



# AgBrief

## Pesticide Regulation

Enforcing the Maryland Pesticide Applicator's Law

February 2013

Each year, many homes in Maryland are infested by termites, ants, bees and mice that threaten human health and the structural integrity of houses. Each year, invasive pests and plants threaten, damage, even destroy fruit and vegetable crops, trees and forests, ornamentals, and others plants and greenery. Each year, people and pets are sickened, even killed, by pest-borne diseases and allergies. Pesticides, when handled and applied properly, help reduce these risks. Pesticides, whether organic or traditional, can also be dangerous and toxic if applied irresponsibly or incorrectly.

**The Maryland Pesticide Applicator's Law dictates how pesticides are sold, handled, stored, applied and disposed. The Maryland Department of Agriculture (MDA) Pesticide Regulation Section administers and enforces this law.**

Any person or business that applies pesticides commercially – that is, anyone who gets paid to handle pesticides – must be trained, certified and registered with MDA to help ensure that only knowledgeable, competent individuals handle and apply pesticides.

### Licensing, Permitting & Certification

Generally, businesses are “licensed,” public agencies are “permitted” and individuals are “certified.” However, before a pesticide business can be licensed or a public agency can be permitted, they must have at least one certified applicator on staff.

### Training & Testing

MDA provides and approves training courses for pesticide applicators to ensure they understand and follow prescribed practices. Trainees must pass an examination before being certified. All course dates and locations are on the MDA website. All applicators must attend an approved training to be recertified periodically.

### There are two broad classifications of pesticides

1. **General use pesticides** may be purchased at a retail outlet and used by the general public.
2. **Restricted use pesticides** can only be applied by (or under the direct supervision of) a certified applicator.

### MDA certifies two types of pesticide applicators

1. **Private applicators** apply restricted use pesticides to their own or rented land to produce agricultural commodities. There were 3,252 certified private applicators in Maryland during FY 2012.
2. **Commercial applicators** apply general and restricted use pesticides as employees of licensed pest control businesses or public agencies. There were 7,971 commercial applicators associated with 1,755 commercial businesses and 325 agencies during FY 2012.

### Applicator Reporting

All certified applicators must keep records of every pesticide application they make. That record must include the name and registration number of the pesticide, the mixing (or dilution) rate, the name of the applicator, and the location, date, time, and weather conditions of the application. By law, those records must be made available to MDA immediately upon request.

MDA issues permits to dealers who sell or distribute restricted use pesticides. Dealers, too, must keep records of every sale of restricted use pesticides. Those records include the name of the pesticide, the buyer (who the dealer must ensure is certified with MDA), and the quantity purchased. Again, those records must be made available to MDA immediately upon request. There were 148 dealers in Maryland during FY 2012.

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## Pesticide Use Survey

MDA periodically contracts with the U.S. Department of Agriculture National Agricultural Statistics Service to conduct a Pesticide Use Survey. The survey provides researchers and public policy leaders with broad information about pesticide usage in the state. The last survey, which had a 51 percent response rate, was completed in 2004. A new survey was undertaken during 2012. Results are expected this spring. The 2004 survey can be found at: [http://mda.maryland.gov/Documents/2004\\_pesticide\\_use\\_survey.pdf](http://mda.maryland.gov/Documents/2004_pesticide_use_survey.pdf)

## Check the MDA Databases

MDA has three online, searchable databases to help consumers ensure they do business with appropriately registered professionals. The databases can be accessed for free at: [http://mda.maryland.gov/plants-pests/Pages/pesticide\\_db.aspx](http://mda.maryland.gov/plants-pests/Pages/pesticide_db.aspx)

- **The business license database** contains all businesses that are licensed to apply pesticides commercially. Consumers can search by company name, business license number or business license category.
- **The certified pesticide applicator database** contains the name of all certified individual applicators, searchable by last name, applicator number, category or location.
- **The pesticide database** -- which includes all registered pesticides that can be legally sold, distributed and used in Maryland -- provides registration data submitted by companies that sell their products in Maryland, combined with ingredients, pest and site data from the U.S. Environmental Protection Agency.

## Pesticide Sensitive Individuals (PSI)

Since 1989, MDA has required licensees and permittees in the turf and ornamental pest control categories, to notify PSIs before applying a registered pesticide to properties that are contiguous or adjacent to the PSI. Although there is no fee to get on the PSI list, a physician must document that the person should not be exposed to pesticides because they have a sensitivity or diagnosed condition. MDA provides all businesses and public agencies that perform ornamental and turf pest control with the list every February and an updated list every summer. (MDA informs the relevant companies when people are added between updates.) Companies are required to notify people on the list prior to application, preferably the day before but no later than the morning of application. There were 167 people on the PSI list at the end of FY 2012.

The PSI application is available at:  
[www.mda.maryland.gov/plants-pests/Documents/sensitiv.pdf](http://www.mda.maryland.gov/plants-pests/Documents/sensitiv.pdf)

## Enforcement

The goal of MDA's Pesticide Regulation Section is to ensure that knowledgeable and well-trained applicators use pesticides for an appropriate purpose, apply them according to label instructions, and dispose of them properly.

**MDA inspects every commercial business, public agency, restricted use dealer and farmer certified to apply restricted use pesticides every 12 to 18 months. MDA also inspects locations where pesticides are manufactured.**

**Inspections and Investigations:** MDA cooperates with other state and federal agencies to protect public health and the environment. Inspections include a review of pesticide application, sales and training records, and safety equipment. Inspectors also observe actual pesticide applications to ensure compliance with state and federal regulations. MDA also investigates pesticide accidents, suspected misuse of pesticides and consumer complaints.

After an inspection or investigation, enforcement actions by MDA can range from a letter of reprimand to assessing civil penalties to bringing criminal charges.

In 2012, MDA performed 750 routine business inspections during which 222 businesses were cited for violations of the Pesticide Applicators Law and Regulations. Those violations are included in the agency's annual report.

## Special Programs

- **Pesticide Container Recycling Program:** Between June and September 2012, MDA collected 43,050 pesticide containers weighing 39,000 pounds from 22 locations in six counties, and transported them to a plastic recycling facility.
- **Pesticide Disposal Program:** During FY 2012, MDA collected 17,866 pounds of unwanted or unusable pesticides from 54 farmers and growers in 16 counties.

## For more information

See the MDA website for more comprehensive information about Pesticide Regulation: [www.mda.maryland.gov/plants-pests/Pages/pesticide\\_regulation.aspx](http://www.mda.maryland.gov/plants-pests/Pages/pesticide_regulation.aspx)



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