

## CHAPTER 13

# SYNOPSIS OF THE MARYLAND PESTICIDE APPLICATORS LAW AND REGULATIONS

### LEARNING OBJECTIVES

After studying this chapter, you should:

- Know the basic requirements for performing pest control services and applying pesticides in the State of Maryland.
- Know Maryland's record keeping requirements.
- Have a basic understanding of the requirements specific to Maryland public schools regarding the use of integrated pest management (IPM) and notification.



*The Maryland Department of Agriculture is the agency responsible for enforcing both the state and federal pesticide laws in Maryland.*

### PURPOSE OF THE LAW AND REGULATIONS

The Maryland Department of Agriculture (MDA) Pesticide Regulation Section is designated as the lead agency for enforcement of the Maryland Pesticide Applicators Law (Annotated Code of Maryland, Agricultural Article—Title 5, Subtitle 2) and has the following responsibilities: regulating the use, sale, storage and disposal of pesticides; ensuring that pesticides are applied by competent individuals; establishing guidelines for the application of pesticides; and certifying pesticide applicators.

The Maryland Pesticide Applicators Law was passed in 1970 after several serious pesticide poisonings that resulted from the blatant misuse of pesticides, along with the use of pesti-

cides by untrained individuals. These individuals had no special knowledge about pesticides or about procedures to prevent harm to humans and the environment. The original law established the requirements for certification and licensing of agricultural applicators and public agencies. The law also restricted the use of certain pesticides and required a permit to sell or apply these restricted use pesticides. A major change was made to the law in 1973, requiring the certification and licensing of businesses and applicators performing structural and ornamental and turf pest control services. Other changes to the law have taken place over the years including the addition of several additional pest control categories, standards for the

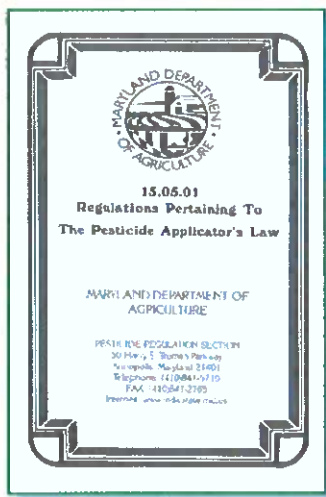
inspection of pests, training and registration of employees involved with pest control, sign posting for exterior turf and ornamental pesticide applications, customer information and the sensitive individual registry.

In late 1978, the U.S. Environmental Protection Agency (EPA) entered into a cooperative enforcement and certification agreement with Maryland to create a more uniform policy of training standards and enforcement regarding pesticides. EPA has granted the State of Maryland full primacy, giving MDA the power to enforce the Federal pesticide laws as well as the Maryland law.

Under the enforcement program, MDA conducts routine inspections of licensed pesticide businesses, public agencies and restricted use pesticide dealers. Inspections include the review of pesticide application records, restricted use pesticide sales records, safety equipment, storage areas, application equipment and vehicles, anti-siphon devices and employee training records. Use observations are also conducted to observe actual pesticide applications to ensure compliance with label direc-

tions and state and federal regulations. Pesticide misuse, incidents, and consumer complaints are also investigated by MDA.

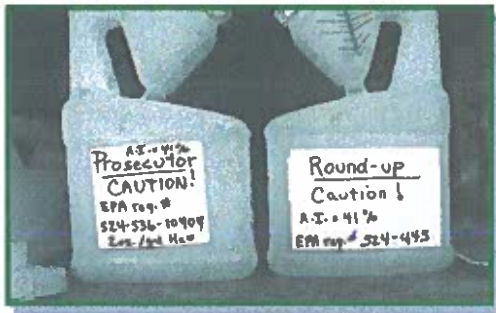
*The following information presents an abridged version of the regulations for a quick reference of the key requirements; it is not intended as a substitute for the actual regulations.* For more detailed information, readers should obtain a copy of the Code of Maryland Regulations 15.05.01, Regulations Pertaining to the Pesticide Applicator's Law, and/or Code of Maryland Regulations 15.05.02, Regulations Pertaining to Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds. Both publications are available from the Maryland Department of Agriculture, Pesticide Regulation Section, 50 Harry S. Truman Parkway, Annapolis, MD 21410, or on the internet through the Department's website at [www.mda.state.md.us](http://www.mda.state.md.us) or directly under the Office of the Secretary of State, Division of State Documents at [http://www.dsd.state.md.us/comar/subtitle\\_chapters/15\\_Chapters.htm](http://www.dsd.state.md.us/comar/subtitle_chapters/15_Chapters.htm).



