


F R O M	Name & Title	Dr. Letitia Dzirasa, Commissioner	Health Department  AGENCY REPORT	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject: Position:	20-0495 – Pesticide Control and Regulation Oppose		

To: President and Members  
of the City Council  
c/o 409 City Hall

May 7, 2020

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill #20-0495, entitled, “Pesticide Control and Regulation.” The purpose of this legislation is to regulate the use and application of pesticides in Baltimore City; 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; and establish certain penalties.

The three pesticides sought to be regulated by this bill – glyphosate, chlorpyrifos, and neonicotinoids – have each demonstrated some evidence of harm to flora and fauna, with the former two demonstrating direct harm to humans.<sup>123</sup> Understanding how chlorpyrifos, in particular, has conclusive evidence of harm in humans, BCHD provided its support in written testimony to a statewide ban on the use of chlorpyrifos during the 2020 Maryland General Assembly session. Senate Bill 300, entitled, “Pesticides - Use of Chlorpyrifos – Prohibition,” passed through both chambers of the General Assembly and is awaiting the Governor’s signature.<sup>4</sup> Given the likelihood of this bill’s passage, with its full effective date falling on December 31, 2020, BCHD is concerned that many of 20-0495’s provisions may soon be either redundant or potentially in direct contradiction with state law.

Regardless of Senate Bill 300’s passage, BCHD has several fiscal and programmatic objections to 20-0495. First, BCHD may not have the resources to effectively enforce the provisions of this bill. As the lead agency for COVID-19 response, BCHD has had to divert personnel, including Environmental Health inspectors who would be charged with enforcement, as a result of emergency programming. With potential budget impacts looming due to COVID-related revenue decreases, adding on to the responsibilities of Environmental Health inspectors

<sup>1</sup> International Agency for Research on Cancer Volume 112: Some organophosphate insecticides and herbicides: tetrachlorvinphos, parathion, malathion, diazinon and glyphosate. IARC Working Group. Lyon; 3–10 March 2015. IARC Monogr Eval Carcinog Risk Chem Hum (in press).

<sup>2</sup> Rabin, Roni Caryn (May 16, 2017). "A Strong Case Against a Pesticide Does Not Faze E.P.A. Under Trump". The New York Times. p. D1. Retrieved March 28, 2018.

<sup>3</sup> Desneux, Nicolas; Decourtye, Axel; Delpuech, Jean-Marie (January 2007). "The Sublethal Effects of Pesticides on Beneficial Arthropods". *Annual Review of Entomology*. **52** (1): 81–106.

<sup>4</sup> “Senate Bill 300.” Legislation - SB0300, 2020, mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0300.

will further challenge BCHD to attain its State-mandated inspections while also ensuring signage is in place, notice is given to customers, markers are placed on lawns, and residents using prohibited pesticides are cited.

Second, BCHD lacks the institutional knowledge to ensure 20-0495's efficacy. Under 20-0495's provisions, BCHD staff would be charged with creating warning signage and the notice provided to customers regarding the application of prohibited pesticides. However, BCHD lacks staff with expertise on the health ramifications of said pesticides, and in review of peer-reviewed health publications regarding glyphosate and neonicotinoids, has found either mixed or no evidence of harm to humans. The latter chemical has only shown adverse outcomes in certain insects, which, while ecologically devastating, is outside the purview of BCHD's mission.<sup>5</sup>

In speaking with officials in Montgomery County, the only county in Maryland to have its own pesticide ban, BCHD discovered that the County has a separate Department of Environmental Protection (DEP) in addition to its Department of Health and Human Services. The County's DEP has both dedicated environmental health inspectors and a dedicated staff person overseeing all pesticide ban efforts. DEP officials informed BCHD staff of having funds in excess of \$500,000 to promote pesticide ban efforts, in addition to nearly 5 years of lead time to implement the County's law. Moreover, by virtue of having a DEP prior to implementing a pesticide ban, the County had already developed relationships with, and a full list of, pesticide retailers within its jurisdiction. Without the resources of Montgomery County and institutional knowledge of the County's DEP, BCHD is at a great disadvantage.

Finally, BCHD has cause for concern regarding the enforcement of 20-0495. Absent seeing the application of prohibited pesticides, environmental health inspectors will be obligated to test the lawns of private individuals and institutions. At present, BCHD has not spoken with potential contractors who may be able to test for prohibited pesticides, but any additional costs borne by the Department, given the present environment, will result in cuts to other essential programming. Additionally, Environmental Health inspectors will be obligated to visit retailers they do not presently regulate to potentially cite them for failing to provide notice to customers or exhibit required signage. In order to cite said entities, inspectors would need to see the prohibited act as it is happening. As a practical matter, retailers may temporarily comply with the provisions of this bill in the presence of BCHD inspectors, and then revert back to prohibited practices in their absence.

Council Bill #20-0495 is laudable in its intent, and BCHD is committed to working with the sponsor and members of the Council to address concerns to ensure the requirements of the department in the final legislation can be effectively implemented by staff. For these reasons, BCHD **opposes** this legislation **in its current form**, and will continue to work with the sponsor on potential amendments.

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<sup>5</sup> "The Sublethal Effects of Pesticides on Beneficial Arthropods".