



## **BALTIMORE CITY COUNCIL HEALTH COMMITTEE**

### Mission Statement

*On behalf of the Citizens of Baltimore City, the mission of the Health Committee is to study, examine and propose regulations concerning health and environmental issues; and to make recommendations and propose legislation for improving the overall health and welfare of all residents of Baltimore City.*

**The Honorable Kristerfer Burnett  
Chairman**

**PUBLIC HEARING**

**TUESDAY, SEPTEMBER 15, 2020  
11:30 AM**

**VIRTUAL WEBEX MEETING**

***WORK SESSION***

***Council Bill #20-0495– Pesticide Control and Regulation***

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Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Samuel Johnson*  
- *Larry Greene (pension only)*

### **TRANSPORTATION**

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John Bullock  
*Staff: Jennifer Coates*



## BILL SYNOPSIS

**Committee:** Health

**Council Bill:** 20-0495

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### Pesticide Control and Regulation

#### WORK SESSION

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**Sponsor:** Councilmember Clarke, et al

**Introduced:** February 10, 2020

**Purpose:**

**For the purpose** of regulating the use and application of pesticides in Baltimore City; defining certain terms; requiring certain notices at the time of pesticide purchase; requiring certain notices prior to and after pesticide application; requiring marker placement after certain pesticide applications; prohibiting the use of certain pesticides in specified areas; prohibiting the use and application of glyphosate and chlorpyrifos; prohibiting neonicotinoid pesticide use on City-owned property; establishing certain penalties; and providing for a special effective date.

**Effective:** Section 3 of this Ordinance takes effect on the date it is enacted.

Except as provided in Section 3 of this Ordinance, this Ordinance takes effect 180 days after the date it is enacted.

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### Agency Reports

Law Department	Favorable with Amendments
Health Department	Opposes
Department of Transportation	Comments
Department of Recreation and Parks	Favorable with Amendments
Department of Public Works	Comments/Defers to Health Dept.
Department of Housing and Community Development	No Objection if Amended
Environmental Control Board	No Objection
Office of Sustainability	Favorable
Department of General Services	Favorable
Baltimore City Public School System	Favorable
Department of Finance	Does Not Oppose

## Analysis

### Current Law

The mandates pertaining to Pesticide Control and Regulation are in:

- Baltimore City Code
  - Article – Health
  - Article 1 – Mayor, City Council, and Municipal Agencies
- Under Maryland law, a pesticide may be sold, distributed or used if it is registered by both the Department of Agriculture and the United States Environmental Protection Agency (EPA)<sup>1</sup>

Baltimore City's 2019 Sustainability Plan addresses the importance of reducing the use of pesticides.<sup>2</sup>

The current Building, Fire and Related Codes of Baltimore City, 2015 edition, outlines rodenticide procedures.<sup>3</sup>

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### Background

The Health Committee held a meeting on May 7, 2020. Following are notes from the hearing:

#### Major Speakers at the May 7<sup>th</sup> Hearing

- Liam Davis, Department of Transportation
- Marcia Collins, Department of Public Works
- Mara James, Department of Finance
- D'Paul Nibber, Health Department
- William Vondrasek, Department of Recreation and Parks
- Stephanie Murdock, Department of Housing and Community Department
- Ingrid Brailsford, Baltimore City Public Schools
- Bonnie Raindrop on behalf of Ruth Berlin
- Kate Breimann, Speaker
- Devon Payne-Sturges, Speaker
- Bonnie Raindrop, Speaker
- Emily Scarr, Testified
- Jay Feldman, Testified
- Jenny Kunze, Testified
- Lisa Radov, Testified
- Tyler Smith, Testified

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<sup>1</sup> Department of Public Works agency report dated March 13, 2020

<sup>2</sup> Department of Planning agency report dated March 12, 2020

<sup>3</sup> Department of Housing and Community Development agency report dated March 16, 2020

- Five to six additional speakers testified, (Called-In)

