



BRANDON M. SCOTT
MAYOR

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

SB0249

March 26, 2025

TO: Members of the House Environment and Transportation 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: Support with Amendments

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 249 **with amendments.**

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.

Some potential language to alleviate the concerns of the BCA could include:

(F) (1) THE LIABILITY OF CERTIFIED PUBLIC AGENCY APPLICATORS MAY BE RELEASED UPON THE EXECUTION OF A WAIVER OF LIABILITY THAT IS WRITTEN IN A

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785
Baltimore – phone: 410.396.3497 • fax: 410.396.5136
<https://mogr.baltimorecity.gov/>*

CLEAR AND UNAMBIGUOUS MANNER, TO THE EXTENT THAT THE HARM CAUSED BY THE APPLICATION OF A GENERAL USE PESTICIDE OR A RESTRICTED USE PESTICIDE DOES NOT ARISE FROM INTENTIONAL, RECKLESS, OR GROSSLY NEGLIGENT CONDUCT AND WHERE THE WAIVER OF LIABILITY DOES NOT VIOLATE PUBLIC POLICY.

(2) ANY LIABILITY THAT MAY ARISE FROM THE APPLICATION OF A GENERAL USE PESTICIDE OR A RESTRICTED USE PESTICIDE BY CERTIFIED PUBLIC AGENCY APPLICATORS AND/OR IMPOSED ON A STATE, COUNTY, OR LOCAL GOVERNMENT SHALL BE GOVERNED BY AND SUBJECT TO THE LIMITATIONS SET FORTH IN THE MARYLAND TORT CLAIMS ACT, MD. CODE, SG § 12-101, et seq., AS WELL AS THE LOCAL GOVERNMENT TORT CLAIMS ACT, MD. CODE, CTS & JUD., § 5-301, et seq.

We respectfully ask the committee to consider adopting this amendment when considering final passage of 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. For the above reasons, the BCA respectfully requests a **favorable with amendment** report for SB249.