



**February 12, 2025**

Maryland House of Delegates  
Health and Government Operations Committee  
Taylor House Office Building Room 240/241  
Annapolis, MD 21401

**RE: MSPCA Opposition Testimony on HB 386: Pesticides – PFAS Chemicals – Prohibitions**

Dear Chair Pena-Melynk, Vice-Chair Cullison, and Members of the Committee:

Thank you for the opportunity to express our opposition to HB 386. We understand the legislature's intent to protect Maryland's public health and environment, but this proposed bill would have a significant negative impact on our ability to safeguard our communities from harmful pest infestations.

The Maryland State Pest Control Association (MSPCA) represents the professional pest control industry in our state. Our members, mostly small, family-owned businesses employing an average of five full-time staff, are dedicated to providing affordable, high-quality pest control services that protect public health, food, and property.

HB 386 would eliminate our access to critical federal- and state-registered pesticide products used to manage bedbugs, cockroaches, mosquitoes, rodents, termites, and other pests. These products, applied by licensed and trained professionals, are used in various settings across Maryland, including homes, schools, hospitals, food processing facilities, grocery stores, and hotels.

**HB 386 Would Ban Critical Pesticide Products for Pest Control in Maryland**

It is crucial that pest control professionals have access to registered pesticides to manage pesticide resistance in rodents, insects, and other pests. By rotating between products from different active ingredient groups, professionals can ensure the success of their treatments, even when pest populations develop resistance. If this bill becomes law, we see two immediate consequences: Applicators would be forced to use alternative products that may require more frequent treatments or additional products to achieve the same results, and pesticide resistance would likely increase among Maryland's pest populations.

In reviewing the active ingredients (AIs) used in the products targeted by this bill, we are concerned that there is not a consistent viable alternative that match the AI in efficacy, cost, or resistance management. We doubt that a such an alternative could be identified within the ambitious implementation timeline of less than three calendar years, as products take years of discovery research and scientific studies before registration for commercial use.

For a product to be considered as an alternative to the products that HB 386 seeks to prohibit, they must match the original products in all aspects without imposing impractical constraints.

More expensive and/or less effective pesticide treatments could reduce service contracts from small businesses, school districts, and disadvantaged communities, leading to less frequent treatments, which would allow pest populations to grow and increase property damage and public health risks.

MSPCA is particularly concerned that the alternative solutions may be state restricted-use pesticides, rather than the original general-use products. For instance, if a rodent control product is banned, an applicator might need to rely on a restricted-use product, which could present challenges in certain service locations and with certified technicians.

The professional pest control industry manages pesticide resistance by rotating products to prevent overuse of any single active ingredient. The U.S. Environmental Protection Agency (EPA) defines successful pest resistance management as the regular alternation of chemistries and modes of action by certified applicators, ensuring that pest control remains effective and sustainable over time.<sup>1</sup>

### **HB 386 Would Remove Critical Termite and Rodent Products, Threatening Our Ability to Protect Our State's Public Health and Property**

Termite management is particularly important in Maryland, where inspections are required for real estate transactions, and the National Pest Management Association (NPMA) estimates termite damage costs over \$5 billion annually in the U.S. The Eastern Subterranean Termite is native to Maryland, making the continued availability of active ingredients like bifenthrin, fipronil, and novaluron, all of which would meet HB 386's definition, are essential for controlling infestations.

Rodent control plans rely on rotating products with ingredients like bromadiolone, bromethalin (included on the AIs which would be banned), and cholecalciferol to target different rodent system functions. Removing even one of these active ingredients in rodent control plans would force applicators to turn towards products they would typically reserve for specific scenarios, including second-generation rodenticides, which are state restricted-use pesticides (RUPs).

Without access to these products, MSPCA anticipates higher costs for pest control and increased infestations and property damage, especially in areas that are currently combating against high pest populations. Additionally, banning these ingredients could limit our ability to respond to emerging pest strains and unintentionally remove future solutions for new pest challenges. The ambitious timeframe for identifying alternatives by 2026 is concerning, given the complexity and time required to develop new pesticide products.

### **HB 386 Threatens Compliance with Federal Pest Control Regulations**

HB 386 could have significant implications for Maryland's compliance with federal pest control regulations, especially in relation to real estate transactions, food safety, and workplace pest control.

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<sup>1</sup> [U.S. Environmental Protection Agency: Slowing and Combating Pest Resistance to Pesticides](#)

For instance, both federal and state law requires a "wood-destroying insect inspection" as part of the home buying process for federal VA and FHA loans, and many private lenders also require it. This inspection is essential for ensuring that properties are free from termites or other wood-destroying insects that can cause significant structural damage. If HB 386 restricts access to essential pest control products, it could create uncertainty in the real estate market, as it may become more difficult for pest control professionals to guarantee that properties are free from these pests. This could complicate the approval process for federally backed loans, causing delays or issues with financing if termite activity or treatment history cannot be properly verified.

Additionally, pest control is essential for maintaining food safety in facilities regulated by the Food Safety Modernization Act (FSMA) and the Food and Drug Administration (FDA). There are strict requirements for pest control measures to be consistently maintained to prevent contamination in food processing plants and storage facilities. If critical pesticide products are banned, pest control professionals may struggle to meet these regulatory requirements, potentially putting public health, and Maryland commerce at risk.

Federal Occupational Safety and Health Administration (OSHA) vermin control regulations ensure safety in the workplace, ensuring that workplaces are maintained to prevent pest infestations, and if detected, the employer must implement an effective pest management plan. If HB 386 restricts pesticide products used to treat against these pests, businesses in these sectors may struggle to meet OSHA's vermin control standards, leading to non-compliance issues and possible fines.

Similarly, local Maryland sanitation laws require effective pest management in various settings, including restaurants, hospitals, schools, and other public spaces. If pest control professionals cannot access the necessary products, it could lead to failures in meeting local sanitation regulations, resulting in public health risks and potential violations of the law.

HB 386's impact on pesticide availability could have far-reaching effects on Maryland's ability to comply with federal regulations, particularly those related to real estate transactions, food safety, and workplace pest control. The uncertainty introduced by restricted pesticide access could disrupt the real estate market, complicate food safety protocols, and hinder businesses' ability to meet local and federal pest management standards, ultimately putting public health and safety at risk.

### **HB 386 Contradicts the Regulatory Authority of U.S. Environmental Protection Agency (EPA) and Maryland Department of Agriculture**

The Maryland State Pest Control Association (MSPCA) supports the Maryland Department of Agriculture and its regulatory authority over pesticides registered for use within the state. We believe that the Department, working in collaboration with the U.S. Environmental Protection Agency (EPA) and following the guidelines set forth by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is the proper authority for reviewing pesticides.

At the federal level, the EPA has not moved to phase out or ban any of the active ingredients that fall under the scope of HB 386. Given that there are no federal actions, MSPCA believes that this

bill would ultimately do more harm than good for Maryland. We urge the Committee to explore ways to support the Department of Agriculture and the State Chemist's Office in their efforts, as they provide valuable pesticide safety training and guidance to both the regulated community and the general public.

While we support the continued development of new pest control technologies, until such alternatives are available, both pest control professionals and Maryland's citizens rely on effective solutions that are currently accessible. Restricting even one pesticide product could lead to an increase in pest populations and contribute to future pesticide resistance, ultimately posing a threat to public health in Maryland.

The Maryland State Pest Control Association stands by the legislature's commitment to protecting public health and the environment, but we believe HB 386 will have the opposite effect. For all the reasons outlined above, we respectfully request that the Committee vote unfavorably on HB 386.

Sincerely,

*Charles Barton*

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