

CITY OF BALTIMORE
ORDINANCE **20.430**
Council Bill 20-0495

Introduced by: Councilmembers Clarke, Dorsey, Cohen, Middleton, Reisinger, Henry, Burnett,
President Scott, Councilmembers Sneed, Bullock
Introduced and read first time: February 10, 2020
Assigned to: Health Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: September 21, 2020

AN ORDINANCE CONCERNING

Pesticide Control and Regulation

1

2 FOR the purpose of regulating the use and application of pesticides in Baltimore City; defining
3 certain terms; ~~requiring certain biennial agency reports; requiring certain notices at the time~~
4 ~~of pesticide purchase; requiring certain notices prior to and after pesticide application;~~
5 ~~requiring marker placement after certain pesticide applications;~~ prohibiting the use of certain
6 pesticides in specified areas; prohibiting the use and application of glyphosate and
7 chlorpyrifos; prohibiting neonicotinoid pesticide use on City-owned property; establishing
8 certain penalties; and providing for a special effective date.

9 BY repealing and re-ordaining, without amendments

10 Article - Health
11 Sections 1-101, 1-104, and 1-105
12 Baltimore City Revised Code
13 (Edition 2000)

14 BY adding

15 Article - Health
16 Sections 19-101 through 19-402, to be under the new title,
17 "Title 19. Pesticides"
18 Baltimore City Revised Code
19 (Edition 2000)

20 BY adding

21 Article 1 - Mayor, City Council, and Municipal Agencies
22 Section(s) 40-14(e)(7) ("Title 19: Pesticides") and 41-14(6) ("Title 19: Pesticides")
23 Baltimore City Code
24 (Edition 2000)

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
26 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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Baltimore City Revised Code

Article – Health

Title 1. Definitions; General Provisions

Subtitle 1. Definitions

§ 1-101. In general.

In this article, the following terms have the meanings indicated.

§ 1-104. Commissioner.

“Commissioner” means the Commissioner of Health or the Commissioner’s designee.

§ 1-105. Department.

“Department” means the Baltimore City Department of Health.

TITLE 19. PESTICIDES

SUBTITLE 1. GENERAL PROVISIONS

§ 19-101. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *AGRICULTURE.*

“AGRICULTURE” MEANS THE COMMERCIAL PRODUCTION, STORAGE, PROCESSING, MARKETING, DISTRIBUTION, OR EXPORT OF AN AGRONOMIC, AQUACULTURAL, EQUINE, FLORICULTURAL, HORTICULTURAL, ORNAMENTAL, SILVICULTURAL, OR VITICULTURAL CROP, INCLUDING:

- (1) A FARM PRODUCT;
- (2) LIVESTOCK OR A LIVESTOCK PRODUCT;
- (3) POULTRY OR A POULTRY PRODUCT;
- (4) MILK OR A DAIRY PRODUCT;
- (5) TIMBER OR A FOREST PRODUCT;
- (6) FRUIT OR A HORTICULTURAL PRODUCT; AND
- (7) SEAFOOD OR AN AQUACULTURAL PRODUCT.

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1 (C) *CUSTOM APPLICATOR*.

2 "CUSTOM APPLICATOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF APPLYING
3 PESTICIDES.

4 (D) *GLYPHOSATE*.

5 "GLYPHOSATE" MEANS A SYNTHETIC COMPOUND THAT IS A NON-SELECTIVE SYSTEMIC
6 HERBICIDE, ALSO KNOWN AS N-(PHOSPHONOMETHYL) GLYCINE WITH A CHEMICAL
7 FORMULA OF C₃H₈NO₅P.

8 (E) *LAWN*.

9 (1) *IN GENERAL*.

10 "LAWN" MEANS AN AREA OF LAND, NOT USED FOR AGRICULTURE, THAT IS:

11 (~~1~~) (I) MOSTLY COVERED BY GRASS, OTHER SIMILAR HERBACEOUS PLANTS; AND

12 (~~2~~) (II) KEPT TRIM BY MOWING OR CUTTING.

13 (2) *EXCLUSIONS*.

14 "LAWN" DOES NOT INCLUDE:

15 (I) A PLAYING FIELD AS DEFINED IN § 19-301 OF THIS TITLE;

16 (II) A GOLF COURSE;

17 (III) A GARDEN; OR

18 (IV) A TREE OR SHRUB.

19 (F) *NEONICOTINOID*.

20 (1) *IN GENERAL*.