1. Councilwoman Clarke, primary sponsor of the bill gave opening remarks. Some highlights of discussion were:
  - Explained what the bill does and/or does not do
  - Baltimore City Public Schools are pre-empted from the legislation
  - Baltimore Gas and Electric withdrew their opposition to the bill
  - She plans to propose an amendment in the future to extend the bill for an additional one year
  - Pesticides are poisonous:
    - Causes underlying conditions
    - There are three (3) in particular that will be discussed today; one being Round-up
    - We plan to discuss what those pesticides can and/or does do to people in the long run
2. Several representatives from city agencies discussed their agency report; some in favor of the bill, some deferred to other agencies and some proposed amendments.
3. The representative from the Department of Recreation and Parks testified and showed some slides. **A copy is on file.** Mr. Vondrasek stated, “I am not a supporter of pesticides and is a beekeeper but, I feel if used responsibly some pesticides can be useful.” He also requested that some of the pesticides listed in the legislation be reconsidered. **Councilwoman Clarke asked him to submit a list of what he wanted to keep.**
4. The committee/council members received a multitude of written testimony all in support of the bill. **Copies are on file.**
5. Four (4) representatives (all in support of the bill) were invited to speak by Councilwoman Clarke; on behalf of the following organizations/institutions:
  - *Maryland Pesticide Education Network*
  - *MD Institute for Applied Environmental Health*
  - *Environment Maryland*
  - *Smart on Pesticides Coalition*

Some highlights of their discussion included:

- Health studies
  - Risk assessments associated with pesticides
  - Importance of protecting the health of people
  - Toxin effects on humans
  - Effects of using Round-up
  - Increased exposure to pesticides is very harmful to people
  - The chemicals that are used in our food and goes into our bodies are widespread and the use of it is alarming and continues to increase
  - Pesticides contributes to respiratory problems
  - Beekeepers are losing their hives at an alarming rate due to pesticides
  - Many farmers require pollination in order for their crops to grow
  - Pesticides effects our fruit, plants, wildlife, and etc.
6. Several other speakers testified; all in support of the bill.
  7. The chairman gave closing remarks, informing the public that the hearing would be in recess until a work session is scheduled. “We will continue to work on the bill, the committee and agency representatives will review all proposed amendments and schedule a work session sometime in the future, he said.”

8. On Tuesday, September 15, 2020 the committee will hold a work session to continue the work on the bill.

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### **Additional Information**

**Fiscal Note:** Per the Department of Finance:

- The Department of Finance does not anticipate that revenues from implementing this legislation will offset the service costs. It is challenging to identify formal cases for enforcement. Despite Montgomery County having significantly more green space and a year of public education, they have only nine formal cases for possible violations to investigate, two of which had direct witnesses of illegal product use. There have been two to three times as many inquiries, but these reports lacked sufficient information or were duplicated reports.

**Information Source(s):** Notes from the May 7, 2020 hearing

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Analysis by: *Marguerite M. Currin*  
Direct Inquiries to: 443-984-3485

Analysis Date: September 10, 2020

CORRESPONDENCE  
RECEIVED FROM PRIMARY  
SPONSOR AFTER HEARING  
WAS HELD:

From:

Councilwoman Mary Pat Clarke

- Update
- Proposed Amendments

## **Currin, Marguerite (City Council)**

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**From:** Clarke, MaryPat (City Council)  
**Sent:** Monday, August 10, 2020 5:06 PM  
**To:** Burnett, Kristerfer (City Council); Henry, Bill (email)  
**Cc:** Currin, Marguerite (City Council); Young, Caylin (City Council); McAlily, Dominic (City Council); Stegman, Matthew; Roberts, Miller (City Council)  
**Subject:** update on CCB20-0495 PESTICIDE meeting with Health, Finance, DOT, DPW agencies

Dear Chairman Burnett and Vice Chair Henry, Health Committee, Baltimore City Council:  
I met with Matt Stegman and Health & Budget/Finance today about Bill 20-0495 .

