its total bird population, since the 1970s.⁴ The diversity of bird species and their habitats are under increasing threat. Unless concerted efforts are taken in the near future, Maryland will lose some of its greatest assets** – healthy natural systems and the wide range of birds, plants, and other wildlife that they support. Maryland risks economic impact as well as a decrease in quality of life. An estimated 900,000 residents and non-residents enjoy birding in the state. While Marylanders generated \$483 million from wildlife-watching activities in 2011, the Total Industrial Output (TIO), which includes, direct, indirect, and induced effects, was **over \$909 million, produced 10,807 full- and part-time jobs, and generated \$88.4 million in state and local tax revenue.** Nationally, Americans who watch and feed birds contribute \$41 billion to the nation’s economy every year.⁵

Birds provide invaluable ecological services in areas of pest control, seed dispersal, and pollination. The immediate threats to their survival and a disruption to our symbiotic relationship with them are matters of great importance for a variety of reasons.

MOS is a Maryland-based volunteer organization of some 1800 members, with 15 chapters in Maryland. We are devoted to the study and preservation of birds and their habitat.

We believe that the public and wildlife would be better served by having MDE regulate pesticides in concert with MDA and MDH. Hence, we ask for a favorable report from House Environment and Transportation Committee and that the bill be moved to the full House.

Sincerely,



Kurt R. Schwarz
Conservation Chair
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Robin Todd, PhD
Past President and
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⁴ Rosenberg, et al, Decline of the North American Avifauna, Science, vol 366, issue 6461, pp. 120-124, 4 October 2019, https://www.nature.com/articles/s41893-020-0582-x.epdf?sharing_token=TwNbvZyrX1n4QIfj2HmPBdRgN0jAjWel9jnR3ZoTv0N4PZQFH5HC7r5H_V_CgW15l19rgpP3DlxTv3M3POqSIVPe1EMulrhi3fFHh7TbM5u_P9EHR5GroosUkx_srsJ-CnTj7UA5-AzhakRooNYwyO4XDABrYZisZQSbEQK7KMORwEcvv9LREGfy9iXHNNe0K9jZSLr354vUdqH_tmehW1NO6uwN3PKva_DJNztR4-xc%3D&tracking_referrer=www.theguardian.com
<https://science.sciencemag.org/content/366/6461/120>

⁵ US Fish and Wildlife Service, Economic Impact: Birds, Birdwatching and the U.S. Economy, November 16, 2017, <https://www.fws.gov/birds/bird-enthusiasts/bird-watching/valuing-birds.php>

HB 0387_VCarella_fav.pdf

Uploaded by: Veronika Carella

Position: FAV

Maryland Children's Environmental Health Coalition

Education, Health and Environmental Affairs Committee
Delegate Kumar P. Barve, Chair
Delegate Dana Stein, Vice-Chair
Room 251
House Office Building
Annapolis, Maryland 21401
phone: 410-841-3990

February 9, 2022 Hearing

HB 387

Pesticide Regulations – Transfer to MDE

Support

INTRODUCTION

Maryland Children's Environmental Health Coalition (MD CEHC) is a group of children's advocates working collaboratively toward improving the lives of children in Maryland. Our coalition works to support and advocate for laws that address children's environmental health and well-being. MD CEHC recognizes the urgent need to address the growing issues surrounding the environment where our children live, play, and attend school. We are specifically concerned about protecting children from known hazards, and preventing new hazards, thus allowing our children to reach their full potential as contributing members of society.

Our Coalition strongly **SUPPORTS HB 387** Pesticide Regulations – Transfer to Department of the Environment. This bill would place the oversight of pesticides used in our homes, schools, and communities in the State agency whose scope includes oversight of toxins in Maryland and protection of Maryland's natural resources. HB 387 is consistent with our mission and goals as it addresses in law Maryland's effort to:

- **Eliminate environmental pollutants and prevents new hazards.**
- **Protect children** from health risks **by limiting exposure to highly toxic chemicals (i.e. pesticides) and addressing remedies.**
- Support research and **data collection about environmental hazards and health risks.**

MD CEHC believes that transferring the regulation of pesticides from the Department of Agriculture (MDA) to the Department of Environment (MDE) would provide expanded comprehensive protection to our children and our natural resources (i.e. air, water, soil) from exposure to known toxins, specifically to US Environmental Protection Agency registered hazardous pesticides, over 14,000 of which MDA registered for use in Maryland in 2021.