21 "NEONICOTINOID" MEANS A CLASS OF NEURO-ACTIVE PESTICIDES CHEMICALLY
22 RELATED TO NICOTINE.

23 (2) *INCLUSIONS*.

24 "NEONICOTINOID" INCLUDES:

25 (I) ACETAMIPRID;

26 (II) CLOTHIANIDIN;

27 (III) DINOTEFURAN;

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- 1 (IV) IMIDACLOPRID;
- 2 (V) NITENPYRAM;
- 3 (VI) NITHIAZINE;
- 4 (VII) THIAACLOPRID; AND
- 5 (VIII) THIAMETHOXAM.

6 (G) *PERSON*.

7 "PERSON" MEANS:

- 8 (1) AN INDIVIDUAL;
- 9 (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
10 REPRESENTATIVE OF ANY KIND;
- 11 (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
12 KIND; OR
- 13 (4) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
14 GOVERNMENTAL ENTITY.

15 (H) *PEST*.

16 "PEST" MEANS AN INSECT, SNAIL, SLUG, RODENT, NEMATODE, FUNGUS, WEED, OR OTHER
17 FORM OF PLANT OR ANIMAL LIFE OR MICROORGANISM (EXCEPT A MICROORGANISM ON OR
18 IN A LIVING HUMAN OR ANIMAL) THAT IS NORMALLY CONSIDERED TO BE A PEST OR
19 DEFINED AS A PEST BY APPLICABLE STATE REGULATIONS.

20 (I) *PESTICIDE*.

21 (1) *IN GENERAL*.

22 "PESTICIDE" MEANS A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED OR USED:

- 23 (I) TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY PEST;
- 24 (II) AS A HERBICIDE, PLANT REGULATOR, DEFOLIANT, OR DESICCANT; OR
- 25 (III) AS A SPRAY ADJUVANT, SUCH AS A WETTING AGENT OR ADHESIVE.

26 (2) *EXCLUSION*.

27 "PESTICIDE" DOES NOT INCLUDE AN ANTIMICROBIAL AGENT, SUCH AS A DISINFECTANT,
28 SANITIZER, OR DEODORIZER, THAT IS USED FOR CLEANING AND IS NOT CONSIDERED A
29 PESTICIDE UNDER ANY FEDERAL OR STATE LAW OR REGULATION.

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1 (J) *PLAYGROUND.*

2 (1) *IN GENERAL.*

3 "PLAYGROUND" HAS THE MEANING STATED IN § 12-801(C) OF THIS ARTICLE
4 {"DEFINITIONS: PLAYGROUND"}.

5 (2) *INCLUSION.*

6 "PLAYGROUND" INCLUDES A MULCHED PATH THAT IS USED TO ENTER A PLAYGROUND.

7 (K) *REGISTERED PESTICIDE.*

8 "REGISTERED PESTICIDE" MEANS A PESTICIDE REGISTERED BY THE UNITED STATES
9 ENVIRONMENTAL PROTECTION AGENCY AND LABELED PURSUANT TO THE FEDERAL
10 INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT FOR USE IN LAWN, GARDEN, AND
11 ORNAMENTAL SITES OR AREAS.

12 **§ 19-102. FINDINGS AND PURPOSE.**

13 (A) *IN GENERAL.*

14 THE MAYOR AND CITY COUNCIL FINDS AS FOLLOWS:

- 15 (1) PESTICIDES HAVE VALUE WHEN THEY ARE USED TO PROTECT THE PUBLIC HEALTH,
16 THE ENVIRONMENT, AND OUR FOOD AND WATER SUPPLY.
- 17 (2) PESTICIDES, BY DEFINITION, CONTAIN TOXIC SUBSTANCES, MANY OF WHICH MAY
18 HAVE A DETRIMENTAL EFFECT ON HUMAN HEALTH, PET HEALTH, AND THE
19 ENVIRONMENT.
- 20 (3) CERTAIN PESTICIDES HAVE BEEN LINKED TO A HOST OF SERIOUS CONDITIONS IN
21 CHILDREN INCLUDING PEDIATRIC CANCERS, DECREASED COGNITIVE FUNCTION,
22 AND BEHAVIORAL PROBLEMS.
- 23 (4) CERTAIN PESTICIDES HAVE BEEN LINKED TO A MYRIAD OF ADULT CONDITIONS
24 SUCH AS PARKINSON'S DISEASE, DIABETES, LUPUS, RHEUMATOID ARTHRITIS,
25 DEMENTIA, REPRODUCTIVE DYSFUNCTION, ALZHEIMER'S DISEASE, AND A VARIETY
26 OF CANCERS INCLUDING LEUKEMIA, LYMPHOMA, BREAST CANCER, COLORECTAL
27 CANCER, PROSTATE CANCER, AND LUNG CANCER.
- 28 (5) CERTAIN PESTICIDES, ESPECIALLY THOSE CONTAINING THE CHEMICAL
29 GLYPHOSATE, HAVE BEEN LINKED TO CANCER. FOR EXAMPLE, IN 2015, THE
30 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER, A DIVISION OF THE WORLD
31 HEALTH ORGANIZATION AND THE WORLD'S LEADING AUTHORITY ON CANCER,
32 UNANIMOUSLY CONCLUDED THAT GLYPHOSATE IS A PROBABLE CARCINOGEN. THE
33 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER'S DETERMINATION WAS
34 BASED ON A RIGOROUS ASSESSMENT THAT CONCLUDED THAT THERE IS SUFFICIENT
35 EVIDENCE OF CARCINOGENICITY IN EXPERIMENTAL ANIMALS.