- Agreed to move enactment date to July 1, 2022, which Finance expressed as providing something new to think about.
- Agreed with Health to eliminate Subtitle 2. Pesticide Sign and Notice Requirements in its entirety, which certainly cuts Health personnel responsibilities/costs.
- Accepted Health request for an amendments requiring Health/Sustainability report every two years to City Council recommending new pesticides to add to prohibition list.
- (The idea is to seek amendments to prohibit new and harmful pesticide products as they come on line.)
- Considering Health request for an amendment I don't quite understand: If an emergency situation meets conditions for use of a prohibited pesticide, current Bill requires notifying Health within 24 hours after the application. Health wants that report to go to Planning which has more environmental expertise. Just want to be sure I've got this right and Planning is okay with it --- and whether Health means Planning or Sustainability.
- Began the evolving process of reducing the overall fiscal impact

Also at this meeting DPW (Marcia/Janelle) and DOT (Liam) reported that neither agency uses the 3 prohibited pesticides and neither has any fiscal impact from this Bill.

Finally, next agency meeting is with Rec & Parks, which Matt Stegman is helping schedule.

Thanks for your attention. Please let me know if any questions so far. Mary Pat

*Mary Pat Clarke*

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**City Council Bill 20-0495**  
**Pesticide Control and Regulation**  
**In preparation for the Health Committee's work session**  
**of Tuesday, September 15, 2020, at 11:30am,**

Dear President Scott, Chairman Kristerfer Burnett, Vice Chair Bill Henry, and Health Committee members,

This is the first of 3 sets of agency amendments I am forwarding for this Pesticide Control legislation. These below are from agency requests at the hearing of May 7,2020, which I am pleased to support.

To follow as soon as properly formatted will be 2 sets of amendments from the sponsor's virtual meetings with agency representatives from Health, Finance, DOT, and DPW; and, from Recreation & Parks. Special thanks to Matt Stegman for attending and helping organize these sessions.

**Agency Amendments from hearing of May 7, 2020**

**Law Department: 2 amendments**

Clarification of the term "lawn" (p.3. after line 13)

" "Lawn" does not include: a playing field, golf course, garden, tree or shrub."

Clarification of term "playing field" (p.10, after line 25)

" "Playing field" does not include any artificial surfaces such as astro turf or concrete."

**Department of Housing and Community Development**

Adds as (B) (10) under "(B) Permitted Applications" (p. 11, ll. 5-29) the rodenticide procedures currently in the Building, Fire and Related Codes of Baltimore City.

**Baltimore City Public School System**

Clarifies that BCPSS is pre-empted from inclusion in this legislation by coverage through The Maryland Integrated Pest Management (IPM) in Schools Law which covers regulates both building interiors and grounds.

**“(A) SCOPE**

**Nothing in this section applies to a property owned by the City that is used and maintained by the Baltimore City Public School System.” (p. 12, after line 21)**

**Thanks for your review and any questions or comments on this first round of 3 rounds of amendments.**

**Mary Pat**

**cc: Co-Sponsors Hon. John Bullock, Ryan Dorsey, Sharon Middleton, Shannon Sneed; Matthew Stegman; Nina Themelis; Ashlea Brown; Stephanie Murdock; Ingrid Brailsford; Dawana Sterrette; Anthony Defranco; Marguerite Currin.**

**Amendments, Pesticide Control, Law, Housing, BCPSS.doc**

**CITY OF BALTIMORE**  
**COUNCIL BILL 20-0495**  
**(First Reader)**

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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

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of  
Transportation, Department of Recreation and Parks, Department of Public Works, Department  
of Housing and Community Development, Environmental Control Board, Office of  
Sustainability, Department of General Services, Baltimore City Public School System,  
Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Pesticide Control and Regulation**

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

10 BY repealing and re-ordaining, without amendments

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

15 BY adding

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

21 BY adding

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

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.



**Council Bill 20-0495**

1 (6) FRUIT OR A HORTICULTURAL PRODUCT; AND

2 (7) SEAFOOD OR AN AQUACULTURAL PRODUCT.

3 (C) *CUSTOM APPLICATOR*.

4 “CUSTOM APPLICATOR” MEANS A PERSON ENGAGED IN THE BUSINESS OF APPLYING  
5 PESTICIDES.

6 (D) *GLYPHOSATE*.

7 “GLYPHOSATE” MEANS A SYNTHETIC COMPOUND THAT IS A NON-SELECTIVE SYSTEMIC  
8 HERBICIDE, ALSO KNOWN AS N-(PHOSPHONOMETHYL) GLYCINE WITH A CHEMICAL  
9 FORMULA OF C<sub>3</sub>H<sub>8</sub>NO<sub>5</sub>P.