PESTICIDES and CHILDREN:

Pesticide exposure in our communities, schools and homes is a growing concern. There have been efforts made on many levels to protect children and their environment from exposure to known hazards. The evidence continues to mount and the data-gaps are now closing regarding the impacts of certain pesticides on children. Sadly, federal, state and local governments have been slow to enact protections even in light of the ever-growing research supporting the need for better protections from pesticide exposures. While more data is needed on the impacts of pesticides, there is sufficient preliminary evidence to warrant concern.

PESTICIDES in SCHOOLS:

MD CEHC strongly believes MDE enforcement and adherence to the 1997 Maryland School Integrated Pest Management Law (IPM) would ensure that our children receive the full protection intended by this groundbreaking legislation. We appreciate the enormous challenges posed by the COVID-19 pandemic public health crisis and believe that pesticide regulations under MDE would allow for safer school environments for our children, teachers, and staff when EPA- registered pesticides are further assessed by MDE, an agency with expertise on regulating toxic chemicals for use in schools. This includes disinfectants currently being used which are EPA registered pesticides shown to actually weaken the immune system and exacerbate current Covid-related respiratory symptoms.

MDE, has a history of creating advisory groups with medical and public health expertise in addition to having had such experts on their staff. MDE has had a track record that can be strengthened going forward to ensure the School IPM Law is properly being enforced and that the pesticides – if and when used in our schools -- and only when all non-toxic means have been shown to be unreasonable or exhausted as required by the law -- are truly enforced. Such oversight will ensure that finally, the IPM in Schools law that also requires parental notification prior to any application (with specific information on possible adverse health impacts), an agency approved county school **board of education policy** and **department of education plans** that align with the law are in place as the Maryland General Assembly intended in 1997. Transparency, verification, and compliance with the Maryland School IPM Law, specifically adopted to protect children and their school environment is necessary to ensure the measures taken meet current public health, science-based guidance on safer pest management in schools, something MDE will well equipped to ensure.

PROTECTING OUR CHILDREN:

As pesticide use exists where children live, work (attend school) and play (our communities), an agency whose priority is agriculture and supporting farmers in Maryland does not align with protection children and their environmental health. We believe an agency whose focus is protecting public health and our environment from known toxins would be better able to protect children from pesticides allowed for use in the State of Maryland.

Maryland parents are also concerned about the health of the watershed including ground water accessed by wells for drinking water in homes and schools. Concern is not only because these are sources of drinking water, but also because these are the waterways where their children live, learn and play. The health effects of such exposures as detailed in the Report by the MDE and Maryland Department of Health (MDH) entitled Maryland Children and the Environment¹ are noted in the forward;

"It is well-recognized that the health of children is directly related to the environment generally and to specific environmental factors...Perhaps no single factor is more important to these efforts than reliable, accurate information that enhances the public understanding and supports the development of effective prevention efforts".

HB 387 is about meeting the health and environmental protection needs of all Maryland children. The State agency whose primary focus is protection should be the agency that oversees hazardous pesticides, which are designed to kill living things and are a known hazard to children's health.

CONCLUSION

Knowledge is power – here the power to protect children. MDE has the knowledge and expertise to protect our children from hazardous pesticides. MDE is the agency best equipped to address the issues related to pesticide use in Maryland.

We support all efforts to protect the most vulnerable, infants and children, from known hazards, which is consistent with MDE's mission.

We hope that the Committee acts swiftly and favorably on **HB 387**.

¹ Maryland Children and the Environment; State of Maryland (MDH & MDE);

url: <https://health.maryland.gov/phpa/OEHFP/EH/Shared%20Documents/CEHPAC/Report-2008-FINAL.pdf> accessed 1/30/22

HB387_UNF_Glenn

Uploaded by: Barb Glenn

Position: UNF

2 4 22

Dear Delegate Terrasa,

We write in opposition to HB 0387, “Pesticide Regulation – Transfer to Department of the Environment.” We strongly urge you to oppose this bill, that will have huge negative ramifications on Howard County and Maryland Agriculture sectors.

Agriculture is the largest commercial industry in Maryland and strong food systems are the foundation of our citizen’s quality of life. Farmers are stewards of the land, air and water that assures their farming enterprise will be successful. We are members of **Maryland Farm Bureau** and on the board of the **Howard County Farm Bureau**. Between the two of us we have a small farm in Highland, MD, and collectively we have 80 years of experience in farming, agriculture, pesticide teaching, research & extension, and agriculture regulatory and policy strategies.

