



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

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December 1, 2022

The Honorable Ben Barnes
Appropriations Committee
121 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

The Honorable Guy Guzzone
Budget and Taxation Committee
3 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Reports Required by JCR Report 2022_p87_Integrated Pest Management in Schools

Dear Chair Barnes and Chair Guzzone:

JCR Report 2022_p87_Integrated Pest Management in Schools states, “The Joint Chairmen’s Report - Operating Budget, April 2022 stated that the committees are concerned that insufficient information is known about the degree to which the integrated pest management (IPM) law - Chapter 322 of 1999 (Public Schools - Integrated Pest Management) - is being enforced in school districts. Therefore, the committees request that the Maryland Department of Agriculture (MDA or Department), in consultation with the Maryland State Department of Education (MSDE) and the Children's Environmental Health and Protection Advisory Council (CEHPAC), submit a report on whether school districts are complying with the IPM law. The report is requested to include the status of school districts developing and implementing IPM systems for school interiors and grounds and notifying parents on the pesticide notification list of planned pesticide applications.”

I have included the required report. I hope you find the information contained in this report useful. Also included is CEHPAC’s input on the JCR.

I appreciate CEHPAC’s recommendations. MDA has been a sitting member on CEHPAC for many years and recognizes their contributions, hard work and dedication to the health of children. MDA is always willing to consider the recommendations of CEHPAC to increase communication between IPM coordinators, IPM inspectors, parents and interested parties.

Currently, MDA does provide an up-to-date contact list for all 24 Maryland counties and Baltimore City IPM Coordinators in the state on our webpage (<https://mda.maryland.gov/plants-pests/SiteAssets/Pages/Integrated-Pest-Management-%28IPM%29-in-Schools/MD%20Public%20School%20IPM%20Contacts%2011.2022.pdf>). While we think that this is the best way for parents and interested parties to find school specific information, MDA would be happy to take CEHPAC’s recommendations into consideration.

Second, MDA concurs that education and training for IPM Coordinators is a good idea. MDA has hosted IPM Coordinator meetings and trainings in the past. MDA does plan to initiate these trainings in the future, and we would be happy to share our plans with CEHPAC for their ideas and input.

Should you have any questions, please do not hesitate to reach out to Cassie Shirk at cassie.shirk@maryland.gov or 443-534-5782.

Sincerely,

A handwritten signature in black ink that reads "Joseph Bartenfelder". The signature is written in a cursive style with a large initial "J".

Joseph Bartenfelder
Secretary
Maryland Department of Agriculture

Background

The Joint Chairmen's Report - Operating Budget, April 2022 stated that the committees are concerned that insufficient information is known about the degree to which the integrated pest management (IPM) law - Chapter 322 of 1999 (Public Schools - Integrated Pest Management) - is being enforced in school districts. Therefore, the committees request that the Maryland Department of Agriculture (MDA or Department), in consultation with the Maryland State Department of Education (MSDE) and the Children's Environmental Health and Protection Advisory Council (CEHPAC), submit a report on whether school districts are complying with the IPM law. The report is requested to include the status of school districts developing and implementing IPM systems for school interiors and grounds and notifying parents on the pesticide notification list of planned pesticide applications.

Maryland Department of Agriculture, Pesticide Regulation Section

MDA has been designated the state lead agency pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), Section 4, and is the state agency responsible for the enforcement of the State Pesticide Laws (Title 5, Section 201-211, and 101-114, Agricultural Article, Annotated Code of Maryland, 1974 Volume, as amended). The U.S. Environmental Protection Agency (EPA) has also granted the MDA Pesticide Regulation Section Primacy with primary enforcement responsibility under FIFRA.

The MDA Pesticide Regulation Section (Section) regulates the sale, use, distribution and storage of pesticides, and ensures that pesticides are applied properly by competent applicators. To carry out this function, pesticide education, enforcement, regulatory and management programs are conducted through several subprograms in the Section.

Certification and Training – The core of the program is the pesticide applicator certification and training program. The following are certified by the Section: private applicators (farmers) who use restricted use pesticides on their own property to produce agricultural commodities, commercial applicators who use general and restricted use pesticides, employees of commercial pest control firms, and government agencies. Applicators are provided with training materials and are given closed book exams, and must participate in yearly update training sessions approved by MDA to renew their certificates.

Licensing – Licenses and permits are issued to pesticide businesses and public agencies that apply general and/or restricted use pesticides. Permits are issued to dealers who sell restricted use pesticides, and licenses are issued to pest control consultants that identify pests and recommend pesticides or other pest control techniques.