10 (E) *LAWN*.

11 “LAWN” MEANS AN AREA OF LAND, NOT USED FOR AGRICULTURE, THAT IS:

12 (1) MOSTLY COVERED BY GRASS, OTHER SIMILAR HERBACEOUS PLANTS; AND

13 (2) KEPT TRIM BY MOWING OR CUTTING.

14 (F) *NEONICOTINOID*.

15 (1) *IN GENERAL*.

16 “NEONICOTINOID” MEANS A CLASS OF NEURO-ACTIVE PESTICIDES CHEMICALLY  
17 RELATED TO NICOTINE.

18 (2) *INCLUSIONS*.

19 “NEONICOTINOID” INCLUDES:

20 (I) ACETAMIPRID;

21 (II) CLOTHIANIDIN;

22 (III) DINOTEFURAN;

23 (IV) IMIDACLOPRID;

24 (V) NITENPYRAM;

25 (VI) NITHIAZINE;

26 (VII) THIACTOPRID; AND

27 (VIII) THIAMETHOXAM.

**Council Bill 20-0495**

1 (G) *PERSON*.

2 "PERSON" MEANS:

3 (1) AN INDIVIDUAL;

4 (2) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
5 REPRESENTATIVE OF ANY KIND;

6 (3) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY  
7 KIND; OR

8 (4) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A  
9 GOVERNMENTAL ENTITY.

10 (H) *PEST*.

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

15 (I) *PESTICIDE*.

16 (1) *IN GENERAL*.

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

18 (I) TO PREVENT, DESTROY, REPEL, OR MITIGATE ANY PEST;

19 (II) AS A HERBICIDE, PLANT REGULATOR, DEFOLIANT, OR DESICCANT; OR

20 (III) AS A SPRAY ADJUVANT, SUCH AS A WETTING AGENT OR ADHESIVE.

21 (2) *EXCLUSION*.

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

25 (J) *PLAYGROUND*.

26 (1) *IN GENERAL*.

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

29 (2) *INCLUSION*.

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

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1 (K) REGISTERED PESTICIDE.

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

6 **§ 19-102. FINDINGS AND PURPOSE.**

7 (A) IN GENERAL.

8 THE MAYOR AND CITY COUNCIL FINDS AS FOLLOWS:

9 (1) PESTICIDES HAVE VALUE WHEN THEY ARE USED TO PROTECT THE PUBLIC HEALTH,  
10 THE ENVIRONMENT, AND OUR FOOD AND WATER SUPPLY.

11 (2) PESTICIDES, BY DEFINITION, CONTAIN TOXIC SUBSTANCES, MANY OF WHICH MAY  
12 HAVE A DETRIMENTAL EFFECT ON HUMAN HEALTH, PET HEALTH, AND THE  
13 ENVIRONMENT.

14 (3) CERTAIN PESTICIDES HAVE BEEN LINKED TO A HOST OF SERIOUS CONDITIONS IN  
15 CHILDREN INCLUDING PEDIATRIC CANCERS, DECREASED COGNITIVE FUNCTION,  
16 AND BEHAVIORAL PROBLEMS.

17 (4) CERTAIN PESTICIDES HAVE BEEN LINKED TO A MYRIAD OF ADULT CONDITIONS  
18 SUCH AS PARKINSON'S DISEASE, DIABETES, LUPUS, RHEUMATOID ARTHRITIS,  
19 DEMENTIA, REPRODUCTIVE DYSFUNCTION, ALZHEIMER'S DISEASE, AND A VARIETY  
20 OF CANCERS INCLUDING LEUKEMIA, LYMPHOMA, BREAST CANCER, COLORECTAL  
21 CANCER, PROSTATE CANCER, AND LUNG CANCER.