We strongly oppose consolidation or transfer of Maryland Department of Agriculture’s (MDA) current programs, function, or authorities to any other department. We strongly support the transfer of ALL ag-related programs, functions and authorities from other departments to MDA.

We oppose HB 387 because:

- 1) MDA Understands Maryland Agriculture.** The MDA has long led Maryland agriculture, and has ample expertise in agriculture, including aquaculture, forestry, landscaping and other horticultural sectors. MDA has strong relationships with all involved in agriculture from farm to table, including farmers, foresters, landscapers, seafood harvesters, industry, food processors, consumers and beyond. Especially since battling pandemic challenges, MDA serves and works closely for every Marylander and understands each citizen’s support and concerns for local food systems. Maryland Department of Environment (MDE) lacks any expertise in these fields of agriculture, and it would take decades to build such competency.

Therefore, even the introduction of such a bill gives the appearance of shifting from a basis of facts, to a basis of fiction and fear. Farmers in Maryland are responsible stewards of the land, air and water, and they need to continue to have access to all tools needed to sustainably farm for the future.

- 2) MDA has the Regulatory Expertise.** The MDA has the expertise and experience and they conduct an effective and successful regulatory program for pesticides in Maryland, as well as in monitoring and mitigating plant diseases, controlling insects such as mosquitoes, and invasive weeds. Nothing is broken. MDA regulates pesticides regarding approval, distribution and handling of pesticides, according to U. S. EPA’s statute, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). MDA’s record of excellence and expertise would take decades to mimic in MDE.

- 3) MDA Competently Conducts Objective, Credible Risk – Benefit Assessments.** MDA, according to FIFRA, must conduct both a risk assessment and a benefits analysis on pesticides. MDE has no expertise or understanding of the benefits of pesticides to Agriculture, nor to other sectors that use pesticides. MDE has no expertise in plant diseases nor the huge devastating impacts these can have on agriculture. MDE does not have relationships with other departments nor with other state departments of agriculture to provide advice and counsel. MDE would not be able to effectively execute the risk- benefit assessment.
- 4) Makes No Sense.** Transferring a successful program from MDA to MDE makes no sense from the standpoint of efficiency of government. MDA has the budget, a successful program, the procedures in place and the expertise in amazing staff, who serve agriculture, and thereby all Marylanders.

What Does Make Sense...is that with your leadership, we continue to transfer all Agriculture programs, function and authorities to MDA.

This caught our eye and is close to our farm. It is our understanding that last year there were about 130 complaints made to MDA about pesticides; and that over half of those complaints were from a single person right here in our county, Howard County. Our best educated guess is that this person is not a farmer and s/he knows little about pesticide science, safe use, and regulatory programs. If this is true, it shows the type of extremism that can try to disrupt a strong state regulatory program such as at MDA, that provides such an essential function as feeding Marylanders.

Please don't let a small group of extremists with mis-informed and extreme opinions have such a negative impact on agriculture, the most important industry in Maryland.

Thank you for opposing this bill. Your leadership will benefit Agriculture and therefore a thriving Maryland Ag sector, to enhance the availability and accessibility of safe, affordable and nutritious food. Please don't hesitate to contact us if we can be of assistance.

Regards,

Scott & Barb Glenn

Glenn Family Farm

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Home: 301-854-3299; Barb's cell: 202-577-6660 (leave a message)

CLA RISE Testimony HB 387 2 9 22.pdf

Uploaded by: Bernie Marczyk

Position: UNF



To: Members of the House Committee on Environment and Transportation

From: Riley Titus, CropLife America and Jon Gaeta, RISE (Responsible Industry for a Sound Environment)

Date: February 9, 2022

RE: House Bill 387 – Pesticide Regulation – Transfer to the Department of Environment

Position: OPPOSE

Chair Barve, and distinguished members of the Committee on Environment and Transportation:

Thank you for the opportunity to submit written testimony about HB 387, which would transfer authority of pesticides in Maryland from the Department of Agriculture (MDA) to the Department of Environment (MDE) and require these agencies to consult with the Department of Health (DOH) to include provisions for prohibiting and restricting pesticides at the state level. We respectfully oppose this legislation and request an unfavorable vote.