*The requirements for how pesticides are applied, used, stored and disposed in Maryland are contained in the Code of Maryland Regulations (COMAR) 15.05.01—The Regulations Pertaining to the Pesticide Applicators Law.*

## GENERAL REGULATIONS

- Pesticides must be used in strict accordance with label directions.
- Anti-siphon devices or back-flow preventers are required on all pest control equipment to prevent the flow of a pesticide into a water system.
- Pesticide applicators must consider alternative pest control measures, such as mechanical, cultural and biological control.
- Precautions must be observed in the handling, use, storage and disposal of pesticides and their containers to prevent off-target movement and/or harm to humans, animals and the environment.
- Safety equipment indicated on the pesticide label must be provided for the protection of pesticide applicators.
- MDA must be notified immediately of any accident or spill involving a pesticide.
- If a pesticide concentrate is temporarily stored or transported in a service container, the container must have a securely attached label with the following information:
  - common or chemical name of pesticide;
  - U.S. EPA Registration number;
  - signal word (Danger, Warning or Caution); and
  - percent concentration.
- If a pesticide that does not require further dilution is stored or transported in a service container as an end-use dilution, its container



*If a pesticide is temporarily stored in a container other than the original, service container, the container must have the following information securely attached: common name or chemical name of the pesticide, U. S. EPA registration number, signal word and per cent concentration. Although the trade name is not required it can be a useful piece of information. Remember—never store pesticides in food or beverage containers as seen below. In addition, the service container below is not properly identified.*



(excluding application equipment) must have a securely attached label listing the following information:

- common or chemical name of the pesticide preceded by the words "Diluted" or "End-Use Concentrate";
- U.S. EPA Registration number;
- signal word (Danger, Warning or Caution); and
- percent concentration.
- A copy of the pesticide label must be on hand at the time of pesticide applications.
- Each vehicle carrying pesticides or pest control devices must have the business name and business license number displayed on both sides of the vehicle.
- It is a violation to apply a pesticide to the property of any person without the expressed permission of the property's owner or other person with authority to exercise control, management, or possession of the property.

## GENERAL STORAGE REQUIREMENTS

**All** pesticide storage areas must meet the following minimum requirements:

- storage areas must be locked and secured to prevent unauthorized entry;
- pesticides should be stored in a separate building, or at a minimum physically separated by a barrier from food, feed and fertilizer;
- each storage area must be posted with a warning sign;
- pesticides must be stored in a dry, well ventilated area;
- pesticide storage areas must be kept clean;
- all pesticide containers must be labeled and free of leaks and tears;
- each storage area must have an appropriate fire extinguisher;
- there must be enough absorbent material available to handle a spill of the largest container in storage; and
- storage areas must be at least 50 feet from any water well, or have secondary containment.

## TRANSPORT REQUIREMENTS

- All pesticide containers and application equipment must be secured to prevent shifting or release of pesticides.
- Pesticides shall not be placed or carried in the same compartment as the driver, food, or feed, unless in a manner that provides adequate protection for safety and health of passengers.
- A pesticide container cannot be used for any purpose other than containing the original product unless the label states otherwise.

## PESTICIDE INFORMATION FOR THE CUSTOMER

**W**hen a pesticide is applied, or at the time a customer enters into a contract for pest control, the licensee must provide the customer with the following written information:

- name of the licensee;
- Maryland pesticide business license number;
- licensee's telephone number;
- Maryland Poison Center telephone number;
- common name of the active ingredient applied; and
- one of the following:
  - an original or legible copy of the current pesticide product label; or
  - an original or a legible copy of that portion of the current pesticide product label or labeling that contains precautionary statements regarding hazards to humans or animals and environmental hazards, if any; or
  - a document containing appropriate health, safety, or precautionary information taken from the pesticide label and approved by MDA before its distribution.

## PESTICIDE LICENSING AND CERTIFICATION REQUIREMENTS

**A pesticide business license** is required of each business providing pest control service. The business license is obtained from MDA by: completing an application, designating a certified pest control applicator, providing proof of insurance, paying a \$150 fee, and renewing annually on July 1.

**A consulting license** is required of any business providing pest inspections or identification of pests, or making pesticide recommendations. The consulting license is obtained from MDA by: completing an application, designating a certified pest control consultant, paying a \$150 fee, and renewing annually on January 1.