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1 (6) CLEAN WATER IS ESSENTIAL TO HUMAN LIFE, WILDLIFE AND THE ENVIRONMENT,
2 AND THE UNNECESSARY USE OF PESTICIDES CONTRIBUTES TO THE DETERIORATION
3 OF WATER QUALITY, AS SUBSTANTIATED BY SEVERAL STUDIES INCLUDING A 2014
4 USGS STUDY THAT FOUND 90% OF URBAN WATERWAYS HAVE PESTICIDE LEVELS
5 HIGH ENOUGH TO HARM AQUATIC LIFE.

6 (7) BEES AND OTHER POLLINATORS ARE CRUCIAL TO OUR ECOSYSTEM, AND THE USE
7 OF NEONICOTINOID INSECTICIDES, WHICH HAVE BEEN REPEATEDLY AND STRONGLY
8 LINKED WITH THE COLLAPSE OF HONEY BEE COLONIES, AS WELL AS HARM TO
9 AQUATIC INSECTS AND BIRDS, POSE AN UNACCEPTABLE RISK TO BENEFICIAL
10 ORGANISMS.

11 (8) THE USE OF PESTICIDES IS NOT NECESSARY FOR THE MANAGEMENT OF LAWNS,
12 ESPECIALLY IN LIGHT OF THE RISKS ASSOCIATED WITH THEIR USE. THERE ARE NON-
13 AND LESS-TOXIC ALTERNATIVES AND METHODS OF CULTIVATING A HEALTHY,
14 GREEN LAWN THAT DO NOT POSE A THREAT TO PUBLIC HEALTH.

15 (9) REGULATIONS AT THE FEDERAL AND STATE LEVEL, AND THE RISK ASSESSMENTS
16 THAT INFORM THEM, DO NOT MIMIC REAL WORLD EXPOSURE SCENARIOS AND FAIL
17 TO ACCOUNT FOR SYNERGISTIC OR CUMULATIVE EFFECTS OF MULTIPLE CHEMICALS
18 ACTING ON THE SAME PATHWAY; THEY DO NOT INCLUDE SUFFICIENT EVALUATION
19 OF A PESTICIDE'S "INERT" INGREDIENTS AND THE PESTICIDE FORMULATIONS THAT
20 ARE SOLD TO CONSUMERS; AND THEY OFTEN FAIL TO TAKE SENSITIVE
21 POPULATIONS LIKE CHILDREN AND POLLINATORS INTO ACCOUNT.

22 (10) IN THE ABSENCE OF ADEQUATE REGULATION AT THE FEDERAL OR STATE LEVEL,
23 BALTIMORE CITY IS COMPELLED TO ACT TO PROTECT THE HEALTH OF CHILDREN,
24 FAMILIES, PETS, AND THE ENVIRONMENT.

25 (B) *PURPOSE; GOAL.*

26 (1) THE PURPOSE OF THIS TITLE IS TO PROTECT THE PUBLIC HEALTH AND WELFARE AND TO
27 MINIMIZE THE POTENTIAL PESTICIDE HAZARD TO PEOPLE AND THE ENVIRONMENT,
28 CONSISTENT WITH THE PUBLIC INTEREST IN THE BENEFITS DERIVED FROM THE SAFE
29 USE AND APPLICATION OF PESTICIDES.