We support and promote science-based policy and regulatory processes necessary in the regulation of pesticide products at both the state and federal level. In addition to the extensive review and approval process U.S. Environmental Protection Agency (EPA) applies to pesticides, MDA also reviews pesticides before they are registered or used in the state. This dual layer of oversight and enforcement helps ensure safe and proper pesticide use across Maryland through state registration of pesticides, certification of pesticide applicators, and enforcement and research activities. MDA registration and regulation of pesticides also promotes consistency with federal regulation and scientific standards, particularly those for human health and safety and the environment.

State Lead Agencies (SLAs) that house pesticide programs across the states are primarily housed in Departments of Agriculture. They have delegated authority from EPA under the Federal, Insecticide, Fungicide, and Rodenticide Act for pesticide regulation in the state. These SLAs develop, implement, and communicate on sound public policies and programs related to the sale, use, transport, and disposal of pesticides. Federal and state cooperation of pesticide policies and programs protect human health and the environment, while acknowledging the important benefits of pesticide use including consumer protection and the continued ability to secure high quality food, feed, and fiber.

This bill would undermine the expertise and authority of MDA, delay pesticide registration and applicator training and certification, and pave a pathway for undermining federal expertise and standards by restricting access to pesticide products and tools important to farmers and public health. There is an existing process in place. Should concerns arise over a pesticide, the EPA or MDA has the expertise and resources to review and direct as necessary.

Representing the Crop Protection Industry

4201 Wilson Blvd, Suite 700, Arlington, VA 22203 • 202.296.1585 phone 202.463.0474 fax www.croplifeamerica.org

Sincerely,

Riley Titus
Director, State Government Affairs
CropLife America
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202-872-3856

Jon Gaeta
Director, State Affairs
RISE (Responsible Industry for a Sound
Environment)
JGaeta@pestfacts.org
202-695-5725

CropLife America (CLA) represents the manufacturers, formulators and distributors of crop protection products in the United States. CLA member companies produce, sell and distribute virtually all the crop protection products used by American farmers.

RISE (Responsible Industry for a Sound Environment) is the national trade association representing manufacturers, formulators, distributors and other industry leaders engaged with specialty pesticides and fertilizers used by professionals and consumers.

Opposition of HB 387 - Pesticide Regulation - Tran

Uploaded by: Colby Ferguson

Position: UNF



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 9, 2022

To: House Environment & Transportation Committee

From: Maryland Farm Bureau, Inc.

Re: **Opposition of HB 387 - Pesticide Regulation - Transfer to Department of the Environment**

On behalf of our member families, I submit this written testimony opposing HB 387. This bill would transfer the regulation of pesticides, plant diseases, and mosquitos in the State from the Department of Agriculture to the Department of the Environment.

The unintended consequences of this bill are great. For example, the state chemist would be one of the staff that would be moved to MDE. However, that chemist also regulates the feed ingredients that are used in livestock feed. If this bill were to pass, a feed mill would have to get some of the permit process completed at MDA and then must work with MDE to complete the state chemist's approval. This would be very time consuming, costly and could limit many livestock feeds from being made in the time needed to keep the livestock fed. There are many unintended consequences if this bill were to pass and would far outweigh any

MDFB Policy: We strongly oppose consolidation or transfer of any of MDA's current programs, functions, or authorities to any other department. We strongly support the transfer of all ag-related programs, functions, and authorities from other departments to MDA.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES HB 387

A handwritten signature in black ink, appearing to read "Colby Ferguson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396

HB387 -Pesticide Regulation – Transfer to Departme

Uploaded by: Dakota Matthews

Position: UNF



50 Harry S. Truman Parkway • Annapolis, MD 21401
Office: 410-841-5772 • Fax: 410-841-5987 • TTY: 800-735-2258
Email: rmc.mda@maryland.gov
Website: www.rural.maryland.gov
Charlotte Davis, Executive Director

John Hartline, Chair

Testimony in Opposition of
House Bill 387 -Pesticide Regulation – Transfer to Department of the Environment
House Environment and Transportation Committee
February 09, 2022

The Rural Maryland Council **opposes** House Bill 387 -Pesticide Regulation – Transfer to Department of the Environment. The bill seeks to transfer the regulation of pesticides, plant diseases, and mosquitos in the State from the Department of Agriculture to the Department of the Environment. By removing these regulations from the Department of Agriculture, it will consequently remove the Department that is familiar with these regulations, and those in the agricultural workforce. This transfer will also result in unnecessary expenses.