**A pest control**

**A Not-for-Hire license** is



*Each place of business providing pest control services or pesticide applications involving either general use or restricted use pesticides must have a business license issued by the Maryland Department of Agriculture and at least one individual certified in each of the pest control categories in which they are providing services. Public agencies are required to have a permit and also must have a certified applicator if pest control is being performed on public property by an employee of a government agency.*

required of facilities where pest control services are performed by the owner, or employees, on the facility's property where the property is open to, or routinely used or enjoyed by, members of the public. This applies to private golf courses and country clubs whose employees apply either general or restricted use pesticides in the maintenance of the course. The Not-for-Hire license is obtained from MDA by: completing an application, designating a certified pest control applicator, paying a \$150 fee, and renewing annually on July 1.

A **public agency permit** is required of any public agency (a unit of local, State or Federal government) whose employees apply pesticides. The permit is obtained from MDA by completing an application, designating a certified public agency applicator, and renewing annually on July 1.

**Private applicator certification** is required of any farmer, nurseryman, etc. who intends to use a restricted use

pesticide on his or her own property for the purpose of producing an agricultural commodity. Private applicator certification is obtained from MDA by: passing an examination and paying a \$7 fee. Certification must be renewed every 3 years by reexamination or by participating in an MDA approved training session within 12 months before expiration of the current certificate.

**Commercial applicator certification** for pest control applicators, pest control consultants, and public agency applicators is obtained from MDA by: completing an application, having 1 year experience or a degree in a science related field of study acceptable to MDA, passing an examination on core and category material, and paying a \$75 base fee plus a \$25 fee for each additional pest control category. Certification must be renewed each year on July 1, or by January 1 for consultants by participating in an MDA approved training session within the past year or by reexamination.

## PEST CONTROL EMPLOYEES

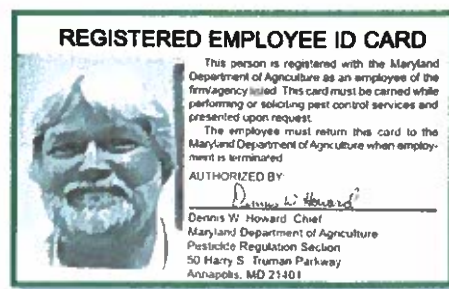
**W**ithin 30 days of employment, all employees who perform pest control services must be registered with MDA by providing the employees name, social security number and a 1-inch color photo, and by submitting verification of training.

Noncertified employees must complete a training program within 30 days of employment and before registration with MDA. The training program must include the following topics:

- pesticide laws and regulations;
- label comprehension;
- safety and emergency procedures;
- proper pesticide handling and storage;

- environmental and health concerns;
- integrated pest management (IPM) principles;
- pest identification and control recommendations; and
- pesticide application techniques

An employee who has not successfully completed training in accordance with the aforementioned conditions may perform pest control services if a certified applicator or registered employee is physically present at the time and place the pesticide is applied by the untrained employee.



*Each employee of a commercial business or public agency that is involved with sales or service must receive training and obtain an ID card issued by the Maryland Department of Agriculture within thirty days of hiring.*

## RECORDKEEPING REQUIREMENTS

**M**aryland requires that pesticide application records be maintained for a period of two years and made

available to the Maryland Department of Agriculture upon request.

Private applicators, commercial



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applicators, pest control consultants, and public agencies must keep records on all pesticides applied or recommended. Commercial applicators, pest control consultants, and public agencies must also keep records of all pest identifications made. The records must be held for 2 years to be available to MDA on request. The following must be recorded, when applicable:

- name of applicator or consultant;
- date of application, recommendation, or pest identification;
- pest and type of plant, animal or structure;
- acreage, numbers of plants or animals, or a description of or square footage of structures;
- address of treated property;
- name of owner or tenant of property;
- common name and epa registration number of pesticides used or recommended;
- rate of concentration of pesticide used or recommended;
- total amount of pesticide used;
- EPA registration number of the product;

- type of equipment used\*;
- time of day of application\*; and
- wind direction and estimated velocity, and weather conditions at the site when the pesticide was applied.\* *(This information is not required if the application consists of baits in bait stations, or is made inside or within 3 feet of a structure.)*

\* Items marked with an asterisk are required to be recorded by commercial applicators, pest control consultants, and public agencies, but are not required for private applicators.

Dealers who sell or distribute restricted use pesticides must maintain records on the sale or distribution of restricted use pesticides for 2 years and make them available to MDA on request. The following information must be recorded:

- name of pesticide or pesticides sold or distributed, including formulation;
- quantity sold or distributed;
- date of sale or distribution;
- name and address of purchaser or receiver; and
- name and address of certified applicator, if different from above.