Enforcement – The Section enforces both state and federal pesticide laws and regulations. Inspectors conduct routine inspections of licensed pest control businesses, permitted public agencies and pesticide dealers. Inspections include a check of pesticide application records, safety and application equipment and storage areas. Use observations are conducted to observe pesticide applications to ensure compliance with product label directions, and state and federal regulations. Inspectors carry and maintain federal credentials to conduct producer establishment inspections. Other inspections include general Field Stop Inspections, Market Place Inspections, Bulk Storage Facility (Container Containment) Inspections, Wood Destroying Insect Inspections, Worker Protection Inspections to comply with the federal standards and IPM in School Inspections. In addition, pesticide misuse, incidents and consumer complaints are investigated. In

the event of a violation, MDA can suspend, revoke or deny a license or certificate, issue a Notice of Warning (NOW) or assess a civil penalty. Section inspectors also conduct Import/Export Inspections at ports of entry upon request from EPA and conduct EPA referrals. Inspectors are also required to attend EPA safety training and additional training as required to maintain their certifications.

Information Dissemination – The Section provides information to applicators, dealers, federal and state agencies and the general public on issues concerning pesticide use, management and regulations. Training materials, informational brochures, fact sheets and newsletters are developed (as time/budget allows) for pesticide applicators and the public. The University of Maryland Extension office assists with providing information.

Federal Programs - Under a cooperative agreement with EPA, the Section carries out three federal regulatory programs: Water Quality Protection, Endangered Species Protection and Farmworker Protection.

Special Programs – When funding allows, the Section carries out groundwater monitoring programs, unusable pesticide disposal, empty pesticide container recycling and IPM programs. The Section was also actively involved in developing and implementing the pesticide commitments of the Chesapeake Bay Toxics Reduction and Prevention Strategy.

To carry out these programs, the Section staff includes a Section Chief (Program Manager), three administrative support staff, one Licensing, Certification and Training Coordinator, one Enforcement Program Coordinator and six Inspectors.

The Section functions are carried out through a federal grant and Special Fund monies.

IPM and Notification of Pesticide Use in a Public School Building or on School Grounds (IPM in Schools)

Legislation was enacted in 1997 mandating that Maryland Public Schools (K-12) develop and implement IPM plans for managing pests in public schools. The legislation also mandated schools to develop and implement methods for providing notification to parents and/or guardians, as well as school staff of pesticide use in school buildings. In 1999, this legislation was expanded to require public schools to develop and implement IPM plans and to notify about pesticide use on school grounds. In an effort to assist schools in the initial development and implementation of IPM plans and notification and posting formats, MDA produced several manuals and contracted with the University of Maryland to write additional manuals.

Each Maryland public school system has developed the required IPM plan and these plans have been submitted to and approved by MDA. These plans are reviewed by the Section Inspectors and School Contact Persons during routine IPM inspections. The plans must be resubmitted for approval if the school system makes any changes to its IPM plan. Approved plans from all county school systems and Baltimore City are attached.

The Section continues to promote and support implementation of IPM programs in public schools. Staff provided technical assistance in the development of the plans and distribution of information on potential adverse effects of pesticides applied. Section staff continues to work with Maryland public school districts on implementation of IPM plans on school property.

During FY22 inspectors conducted 88 IPM inspections at Maryland public schools. By the end of FY22, more than 1,100 schools have been inspected for compliance. See below for a summary of inspections conducted over the years, as well as violations cited.

Allegany County

40 inspections conducted
Seven violations cited

Anne Arundel County

57 inspections conducted
26 violations cited

Baltimore City

43 inspections conducted
21 violations cited

Baltimore County

87 inspections conducted
17 violations cited

Calvert County

42 inspections conducted
24 violations cited

Caroline County

53 inspections conducted
Eight violations cited

Carroll County

33 inspections conducted
13 violations cited

Cecil County

63 inspections conducted
13 violations cited

Charles County

32 inspections conducted
26 violations cited

Dorchester County

51 inspections conducted
35 violations cited

Frederick County

28 inspections conducted
10 violations cited

Garrett County

21 inspections conducted
Two violations cited

Harford County

46 inspections conducted
Six violations cited

Howard County

30 inspections conducted
Two violations cited

Kent County

43 inspections conducted
Six violations cited

Montgomery County

74 inspections conducted
24 violations cited

Prince George's County

47 inspections conducted
Six violations cited

Queen Anne's County

54 inspections conducted
Three violations cited

St. Mary's County

42 inspections conducted
Four violations cited

Somerset County

48 inspections conducted
Eight violations cited

Talbot County

50 inspections conducted
Four violations cited

Washington County

59 inspections conducted
Two violations cited

Wicomico County

47 inspections conducted
13 violations cited

Worcester County

53 inspections conducted
Seven violations cited

When conducting IPM in School Inspections, the Inspector meets with the county school IPM contact, generally at the main administrative building. The IPM Plan is reviewed. An IPM inspection of the administration building will proceed and if the school has an active public agency permit to apply pesticides, the Inspector will also conduct an inspection of the pesticide storage area(s), records and application equipment. Once the initial inspection is complete the Inspector will begin inspections at individual schools. Inspectors conduct inspections at a minimum of one elementary, middle and high school per inspection visit.

