



No. 35: Synopsis of the Maryland Pesticide Applicators Law and Regulations

Amy E. Brown, Ph.D., Coordinator
Harry Rasmussen M.S., Program Assistant
Elizabeth Ingianni, M.S., Program Assistant
Pesticide Education and Assessment Programs
University of Maryland, College Park

Ed Crow, Entomologist
Pesticide Regulation Section
Maryland Department of Agriculture
Orig. 2000; Last rev. June 2012

PURPOSE OF THE LAW AND REGULATIONS

The Maryland Department of Agriculture (MDA) Pesticide Regulation Section is designated as the lead agency for enforcement and has the following responsibilities: regulating the use, sale, storage, and disposal of pesticides; ensuring that pesticides are applied by competent individuals; establishing guidelines for the application of pesticides; and certifying pesticide applicators. *This leaflet presents an abridged version of the regulations for quick reference of key requirements; it is not intended as a substitute for the actual regulations.* For more detailed information, readers should obtain a copy of the Code of Maryland Regulations 15.05.01, Regulations Pertaining to the Pesticide Applicator's Law, and/or Code of Maryland Regulations 15.05.02, Regulations Pertaining to Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds. Both publications are available from the Maryland Department of Agriculture, Pesticide Regulation Section, 50 Harry S. Truman Parkway, Annapolis, MD 21410, or on the internet through the Department's website at www.mda.state.md.us or directly under the Office of the Secretary of State, Division of State Documents at http://www.dsd.state.md.us/comar/subtitle_chapters/15_Chapters.aspx.

Educating People to Help Themselves

This publication is part of a series of publications of the University of Maryland Pesticide Education and Assessment Programs. Please visit <http://extension.umd.edu/> to find out more about Extension programs in Maryland. The University of Maryland is equal opportunity. The University's policies, programs, and activities are in conformance with pertinent Federal and State laws and regulations on nondiscrimination regarding race, color, religion, age, national origin, gender, sexual orientation, marital or parental status, or disability. Inquiries regarding compliance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments; Section 504 of the Rehabilitation Act of 1973; and the Americans With Disabilities Act of 1990; or related legal requirements should be directed to the Director of Human Resources Management, Office of the Dean, College of Agriculture and Natural Resources, Symons Hall, College Park, MD 20742.

GENERAL REGULATIONS

- Pesticides must be used in strict accordance with label directions.
- Anti-siphon devices or back-flow preventers are required on all pest control equipment to prevent the flow of a pesticide into a water system.
- Pesticide applicators must consider alternative pest control measures, such as mechanical, cultural, and biological control.
- Precautions must be observed in the handling, use, storage, and disposal of pesticides and their containers to prevent off-target movement and/or harm to humans, animals, and the environment.
- Safety equipment indicated on the pesticide label must be provided for the protection of pesticide applicators.
- MDA must be notified immediately of any accident or spill involving a pesticide.
- If a pesticide concentrate is temporarily stored or transported in a service container, the container must have a securely attached label with the following information:
 - common or chemical name of pesticide;
 - U.S. EPA Registration number;
 - signal word (Danger, Warning, or Caution); and
 - percent concentration.
- If a pesticide that does not require further dilution is stored or transported in a service container as an end-use dilution, its container (excluding application equipment) must have a securely attached label listing the following information:
 - common or chemical name of the pesticide preceded by the words "Diluted" or "End-Use Concentrate";
 - U.S. EPA Registration number;
 - signal word ("Danger", "Warning", or "Caution"); and
 - percent concentration.
- A copy of the pesticide label must be on hand at the time of pesticide applications.
- Each vehicle carrying pesticides or pest control devices must have the business name and business license number displayed on both sides of the vehicle.
- It is a violation to apply a pesticide to the property of any person without the expressed permission of the property's owner or other person with authority to exercise control, management, or possession of the property

GENERAL STORAGE REQUIREMENTS

- All pesticide storage areas must meet the following minimum requirements:
 - storage areas must be locked and secured to prevent unauthorized entry;
 - pesticides should be stored in a separate building, or at a minimum physically separated by a barrier from food, feed, and fertilizer;
 - each storage area must be posted with a warning sign;
 - pesticides must be stored in a dry, well ventilated area;
 - pesticide storage areas must be kept clean;
 - all pesticide containers must be labeled and free of leaks and tears;
 - each storage area must have an appropriate fire extinguisher;
 - there must be enough absorbent material available to handle a spill of the largest container in storage; and
 - storage areas must be at least 50 feet from any water well, or have secondary containment.

TRANSPORT REQUIREMENTS

- All pesticide containers and application equipment must be secured to prevent shifting or release of pesticides.
- Pesticides shall not be placed or carried in the same compartment as the driver, food, or feed, unless in a manner that provides adequate protection for safety and health of passengers.
- A pesticide container cannot be used for any purpose other than containing the original product, unless the label states otherwise.

