

MDE SB249 SUP.pdf

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**The Maryland Department of the Environment
Secretary Serena McIlwain**

Senate Bill 249

Pesticide and Pest Control - Revisions to Pesticide Applicator's Law and Repeal of Obsolete Provisions

Position: Support
Committee: Education, Energy, and the Environment Committee
Date: January 28, 2025
From: Jeremy D. Baker, Government Relations Director

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 249. The bill proposes updates to Maryland's pesticide regulations, focusing on certification and responsibility standards for pesticide applicators. It establishes distinct requirements for commercial and private applications of both general and restricted use pesticides, ensuring oversight by certified applicators.

MDE supports SB 249 as it promotes enhanced safety and accountability in pesticide application by requiring more certified applicators. By establishing clear requirements for both general and restricted use pesticides and ensuring proper supervision of non-certified individuals, the bill reduces risks to public health and the environment. The Maryland Department of Agriculture (MDA) has the expertise to lead the necessary training programs, making this a practical and effective approach to improving pesticide management across the state.

MDE does issue permit authorizations for use of certain pesticides when discharged into waters of the state. Those permit authorizations do rely on applicators being certified. This bill will expand the number of trained applicators and expand applicator competence. From MDE's perspective, the more certified and trained applicators the better.

Accordingly, MDE asks for a **FAVORABLE** report for SB 249.

Contact: Jeremy D. Baker, Government Relations Director
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SB 249_HB 114 - MDA LOS.docx.pdf

Uploaded by: Rachel Jones

Position: FAV



Maryland Department of Agriculture

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Maryland Department of Agriculture

Legislative Comment

DATE: January 24, 2025

BILL NUMBER: SB 249/HB 114

SHORT TITLE: Pesticide and Pest Control - Revisions to Pesticide Applicator's Law and
Repeal of Obsolete Provisions

MDA POSITION: SUPPORT

This legislation allows the Maryland Department of Agriculture (MDA) a bill proposal to amend a section of the Agriculture Article regarding pesticide applicators. The U.S. EPA revised regulations in 2023 on restricted use pesticides (RUPs) pertaining to who can apply them. The EPA established protection for non certified applicators by requiring training before they can use RUPs (under the direct supervision of a certified applicator).

Subsequently, all states were required to develop a certification plan for application of RUPs and have it approved by the EPA. MDA's certification plan was approved in November of 2023. Non-certified applicators have to complete the training outlined in the rule, complete Worker Protection Standard handler training, or complete a program approved by the state. The legislation codifies MDA's EPA approved certification process for application of RUPs by requiring that:

- Commercial applications of RUPs be done by either a certified pest control applicator or a certified public agency applicator;
- Private applications of RUPs are done by either a certified private applicator or an individual working under the direct supervision of a certified private applicator who is certified in the specific category of application being utilized;
- A non certified applicator can only use RUPs under direct supervision of a certified private applicator.

Current law provides that RUPs can only be applied by (or under the direct supervision of) a certified applicator. Private applicators apply restricted use pesticides to their own or rented land to produce agricultural commodities. This is no longer in compliance with EPA regulations.

The MDA thanks the Committee for your consideration and respectfully requests a favorable report on SB 249.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at rachel.jones2@maryland.gov or 410-841-5886.

RJR-(MTC)SB249.HB114 Letter of Support (SENATE)(20

Uploaded by: Richard Reinhardt

Position: FAV



Senator Brian Feldman, *Chair*
Senator Cheryl Kagan, *Vice Chair*
Senate Education, Energy, & the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 249/House Bill 114: Pesticide and Pest Control - Revisions to Pesticide Applicator's Law and Repeal of Obsolete Provisions – SUPPORT

January 28, 2025

Dear Chairman Feldman and Senate E3 Committee Members:

On behalf of the Maryland Turfgrass Council (MTC), we write this letter in support of Senate Bill 249/ House Bill 114: Pesticide and Pest Control - Revisions to Pesticide Applicator's Law and Repeal of Obsolete Provisions.

The Maryland Turfgrass Council (MTC) is a non-profit organization that represents all areas of the turf industry including golf, sports turf, sod producers, landscape, lawncare and commercial vendors and suppliers.

As written, SB249/ HB114 would establish requirements for the commercial application of general use pesticides, the commercial application of restricted use pesticides (RUPs), and the private application of restricted use pesticides. This departmental bill would also require a certified private applicator to ensure that certain individuals working under the certified applicator's supervision meet certain requirements.

The Federal Environmental Protection Agency (EPA) has well established regulations pertaining to the application of restricted use pesticides (RUPs) and those permitted to use them. Moreover, the EPA created protections for applicators (non-certified) through mandated training before such use of restricted pesticides may be allowed. Various training options are available for these specific applicators, including the completion of a training program approved in that State. This legislation would essentially codify into statute the Department's EPA-approved certification plan.

MTC firmly believes that safety and education are essential when these types of pesticides are applied, regardless of whether it's private or commercially done. These federal and state mechanisms were established for not only the protection of those using them, but for prevention of accidental and/or negligent misuse of these pesticides that could potentially have consequential health risks to applicator(s) (and the general public), while increasing the likelihood of harmful impacts to the environment.

It is for these reasons that MTC supports the passage of SB249/HB114 and humbly seeks this committee for a FAVORABLE report.

Sincerely,

Brandon Sands

Brandon Sands, *President*
Maryland Turfgrass Council (MTC)

SB0249-EEE-LOC.pdf

Uploaded by: Nina Themelis

Position: INFO



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0249

January 28, 2025

TO: Members of the Education, Energy, and the Environment Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: Senate Bill 0249 - Pesticide and Pest Control - Revisions to Pesticide Applicator's Law and Repeal of Obsolete Provisions

POSITION: Letter of Concern

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) wishes to express concerns regarding Senate Bill (SB) 249.

SB249 proposes significant revisions to Maryland's Pesticide Applicator's Law. The bill updates application requirements for both general and restricted use pesticides. General use pesticides must be applied by or under the supervision of a certified pest control applicator or certified public agency applicator, while restricted use pesticides must be applied directly by a certified applicator. The legislation explicitly holds certified pest control applicators, public agency applicators, and private applicators responsible and liable for pesticide applications. Additionally, the bill repeals obsolete provisions concerning cyclodiene termiticides and antifouling paints containing tributyltin compounds.

Baltimore City Department of Public Works (DPW) operates a pest control team under the Bureau of Solid Waste. The team oversees pest management efforts, primarily focusing on rat abatement through the Rat Rubout program. The program primarily uses non-restricted pesticides approved by the Environmental Protection Agency (EPA) and the Maryland Department of Agriculture (MDA). In 2023 alone, the Rat Rubout program conducted over 60,000 inspections across the city, including proactive investigations and baiting when necessary. The program requires property owners to complete a Right of Entry form, granting permission for access and releasing the city from liability related to pesticide application.

Currently, the bill does not allow for the transfer of liability through written consent agreements, a practice currently used in programs like the Rat Rubout program. Such agreements are essential for balancing operational effectiveness with legal protections for public agency operators. Without these provisions, the bill could impose significant operational challenges for city pest control efforts.

We respectfully ask the committee to consider this concern when addressing the bill. While we recognize the importance of proper oversight in pesticide application, the City of Baltimore hopes to retain a balance between maintaining legal protections and offering effective pest control operations.