## ADDITIONAL REQUIREMENTS

**S**igns must be posted at the time of application whenever a pesticide is applied to a lawn or exterior landscape plant. Signs must be posted at primary entrances to the property treated, or in the case of spot treatments at the site of application. There are variances for golf courses, parks, cemeteries and similar sites. The sign must be 4" x 5" in size and conform to a specific layout and design. The following information must be written on the back of the sign:

- business name or agency name making the application;
- date of application; and

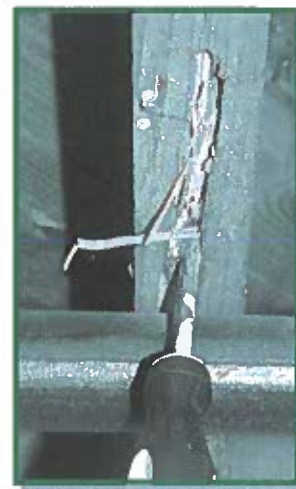
- business or agency telephone number.

MDA maintains a list of individuals who have a medical condition that may be aggravated by the application of a pesticide. Individuals on the list must be notified prior to any pesticide application that is made to a contiguous or adjacent property of a registered individual. This requirement only pertains to those businesses or public agencies that are licensed or permitted in Category 3 (Ornamental and Turf).

Pest inspections must be performed in accordance to a set of standards. Each inspection must include a visual observation and thorough examination

of the readily accessible areas, objects, materials, structures, or part of structures that are inspected. The inspector must report all findings in writing and include any findings or visible evidence of the target pest. Any inspection for a wood destroying insect must include a diagram of the structure showing the locations where the pest was found.

Inspections being performed for a property transfer or loan must be conducted by sounding and probing readily accessible structural members for the presence of wood destroying insects using inspection form MD-1. Copies of all inspection reports must be maintained for 2 years and made available to MDA upon request.



*Maryland has a set of standards that must be followed when conducting pest inspections. Each inspection must include a visual observation and thorough examination of readily accessible areas, which includes sounding and probing.*

## VIOLATIVE ACTS AND PENALTIES

**M**DA may suspend, revoke or deny any license, certificate, permit or registered employee identification card for violating any provision of the Maryland Pesticide Applicators Law and Regulations, or the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). [Refer to section 15.05.01.10 (2) through 15.05.01.10 (14) of the Regulations for further violations.]

Any person violating any provision of the Pesticide Applicators Law or Regulations is guilty of a misdemeanor

and, upon conviction, is subject to a fine up to \$1,000 or imprisonment up to 60 days.

In lieu of or in addition to suspension of the license, permit, or certificate, the Secretary of Agriculture may impose a penalty of not more than \$2,500 for a first violation and not more than \$5,000 for each subsequent violation. The total penalties imposed on an individual for violations that result from the same set of facts and circumstances may not exceed \$25,000.

## INTEGRATED PEST MANAGEMENT AND NOTIFICATION REQUIREMENTS FOR PESTICIDE APPLICATIONS TO PUBLIC SCHOOL BUILDINGS AND GROUNDS

**L**egislation was passed in 1998 and 1999 which requires Maryland's public schools to adopt integrated pest management (IPM) systems and to develop parental and staff notification programs for pesticide applications made in school buildings or on school grounds. The following is a summary of the regulations developed to implement these laws.

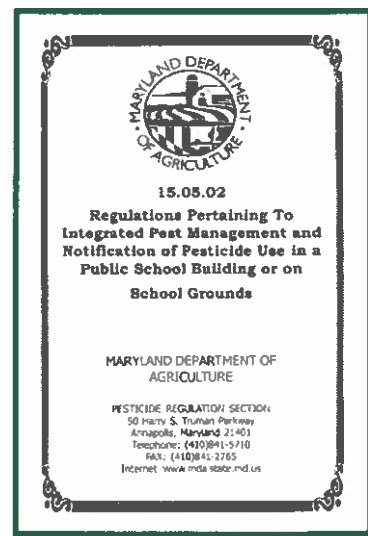
Each county board of education must implement in its schools an Integrated Pest Management (IPM) system approved by MDA. *A broad definition of IPM is a pest control program that (a) utilizes inspections and (b) incorporates different methods of pest control such as sanitation, structural repairs, and other non-chemical methods, and pesticides when*

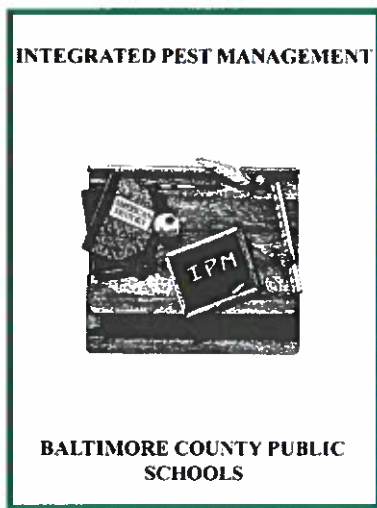
*warranted, to (c) keep pests from causing economic, health-related, or aesthetic damage.*

Each school system must designate a contact person to answer questions about the pest management program and to maintain a file of pesticide product labels and Material Safety Data Sheets (MSDS).

