

SENATE BILL 300

M4
SB 270/19 – EHE

01r0848
CF HB 229

By: **Senators Lam, Lee, Beidle, Elfreth, Feldman, Kagan, Patterson, Pinsky, Rosapepe, Smith, Washington, and Young**

Introduced and read first time: January 22, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2020

CHAPTER _____

1 AN ACT concerning

2 **Pesticides – Use of Chlorpyrifos – Prohibition**

3 FOR the purpose of prohibiting the ~~use~~ aerial application of chlorpyrifos ~~in the State~~, on or
4 after a certain date; prohibiting the use of chlorpyrifos in the State on or after a
5 certain date subject to certain exceptions; establishing the Pesticide Transition Fund
6 as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
7 Department of Agriculture to administer the Fund; requiring the State Treasurer to
8 hold the Fund and the Comptroller to account for the Fund; specifying the contents
9 of the Fund; specifying the purpose for which the Fund may be used; providing for
10 the investment of money in and expenditures from the Fund; requiring the Governor
11 to include in the annual budget bill a certain appropriation to the Fund beginning in
12 a certain fiscal year; defining a certain term; requiring the Department of
13 Agriculture to provide to farmers, certified crop advisors, and pesticide applicators
14 certain education and assistance under certain circumstances; establishing the
15 Pesticide Transition Task Force; providing for the composition, chair, and staffing of
16 the Task Force; prohibiting a member of the Task Force from receiving certain
17 compensation, but authorizing the reimbursement of certain expenses; requiring the
18 Task Force to work with the Department and the University of Maryland Extension
19 on certain matters, monitor and share certain information, work with certain states
20 and companies on certain matters, study and make recommendations regarding
21 certain matters, and hold certain public meetings for certain purposes; requiring the
22 Task Force to make certain reports to the Secretary of Agriculture and certain
23 committees of the General Assembly on or before certain dates; providing for the
24 termination of this Act; and generally relating to the use of chlorpyrifos.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY adding to
Article – Agriculture
Section 5–210.6 and 5–210.7
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, In 2007, a petition was filed with the U.S. Environmental Protection Agency (EPA) requesting that the food tolerances for chlorpyrifos be revoked and all chlorpyrifos pesticide product registrations be canceled; and

WHEREAS, The petition argued that continuation of the registrations and tolerances exposed the public to unsafe levels of chlorpyrifos; and

WHEREAS, In November 2015, the EPA responded to the petition by proposing to revoke all food tolerances for chlorpyrifos, stating that “at this time, the agency is unable to conclude that the risk from aggregate exposure from the use of chlorpyrifos meets the safety standard of section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act”; and

WHEREAS, In March 2017, a new administration reversed course, withdrawing the 2015 proposal and denying the 2007 petition; and

WHEREAS, In the absence of federal action, the states of California, Hawaii, and New York have already taken steps to prohibit the use of chlorpyrifos; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

5–210.6.

~~A PERSON MAY NOT USE CHLORPYRIFOS IN THE STATE, INCLUDING:~~

~~(1) INSECTICIDES THAT CONTAIN CHLORPYRIFOS; AND~~

~~(2) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.~~

(A) ON OR AFTER OCTOBER 1, 2020, A PERSON MAY NOT CONDUCT AN AERIAL APPLICATION OF CHLORPYRIFOS.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR AFTER DECEMBER 31, 2020, A PERSON MAY NOT USE IN THE STATE:

1 (1) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS; OR

2 (2) SEEDS THAT HAVE BEEN TREATED WITH CHLORPYRIFOS.

3 (C) (1) ON OR BEFORE JUNE 30, 2021, A PERSON MAY USE:

4 (I) AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS TO TREAT
5 THE TRUNKS AND LOWER LIMBS OF FRUIT TREES; AND

6 (II) SNAP BEAN SEEDS THAT HAVE BEEN TREATED WITH
7 CHLORPYRIFOS.

8 (2) (I) FROM JULY 1, 2021, THROUGH DECEMBER 31, 2021,
9 INCLUSIVE, ON WRITTEN APPLICATION, IF THE DEPARTMENT CONCLUDES THAT NO
10 EFFECTIVE ALTERNATIVE EXISTS, THE DEPARTMENT MAY AUTHORIZE A PERSON TO
11 USE:

12 1. AN INSECTICIDE THAT CONTAINS CHLORPYRIFOS TO
13 TREAT THE TRUNKS AND LOWER LIMBS OF FRUIT TREES; OR

14 2. SNAP BEAN SEEDS THAT HAVE BEEN TREATED WITH
15 CHLORPYRIFOS.