30 (2) THE GOAL IS TO INFORM THE PUBLIC ABOUT PESTICIDE APPLICATIONS AND MINIMIZE
31 THE USE OF PESTICIDES, WHILE NOT RESTRICTING THE ABILITY TO USE PESTICIDES IN
32 AGRICULTURE, FOR THE PROTECTION OF PUBLIC HEALTH, OR FOR OTHER PUBLIC
33 BENEFIT.

34 **§ 19-103. RULES AND REGULATIONS.**

35 (A) *IN GENERAL.*

36 THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THE
37 PROVISIONS OF THIS TITLE.

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1 (B) *FILING WITH LEGISLATIVE REFERENCE.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

4 § 19-104. *{RESERVED}*

5 § 19-105. **BIENNIAL REPORTS.**

6 (A) *IN GENERAL.*

7 NO LATER THAN JUNE 30 OF EACH ODD-NUMBERED YEAR, THE DEPARTMENT AND THE
8 BALTIMORE CITY OFFICE OF SUSTAINABILITY SHALL JOINTLY SUBMIT A REPORT TO THE
9 MAYOR AND CITY COUNCIL THAT MAKES RECOMMENDATIONS ON WHETHER ANY
10 LEGISLATIVE CHANGES OR UPDATES ARE NECESSARY FOR THE PROPER ADMINISTRATION
11 AND IMPLEMENTATION OF THIS TITLE.

12 (B) *SPECIFIC PESTICIDES.*

13 THE REPORT REQUIRED BY THIS SECTION SHALL INCLUDE AN ASSESSMENT, RELYING ON
14 AVAILABLE SCIENTIFIC DATA, REGARDING:

15 (1) WHETHER ANY ADDITIONAL PESTICIDES POSE A SIGNIFICANT THREAT TO THE
16 HEALTH OF THE CITIZENS OF BALTIMORE OR THE ENVIRONMENT; AND

17 (2) WHETHER THOSE PESTICIDES SHOULD BE INCLUDED WITHIN THIS TITLE'S SPECIFIC
18 PESTICIDE PROHIBITIONS.

19 ***SUBTITLE 2. PESTICIDE SIGN AND NOTICE REQUIREMENTS***

20 ~~§ 19-201. RETAIL PURCHASE OF PESTICIDE.~~

21 ~~A PERSON WHO SELLS AT RETAIL A PESTICIDE OR MATERIAL THAT CONTAINS A PESTICIDE~~
22 ~~MUST DISPLAY A SIGN OR SIGNS IN EACH AREA OF THE RETAIL ESTABLISHMENT WHERE~~
23 ~~REGISTERED PESTICIDES ARE AVAILABLE TO CONSUMERS, WITH LANGUAGE APPROVED BY THE~~
24 ~~DEPARTMENT, THAT:~~

25 (1) ~~INFORMS BUYERS OF THE CITY LAW ON:~~

26 (i) ~~THE LIMITED USE OF REGISTERED PESTICIDES ON LAWNS WITHIN THE CITY; AND~~

27 (ii) ~~THE PROHIBITION ON GLYPHOSATE USE AND ON CHLORPYRIFOS USE WITHIN THE~~
28 ~~CITY.~~

29 (2) ~~IDENTIFIES PEST CONTROL OPTIONS THAT ARE PERMISSIBLE FOR LAWN APPLICATION~~
30 ~~UNDER THE LAW.~~

31 ~~§ 19-202. NOTICE TO CUSTOMERS.~~

32 (A) ~~CUSTOMER DEFINED.~~

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1 (1) ~~IN THIS SECTION, "CUSTOMER" MEANS A PERSON WHO MAKES A CONTRACT WITH A~~
2 ~~CUSTOM APPLICATOR TO HAVE THE CUSTOM APPLICATOR APPLY A PESTICIDE TO A~~
3 ~~LAWN.~~

4 (2) ~~"CUSTOMER" INCLUDES A PERSON RENEWING A CONTRACT WITH A CUSTOM~~
5 ~~APPLICATOR FOR PESTICIDE APPLICATION TO A LAWN.~~

6 ~~(B) IN GENERAL.~~

7 (1) ~~BEFORE ANY PESTICIDE APPLICATION, A CUSTOM APPLICATOR MUST PROVIDE TO A~~
8 ~~CUSTOMER:~~

9 ~~(i) A WRITTEN NOTICE ABOUT PESTICIDES PREPARED BY THE DEPARTMENT AS~~
10 ~~DESCRIBED IN SUBSECTION (C) OF THIS SECTION; AND~~