22 (5) CERTAIN PESTICIDES, ESPECIALLY THOSE CONTAINING THE CHEMICAL  
23 GLYPHOSATE, HAVE BEEN LINKED TO CANCER. FOR EXAMPLE, IN 2015, THE  
24 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER, A DIVISION OF THE WORLD  
25 HEALTH ORGANIZATION AND THE WORLD'S LEADING AUTHORITY ON CANCER,  
26 UNANIMOUSLY CONCLUDED THAT GLYPHOSATE IS A PROBABLE CARCINOGEN. THE  
27 INTERNATIONAL AGENCY FOR RESEARCH ON CANCER'S DETERMINATION WAS  
28 BASED ON A RIGOROUS ASSESSMENT THAT CONCLUDED THAT THERE IS SUFFICIENT  
29 EVIDENCE OF CARCINOGENICITY IN EXPERIMENTAL ANIMALS.

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

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

**Council Bill 20-0495**

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

5 (9) REGULATIONS AT THE FEDERAL AND STATE LEVEL, AND THE RISK ASSESSMENTS  
6 THAT INFORM THEM, DO NOT MIMIC REAL WORLD EXPOSURE SCENARIOS AND FAIL  
7 TO ACCOUNT FOR SYNERGISTIC OR CUMULATIVE EFFECTS OF MULTIPLE CHEMICALS  
8 ACTING ON THE SAME PATHWAY; THEY DO NOT INCLUDE SUFFICIENT EVALUATION  
9 OF A PESTICIDE’S “INERT” INGREDIENTS AND THE PESTICIDE FORMULATIONS THAT  
10 ARE SOLD TO CONSUMERS; AND THEY OFTEN FAIL TO TAKE SENSITIVE  
11 POPULATIONS LIKE CHILDREN AND POLLINATORS INTO ACCOUNT.

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

15 (B) *PURPOSE; GOAL.*

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

20 (2) THE GOAL IS TO INFORM THE PUBLIC ABOUT PESTICIDE APPLICATIONS AND MINIMIZE  
21 THE USE OF PESTICIDES, WHILE NOT RESTRICTING THE ABILITY TO USE PESTICIDES IN  
22 AGRICULTURE, FOR THE PROTECTION OF PUBLIC HEALTH, OR FOR OTHER PUBLIC  
23 BENEFIT.

24 **§ 19-103. RULES AND REGULATIONS.**

25 (A) *IN GENERAL.*

26 THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THE  
27 PROVISIONS OF THIS TITLE.

28 (B) *FILING WITH LEGISLATIVE REFERENCE.*

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

31 **§ 19-104. {RESERVED}**

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

33 **§ 19-201. RETAIL PURCHASE OF PESTICIDE.**

34 A PERSON WHO SELLS AT RETAIL A PESTICIDE OR MATERIAL THAT CONTAINS A PESTICIDE  
35 MUST DISPLAY A SIGN OR SIGNS IN EACH AREA OF THE RETAIL ESTABLISHMENT WHERE



**Council Bill 20-0495**

1 REGISTERED PESTICIDES ARE AVAILABLE TO CONSUMERS, WITH LANGUAGE APPROVED BY THE  
2 DEPARTMENT, THAT:

3 (1) INFORMS BUYERS OF THE CITY LAW ON:

4 (I) THE LIMITED USE OF REGISTERED PESTICIDES ON LAWNS WITHIN THE CITY; AND

5 (II) THE PROHIBITION ON GLYPHOSATE USE AND ON CHLORPYRIFOS USE WITHIN THE  
6 CITY.

7 (2) IDENTIFIES PEST CONTROL OPTIONS THAT ARE PERMISSIBLE FOR LAWN APPLICATION  
8 UNDER THE LAW.

9 **§ 19-202. NOTICE TO CUSTOMERS.**

10 (A) *CUSTOMER DEFINED.*

11 (1) IN THIS SECTION, “CUSTOMER” MEANS A PERSON WHO MAKES A CONTRACT WITH A  
12 CUSTOM APPLICATOR TO HAVE THE CUSTOM APPLICATOR APPLY A PESTICIDE TO A  
13 LAWN.

14 (2) “CUSTOMER” INCLUDES A PERSON RENEWING A CONTRACT WITH A CUSTOM  
15 APPLICATOR FOR PESTICIDE APPLICATION TO A LAWN.