16 (II) AN AUTHORIZATION GRANTED UNDER THIS SUBSECTION
17 MAY NOT EXTEND BEYOND DECEMBER 31, 2021.

18 5-210.7.

19 (A) IN THIS SECTION, “FUND” MEANS THE PESTICIDE TRANSITION FUND.

20 (B) THERE IS A PESTICIDE TRANSITION FUND.

21 (C) THE PURPOSE OF THE FUND IS TO SUPPORT MARYLAND FARMERS IN
22 THE TRANSITION AWAY FROM THE USE OF CHLORPYRIFOS, AS REQUIRED BY §
23 5-210.6 OF THIS SUBTITLE.

24 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

25 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
26 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

27 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
28 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

29 (F) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY TO:

(1) SUPPORT THE WORK OF THE PESTICIDE TRANSITION TASK
FORCE, INCLUDING RESEARCH ON INTEGRATED PEST MANAGEMENT CONDUCTED
BY THE UNIVERSITY OF MARYLAND AND THE UNIVERSITY OF MARYLAND
EXTENSION TO INFORM THE DELIBERATIONS OF THE TASK FORCE; AND

(2) IMPLEMENT THE STATE'S PLAN TO TRANSITION AWAY FROM THE
USE OF CHLORPYRIFOS, INCLUDING TO PROVIDE TECHNICAL ASSISTANCE TO
FARMERS.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
WITH THE STATE BUDGET.

(J) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE
GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO
THE FUND IN AN AMOUNT SUFFICIENT TO SUPPORT THE DEPARTMENT'S ACTIVITIES
UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
Agriculture shall, with existing budgeted resources, provide to farmers, certified crop
advisors, and pesticide applicators education and assistance relating to integrated pest
management, including information on safer alternatives to chlorpyrifos.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Pesticide Transition Task Force.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of
the Senate;

1 (2) two members of the House of Delegates, appointed by the Speaker of
2 the House;

3 (3) the Secretary of Agriculture, or the Secretary's designee; and

4 (4) the following members, appointed by the Secretary of Agriculture:

5 (i) two representatives of the Maryland Farm Bureau;

6 (ii) one representative of the Maryland Grain Producers Association;

7 (iii) two representatives of the Maryland Pesticide Education
8 Network;

9 (iv) one scientist with expertise in pesticides from Earthjustice;

10 (v) two public health professionals with expertise in the health
11 effects of chlorpyrifos;

12 (vi) one representative of the Chesapeake Bay Foundation;

13 (vii) one representative of the University of Maryland Extension with
14 expertise in integrated pest management; and

15 (viii) one Certified Crop Advisor with expertise in integrated pest
16 management.

17 (c) The Secretary of Agriculture shall designate the chair of the Task Force.

18 (d) The Department of Agriculture shall provide staff for the Task Force.

19 (e) A member of the Task Force:

20 (1) may not receive compensation as a member of the Task Force; but

21 (2) is entitled to reimbursement for expenses under the Standard State
22 Travel Regulations, as provided in the State budget.

23 (f) The Task Force shall:

24 (1) work with the Department of Agriculture and the University of
25 Maryland Extension to:

26 (i) identify alternatives to chlorpyrifos;

27 (ii) educate farmers about alternatives to chlorpyrifos; and

(iii) provide technical assistance to farmers transitioning away from the use of chlorpyrifos;

(2) monitor and share information from the California Chlorpyrifos Alternatives Workgroup;

(3) work with neighboring states to encourage them to end the use of chlorpyrifos;

(4) work with companies currently contracting with farmers in Maryland to grow vegetables to encourage the companies to end the use of chlorpyrifos and maintain contracted acres in the State;

(5) in conjunction with Corteva and other manufacturers of chlorpyrifos, study and make recommendations regarding the establishment of a manufacturer-funded buy-back program for pesticides containing chlorpyrifos;

(6) study and make recommendations regarding the establishment of a well monitoring program for drinking water sources located on or near farms; and

(7) host at least two public meetings per year to solicit public input and engage in strategic planning concerning the goals of the Task Force and the development of recommendations in accordance with this subsection.

(g) (1) On or before December 30, 2021, the Task Force shall report its interim findings and recommendations to the Secretary of Agriculture and, in accordance with § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

(2) On or before December 30, 2023, the Task Force shall report its final findings and recommendations to the Secretary of Agriculture and, in accordance with § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2020. It shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2024, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.