



Maryland Department of Agriculture

Office of the Secretary

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Julianne A. Oberg, Deputy Secretary

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

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410.841.5880 Baltimore/Washington
410.841.5914 Fax
800.492.5590 Toll Free

January 2, 2020

The Honorable Lawrence J. Hogan Jr.
Governor
100 State Circle
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker
Maryland House of Delegates
State House, H-101
100 State Circle
Annapolis, MD 21401

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland Senate
State House, H-107
100 State Circle
Annapolis, MD 21401

RE: Report Required by Agriculture Article § 5-102(d)

Dear Governor Hogan, Speaker Jones and President Miller:

Agriculture Article § 5-102(d) states “The Secretary [of the Department of Agriculture] shall issue a report on the comprehensive pesticide data program to the General Assembly in accordance with § 2-1246 of the State Government Article, by January 1, 1990 and by January 1 of each subsequent year..”

I have included the 2019 annual report. I hope you find the information contained in this report useful. Should you have any questions, please do not hesitate to reach out to Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.

Sincerely,

Joseph Bartenfelder
Secretary, Department of Agriculture



**MARYLAND
PESTICIDE DATA REPORT
FOR 2019**

**MARYLAND
DEPARTMENT OF AGRICULTURE**

Larry Hogan, Jr.
Governor

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Julie Oberg
Deputy Secretary

MARYLAND PESTICIDE DATA REPORT FOR 2019

Introduction

The Maryland Pesticide Regulation and labeling law (Title 5, Subtitle 1, Agricultural Article, Ann. Code MD Section 5-102(D)), requires the Secretary of Agriculture to develop a comprehensive pesticide data program to provide the General Assembly, in accordance with Section 2-1246 of the State Government Article, a report on pesticide data. The annual data program is to include the number and types of enforcement actions taken and figures for the number, types and uses of pesticides of Maryland.

A pesticide is defined by Maryland and federal law, as any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest. There are at least 21 different classes (types) of pesticides based on their target pests, including algaecides (target pest is algae), avicides (target pest is birds), bactericides, (target pest is bacteria), fungicides (target pest is fungi), growth regulators (target is to restrict plant or insect development), herbicides (target pest is weeds), insecticides (target pest is insects), rodenticides (target pest is rodents); and mildewcides (target pest is slime mold).

The Maryland Department of Agriculture (MDA) is the state agency responsible for the regulation, distribution, sale, storage, use, and disposal of pesticides in Maryland. The department cooperates with other state agencies, institutions, and federal agencies to conduct pesticide education, regulatory, and enforcement programs. Departmental activities and responsibilities are described as follows:

Pesticide Regulation Section (PRS) Enforcement Program

The PRS section enforces the Federal Insecticide, Fungicide, and Rodenticide Act, and the Maryland pesticide applicator's laws and regulations. Under the enforcement program, MDA conducts routine inspections of licensed pesticide businesses, public agencies, and restricted use pesticide dealers. Inspections include a review of pesticide application records, restricted use pesticide sales records, safety equipment, pesticide storage areas, application equipment, vehicles, and anti-siphon devices. Use observations are conducted to monitor pesticide application to field crops, structures, lawns, and ornamentals to ensure compliance with label directions and state and federal regulations.

Pesticide misuse incidents and consumer complaints are investigated. In the event of a violation, the department has the authority to suspend, revoke, or deny a license or certificate, and to assess a civil penalty not to exceed a total of \$25,000.. As part of a cooperative agreement grant with the U.S. Environmental Protection Agency (EPA), the section conducts inspections at pesticide producer establishments, market places, worker protection centers, container structures, and pesticide importers. EPA also refers complaint investigations and special initiative inspections to the department for investigation.

Application Certification and Training Program

The Pesticide Regulation Section certifies private and commercial pesticide applicators to verify the competence of the applicators. Private applicators, like farmers, are given closed book written exams to become certified for a three-year period. Certification authorizes

them to purchase and apply restricted use pesticides on their own property for producing agricultural commodities. Certificates are renewed by MDA after submission of proof of updated training. MDA certifies commercial pesticide applicators (employees of pest control businesses and public agencies) who meet the minimum standards of experience or education requirements, and who have passed written exams in specific pest control categories. Commercial applicator certificates are renewed annually, after the required training has been obtained in order to maintain their level of competency. MDA approves and monitors applicator recertification training courses and sets minimum standards for approval of courses for recertification purposes. Private and commercial applicator training sessions are coordinated with county Extension agents who are provided training materials such as slide sets, videos and education brochures by MDA. In addition, MDA registers employees who work under the supervision of a commercial applicator. Prior to registration with the department and within 30 days of employment, the employee must be trained according to the standards developed by MDA.