16 (B) *IN GENERAL.*

17 (1) BEFORE ANY PESTICIDE APPLICATION, A CUSTOM APPLICATOR MUST PROVIDE TO A  
18 CUSTOMER:

19 (I) A WRITTEN NOTICE ABOUT PESTICIDES PREPARED BY THE DEPARTMENT AS  
20 DESCRIBED IN SUBSECTION (C) OF THIS SECTION; AND

21 (II) A LIST OF:

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

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

24 (C) SPECIFIC CUSTOMER SAFETY PRECAUTIONS FOR EACH PESTICIDE THAT  
25 MIGHT BE USED.

26 (2) AFTER THE PESTICIDE APPLICATION, A CUSTOM APPLICATOR MUST PROVIDE TO A  
27 CUSTOMER, A LIST OF:

28 (I) THE TRADE NAME OF EACH PESTICIDE ACTUALLY USED; AND

29 (II) THE GENERIC NAME OF EACH PESTICIDE ACTUALLY USED.

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1 (C) *DEPARTMENT NOTICE.*

2 (1) *IN GENERAL.*

3 THE DEPARTMENT MUST PREPARE, KEEP CURRENT, AND PROVIDE TO CUSTOM  
4 APPLICATORS A WRITTEN NOTICE ABOUT PESTICIDES FOR THEM TO PROVIDE TO  
5 CUSTOMERS UNDER SUBSECTION (B)(1)(I) OF THIS SECTION.

6 (2) *NOTICE INCLUSIONS.*

7 THE NOTICE PREPARED BY THE DEPARTMENT UNDER THIS SUBSECTION MUST INCLUDE:

8 (I) GOVERNMENT AGENCY PHONE NUMBERS TO CALL TO:

9 (A) MAKE A CONSUMER COMPLAINT;

10 (B) RECEIVE TECHNICAL INFORMATION ON PESTICIDES; AND

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

12 (II) A LIST OF GENERAL SAFETY PRECAUTIONS A CUSTOMER SHOULD TAKE WHEN A  
13 LAWN IS TREATED WITH A PESTICIDE;

14 (III) A STATEMENT THAT A CUSTOM APPLICATOR MUST:

15 (A) BE LICENSED BY THE MARYLAND DEPARTMENT OF AGRICULTURE;  
16 AND

17 (B) FOLLOW SAFETY PRECAUTIONS; AND

18 (IV) A STATEMENT THAT THE CUSTOMER HAS THE RIGHT TO REQUIRE THE CUSTOM  
19 APPLICATOR TO NOTIFY THE CUSTOMER BEFORE EACH TREATMENT OF THE  
20 CUSTOMER’S LAWN WITH A PESTICIDE.

21 **§ 19-203. MARKERS: POST-APPLICATION BY A PROPERTY OWNER OR TENANT.**

22 (A) *PRIVATE LAWN APPLICATION DEFINED.*

23 (1) *IN GENERAL.*

24 IN THIS SECTION, “PRIVATE LAWN APPLICATION” MEANS THE APPLICATION OF A  
25 PESTICIDE TO A LAWN ON PROPERTY OWNED BY OR LEASED TO THE PERSON APPLYING  
26 THE PESTICIDE.

27 (2) *EXCLUSIONS.*

28 “PRIVATE LAWN APPLICATION” DOES NOT INCLUDE:

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

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

(B) *IN GENERAL.*

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

(C) *MARKER REQUIREMENTS*

A MARKER REQUIRED BY THIS SECTION MUST:

- (1) BE CLEARLY VISIBLE TO PERSONS IMMEDIATELY OUTSIDE THE PERIMETER OF THE PROPERTY;
- (2) BE IN A SIZE, FORM, AND COLOR APPROVED BY THE DEPARTMENT;
- (3) BE MADE OF MATERIAL APPROVED BY THE DEPARTMENT; AND
- (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 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.

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1 (2) *INCLUSIONS.*

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

4 (C) *DISEASE VECTOR.*

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

7 (D) *LISTED PESTICIDE.*

8 "LISTED PESTICIDE" MEANS:

9 (I) A PESTICIDE THE ACTIVE INGREDIENTS OF WHICH ARE RECOMMENDED BY THE  
10 NATIONAL ORGANIC STANDARDS BOARD (NOSB) PURSUANT TO 7 U.S.C. § 6518,  
11 AS AMENDED, AND PUBLISHED AS THE NATIONAL LIST AT 7 C.F.R. §§ 205.601 AND  
12 205.602; OR

13 (II) A PESTICIDE DESIGNATED A "MINIMUM RISK PESTICIDE" UNDER THE FEDERAL  
14 INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT § 25(B) AND LISTED IN 40 C.F.R.  
15 § 152.25(F).

