



Maryland Department of Agriculture

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Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Steven A. Connelly, Deputy Secretary

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401
mda.maryland.gov

410.841.5880 Baltimore/Washington
410.841.5914 Fax

Maryland Department of Agriculture

Legislative Comment

Date: February 2, 2022

BILL NUMBER: Senate Bill 268

SHORT TITLE: Pesticide Regulation - Transfer to Department of the Environment

MDA POSITION: Opposition

EXPLANATION:

SB 268 would transfer the regulation of pesticides, plant diseases, and mosquito control from the Maryland Department of Agriculture (MDA) to the Maryland Department of Environment (MDE).

MDA **strongly opposes** SB 268 based on the tremendous impact it would have on the agency's operations, staffing and revenue. In addition to losing staff who work across the impacted programs, this bill would result in a massive loss of special and federal funding that MDA relies on for several programs.

Additionally, each of these programs is well-established and has successful working relationships with federal agencies, including the U.S. Environmental Protection Agency (EPA) and U.S. Department of Agriculture (USDA). In particular, the Pesticide Regulation Section has been granted primacy by the EPA over its Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), which allows MDA to conduct inspections under federal authority. This arrangement is longstanding and allows MDA to carry out enforcement based on information from the EPA's well-established regulatory process.

The program is also largely funded by an EPA grant through 2025 at \$524,000/year. Moving Pesticide Regulation would require approval from EPA to transfer that grant to MDE. The department has provided an exhaustive report on this and other unintended consequences in its fiscal note.

MDA also has an established working relationship with pesticide manufacturers and applicators. While proponents of the bill have used this as an argument in favor of SB 286, these long-standing professional relationships have been beneficial toward the efficiency and timeliness of its regulatory activities. These relationships foster cooperation with the regulated entities and stakeholders, and any suggestion that MDA has given the industry preferential treatment is simply untrue.

MDA's pesticide regulation, plant disease, and mosquito control programs are **career public servants** whose expertise is critical in maintaining a regulatory program that is based on and grounded in science. The staff impacted by this bill represents decades of experience, specialized industry training, and advanced education, including masters degrees and doctorates. This bill implies that these dedicated state

employees are somehow compromised or unable to fulfill their professional and public duties, which is unfounded and wholly inaccurate. Any portrayal otherwise does a disservice to the state and its dedicated staff of professionals.

MDA hereby requests an unfavorable report for SB 628.

BACKGROUND INFORMATION:

The EPA is primarily responsible for regulating pesticides in the United States. The EPA Office of Pesticide Programs handles most of the regulatory issues pertaining to pesticides. FIFRA gives the EPA authority to determine which pesticides can be used in the U.S., and how they can be used. The EPA evaluates new pesticides and proposed uses, determines if emergency situations warrant temporary approvals of certain pesticides and periodically reviews current research related to the safety of older pesticides. They also enforce pesticide regulations and provide support to state and regional EPA programs designed to protect, certify and train pesticide applicators.¹ **EPA has granted MDA the regulatory authority to enforce regulations under FIFRA.** While most inspections are conducted under state authority, all pesticide regulation inspectors carry and maintain federal credentials in order to inspect pesticide production facilities.

MDA's Pesticide Regulation Section administers Maryland's Pesticide Applicator's Law; approves training courses in the handling, storage and use of pesticides; conducts examinations to determine that pesticide applicators are competent and able to follow prescribed pest control practices; enforces federal laws on the sale and use of pesticides; and investigates pesticide accidents or incidents and consumer complaints on pesticide misuse.

The Maryland State Chemist regulates the sale and distribution of pesticides. Regulation is accomplished by product registration, laboratory analyses, inspection, voluntary compliance and enforcement actions such as stop sale orders. The State Chemist directly supports MDA's Pesticide Regulation Section by providing data from the chemical analyses of environmental investigations relative to potential misuse of pesticides and the Pesticide Container Disposal program.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.

¹ npic.orst.edu/reg/epareg.html