

Department of Legislative Services
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 775

(Delegate Lafferty, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Maryland Pesticide Reporting and Information Workgroup

This bill establishes a Maryland Pesticide Reporting and Information Workgroup staffed by the Maryland Department of Agriculture (MDA).

The bill takes effect July 1, 2013, remains effective for a period of two years, and terminates May 31, 2015.

Fiscal Summary

State Effect: General fund expenditures increase, potentially by over \$100,000, in FY 2014 for contractual services to assist the workgroup in meeting certain responsibilities. Any expense reimbursements for workgroup members and staffing costs for MDA are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must:

- identify any pesticide use data gaps;
- determine the need for a data reporting program;
- determine the appropriate format to make data available for research;
- review scientific research and data regarding the use of pesticides and the potential for harm from pesticides;

- determine and make recommendations regarding how to protect the privacy of a person reporting data;
- determine and make recommendations regarding the best method for assembling and maintaining data;
- determine the need for and make recommendations regarding regulations and guidelines needed for a consistent, unified database;
- determine and make recommendations regarding whether legislation is necessary to facilitate access to pesticide information and data;
- determine whether it is feasible to gather data from retailers and homeowners;
- study the current federal process to approve a pesticide for use;
- conduct a cost-benefit analysis of (1) implementing and maintaining a data reporting program and (2) any recommendations that will have an economic impact on the State;
- study the impacts of using organic pesticides on farms; and
- consult with the U.S. Environmental Protection Agency (EPA) and other federal agencies when the workgroup determines it is necessary.

Workgroup members may not receive compensation but are entitled to reimbursement for expenses. The workgroup must report its preliminary and final findings and recommendations, by December 31, 2013, and July 1, 2014, respectively, to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee.

Current Law/Background: MDA licenses commercial pest control and not-for-hire firms, issues permits to public agencies for pesticide application, and certifies private applicators (farmers or growers who wish to use restricted use pesticides in the production of agricultural commodities). MDA regulations currently require licensees, permittees, and certified private applicators to keep specified records regarding pesticide applications that must be made available upon request to the department.

A person who sells or distributes a restricted use pesticide must hold a dealer permit from MDA and a dealer may not sell or distribute a restricted use pesticide to any person other

than a permitted dealer or a certified applicator or the applicator's authorized representative. Restricted use pesticides are those classified as such by EPA and that pose greater potential harm than other pesticides. MDA regulations require certain records to be maintained by dealers on the sale or distribution of each restricted use pesticide. The records must be held for two years and be available, on request, to MDA.

Since 1985, MDA has periodically conducted surveys of pesticide use through contracts with the U.S. Department of Agriculture's National Agricultural Statistics Service (NASS). The most recent survey was conducted by NASS in 2012 for the 2011 calendar year and included farmers, private applicators, commercially licensed businesses, and permitted public agencies. The survey was conducted using lists of certified applicators, businesses, and public agencies provided by MDA's Pesticide Regulation Section as well as a subset of a comprehensive list of farm operators maintained by NASS. Responses were voluntary. The results of the 2011 survey are expected to be published by June 2013.

State Expenditures: General fund expenditures are expected to increase, potentially by over \$100,000, in fiscal 2014 for contractual services to conduct the required cost-benefit analysis (or analyses) and possibly also to conduct a study of the impacts of using organic pesticides on farms. A cost-benefit analysis of a pesticide usage data reporting program, involving, at a minimum, analysis of (1) the costs of administering the program; (2) the costs for those reporting the data; and (3) the benefits that could result from the collected data, is expected to require contractual services to complete. Fulfilling the requirement that the workgroup study the impacts of using organic pesticides on farms may also require contractual services.

The actual cost of the contractual services needed under the bill cannot be determined at this time, and will vary depending on the depth and detail of the work undertaken. However, based on estimates of costs of consulting services for studies in other areas, costs could total over \$100,000.

Additional Information

Prior Introductions: None.

Cross File: SB 675 (Senator Manno, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Agriculture, Maryland Energy Administration, Public Service Commission, Department of Legislative Services

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Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510