The Maryland Department of Agriculture has been handling the regulation of pesticides for many years and has gained the knowledge and expertise to control and oversee these regulations. One of the reasons this expertise is important, is that the Department of Agriculture understands the process of using these pesticides, and the farmers and agricultural workers that use them. If pesticides are regulated in the wrong manner, it will result in those who use pesticides to switch to similar chemicals for pesticide use that will have negative effects on the environment. While the bill has positive intention by wanting to mitigate and reduce the damages done to the environment by pesticide use, the opposite outcome could come from the attempts to do so.

Additionally, the transfer of these regulations from the Department of Agriculture to the Department of the Environment would also result in additional spending from the process of moving materials and personal from the Departments.

The Rural Maryland Council respectfully requests that you vote unfavorably on House Bill 387 Pesticide Regulation – Transfer to Department of the Environment.

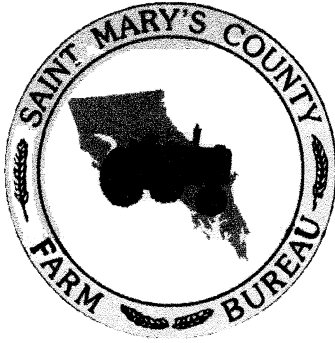
The Rural Maryland Council (RMC) is an independent state agency governed by a nonpartisan, 40-member board that consists of inclusive representation from the federal, state, regional, county and municipal governments, as well as the for-profit and nonprofit sectors. We bring together federal, state, county and municipal government officials as well as representatives of the for-profit and nonprofit sectors to identify challenges unique to rural communities and to craft public policy, programmatic or regulatory solutions.

“A Collective Voice for Rural Maryland”

HB0387_Raley_Unfav.pdf

Uploaded by: James K. Raley Jr.

Position: UNF



ST. MARY'S COUNTY FARM BUREAU

26737 Radio Station Way, Ste. G.

Leonardtown, MD 20650

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www.mdfarmbureau.com/st-marys

WORKING FOR SUSTAINABLE AGRICULTURE SINCE 1947

House Bill 387

Pesticide Regulation - Transfer to
Department of the Environment

Unfavorable

February 7, 2022

House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

Re: House Bill 387, Pesticide Regulation—Transfer to Department of the Environment, Hearing date February 9, 2022.

Dear Committee Members,

The Board of Directors of the St. Mary's County Farm Bureau opposes transferring the regulation of pesticides, plant diseases, and mosquitos in the State from the Department of Agriculture (MDA) to the Department of the Environment (MDE).

The Pesticide Regulation Section of MDA administers Maryland's Pesticide Applicator's Law, approves training courses in the handling, storage and use of pesticides, and conducts examinations to determine that pesticide applicators are competent to follow prescribed pest control practices. The Department also enforces federal laws on the sale and use of pesticides, and investigates pesticide accidents or incidents and consumer complaints on pesticide misuse. Passage of House Bill 387 will cause uncertainty in the agricultural industry and unnecessarily add to the regulatory burdens faced by farmers. Accordingly, St. Mary's County Farm Bureau requests an unfavorable report on House Bill 387.

Thank you for your consideration.

Sincerely,

James K. Raley, Jr.

President

St. Mary's County Farm Bureau

HB387_DMAA_unfav.pdf

Uploaded by: Jenna Massoni

Position: UNF



DELAWARE-MARYLAND AGRIBUSINESS ASSOCIATION
210 Fallen Horse Circle, Suite 100
Queenstown, MD 21658
www.demdagribusiness.org
443-262-8491

Date: February 9, 2022

House Bill 387 - Pesticide Regulation - Transfer to Department of the Environment
Committee: Environment and Transportation

DMAA Position: **OPPOSED**

Delaware-Maryland Agribusiness Association (DMAA) represents agricultural retailers and manufacturers operating in Maryland. DMAA is opposed to House Bill 387 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 House Bill 387.

HB387_MaGIC_unfav.pdf

Uploaded by: Joe Miedusiewski

Position: UNF



Maryland Green Industries Council
210 Fallen Horse Circle, Suite 100
Queenstown, MD 21658
(p) 443-262-8491

Date: February 9, 2022

House Bill 387 - Pesticide Regulation - Transfer to Department of the Environment

Committee: Environment and Transportation

MaGIC Position: **OPPOSED**

The Maryland Green Industries Council, representing nursery, landscape, greenhouse, and arboriculture professionals is opposed to House Bill 387 – Pesticide Regulation – Transfer to the Department of Environment (MDE). This bill goes much further than only transferring the authority for pesticide regulation to MDE; it also impacts many programs that are extremely important to our industry including nursery inspection, weed management, plant protection and forest pest management.