11 ~~(ii) A LIST OF:~~

12 ~~(A) THE TRADE NAME OF EACH PESTICIDE THAT MIGHT BE USED;~~

13 ~~(B) THE GENERIC NAME OF EACH PESTICIDE THAT MIGHT BE USED; AND~~

14 ~~(C) SPECIFIC CUSTOMER SAFETY PRECAUTIONS FOR EACH PESTICIDE THAT~~
15 ~~MIGHT BE USED.~~

16 (2) ~~AFTER THE PESTICIDE APPLICATION, A CUSTOM APPLICATOR MUST PROVIDE TO A~~
17 ~~CUSTOMER, A LIST OF:~~

18 ~~(i) THE TRADE NAME OF EACH PESTICIDE ACTUALLY USED; AND~~

19 ~~(ii) THE GENERIC NAME OF EACH PESTICIDE ACTUALLY USED.~~

20 ~~(C) DEPARTMENT NOTICE.~~

21 (1) ~~IN GENERAL.~~

22 ~~THE DEPARTMENT MUST PREPARE, KEEP CURRENT, AND PROVIDE TO CUSTOM~~
23 ~~APPLICATORS A WRITTEN NOTICE ABOUT PESTICIDES FOR THEM TO PROVIDE TO~~
24 ~~CUSTOMERS UNDER SUBSECTION (B)(1)(i) OF THIS SECTION.~~

25 (2) ~~NOTICE INCLUSIONS.~~

26 ~~THE NOTICE PREPARED BY THE DEPARTMENT UNDER THIS SUBSECTION MUST INCLUDE:~~

27 ~~(i) GOVERNMENT AGENCY PHONE NUMBERS TO CALL TO:~~

28 ~~(A) MAKE A CONSUMER COMPLAINT;~~

29 ~~(B) RECEIVE TECHNICAL INFORMATION ON PESTICIDES; AND~~

30 ~~(C) GET ASSISTANCE IN THE CASE OF A MEDICAL EMERGENCY;~~

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1 ~~(II) A LIST OF GENERAL SAFETY PRECAUTIONS A CUSTOMER SHOULD TAKE WHEN A~~
2 ~~LAWN IS TREATED WITH A PESTICIDE;~~

3 ~~(III) A STATEMENT THAT A CUSTOM APPLICATOR MUST:~~

4 ~~(A) BE LICENSED BY THE MARYLAND DEPARTMENT OF AGRICULTURE;~~
5 ~~AND~~

6 ~~(B) FOLLOW SAFETY PRECAUTIONS; AND~~

7 ~~(IV) A STATEMENT THAT THE CUSTOMER HAS THE RIGHT TO REQUIRE THE CUSTOM~~
8 ~~APPLICATOR TO NOTIFY THE CUSTOMER BEFORE EACH TREATMENT OF THE~~
9 ~~CUSTOMER'S LAWN WITH A PESTICIDE.~~

10 ~~§ 19-203. MARKERS: POST-APPLICATION BY A PROPERTY OWNER OR TENANT:~~

11 ~~(A) PRIVATE LAWN APPLICATION DEFINED:~~

12 ~~(1) IN GENERAL:~~

13 ~~IN THIS SECTION, "PRIVATE LAWN APPLICATION" MEANS THE APPLICATION OF A~~
14 ~~PESTICIDE TO A LAWN ON PROPERTY OWNED BY OR LEASED TO THE PERSON APPLYING~~
15 ~~THE PESTICIDE.~~

16 ~~(2) EXCLUSIONS:~~

17 ~~"PRIVATE LAWN APPLICATION" DOES NOT INCLUDE:~~

18 ~~(1) APPLYING A PESTICIDE FOR THE PURPOSE OF ENGAGING IN AGRICULTURE; OR~~

19 ~~(2) APPLYING A PESTICIDE AROUND OR NEAR THE FOUNDATION OF A BUILDING FOR~~
20 ~~THE PURPOSE OF INDOOR PEST CONTROL.~~

21 ~~(B) IN GENERAL:~~

22 ~~A PERSON WHO PERFORMS A PRIVATE LAWN APPLICATION FOR AN AREA MORE THAN 100~~
23 ~~SQUARE FEET, OR AN AREA OF ANY SIZE WITHIN 5 FEET OF A PROPERTY LINE, MUST PLACE~~
24 ~~MARKERS WITHIN OR ALONG THE PERIMETER OF THE AREA WHERE PESTICIDES HAVE BEEN~~
25 ~~APPLIED.~~

