


<b>FROM</b>	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 20-0495		

March 13, 2020

**TO:**

Health Committee

**INTRODUCTION**

I am herein reporting on City Council Bill 20-0495 introduced by Council Members Clarke, Dorsey, Cohen, Middleton, Reisinger, Henry, Burnett, President Scott, Council Members Sneed and Bullock.

**PURPOSE**

The purpose of the Bill is to regulate the use and application of pesticides in Baltimore City; define certain terms; require certain notices at the time of pesticide purchase; require certain notices prior to and after pesticide application; require marker placement after certain pesticide applications; prohibit the use of certain pesticides in specified areas; prohibit the use and application of glyphosate and chlorpyrifos; prohibit neonicotinoid pesticide use on City-owned property; establish certain penalties; and provide for a special effective date.

**BRIEF HISTORY**

Under current law in Maryland, a pesticide may be sold, distributed or used if it is registered by both the Maryland Department of Agriculture and the U.S. Environmental Protection Agency (EPA). There are pesticide products containing **chlorpyrifos** that are registered by both entities and therefore are available for use in Maryland, including Baltimore City. Because products containing chlorpyrifos can be used on food and feed crops, the EPA established maximum limits, or tolerances, for the amount of pesticide residue that can safely remain on these types of commodities. In 2007 a petition was filed with EPA requesting that these tolerances be revoked, which would mean that no residue would be allowed on food and feed crops. The EPA eventually sought comment on some of its data, but in 2017 concluded that further scientific research was needed, and anticipated it would complete its review by October 2022. In addition, in August 2018 the U.S. Court of Appeals for the Ninth Circuit vacated the EPA's 2017 order and directed EPA to revoke all tolerances and cancel all chlorpyrifos registrations within 60 days. EPA requested that the case be reheard, which was granted.

The Honorable President and Members  
of the Baltimore City Council  
March 13, 2020  
Page 2

During the 2018 and 2019 Maryland General Assembly sessions, companion House and Senate Bills were introduced to prohibit the use of chlorpyrifos in the State, including insecticides containing chlorpyrifos and seeds treated with chlorpyrifos. The legislation would have require the Department of Agriculture to provide farmers, certified crop advisors, and pesticide applicators education and assistance concerning integrated pest management. These bills were not successful. The 2020 General Assembly is currently considering House and Senate Bills which would prohibit the use of chlorpyrifos in Maryland. City Council Bill 20-0495 would prohibit the use or application of chlorpyrifos or a product containing chlorpyrifos in Baltimore City unless authorized by the Health Commissioner (§ 19-304).

**Glyphosate**, best known as the key chemical in the herbicide known commercially as Roundup, is applied to the leaves of plants to inhibit or kill unwanted broadleaf plants and grasses. It is widely used in agriculture, forestry, on lawns and gardens, and weeds growing in industrial areas. Regulatory agencies in the U.S. and other countries, including Canada, European Union, and Japan, conducted human and animal studies to determine if there was a correlation between exposure or use of glyphosate and cancer rates. The Joint Meeting on Pesticide Residues of the United Nations and World Health Organization (WHO) also looked at these studies. Based on the studies' review, it was determined that glyphosate was not a likely carcinogen. A committee of scientists working for the International Agency for Research on Cancer, a WHO committee, evaluated a smaller grouping of the studies and concluded that glyphosate was a probable carcinogen. Several lawsuits have been filed by persons, or on behalf of persons, who have used or been exposed to glyphosate and have developed certain cancers. City Council Bill 20-0495 would prohibit the use or application of glyphosate or a product containing glyphosate in Baltimore City unless authorized by the Health Commissioner (§ 19-303).

**Neonicotinoid** is an insecticide that is chemically related to nicotine. As a group, these insecticides are more toxic to invertebrates like insects, than to organisms like mammals or birds. Neonicotinoids can be sprayed on plants or added to water and applied to soils, which allows the pesticide to be taken up by the plant. These insecticides are especially successful in combating sap-feeding insects. While originally considered to have a low toxicity effect on beneficial insects, newer research indicates that while low level exposure mat not kill pollinators directly, it may lead to loss of bumble bee queens or impact the ability of honey bees to find nectar or to navigate and find their hive. City Council Bill 20-0495 would prohibit City employees or City contractors to use or apply neonicotinoids or a product containing neonicotinoids on City-owned property unless controlling pests while engaged in agriculture (§ 19-305).

### **DEPARTMENT PRACTICES**

The Department of Public Works' Bureau of Solid Waste routinely performs proactive and responsive rat abatement by inserting bait laced with rodenticide into rat burrows. The Department also performs this same service to the exterior portions of some HABC properties through the HEAL program. No chemicals are applied to surface areas. The list of potential chemicals to be used is as follows: ZP Rodent Bait (active ingredient Zinc Phosphide), Contrac Rat/Mouse Bait (active ingredient Bromadiolone), DiTrac Tracking Powder (active ingredient Diaphacinone), and Contrac All-Weather Blox (active ingredient Bromadiolone).

The Bureau of Solid Waste also contracts with Regional Pest Management on an as-needed basis to maintain control over rodent and insect pests at Solid Waste facilities. Pesticides are only used when the presence of pests are identified upon visual inspection or monitoring devices, and only after non-toxic methods have proven unsuccessful. To control rodents, the company may use Generation Mini Block (active ingredient Difethialone) or Contrac All Weather Blox (active ingredient Bromadiolone). To control insects, the company may use Phantom (active ingredient Chlorfenapyr) or Optiguard Gel Bait (active ingredient Emamectin Benzoate).

The Bureau of Solid Waste performs cleaning and mowing services for City-owned lots and for private nuisance properties referred to the Bureau by DHCD. No herbicides are used to control the growth of weeds. Any discovered rodent burrows on City-owned properties would be treated through the rat abatement program.

### **FISCAL IMPACT**

No fiscal impact is anticipated as a result of the provisions in this legislation, as the Department does not employ the use of chlorpyrifos, glyphosate, or neonicotinoids.

### **AGENCY/DEPARTMENT POSITION**

The Department of Public Works defers to the Department of Health on City Council Bill 20-0495.



Matthew W. Garbark  
Acting Director

MWG:MMC