This bill would move the nursery inspection program and pest quarantine from the Maryland Department of Agriculture (MDA) to MDE. The pest quarantine program is conducted through delegated authority from the US Dept of Agriculture APHIS program and transferring that program would cause severe delays in program implementation. Even transferring the same employees from MDA to MDE would require them to go through a reauthentication process with USDA which can take upwards of six months. Any delay in nursery inspection or issuance of permits for movement of nursery stock would be logistically and financially devastating to our industry.

Controlling and quickly quarantining any new pest that may show up in Maryland is integral to the future of the nursery, greenhouse and arboriculture industries in the state. Transferring authority for the plant and pest control program to MDE will cause a delay in the quarantine response process and potentially the loss of federal funds. When a new pest is found in the state, there is no time for delay. A recent example would be spotted lantern fly. This bill would be detrimental to the health and security of the plants our industry professional grow and care for.

This bill will also have a detrimental effect on the control of pests in our forests which will ultimately impact residential trees and arborists. MDA is currently responsible for control of forest pests such as the gypsy moth and emerald ash borer. Transferring this program and the training required along with potential lapse in federal funding would create delays that we cannot afford.

Finally, setting up a state process for pesticide regulation with MDE, MDA and DHMH to ban and make restricted use pesticides is duplicative of the US EPA process and incredibly resource intensive. MaGIC is confident in the federal regulatory framework and does not believe there is anything to be gained.

MaGIC opposes House Bill 387 and respectfully asks for your unfavorable report.

Contact: Joe Miedusiewski, americanjoe@oldlinelobbying.com

MCFBHB387OppositionTestimony.pdf

Uploaded by: Kimberly Smith

Position: UNF

Montgomery County Farm Bureau

PO Box 217, Damascus Maryland 20872

240-308-2978

mcfarmbureausecretary@gmail.com

www.montgomery.mdfarmbureau.com



February 9, 2022

To: House Environment & Transportation Committee

From: Montgomery County Farm Bureau (MCFB)

Re: Opposition to HB 387 – Pesticide Regulation -Transfer to Department of the Environment

On behalf of the >250 MCFB farm families and allied members, we oppose any effort to transfer regulation of pesticides from Maryland's Department of Agriculture (MDA) to Department of Environment (MDE). We recognize employees of MDA as the experts in all things agricultural. Why transfer responsibility of agricultural programs to MDE employees who lack scientific knowledge and experiences of agricultural practices? This proposal is a giant step backward, and HB 387 should never see the light of day.

MCFB supports Maryland's Farm Bureau policy which states, "We strongly oppose consolidation or transfer of any of MDA's current programs, functions, or authorities to any other department. We strongly support the transfer of all ag-related programs, functions and authorities from other departments to MDA." The voices for agriculture should remain with farmers, not environmental activists.

MCFB opposes HB 387!

A handwritten signature in black ink that reads 'Lonnie W. Luther'.

Lonnie W. Luther, President

Montgomery County Farm Bureau

A handwritten signature in black ink that reads 'John Jamison'.

John Jamison, Chairman

Legislative Affairs Committee

Cc: MCFB Board Members (16)

MFB President, Wayne Stafford

MFB Executive Director, John Torres

HB387_LThompsonMGPA_unfav.pdf

Uploaded by: Lindsay Thompson

Position: UNF



Maryland Grain Producers Association
210 Fallen Horse Circle, Suite 100
Queenstown, MD 21658
Lindsay.mdag@gmail.com (p) 443-262-8491
www.marylandgrain.com

Date: February 9, 2022

House Bill 387 - Pesticide Regulation - Transfer to Department of the Environment

Committee: Environment and Transportation

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.

House Bill 387 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 House Bill 387.

HB 387 - Unfavorable - Commissioners of St. Mary's

Uploaded by: Randy Guy

Position: UNF

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

House Bill 387
Pesticide Regulation – Transfer to
Department of the Environment

Hearing: February 9, 2022

OPPOSE

February 1, 2022

Delegate Kumar P. Barve, Chairman
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

Dear Chairman Barve:

The Commissioners of St. Mary's County **OPPOSE** HB 387 – Pesticide Regulation – Transfer to Department of the Environment - which is being heard on February 9, 2022, in the Environment and Transportation Committee.

