

MARYLAND REGISTER

Proposed Action on Regulations	
<b>Date Filed with AELR Committee</b> June 25, 2025	<b>Date Filed with Division of State Documents</b>
	<b>Document Number</b> 25-135-P
	<b>Date of Publication in MD Register</b>

**1. Desired date of publication in Maryland Register: July 25, 2025**

**2. COMAR Codification**

Title	Subtitle	Chapter	Regulation
15	06	02	06

**3. Promulgating Authority**

Maryland Department of Agriculture

**4. Name of Regulations Coordinator**

Natalie Watson

**Telephone Number**

410-841-5829

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50 Harry S. Truman Parkway  
Annapolis, Maryland 21401

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**5. Name of Person to Call About this Document**

Kimberly Rice, Program Manager

**Telephone Number**

(410) 841-5920

**Mailing Address**

50 Harry S. Truman Parkway  
Annapolis, Maryland 21401

**Email**

kimberly.rice@maryland.gov

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval

**7. Is there Emergency text that is identical to this Proposal:**

Yes  No

**8. Incorporation by Reference**

- Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

**10. Children's Environmental Health and Protection**

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Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

### **11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Thomas F. Filbert, Assistant Attorney General, telephone #410-841-5895, on June 25, 2025. A written copy of the approval is on file at this agency.

#### **Name of Authorized Officer**

Steven A. Connelly

#### **Title**

Deputy Secretary

#### **Telephone No.**

410-841-5881

#### **Date**

June 25, 2025

## **Title 15**

# **MARYLAND DEPARTMENT OF AGRICULTURE**

## **Subtitle 06 PLANT PEST CONTROL**

### **15.06.02 Plant Pest Control Regulations**

Authority: Agriculture Article, §§5-301—5-314, Annotated Code of Maryland

#### **Notice of Proposed Action**

[25-135-P]

The Maryland Department of Agriculture proposes to:  
amend Regulation .06 under COMAR 15.06.02 Plant Pest Control Regulations.

#### **Statement of Purpose**

The purpose of this action is to implement new legislation increasing certain fees related to nurseries, brokers and dealers, and plant producers.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Kimberly Rice, Program Manager, Maryland Department of Agriculture, 50 Harry S. Truman Drive Annapolis, MD 21401, or call 410-841-5920, or email to [kimberly.rice@maryland.gov](mailto:kimberly.rice@maryland.gov). Comments will be accepted through September 3, 2025. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: **FY 2026**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

**Yes**

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

**Plant Protection Fund**

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

**The amendment to Regulation 15.06.02.06, increasing certain fees related to nurseries, brokers and dealers, and plant producers, mirrors the amendment to Agriculture Article § 5-309 set forth in the Budget Reconciliation and Financing Act of 2025.**

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

**The amendment to Regulation 15.06.02.06, increasing certain fees related to nurseries, brokers and dealers, and plant producers, simply implements the same fee increases for these persons set forth in the Budget Reconciliation and Financing Act of 2025. See Ch. 604, Acts of 2025.**

G. Small Business Worksheet:

**1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? HOUSEHOLDS AND BUSINESSES BENEFIT FROM THE PROPOSED ACTION BECAUSE ITS MODEST ADJUSTMENT IN FEES – WHICH MIRROR THE MODEST ADJUSTMENT IN FEES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL ASSIST MDA IN CONTINUING ITS STATUTORY MISSION PERTAINING TO PLANT PROTECTION AND REGULATING THE GREEN INDUSTRY. SEE BUDGET RECONCILIATION AND FINANCING ACT OF 2025. Are these intended beneficiaries primarily households or businesses?**

**1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? THE PROPOSAL WILL NOT AFFECT HOUSEHOLD PURCHASING POWER SUCH THAT THE VOLUME AND PATTERNS OF THEIR CONSUMER SPENDING CHANGES. If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted? NURSERIES, PLANT BROKERS AND PLANT DEALERS, AND PLANT**

## **PRODUCERS.**

**1c. Intended Beneficiaries: Businesses.** If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. ? **NURSERIES, PLANT BROKERS AND PLANT DEALERS, AND PLANT PRODUCERS.** How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? **THESE PERSONS WILL BE SUBJECT TO A MODEST FEE INCREASE AS CALLED-FOR IN RECENT ENACTED LEGISLATION.** If so, how will these Maryland small businesses be affected? **THEY WILL BE SUBJECT TO A MODEST FEE INCREASE.** Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

**2a. Other Direct or Indirect Impacts: Adverse.** Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? **BUSINESSES WILL NOT BE REQUIRED TO RESPOND TO THE FEE ADJUSTMENT IN SUCH A FASHION THAT THEY WILL INCUR ADDITIONAL WORK-TIME COSTS OR MONETARY COSTS IN ORDER TO COMPLY.** Describe how Maryland establishments may be adversely affected. **THEY WILL NOT BE ADVERSELY AFFECTED. THE FEE INCREASES IN THE PROPOSED ACTION MIRROR THE INCREASES SET FORTH IN RECENTLY ENACTED LEGISLATION.** Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? **NO.** Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

**2b. Other Direct or Indirect Impacts: Positive.** Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? **THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL ASSIST MDA IN CONTINUING ITS STATUTORY MISSION PERTAINING TO PLANT PROTECTION AND REGULATING THE GREEN INDUSTRY.** Will Maryland small businesses share proportionately or disproportionately in these gains? **YES.** Can you estimate the possible number of Maryland small businesses positively affected?

**3. Long-Term Impacts.** There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above? **THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES**

**CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL NOT RESULT IN ANY SUCH LONG RUN ECONOMIC IMPACT EFFECTS ON MARYLAND SMALL BUSINESSES.**

**4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice. THE MODEST FEE INCREASES IN THE PROPOSED ACTION – WHICH MIRROR THE FEE INCREASES CALLED-FOR IN RECENTLY ENACTED LEGISLATION – WILL HAVE NO IMPACT ON ANY OF THE SIX AFOREMENTIONED ITEMS.**

## **Title 15 MARYLAND DEPARTMENT OF AGRICULTURE**

### **Subtitle 06 PLANT PEST CONTROL**

#### **Chapter 02 Plant Pest Control Regulations**

Authority: Agriculture Article, §§5-301—5-314, Annotated Code of Maryland

##### **.06 Fee Schedule.**

A.—B. (text unchanged)

(1) (text unchanged)

(a) 1 acre or less — \$[10] 20;

(b) More than 1 acre to 5 acres — \$[20] 30;

(c) More than 5 acres to 10 acres — \$[30] 40;

(d) More than 10 acres — \$[3] 5 for each acre or part of any acre, up to a maximum of \$[1,000] 1,500.

(2) Nursery Inspection Certificate — \$[100] 150 a year for each sales location.

(3) Plant Dealer License — \$[100] 150 a year for each sales location.

C.—I. (text unchanged)