26 ~~(C) MARKER REQUIREMENTS~~

27 ~~A MARKER REQUIRED BY THIS SECTION MUST:~~

28 ~~(1) BE CLEARLY VISIBLE TO PERSONS IMMEDIATELY OUTSIDE THE PERIMETER OF THE~~
29 ~~PROPERTY;~~

30 ~~(2) BE IN A SIZE, FORM, AND COLOR APPROVED BY THE DEPARTMENT;~~

31 ~~(3) BE MADE OF MATERIAL APPROVED BY THE DEPARTMENT; AND~~

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(4) HAVE WORDING WITH CONTENT AND DIMENSIONS APPROVED BY THE DEPARTMENT; AND

(5) BE IN PLACE ON THE DAY THAT THE PESTICIDE IS APPLIED.

~~§ 19-204. {RESERVED}~~

SUBTITLE 2. {RESERVED}

SUBTITLE 3. PROHIBITED CONDUCT

§ 19-301. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *CHILDREN'S FACILITY.*

(1) *IN GENERAL.*

"CHILDREN'S FACILITY" MEANS A BUILDING OR PART OF A BUILDING THAT, AS PART OF ITS FUNCTION, IS

(I) REGULARLY OCCUPIED BY CHILDREN UNDER THE AGE OF 18 YEARS; AND

(II) REQUIRED TO OBTAIN AN USE AND OCCUPANCY PERMIT AS A CONDITION OF PERFORMING THAT FUNCTION.

(2) *INCLUSIONS.*

"CHILDREN'S FACILITY" INCLUDES A CHILD DAY CARE CENTER, FAMILY DAY CARE HOME, NURSERY SCHOOL, RECREATIONAL CENTER, AND CLASSROOM.

(C) *DISEASE VECTOR.*

"DISEASE VECTOR" MEANS AN ANIMAL, INSECT, OR MICROORGANISM THAT CARRIES AND TRANSMITS AN INFECTIOUS PATHOGEN INTO ANOTHER ORGANISM.

(D) *LISTED PESTICIDE.*

"LISTED PESTICIDE" MEANS:

(I) A PESTICIDE THE ACTIVE INGREDIENTS OF WHICH ARE RECOMMENDED BY THE NATIONAL ORGANIC STANDARDS BOARD (NOSB) PURSUANT TO 7 U.S.C. § 6518, AS AMENDED, AND PUBLISHED AS THE NATIONAL LIST AT 7 C.F.R. §§ 205.601 AND 205.602; OR

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1 (II) A PESTICIDE DESIGNATED A "MINIMUM RISK PESTICIDE" UNDER THE FEDERAL
2 INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT § 25(B) AND LISTED IN 40 C.F.R.
3 § 152.25(F).

4 (E) *MULCHED RECREATION AREA.*

5 "MULCHED RECREATION AREA" MEANS AN AREA OF LAND COVERED WITH NATURAL OR
6 SYNTHETIC MULCH OR WOOD CHIPS THAT IS OPEN TO THE PUBLIC FOR PICNIC OR
7 RECREATIONAL USE.

8 (F) *PLAYING FIELD.*

9 (1) *IN GENERAL.*

10 "PLAYING FIELD" MEANS:

11 (1) (I) AN ATHLETIC FIELD OWNED OR MAINTAINED BY A DEPARTMENT OR UNIT OF
12 BALTIMORE CITY GOVERNMENT; OR

13 (2) (II) AN AREA OF LAND ON PRIVATE PROPERTY MAINTAINED EXCLUSIVELY FOR
14 ATHLETIC OR SPORTING USE.

15 (2) *EXCLUSIONS.*

16 "PLAYING FIELD" DOES NOT INCLUDE ANY ARTIFICIAL SURFACE SUCH AS ASTRO-TURF
17 OR CONCRETE.

18 **19-301.1. SCOPE OF SUBTITLE - BALTIMORE CITY PUBLIC SCHOOL SYSTEM PROPERTIES.**

19 NOTHING IN THIS SUBTITLE APPLIES TO ANY PROPERTY THAT IS USED AND MAINTAINED BY
20 THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

21 **§ 19-302. PROHIBITED APPLICATIONS.**

22 (A) *IN GENERAL.*

23 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO PERSON MAY APPLY ANY
24 PESTICIDE OTHER THAN A LISTED PESTICIDE TO ANY:

25 (1) LAWN;

26 (2) PLAYGROUND;

27 (3) MULCHED RECREATION AREA;

28 (4) CHILDREN'S FACILITY;

29 (5) GROUNDS OF A CHILDREN'S FACILITY; OR

30 (6) PLAYING FIELD.