We **OPPOSE** this legislation and do not believe this legislation would benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2022/022

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Catherine Pratson, Acting Co-County Administrator
David Weiskopf, Acting, Co-County Administrator

HB387_UNF_Meffley

Uploaded by: Robert Meffley

Position: UNF

President Robert Meffley, District 1

Vice President Jackie Gregory, District 5

Councilman William H. Coutz, District 2

Councilman Al Miller, District 3

Councilwoman Donna Culberson, District 4



James Massey
Council Manager

County Council Office
410.996.5201
Fax: 800-865-0587

COUNTY COUNCIL OF CECIL COUNTY
200 Chesapeake Blvd, Elkton Maryland 21921

February 4, 2022

The Hon. Kumar P. Barve
House Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

RE: HB 387 Pesticide Regulation – Transfer to Department of the Environment
Letter of Opposition

Dear Chairman Barve and Members of the Environment and Transportation Committee:

The County Council of Cecil County unanimously opposes HB 387 Pesticide Regulation – Transfer to Department of the Environment. The hearing on this legislation is scheduled on February 9, 2022.

It is our understanding that this legislation will transfer the responsibilities for pesticide regulations, plant disease control and mosquito control from the Department of Agriculture to the Department of the Environment.

The Cecil County Farm Bureau, our most active agricultural related group in the county, is very concerned that this change will split up oversight over these very important area as well as overwhelm the Department of Environment, which is already heavily involved in other environmental issues. Pesticides, plant disease, and mosquitos are intrinsic to Maryland agricultural interests. The Council agrees with the Farm Bureau that the Department of Agriculture should retain these responsibilities.

We also believe that moving these responsibilities to the Department of the Environment will result in duplication of resources and staff that will not serve our State's interests.

The Cecil County Council respectfully requests that the Environment and Transportation Committee consider an unfavorable report on HB 387.

Sincerely;


Robert Meffley
Council President

MDA - HB 387 - Letter of Opposition .docx.pdf

Uploaded by: Steven Connelly

Position: UNF



Maryland Department of Agriculture

Agriculture | Maryland's Leading Industry

Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Steven A. Connelly, Deputy Secretary

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401
mda.maryland.gov

410.841.5880 Baltimore/Washington
410.841.5914 Fax

Maryland Department of Agriculture

Legislative Comment

Date: February 9, 2022

BILL NUMBER: House Bill 387

SHORT TITLE: Pesticide Regulation - Transfer to Department of the Environment

MDA POSITION: Opposition

EXPLANATION:

HB 387 would transfer the regulation of pesticides, plant diseases, and mosquito control from the Maryland Department of Agriculture (MDA) to the Maryland Department of Environment (MDE).

MDA **strongly opposes** HB 387 based on the tremendous impact it would have on the agency's operations, staffing and revenue. In addition to losing staff who work across the impacted programs, this bill would result in a massive loss of special and federal funding that MDA relies on for several programs.

Additionally, each of these programs is well-established and has successful working relationships with federal agencies, including the U.S. Environmental Protection Agency (EPA) and U.S. Department of Agriculture (USDA). In particular, the Pesticide Regulation Section has been granted primacy by the EPA over its Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), which allows MDA to conduct inspections under federal authority. This arrangement is longstanding and allows MDA to carry out enforcement based on information from the EPA's well-established regulatory process.

The program is also largely funded by an EPA grant through 2025 at \$524,000/year. Moving Pesticide Regulation would require approval from EPA to transfer that grant to MDE. The department has provided an exhaustive report on this and other unintended consequences in its fiscal note.

MDA also has an established working relationship with pesticide manufacturers and applicators. While proponents of the bill have used this as an argument in favor of HB 387, these long-standing professional relationships have been beneficial toward the efficiency and timeliness of its regulatory activities. These relationships foster cooperation with the regulated entities and stakeholders, and any suggestion that MDA has given the industry preferential treatment is simply untrue.

MDA's pesticide regulation, plant disease, and mosquito control programs are **career public servants** whose expertise is critical in maintaining a regulatory program that is based on and grounded in science. The staff impacted by this bill represents decades of experience, specialized industry training, and advanced education, including masters degrees and doctorates. This bill implies that these dedicated state

employees are somehow compromised or unable to fulfill their professional and public duties, which is unfounded and wholly inaccurate. Any portrayal otherwise does a disservice to the state and its dedicated staff of professionals.