As stated previously, all schools have a plan filed with the Department, as required. Plans do not have to be refiled unless a change has been made. Most violations that are found during an inspection can be corrected prior to the Inspector leaving the facility. Many of the violations are generally sanitation issues and building maintenance (missing door sweeps, failure to patch around piping allowing egress to outside, etc). There are periodically issues with the teaching staff and/or principal bringing in pesticides (i.e., insect repellent, ant/roach bait, Raid, etc).

Seven of the above listed violations were for failing to notify a parent or guardian of a pesticide application. For the violations not corrected during the visit, the inspector will issue a Field Notice (Caution). A Notice of Warning and civil penalty can also be issued. These penalties can be issued to the school contact person, principal, teachers and/or superintendent. MDA also has the ability to place a modification (suspend/revoke) of a schools public agency pest control permit, if applicable.

In addition to the routine inspections, the Section may receive complaints regarding non-compliance of the regulations. Below is a list of the formal complaints received to date (complaints made in writing and assigned a case investigation number):

Baltimore City Public Schools – 2010

City was cited for repeat violations and a pesticide misuse violation. Issued a civil penalty (paid).

Howard County Public Schools – 2005, 2020

The 2005 complaint alleged failure to notify and failure to use least toxic alternatives. Not cited for violation. However, a NOW for violating 15.05.01, specifically pesticide storage violation and operating outside the scope of their permit.

The Department was made aware of a possible notification issue in fall 2020. Howard County Public School was controlling invasives (thistle), as required. However, due to COVID-19 did not send out notification. Department contacted the school system; Howard County cautioned.

Montgomery County Public Schools – 2014, 2021

Possible misuse reported in 2014. Unconfirmed by Department. Forwarded to EPA. *Note: This was not a complaint regarding a possible violation of the IPM (15.05.01.02); was in reference to a possible violation of the applicator's law (15.05.01).*

Received EPA referral in 2021. Contractor applying pesticide/fertilizer combination to green roofs on several buildings. Application occurred in 2019. No violation(s).



CHILDREN'S ENVIRONMENTAL HEALTH &
PROTECTION ADVISORY COUNCIL

November 18, 2022

Honorable Joseph Bartenfelder
Secretary, Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

RE: 2022 Joint Chairmen's Report - Integrated Pest Management in Schools Report

Dear Secretary Bartenfelder;

The Children's Environmental Health & Protection Advisory Council (CEHPAC) is pleased to provide input on the 2022 Joint Chairmen's Report (JCR) concerning Integrated Pest Management (IPM) policies in Maryland local education agencies (termed "school districts" in the JCR).¹ CEHPAC was named in the JCR language requesting "...that the Maryland Department of Agriculture (MDA), in consultation with the Maryland State Department of Education (MSDE) and the Children's Environmental Health and Protection Advisory Council (CEHPAC), submit a report on whether school districts are complying with the integrated pest management law."²

CEHPAC is a State advisory council which includes representatives from academia, industry, state and local government, parents, educators, and other stakeholders. One of the statutory responsibilities of CEHPAC, stated in Maryland Code Annotated, Health General Article §13-1506, is to provide input on policies, practices, and other standards to ensure they are protective of children's environmental health. As such, CEHPAC respectfully submits the following comments, formally adopted by CEHPAC at a public meeting on November 16, 2022:

¹Report on the Fiscal 2023 State Operating Budget (SB 290) and the State Capital Budget (SB 291) and Related Recommendations by the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee. Joint Chairmen's Report, Annapolis, Maryland, 2022 Session. Accessible at:

<https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2022rs-budget-docs-jcr.pdf>

² Ibid, p.87.

- First, CEHPAC notes that the information contained in the JCR on compliance, violations, and specific IPM Plans, is of interest to parents, educators, and other stakeholders but is not readily available to the public in all cases. CEHPAC recommends that information on each local education agency's IPM Plan, compliance, violations, and key contacts be made publicly available on MDA's website and kept up to date. CEHPAC further recommends that MDA require all local education agencies to maintain current versions of these plans on their websites.
- Second, CEHPAC has received information in discussions with local education agencies and their IPM coordinators regarding the need for training, and recommends that MDA work with local education agencies to provide training and updated training materials (including updated IPM manuals) regarding IPM implementation and children's environmental health. CEHPAC is prepared to assist MDA in these efforts including updating of relevant materials, and also recognizes that additional resources will likely be required for MDA to meet this recommendation.

CEHPAC appreciates the opportunity to provide input on this important topic. CEHPAC looks forward to continued engagement with the Maryland Department of Agriculture on issues concerning children's environmental health.

Sincerely,



Clifford S. Mitchell, MS, MD, MPH
Chair, Children's Environmental Health & Protection Advisory Council (CEHPAC)

cc: Devon Dodson, Vice-Chair, CEHPAC
Cassie Shirk, Assistant Secretary and Acting Director of Governmental Affairs, MDA
Megan Peters, Acting Director of Governmental Affairs, MDH
Mohammed Choudhury, Superintendent, Maryland State Department of Education

This letter is a product of the Maryland State Children's Environmental Health and Protection Advisory Council, and does not necessarily represent the views or positions of the Maryland Department of Health or any other State agency.