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1 (B) *PERMITTED APPLICATIONS.*

2 EXCEPT AS PROVIDED IN § 19-303 {"GLYPHOSATE USE PROHIBITED"}, § 19-304
3 {"CHLORPYRIFOS USE PROHIBITED"}, AND § 19-305 {"NEONICOTINOID PESTICIDES ON
4 CITY-OWNED PROPERTY"} OF THIS TITLE, A PERSON MAY APPLY ANY REGISTERED
5 PESTICIDE TO:

- 6 (1) CONTROL WEEDS AS REQUIRED BY TITLE 5, SUBTITLE 7, OF THIS ARTICLE;
- 7 (2) CONTROL INVASIVE SPECIES, AS DEFINED AND LISTED IN REGULATIONS ADOPTED
8 UNDER THIS TITLE;
- 9 (3) CONTROL DISEASE VECTORS;
- 10 (4) CONTROL BITING OR STINGING INSECTS OR STINGING PLANTS;
- 11 (5) CONTROL ORGANISMS THAT THREATEN THE HEALTH OF TREES OR SHRUBS;
- 12 (6) MAINTAIN PROPERTY AS PART OF EFFORTS BY A PUBLIC UTILITY TO COMPLY WITH
13 APPLICABLE VEGETATION MANAGEMENT PROVISIONS OF ANY FEDERAL, STATE, OR
14 LOCAL LAW OR REGULATION;
- 15 (7) CONTROL INDOOR PESTS, IF APPLIED NEAR OR AROUND THE FOUNDATION OF A
16 BUILDING;
- 17 (8) COMPLY WITH § 3314 {"RODENTICIDE PROCEDURE"} OF THE CITY BUILDING,
18 FIRE, AND RELATED CODES ARTICLE;
- 19 (9) ~~(8)~~ CONTROL PESTS WHILE ENGAGED IN AGRICULTURE; OR
- 20 (10) ~~(9)~~ CONTROL A PEST OUTBREAK THAT POSES AN IMMINENT THREAT TO HUMAN
21 HEALTH OR THREATENS SIGNIFICANT ECONOMIC DAMAGE IF A REGISTERED
22 PESTICIDE IS NOT USED.

23 (C) *EMERGENCY APPLICATIONS.*

24 IF A PESTICIDE IS APPLIED UNDER SUBSECTION (B)(9) OF THIS SECTION, THE PERSON
25 APPLYING THE PESTICIDE MUST NOTIFY THE DEPARTMENT OF THE APPLICATION AND
26 ARTICULATE THE REASONS FOR THE USE OF THE PESTICIDE WITHIN 24 HOURS AFTER THE
27 APPLICATION.

28 **§ 19-303. GLYPHOSATE USE PROHIBITED.**

29 (A) *IN GENERAL.*

30 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSON MAY NOT USE OR
31 APPLY GLYPHOSATE OR ANY PRODUCT CONTAINING GLYPHOSATE EXCEPT WHEN
32 AUTHORIZED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION.

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1 (B) AUTHORIZED USE USES.

2 (1) THE COMMISSIONER MAY AUTHORIZE THE USE OR APPLICATION OF GLYPHOSATE ON A
3 DETERMINATION THAT A THREAT EXISTS THAT REQUIRES THE USE OF GLYPHOSATE
4 AND NO OTHER PESTICIDE OR CLASS OF PESTICIDE WOULD BE EFFECTIVE IN
5 ADDRESSING THE THREAT.

6 (2) (I) THE DEPARTMENT OF RECREATION AND PARKS MAY ENGAGE IN THE LIMITED USE
7 AND APPLICATION OF GLYPHOSATE SUBJECT TO A WRITTEN INTEGRATED
8 VEGETATION MANAGEMENT PLAN THAT DETAILS:

9 (A) THE LOCATIONS OF GLYPHOSATE USE AND APPLICATION;

10 (B) THE NECESSITY FOR GLYPHOSATE USE AND APPLICATION IN THOSE
11 LOCATIONS; AND

12 (C) ANY PREVENTIVE OR MITIGATIVE MEASURES UNDERTAKEN TO PROTECT
13 THE HEALTH AND SAFETY OF THOSE WITHIN THE VICINITY OF THE
14 GLYPHOSATE USE AND APPLICATION.