MDA hereby requests an unfavorable report for HB 387.

BACKGROUND INFORMATION:

The EPA is primarily responsible for regulating pesticides in the United States. The EPA Office of Pesticide Programs handles most of the regulatory issues pertaining to pesticides. FIFRA gives the EPA authority to determine which pesticides can be used in the U.S., and how they can be used. The EPA evaluates new pesticides and proposed uses, determines if emergency situations warrant temporary approvals of certain pesticides and periodically reviews current research related to the safety of older pesticides. They also enforce pesticide regulations and provide support to state and regional EPA programs designed to protect, certify and train pesticide applicators.¹ **EPA has granted MDA the regulatory authority to enforce regulations under FIFRA.** While most inspections are conducted under state authority, all pesticide regulation inspectors carry and maintain federal credentials in order to inspect pesticide production facilities.

MDA's Pesticide Regulation Section administers Maryland's Pesticide Applicator's Law; approves training courses in the handling, storage and use of pesticides; conducts examinations to determine that pesticide applicators are competent and able to follow prescribed pest control practices; enforces federal laws on the sale and use of pesticides; and investigates pesticide accidents or incidents and consumer complaints on pesticide misuse.

The Maryland State Chemist regulates the sale and distribution of pesticides. Regulation is accomplished by product registration, laboratory analyses, inspection, voluntary compliance and enforcement actions such as stop sale orders. The State Chemist directly supports MDA's Pesticide Regulation Section by providing data from the chemical analyses of environmental investigations relative to potential misuse of pesticides and the Pesticide Container Disposal program.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.

¹ npic.orst.edu/reg/epareg.html

HB0387 LOI.pdf

Uploaded by: Tyler Abbott

Position: INFO



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 9, 2022

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

Re: House Bill 387 – Pesticide Regulation - Transfer to Department of the Environment

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or Department) has reviewed HB 387, *Pesticide Regulation - Transfer to Department of the Environment* and would like to provide additional information regarding this legislation.

HB 387 proposes to transfer Title 5 of the Agriculture Article to Title 18 of the Environment Article, transferring the Maryland Department of Agriculture (MDA) Pesticide Regulation to MDE. The legislation transfers to MDE four programs: pesticide, mosquito, plant protection, and State Chemist.

Regarding the programmatic transfers, these would be new areas of regulatory responsibility for MDE that are outside of the Department's expertise. For example, MDE currently regulates the use of pesticides as they may be discharged to waters of the state or disposed of on land as a waste, but has no expertise concerning their registration, labeling, or other uses. MDE also has no expertise over the regulation of plant diseases.

While HB 387 transfers the Pesticide Fund and Plant Protection Fund to MDE, the bill does not transfer the State Chemist Fund, which funds at least, in part, the inspections for pesticide registration and labeling under Subtitle 1 of the Agriculture Article. Furthermore, HB 387 requires any penalties for these violations to still be paid into that fund while it remains within the Agriculture Article and continues to support activities under its Title 6 (relating to Commercial Feed and Fertilizer and Agriculture Liming Materials) regulated by MDA.

The change in oversight of these programs would require existing licenses to be updated at an additional expense to MDE. The public could experience undue hardship and potentially a delay in issuing licenses while transitioning the programs to MDE. The current process through the MDA provides remote office locations to address the needs of the community. MDE has a limited number of field offices across the state, many of which are not equipped to be licensing offices open to the public. Shifting office locations to MDE would certainly cause some confusion for the public and require additional planning and customer service accommodations.

Also, while the bill transfers all employees within MDA “primarily” assigned to the regulation of pesticides, plant diseases, and mosquitoes, some of its employees, such as inspectors, may have responsibilities in other regulatory areas. Thus, they may not be “primarily” assigned to those programs and not subject to the transfer, potentially leading to a lack of personnel at MDE to sufficiently administer

these programs. HB 387 also does not account for legal resources within the Office of the Attorney General devoted to providing advice to MDA on these regulatory areas.

Thank you for your consideration. We will continue to monitor HB 387 during the committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: Lee Currey, MDE, Director, Water and Science Administration
Kaley Laleker, MDE, Director, Land and Materials Administration