PESTICIDE INFORMATION FOR THE CUSTOMER

- When a pesticide is applied or at the time a customer enters into a contract for pest control, the licensee must provide the customer with the following written information:
 - name of the licensee;
 - Maryland pesticide business license number;
 - licensee's telephone number;
 - Maryland Poison Center telephone number;
 - common name of the active ingredient applied; and

one of the following:

- an original or legible copy of the current pesticide product label;
or
- an original or a legible copy of that portion of the current pesticide product label or labeling that contains precautionary statements regarding hazards to humans or animals and environmental hazards, if any;
or

- a document containing appropriate health, safety, or precautionary information taken from the pesticide label and approved by MDA before its distribution.

PESTICIDE LICENSING AND CERTIFICATION REQUIREMENTS

- A pesticide business license is required of each business providing pest control service. The business license is obtained from MDA by completing an application, designating a certified pest control applicator, providing proof of insurance, paying a fee, and renewing annually on July 1.
- A pest control consulting license is required of any business providing pest inspections or identification of pests, or making pesticide recommendations. The consulting license is obtained from MDA by: completing an application, designating a certified pest control consultant, paying a fee, and renewing annually on January 1.
- A Not-for-Hire license is required of facilities where pest control services are performed by the owner or employees on the facility's property where the property is open to, or routinely used or enjoyed by, members of the public. This applies to private golf courses and country clubs whose employees apply either general or restricted use pesticides in the maintenance of the course. The Not-for-Hire license is obtained from MDA by: completing an application, designating a certified pest control applicator, paying a fee, and renewing annually on July 1.
- A public agency permit is required of any public agency (a unit of local, State or Federal government) whose employees apply pesticides. The permit is obtained from MDA by: completing an application, designating a certified public agency applicator, and renewing annually on July 1.
- Private applicator certification is required of any farmer, nurseryman, etc. who intends to use a restricted use pesticide on his or her own property for the purpose of producing an agricultural commodity. Private applicator certification is obtained from MDA by: passing an examination and paying a fee. Certification must be renewed every 3 years by reexamination or by participating in an MDA approved training session within 12 months before expiration of the current certificate.
- Commercial applicator certification for pest control applicators, pest control consultants, and public agency applicators is obtained from MDA by: completing an application, having 1 year experience or a degree in a science related field of study acceptable to MDA, passing an examination on core and category material, and paying a base fee plus a fee for each additional pest control category. Certification must be renewed each year on July 1, or by January 1 for consultants by participating in an MDA approved training session within the past year or by reexamination.

PEST CONTROL EMPLOYEES

- Within 30 days of employment, all employees who perform pest control services must be registered with MDA by providing the employees name, social security number, and a 1-inch color photo, and by submitting verification of training.
- Noncertified employees must complete a training program within 30 days of employment and before registration with MDA. The training program must include the following topics:
 - pesticide laws and regulations;
 - label comprehension;
 - safety and emergency procedures;
 - proper pesticide handling and storage;
 - environmental and health concerns;
 - integrated pest management (IPM) principles;
 - pest identification and control recommendations; and
 - pesticide application techniques.

An employee who has not successfully completed training in accordance with the aforementioned conditions may perform pest control services if a certified applicator or registered employee is physically present at the time and place the pesticide is applied by the untrained employee.

RECORDKEEPING REQUIREMENTS

- Private applicators, commercial applicators, pest control consultants, and public agencies must keep records on all pesticides applied or recommended. Commercial applicators, pest control consultants, and public agencies must also keep records of all pest identifications made. The records must be held for 2 years to be available to MDA on request. The following must be recorded, when applicable:
 - name of applicator or consultant;
 - date of application, recommendation, or pest identification;
 - pest and type of plant, animal or structure;
 - amount of area treated (acreage, square footage, cubic footage, linear footage, or numbers of plants or animals or a description of the area or structure treated with the acreage, square footage, cubic footage, or linear footage recorded when label instructions specify these measurements);
 - address of treated property;
 - name of owner or tenant of property;
 - common name of pesticides used or recommended;
 - rate and concentration of pesticide used or recommended;
 - total amount of pesticide used;
 - EPA registration number of the product;
 - *type of equipment used;
 - *time of day of application; and

- *wind direction and estimated velocity, and weather conditions at the site when the pesticide was applied. (This information is not required if the application consists of baits in bait stations, or is made inside or within 3 feet of a structure.)

(* Items marked with an asterisk are required to be recorded by commercial applicators, pest control consultants, and public agencies, but are not required for private applicators.)

- Dealers who sell or distribute restricted use pesticides must maintain records on the sale or distribution of restricted use pesticides for 2 years and make them available to MDA on request. The following information must be recorded:
 - name of pesticide or pesticides sold or distributed, including formulation;
 - quantity sold or distributed;
 - date of sale or distribution;
 - name and address of purchaser or receiver; and
 - name and address of certified applicator, if different from above.