15 (II) ANY INTREGATED VEGETATION MANAGEMENT PLAN THAT INCLUDES THE USE
16 AND APPLICATION OF GLYPHOSATE SHALL BE SUBMITTED TO THE COMMISSIONER
17 PRIOR TO ANY USE AND APPLICATION.

18 § 19-304. CHLORPYRIFOS USE PROHIBITED.

19 (A) *IN GENERAL.*

20 NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSON MAY NOT USE OR
21 APPLY CHLORPYRIFOS OR ANY PRODUCT CONTAINING CHLORPYRIFOS EXCEPT WHEN
22 AUTHORIZED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION.

23 (B) *AUTHORIZED USE.*

24 THE COMMISSIONER MAY AUTHORIZE THE USE OR APPLICATION OF CHLORPYRIFOS ON A
25 DETERMINATION THAT A THREAT EXISTS THAT REQUIRES THE USE OF CHLORPYRIFOS AND
26 NO OTHER PESTICIDE OR CLASS OF PESTICIDE WOULD BE EFFECTIVE IN ADDRESSING THE
27 THREAT.

28 § 19-305. NEONICOTINOID PESTICIDES ON CITY-OWNED PROPERTY.

29 (A) *IN GENERAL.*

30 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CITY EMPLOYEE OR CITY
31 CONTRACTOR MAY NOT USE A NEONICOTINOID PESTICIDE ON OUTDOOR PROPERTY OWNED
32 BY THE CITY.

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1 (B) AGRICULTURAL USE EXCEPTIONS.

2 A CITY EMPLOYEE OR CITY CONTRACTOR MAY USE A NEONICOTINOID PESTICIDE ON
3 CITY-OWNED PROPERTY TO CONTROL PESTS ~~WHILE ENGAGED IN AGRICULTURE.~~

4 (1) WHILE ENGAGED IN AGRICULTURE; OR

5 (2) IN A COMPLETELY INDOOR AND ENCLOSED AREA, SUCH AS A GREENHOUSE OR A
6 CONSERVATORY.

7 § 19-306. {RESERVED}

8 *SUBTITLE 4. ENFORCEMENT; PENALTIES.*

9 § 19-401. ENFORCEMENT BY CITATION.

10 (A) *IN GENERAL.*

11 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
12 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

13 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
14 {"ENVIRONMENTAL CONTROL BOARD"}; OR

15 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
16 CITATIONS"}.

17 (B) *PROCESS NOT EXCLUSIVE.*

18 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
19 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

20 (C) *EACH DAY A SEPARATE OFFENSE.*

21 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

22 (D) WRITTEN WARNING REQUIRED.

23 A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A
24 WRITTEN WARNING.

25 § 19-402. CRIMINAL PENALTIES.

26 (A) *IN GENERAL.*

27 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR
28 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$250 FOR EACH OFFENSE.

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1 (B) *EACH DAY A SEPARATE OFFENSE.*

2 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

3 **Baltimore City Code**

4 **Article 1. Mayor, City Council, and Municipal Agencies**

5 **Subtitle 40. Environmental Control Board**

6 **§ 40-14. Violations to which subtitle applies.**

7 (e) *Provisions and penalties enumerated.*

8 (7) Health Code

9 TITLE 19: PESTICIDES \$250

10

11

Subtitle 41. Civil Citations

12 **§ 41-14. Offenses to which subtitle applies – Listing.**

13 (6) *Health Code*

14 TITLE 19: PESTICIDES \$250

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
16 are not law and may not be considered to have been enacted as a part of this or any prior
17 Ordinance.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Baltimore City Department of Health
19 in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and
20 education campaign informing the public of the requirements, prohibitions, exemptions, and
21 penalties set forth in Section 1 of this Ordinance. This campaign may include media buys and
22 placements and public service announcements.

23 **SECTION 4. AND BE IT FURTHER ORDAINED,** That Section 3 of this Ordinance takes effect on
24 the date of this Ordinance's enactment.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That, except as provided in Section 3 of this
26 Ordinance, this Ordinance takes effect ~~180 days after the date it is enacted~~ on July 1, 2022.

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Certified as duly passed this 5 day of October, 2020

Brandon M. Scott

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 5 day of October, 2020

Katarina B. Austin

Chief Clerk

Approved this 12th day of November, 2020

Brandon Young

Mayor, Baltimore City

Approved for form and legal sufficiency
This 7th day of October, 2020.

Elena DiPietro

Chief Solicitor