

Title 15

DEPARTMENT OF AGRICULTURE

Subtitle 05 Pesticide Use Control

15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§ 5-105, 5-106 and 5-204, Annotated Code of Maryland

.01 Definitions.

(text unchanged)

.02

A. – C. (text unchanged)

D. Restrictions on Use of Pesticides for Cannabis Cultivation; Exemptions. Except as provided in this section, a person may not use any pesticide in the cultivation of cannabis, defined as any part of the plant Cannabis sativa.

(1) A person may use a pesticide provided it is registered with U.S. Environmental Protection Agency and labeled for the following purposes:

(a) For the purpose of disinfection or sanitation to control microorganisms on surfaces such as benches, floor, pallets, pots, skids, plant pots, tools and equipment; or

(b) For use as a soil fumigant to sterilize planting media to control soil borne organisms.

(2) A distributor may not register any pesticide under § 5-105 of the Agriculture Article, that is labeled for use in the cultivation of cannabis that does not conform to the requirements of this section.

(3) A person may submit a written application to the Secretary to approve the use of a pesticide in the cultivation of cannabis.

(a) The application shall include a certified risk assessment for the pesticide, performed by an independent accredited laboratory approved by the Secretary, that concludes that the use of the pesticide in the cultivation of cannabis will not lead to unreasonable adverse effects on human health or the environment, after considering the following uses of the pesticide:

(i) On food (in order to have a complete toxicity database to evaluate the potential toxicity of acute, short-term intermediate, and chronic exposure);

(ii) On tobacco (in order to have a pyrolysis study to determine the breakdown products formed when the treated plant material is burned);

(iii) By the same type(s) of application methods (in order to assess the exposure of workers who mix, load, and apply the pesticides in the cultivation of cannabis);

(iv) On crops with agronomic characteristics similar to cannabis in order to ensure that workers handling the pesticide are adequately protected when applying the pesticide; and

(v) In the same kind of structure (e.g., greenhouses or shadehouses) or on the same kind of site (e.g., outdoor dryland site), for the purpose of ensuring that workers handling the pesticide are adequately protected when applying the pesticide, for example, ensuring that the adequate personal protective equipment is required and that the environmental fate and effects of the pesticide use are adequately understood and that any appropriate measures are in place to protect non-target organisms and water resources.

(b) In determining whether the pesticide poses an unreasonable risk to human health, the Secretary shall consult with the Secretary of Health and Mental Hygiene.

(c) The Secretary shall notify the applicant if the request is granted or denied to approve the use of a pesticide in the cultivation of cannabis.

JOSEPH BARTENFELDER
Secretary of Agriculture

Filename: 15.05.01.02 August 26 2016 proposed submission.doc
Directory: C:\Users\OrlandVA\Downloads
Template: C:\Users\BensonI\Downloads\Template for Agencies (1).dot
Title:
Subject:
Author: BensonI
Keywords:
Comments:
Creation Date: 8/26/2016 10:02:00 AM
Change Number: 4
Last Saved On: 9/1/2016 4:54:00 PM
Last Saved By: BensonI
Total Editing Time: 20 Minutes
Last Printed On: 9/16/2016 3:04:00 PM
As of Last Complete Printing
Number of Pages: 1
Number of Words: 484 (approx.)
Number of Characters: 2,760 (approx.)