ADDITIONAL REQUIREMENTS

- Signs must be posted at the time of application whenever a pesticide is applied to a lawn or exterior landscape plant. Signs must be posted at primary entrances to the property treated, or in the case of spot treatments at the site of application. There are variances for golf courses, parks, cemeteries and similar sites. The sign must be 4" x 5" in size and conform to a specific layout and design. The following information must be written on the back of the sign:
 - business name or agency name making the application;
 - date of application; and
 - business or agency telephone number.
- MDA maintains a list of individuals who have a medical condition that may be aggravated by the application of a pesticide. Individuals on the list must be notified prior to any pesticide application that is made to a contiguous or adjacent property of a registered individual. This requirement only pertains to those businesses or public agencies that are licensed or permitted in Category 3 (Ornamental and Turf).
- Pest inspections must be performed in accordance to a set of standards. Each inspection must include a visual observation and thorough examination of the readily accessible areas, objects, materials, structures, or part of structures that are inspected. The inspector must report all findings in writing and include any findings or visible evidence of the target pest. Any inspection for a wood destroying insect must include a diagram of the structure showing the locations where the pest was found. Inspections being performed for a property transfer or loan must be conducted by sounding and probing readily accessible structural members for the presence of wood destroying insects using inspection form MD-1. Copies of all inspection reports must be maintained for 2 years and made available to MDA upon request.

VIOLATIVE ACTS AND PENALTIES

- MDA may suspend, revoke or deny any license, certificate, permit or registered employee identification card for violating any provision of the Maryland Pesticide Applicators Law and Regulations, or the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). [Refer to section 15.05.01.10 (2) through 15.05.01.10 (14) of the Regulations for further violations.]
- Any person violating any provision of the Pesticide Applicators Law or Regulations is guilty of a misdemeanor and, upon conviction, is subject to a fine up to \$1,000 or imprisonment up to 60 days.
- In lieu of or in addition to suspension of the license, permit, or certificate, the Secretary of Agriculture may impose a penalty of not more than \$2,500 for a first violation and not more than \$5,000 for each subsequent violation. The total penalties imposed on an individual for violations that result from the same set of facts and circumstances may not exceed \$25,000.

INTEGRATED PEST MANAGEMENT AND NOTIFICATION REQUIREMENTS FOR PESTICIDE APPLICATIONS TO PUBLIC SCHOOL GROUNDS

- Each county board of education must implement in its schools an Integrated Pest Management (IPM) system approved by MDA. [A broad definition of IPM is a pest control program that (a) utilizes inspections and (b) incorporates different methods of pest control such as sanitation, structural repairs, and other non-chemical methods, and pesticides when warranted, to (c) keep pests from causing economic, health-related, or aesthetic damage.]
- Each school system must designate a contact person to answer questions about the pest management program and to maintain a file of pesticide product labels and Material Safety Data Sheets (MSDS).
- At the beginning of each school year, public schools must send a notice including information about pesticides used in schools and on school grounds to the parent or guardian of each student in primary and secondary schools.
- Schools must provide notification, at least 24 hours before a pesticide is applied, or within 24 hours after an emergency pesticide application is made, to:
 - all parents or guardians of elementary school students, and staff members employed by elementary schools;
 - parents or guardians of middle school or high school students, and staff members employed by these institutions, who have submitted a written request to receive notice of pesticide applications.
- The information to be provided to the above individuals includes:
 - common name of the pesticide applied;
 - location, time, and date of application;

- description of potential adverse effects listed on the Material Safety Data Sheet (MSDS) for the pesticide;
 - a statement that EPA recommends that persons who are potentially more sensitive should avoid any unnecessary pesticide exposure; and
 - reason for emergency application (if applicable).
- For pesticide applications made on school grounds, the notice of planned date and time of application may specify that weather conditions or other extenuating circumstances may cause the actual date of application to be postponed to a later date or dates. If the actual date of application is more than 14 days later than the original planned date of the application, a new notice must be issued.
 - Middle schools and high schools must provide in-school notification, by oral announcements or written notice, before a pesticide is applied in a school building or on school grounds. A sign or notice must be posted at the primary entrance to the school or in a central location, must remain for at least 48 hours after an application, and must include the following information:
 - the statement, “Caution - Pesticide Application”;
 - common name of pesticide applied;
 - location and date of pesticide application;
 - contact person for additional information, including information of potential adverse effects.

When a pesticide application is made on school grounds, a sign must be posted at the time of the application at each primary access to the school property. If a spot or limited area pesticide application is made, a sign may be posted at the location where the pesticide application was made. The sign must remain posted for at least 48 hours following the application.