MDA issues licenses and permits to pesticide businesses or public agencies that apply general or restricted use pesticides. Dealers who sell restricted use pesticides must obtain a license issued by MDA. MDA issues licenses to pest control consultants who either identify pests, recommend pesticides, or other techniques for the purpose of controlling pests.

Technical Information Collection and Dissemination Program

PRS provides information to pesticide applicators, dealers, federal, state, and local agencies, and the general public on issues concerning pesticide use and regulations. Training materials, information brochures, and fact sheets are developed for pesticide applicators in order to provide compliance assistance when new guidelines or regulations are implemented. A series of "Pesticide Information Sheets" were developed to provide information on pesticide issues and regulations to consumers and applicators. PRS developed a Consumer Information Bulletin for use by licensed lawn and landscape firms for distribution to their customers. In addition, the section has compiled pesticide product label information that must be given to all pest control customers to inform them of any safety precautions or environmental hazards associated with each pesticide used. Pesticide sensitive individuals receive advance notification prior to lawn and ornamental pesticide applications being made to adjacent properties by licensed pest control business or public agencies. Maryland is one of 12 states that have a mandated notification program.

The department provides information to applicators on where and how to obtain study materials for certifications and conducts certification examination sessions every other month in three regional locations. Private applicators receive exam study materials provided by the department and are offered certification examination in county Extension offices on an as-needed basis.

Homeowners are given information on licensing requirements for pest control firms, information on termite inspections and control, proper pesticide handling, and alternatives to chemical pest controls. Table-top displays, brochures, and pesticide information sheets

have been developed for use at various trade shows, grower meetings, and at state and county fairs.

During 2019, MDA continued to expand PRS' web page so that information on pesticide business licensing requirements, certification exam dates, pesticide information sheets and Integrated Pest Management (IPM) in schools is available to the general public. Consumers and regulated industries can electronically file complaints, report pesticide incidents, download application forms, request employee identification cards, and request additional information. Other links on the section's website are a searchable pesticide database (egov.maryland.gov/MDA/Pesticides), and links to searchable database containing information on business licenses, dealer licenses, and certified applicators.

Water Quality Protection, Endangered Species Protection and Worker Protection Programs

MDA is actively involved in four federal EPA regulatory programs that are currently being implemented by the states. The department has developed a State Water Quality Management Plan for managing the use of pesticides to protect water resources, such as the tributaries leading to Chesapeake Bay, and the bay proper, as part of its Water Quality Protection Program. The department monitors EPA's "Pesticides of Interest" list annually to maintain a list of pesticides that are of concern in Maryland. Under the Endangered Species Protection Program, the department is responsible to protect federally-listed endangered species that may be harmed by the use of certain pesticides. The department has implemented and conducts the Federal Worker Protection Standard Program to protect certain pesticide users, handlers, and farm workers from exposure to pesticides. EPA has recently revised some of the Worker Protection Standards (WPS)¹. The section also inspects agricultural facilities to ensure bulk pesticide storage tanks, containment structures, and mixing/loading pads meet state and federal requirements.

Special Programs

The section conducts special programs relating to pesticide management, when funding is available. These special programs address specific pesticide issues, environmental concerns, or regional situations that require additional focus and attention beyond routine programs. These may include development of informational materials, pesticide education programs, coordination of pesticide container recycling, and usable pesticide disposal programs.

Chesapeake Bay Programs

MDA is an active participant in efforts to enhance and restore Chesapeake Bay. Pesticide management commitments have been incorporated into the toxic strategy and include commitments for adoption of IPM, development of programs for pesticide container recycling, usable pesticide disposal, and implementation of agricultural best management practices. These pesticide management programs have placed Maryland in a leadership role and have given MDA recognition as one of the key agencies in toxic reduction.

¹ epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps

Integrated Pest Management in Public Schools and on School Grounds

PRS has been conducting inspections for the IPM in public schools program since 1995, in cooperation with the Maryland State Department of Education, Maryland Association of Boards of Education, county school systems, the University of Maryland, Maryland State Pest Control Association, and EPA. The purpose of the program is to review each school system's pest management practices and to provide technical assistance the system to facilitate implementation of IPM to reduce the risk of exposing students and staff members. Mandatory IPM has been required in Maryland public schools since 2000.

Maryland Department of Agriculture Contacts:

Kevin Conroy
Assistant Secretary
Office of Plant Industries
and Pest Management

Rob Hofstetter
Acting Program Manager
Pesticide Regulation
Section

Tom Phillips
State Chemist
State Chemist Section

State Chemist Section

The State Chemist Section (SCS) has been in continuous operation since 1833. It regulates the sale and distribution of pesticides, animal feeds, pet foods, fertilizers, compost, soil conditioners, and agricultural liming materials in order to enhance and promote agricultural production; protect consumers, animals, and the environment from unsafe products; ensure the sale of effective products, and provide the regulated industry with a competitive marketplace. Regulation is accomplished by product registration, laboratory analyses, inspection, voluntary compliance, and enforcement actions such as stop sale orders.