16 (E) *MULCHED RECREATION AREA.*

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

20 (F) *PLAYING FIELD.*

21 "PLAYING FIELD" MEANS:

22 (1) AN ATHLETIC FIELD OWNED OR MAINTAINED BY A DEPARTMENT OR UNIT OF  
23 BALTIMORE CITY GOVERNMENT; OR

24 (2) AN AREA OF LAND ON PRIVATE PROPERTY MAINTAINED EXCLUSIVELY FOR  
25 ATHLETIC OR SPORTING USE.

26 **§ 19-302. PROHIBITED APPLICATIONS.**

27 (A) *IN GENERAL.*

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

30 (1) LAWN;

31 (2) PLAYGROUND;

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- 1 (3) MULCHED RECREATION AREA;
- 2 (4) CHILDREN’S FACILITY;
- 3 (5) GROUNDS OF A CHILDREN’S FACILITY; OR
- 4 (6) PLAYING FIELD.

5 (B) *PERMITTED APPLICATIONS.*

6 EXCEPT AS PROVIDED IN § 19-303 {“GLYPHOSATE USE PROHIBITED”}, § 19-304  
7 {“CHLORPYRIFOS USE PROHIBITED”}, AND § 19-305 {“NEONICOTINOID PESTICIDES ON  
8 CITY-OWNED PROPERTY”} OF THIS TITLE, A PERSON MAY APPLY ANY REGISTERED  
9 PESTICIDE TO:

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

25 (C) *EMERGENCY APPLICATIONS.*

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

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1     **§ 19-303. GLYPHOSATE USE PROHIBITED.**

2           (A) *IN GENERAL.*

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

6           (B) *AUTHORIZED USE.*

7           THE COMMISSIONER MAY AUTHORIZE THE USE OR APPLICATION OF GLYPHOSATE ON A  
8           DETERMINATION THAT A THREAT EXISTS THAT REQUIRES THE USE OF GLYPHOSATE AND NO  
9           OTHER PESTICIDE OR CLASS OF PESTICIDE WOULD BE EFFECTIVE IN ADDRESSING THE  
10          THREAT.

11    **§ 19-304. CHLORPYRIFOS USE PROHIBITED.**

12          (A) *IN GENERAL.*

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

16          (B) *AUTHORIZED USE.*

17          THE COMMISSIONER MAY AUTHORIZE THE USE OR APPLICATION OF CHLORPYRIFOS ON A  
18          DETERMINATION THAT A THREAT EXISTS THAT REQUIRES THE USE OF CHLORPYRIFOS AND  
19          NO OTHER PESTICIDE OR CLASS OF PESTICIDE WOULD BE EFFECTIVE IN ADDRESSING THE  
20          THREAT.

21    **§ 19-305. NEONICOTINOID PESTICIDES ON CITY-OWNED PROPERTY.**

22          (A) *IN GENERAL.*

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

26          (B) *AGRICULTURAL USE.*

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

29    **§ 19-306. {RESERVED}**

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***SUBTITLE 4. ENFORCEMENT; PENALTIES.***

**§ 19-401. ENFORCEMENT BY CITATION.**

*(A) IN GENERAL.*

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

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

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

*(B) PROCESS NOT EXCLUSIVE.*

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

*(C) EACH DAY A SEPARATE OFFENSE.*

EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**§ 19-402. CRIMINAL PENALTIES.**

*(A) IN GENERAL.*

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

*(B) EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**Baltimore City Code**

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

**Subtitle 40. Environmental Control Board**

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

*(e) Provisions and penalties enumerated.*

(7) Health Code

TITLE 19: PESTICIDES

\$250

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**Subtitle 41. Civil Citations**

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

*(6) Health Code*

TITLE 19: PESTICIDES

\$250

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

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

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

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