



Maryland Department of Agriculture

Office of the Secretary

Wes Moore, Governor

Aruna Miller, Lt. Governor

Kevin Atticks, Secretary

Steven A. Connelly, Deputy Secretary

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Industry

The Wayne A. Cawley, Jr. Building

50 Harry S Truman Parkway

Annapolis, Maryland 21401

mda.maryland.gov

410.841.5885 Baltimore/Washington

410.841.5846 Fax

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.