The Section supports MDA's PRS by providing data from the chemical analyses of environmental investigations relative to potential misuse of pesticides, routine label claim, and the Pesticide Container Recycling Program.

Registration

SCS is responsible for registering all pesticide products distributed, manufactured, produced/rs, mixes, consigned, sold or transported in Maryland. The purpose for product registration is to ensure the sale and distribution of pesticides that are effective and safe for humans, animals, and the environment. In 2018, SCS registered 13,199 pesticide products.

Inspection

Product quality and safety are determined by chemical analysis of the active ingredients in the products sampled by inspectors. They inspect, on a regular schedule, warehouses, producers, and retail outlets. One hundred thirty products were sampled for formulation analysis. Online retailers were also sampled this year.

Chemical Analyses

In 2019, the section analyzed 251 formulation samples for label claim of the active ingredients, and 26 samples for pesticide residues. The section participates in Committee International Pesticide Analytical Council collaborative studies. These studies are done to validate methods that become official for the analysis of pesticide formulations.

Pesticide Registration Data and Enforcement

The Pesticide Registration and Labeling Law requires a distributor of pesticide products to annually register the product with the section before distribution in the state. The section utilizes a computerized registration process that has expedited and improved accuracy of the registration process and enables the section to compile more information about registered pesticide products.

During 2019 pesticide product registration data included:

- Number of Registrants - 417
- Number of pesticide products registered - 13,199

As a result of the section's enforcement and registration program, the following regulatory actions were taken against companies who violated the State Pesticide Registration and Labeling Law:

- Pesticide formulations analyzed - 251
- Total active ingredients analyzed - 352
-

In support of PRS' enforcement activities, the section's laboratory analyzed samples (soil, water, plant tissues, swabs, products, etc.) for pesticide residues. The following summary of the analysis.

Investigation Samples (Pesticide Misuse, accidents)

- Samples analyzed - 26
- Total number of analysis - 130

Pesticide Use Enforcement Inspection and Actions

During 2019, Inspection of licenses, pest control businesses and public agencies were conducted as follows:

- Routine Business Inspections - 430
- Pesticide Dealer Inspections - 77
- Pesticide Use Observations - 71
- Applicator Record Reviews. - 582

Violations detected during pest control business inspections are summarized in Table 1 and include:

- Unregistered Employee violations - 7
- Incomplete or inaccurate records - 44
- Vehicles not properly identified - 2
- No Anti-siphon device - 4
- No first aid/safety equipment - 0
- No/Incomplete Customer Information provided - 8

During 2019, regulatory enforcement actions against individuals or firms for violations of the Maryland Pesticide Applicators law. The actions taken or penalties assessed from specific violations of the law or regulations are summarized as follows:

- Consumer Complaint Investigations - 38
- An investigational conference held with a license to gather information about an ongoing investigation and to alert the current licensee to correct the situation - 3
- Vehicles not properly identified - 2
- No anti-siphon device - 4

Penalties Assessed

- Notice of Warnings - 10 (Certified letter notifying licensee, permittee, or individual that they have committed a violation or that the situation needed corrected.)
- Field Notice - 57 (Violation noted by field inspector during routine inspections. Licensee, Permittee or individual is informed of an infraction.)
- Civil Penalties - 13 civil penalties were assessed in lieu of or in an addition to a suspension or revocation of a license permit, certificate or an employee registration card. Licenses were assessed a total of \$12,130.

Pesticide Applicator Certification and Training Program

During 2019, the following licensing and certification activities were conducted and are summarized below:

- Pesticides Business Licensed - 1,666
- Public Agencies permitted - 346
- Pesticide Restricted Use Dealer Permits - 196
- Pest Control Applicators Certified - 1,099
- Applicators taking the exams - 896
- Total Examinations administered - 2,539

In order to maintain applicator certification, private applicators must participate in MDA approved training once every three years. Commercial applicators of pesticide must attend annual recertification training sessions. The following data indicates training held in 2019:

- Commercial applicators training sessions held - 592
- Private applicator training sessions held - 195
- Commercial Applicator recertified - 3913
- Private applicators recertified - 1,000

Pesticide Use Data

PRS regulates the use of pesticides in Maryland (See Section II). An essential factor in conducting effective regulatory educational programs on pesticides is data relating to the quantity and distribution of pesticide product usage in the state. MDA conducts pesticide usage data on 3-year cycles, beginning in 1982 and followed with surveys in 1985, 1988, 1991, 1994, 1997, and for 2000. Due to limited resources (funds and personnel), the department was limited to conducting additional pesticide usage surveys in 2004 and 2011. The data was compiled by the National Agricultural Statistics Service (NASS), an agency of the U.S. Department of Agriculture. MDA contracts with NASS to conduct surveys to provide final data, but the department has no access to the raw data in order to protect the confidentiality of the data and the privacy of the respondents.