At the beginning of each school year, public schools must send a notice including information about pesticides used in schools and on school grounds to the parent or guardian of each student in primary and secondary schools.

*The requirements for how pest control programs are conducted on the property of Maryland's public schools and the notification of the use of a pesticide on school property are contained in the Code of Maryland Regulations (COMAR) 15.05.02—Regulations Pertaining to Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds.*





*Each public school district must have an Integrated Pest Management (IPM) Plan that outlines how pest control programs will be conducted on school property. These plans must be approved by the Maryland Department of Agriculture.*

Schools must provide notification, at least 24 hours before a pesticide is applied, or within 24 hours after an emergency pesticide application is made, to:

- all parents or guardians of elementary school students, and staff members employed by elementary schools; and to
- parents or guardians of middle school or high school students, and staff members employed by these institutions, who have submitted a written request to receive notice of pesticide applications.

The information to be provided to the above individuals includes:

- common name of the pesticide applied;
- location, time, and date of application;
- description of potential adverse effects listed on the Material Safety Data Sheet (MSDS) for the pesticide;
- a statement that EPA recommends that persons who are potentially more sensitive should avoid any unnecessary pesticide exposure; and
- reason for emergency application (if applicable).

For pesticide applications made on school grounds, the notice of planned

date and time of application may specify that weather conditions or other extenuating circumstances may cause the actual date of application to be postponed to a later date or dates. If the actual date of application is more than 14 days later than the original planned date of the application, a new noticed must be issued.

Middle schools and high schools must provide in-school notification, by oral announcements or written notice, before a pesticide is applied in a school building or on school grounds. A sign or notice must be posted at the primary entrance to the school or in a central location, must remain for at least 48 hours after an application, and must include the following information:

- the statement, “Caution—Pesticide Application”;
- common name of pesticide applied;
- location and date of pesticide application;
- contact person for additional information, including information of potential adverse effects.

When a pesticide application is made on school grounds, a sign must be posted at the time of the application at each primary access to the school property. If a spot or limited area pesticide application is made, a sign may be posted at the location where the pesticide application was made. The sign must remain posted for at least 48 hours following the application.

## REGISTRATION OF PESTICIDES

In addition to federal registration, all pesticide products distributed, sold, or transported in Maryland must be registered with the Maryland Department of Agriculture’s State Chemist Section. The Maryland Pesticide Registration and Labeling Law was passed in

1938 (Annotated Code of Maryland, Agriculture Article—Title 5, Subtitle 1), and requires a distributor of a pesticide product to register every pesticide product each year with the State Chemist Section before that product can be sold, or distributed, in the State.



## SUMMARY

**T**he Maryland Department of Agriculture (MDA), Pesticide Regulation Section, is designated as the agency responsible for the enforcement of the pesticide laws and regulations within the state of Maryland. This includes; regulating the use, sale, storage and disposal of pesticides; ensuring that pesticides are applied by competent individuals; establishing guidelines for the application of pesticides; and certifying pesticide applicators. MDA has also been given the authority to enforce the federal pesticide laws by the U. S. Environmental Protection Agency (EPA).

While states can regulate the use of pesticides, their requirements cannot be more lenient than the federal requirements. In Maryland's case many of the requirements are more stringent than those contained in the federal regulations, including the certification requirements, record keeping, storage and transport of pesticides to name a few. Other requirements are not covered

by federal regulations and go beyond them, such as the training and registration of sales and service employees involved with pest control services, customer information, posting of signs, the sensitive individual registry, standards for conducting wood destroying insect inspections and the integrated pest management and notification requirements for Maryland Public School districts. Like the federal regulations, Maryland's requirements are designed to further protect the public and the environment from potential adverse effects of pesticides. It is every applicators responsibility to be familiar, and comply, with both Maryland's and the federal laws and regulations regarding the use of pesticides. While this chapter provides a summary of Maryland's pesticide regulations, applicators should not rely on this information, but need to consult the Regulations Pertaining To The Pesticide Applicators Law in order to ensure that they are in compliance.

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