



Maryland Department of Agriculture

Office of the Secretary

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

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December 18, 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 Bill Ferguson
President
Maryland Senate
State House, H-107
100 State Circle
Annapolis, MD 21401

RE: Report Required by AG § 5-102(d) - MSAR #265

Dear Governor Hogan, Speaker Jones and President Ferguson:

AG § 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 § 2-1257 of the State Government Article, by January 1, 1990 and by January 1 of each subsequent year.”

I have included 2020 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 Government Affairs, at cassie.shirk@maryland.gov or 410-841-5889.

Sincerely,

Joseph Bartenfelder
Secretary, Department of Agriculture



**MARYLAND
PESTICIDE DATA REPORT
2020**

**MARYLAND
DEPARTMENT OF AGRICULTURE**

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Governor

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Deputy Secretary

MARYLAND PESTICIDE DATA REPORT FOR 2020

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 in 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 education, regulatory, and enforcement programs. Departmental activities and responsibilities are described as follows:

Pesticide Regulation Section (PRS) Enforcement Program

PRS enforces the Federal Insecticide, Fungicide, and Rodenticide Act, and the Maryland pesticide applicator's laws and regulations. Under the 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, marketplaces, 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

PRS certifies private and commercial pesticide applicators to verify the competence of the applicators. Private applicators, like farmers, are given 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” are 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. Due to the COVID-19 pandemic, exams are conducted only at MDA headquarters as off-site locations are closed to the public. 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 2020, MDA continued to expand PRS' web presence 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 databases containing information on business licenses, dealer licenses, and certified applicators.

During 2020, PRS has continued to provide service to essential businesses during the COVID-19 pandemic. Inspection activities were restricted for several months due to closures and distancing requirements. PRS was able to adapt to online recertification processes for license holders to get required continuing education completed. PRS was also able to continue professional certification examinations by developing an outdoor/drive-in type of exam to keep licensing activities available.

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 EPA 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 (WPS) Program to protect certain pesticide users, handlers, and farm workers from exposure to pesticides. 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

PRS conducts special programs - when funding is available - relating to pesticide management. 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 strategy and include commitments for adoption of IPM, development of programs for pesticide container recycling, unusable 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 pollution reduction.

Integrated Pest Management in Public Schools and on School Grounds

PRS has been conducting inspections for the IPM in public schools 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 to the system to facilitate implementation of IPM to reduce the risk of exposing students and staff. Mandatory IPM has been required in Maryland public schools since 2000.

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.

SCS 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, mixed, 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 2020, SCS registered 12,891 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. Two hundred twelve products were sampled for formulation analysis. Online retailers were also sampled this year.

Chemical Analyses

In 2020, the section analyzed 227 formulation samples for label claim of the active ingredients, and 45 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. SCS utilizes a computerized registration process that has expedited and improved accuracy of the registration process and enables them to compile more information about registered pesticide products.

During 2020 pesticide product registration data included:

- Number of registrants - 892
- Number of pesticide products registered - 12,891

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 - 227
- Total active ingredients analyzed - 275

In support of PRS’ enforcement activities, SCS’ 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 - 97
- Total number of analysis - 14,751

Pesticide Use Enforcement Inspection and Actions

During 2020, PRS continued to provide service to essential businesses during the COVID-19 pandemic. However, PRS’s inspection activities were restricted for several months due to closures and distancing requirements. During 2020, inspection of licenses, pest control businesses and public agencies were conducted as follows:

- Routine business inspections - 354
- Pesticide dealer inspections - 20
- Pesticide use observations - 31
- Applicator record reviews - 437

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

- Unregistered employee violations - 8
- Incomplete or inaccurate records - 31
- Vehicles not properly identified - 8
- No anti-siphon device - 4
- No first aid/safety equipment - 1
- No/incomplete customer information provided - 6

During 2020, 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 - 28

- An investigational conference held with a licensee to gather information about an ongoing investigation and to alert the current licensee to correct the situation - 0
- Vehicles not properly identified - 8
- No anti-siphon device - 4

Penalties Assessed

- Notice of warnings - 5 (Certified letter notifying licensee, permittee, or individual that they have committed a violation or that the situation needed correction.)
- Field notice - 116 (Violation noted by field inspector during routine inspections. Licensee, permittee or individual is informed of an infraction.)
- Civil penalties - 7 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 \$7,630.

Pesticide Applicator Certification and Training Program

During 2020, the following licensing and certification activities were conducted and are summarized below:

- Pesticides business licensed - 1,461
- Public agencies permitted - 309
- Pesticide restricted use dealer permits - 179
- Public pest control applicators certified - 988
- Applicators taking the exams - 713
- Total examinations administered - 2,499

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 sessions. The following data indicates training held in 2020:

- Commercial applicators training sessions held - 592
- Private applicator training sessions held - 195
- Commercial applicator recertified – 3,150
- Private applicators recertified - 313

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 2000. Due to limited resources in 2004, 2011, and 2014, 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 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 NASS 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 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 includes 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 PMP. 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. Geological Survey 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 Darter. 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 2020, the Pesticide Plastic Container Recycling Program collected 30 tons of plastic for recycling.

Integrated Pest Management in Schools

MDA continues to promote and implement the IPM program in Maryland's public schools. 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 implemented an IPM program. MDA ensures continued compliance with these IPM regulations. A total of 40 public schools were inspected in 2020.

A Summary and Comparison of Program Activities conducted by PRS

Table 1:

Pesticide Regulation Section Activities	2018	2019	2020 *
Pesticide Business License	1,708	1,666	1,461
Not-for-Hire Business License	145	147	1,227
Commercial Pest Control Applicators Certified in One or More Pest Control Categories	3,671	3,528	3,150
Registered Personnel Employed by Licensed Business and Public Agencies	7,599	8,839	7,685
Public Agency Permits Issued	342	346	309
Public Applicators Certified in One or More Pest Control Categories	1,024	1,099	988
Private Applicator Certified to Date	3,402	3,333	2,923
Restricted Use Pesticide Dealer Permits Issued	142	196	179
Applicator Certification Examinations Sessions Held	18	18	12
Individuals Taking Certification Exams	710	896	713
Examinations Administered in All Categories	2,180	2,539	2,499
Number of Business Inspected	953	430	354
Number of Business Inspections with Violations	273	151	126
Unregistered Employee Violations	12	7	8
Records Incomplete or Inaccurate Violation`s	48	44	31
Vehicles Not Properly Identified Violations	13	2	8
No Anti-siphon Device Violations	6	4	4
No First Aid/Safety Equipment Violations	2	0	1
Incomplete or No Customer Information Violations	1	8	6
Pesticide Dealer Inspections	68	77	20
Pesticide Application Records Reviewed	899	582	437
Hearings and Investigational Conferences	1	3	0
Consumer Complaint Investigations	43	38	28
Pesticide Use Observations	68	71	31
Pesticide Market Place Inspections	34	43	26

**2020 numbers may be lower due to the COVID-19 pandemic. Inspection activities were impacted until safety protocols could be established, and some in-person activities were shifted to online or virtual environments.*