Maryland is unique in having such extensive pesticide use data, as no neighboring state has similar data. This data meets the commitments made by Maryland as part of the Chesapeake Bay Watershed Agreement. In addition, the data has been used in a variety of

ways, including as a basis for conducting surface water surveyor groundwater surveys. MDA is planning on contracting with BASS for future pesticide usage surveys.

Water Quality Protection, Endangered Species Protection and Worker Protection Program

MDA is responsible for developing a Pesticide Management Plan (PMP) to protect water quality. PRS has participated in EPA-sponsored groundwater protection training courses on pesticides monitoring and wellhead protection in order to obtain information and guidance on developing Maryland's PMP. The PMP is one facet of an overall Comprehensive State Ground Water Protection Plan (CSGWPP), which included all state programs affecting ground water resources of the state.

MDA coordinated efforts with the Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) to initiate development of Maryland's CSGWPP and PMP. Data collected from PMPs have been used to develop the generic pesticide management plan. Groundwater protection educational materials were developed for farmers, commercial applicators and pesticide dealers and incorporated into application recertification programs. MDA has also contracted with the U.S. in a number of projects located in and around the Chesapeake Bay.

MDA continues to support the EPA in its efforts to protect endangered species since it was initiated in 1992. The first endangered species listed in Maryland was the Maryland Darter². MDA developed informational brochures and distributed them to growers, commercial and private applicators located in Harford County, where the darter was last seen.

The federal WPS became effective in August in 1992. MDA continues to disseminate information on federal programs in pesticide applicator training programs. EPA has recently provided the states with additional information and changes to the WPS. Once they are completed and put into place, MDA will provide information to farmers and farm workers regarding the new regulations.

Special Programs

MDA continues to conduct empty pesticide container recycling in Maryland. In 2019 the Pesticide Plastic Container Recycling Program collected 72 tons of plastic pesticide containers for recycling.

Integrated Pest Management in Schools

MDA continues to promote and implement the IPM program in Maryland's public schools. Legislation was passed in 1999 that expanded the 1998 law to include pesticide use on school grounds. Schools are required to provide notification to parents, students, and staff of pesticide applications to school buildings and on grounds. PRS reviews and approved revised plans that incorporated programs for managing pest problems on school grounds and provided technical assistance in the development of the plans. Every public school has

² dnr.maryland.gov/wildlife/Pages/plants_wildlife/rte/rteanimalfacts.aspx?AID=Maryland%20Darter

implemented an IPM program. MDA ensures continued compliance with these IPM regulations. A total of 40 public schools were inspected in 2019.

A Summary and Comparison of Program Activities conducted by PRS

PRS hired a new inspector in July 2019, and is in the process of training the new inspector.

Table 1:

Pesticide Regulation Section Activities	2017	2018	2019
Pesticide Business License	1521	1708	1666
Not-for-Hire Business License	140	145	147
Commercial Pest Control Applicators Certified in One or More Pest Control Categories	3501	3671	3528
Registered Personnel Employed by Licensed Business and Public Agencies	7521	7599	8839
Public Agency Permits Issued	330	342	346
Public Applicators Certified in One or More Pest Control Categories	1016	1024	1099
Private Applicator Certified to Date	3342	3402	3333
Restricted Use Pesticide Dealer Permits Issued	140	142	196
Applicator Certification Examinations Sessions Held	18	18	18
Individuals Taking Certification Exams	769	710	896
Examinations Administered in All Categories	2174	2180	2539
Number of Business Inspected	603	953	430
Number of Business Inspections with Violations	234	273	151
Unregistered Employee Violations	13	12	7
Records Incomplete or Inaccurate Violations	63	48	44
Vehicles Not Properly Identified Violations	12	13	2
No Anti-siphon Device Violations	7	6	4
No First Aid/Safety Equipment Violations	7	2	0
Incomplete or No Customer Information Violations	4	1	8
Pesticide Dealer Inspections	72	68	77
Pesticide Application Records Reviewed	935	899	582
Hearings and Investigational Conferences	0	1	3
Consumer Complaint Investigations	34	43	38
Pesticide Use Observations	60	68	71
Pesticide Market Place Inspections	43	34	43