

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-65-2019

Chapter No. _____

Proposed and Presented by Council Member Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Pesticides

3 For the purpose of providing legislative intent and findings; providing definitions; providing for
4 the placement of signs; providing requirements for the retail purchase of pesticides; providing for
5 a certain written statement; providing for storage and handling of pesticides; providing for
6 regulations, penalties and notice requirements; providing for application restrictions; providing
7 for an outreach and education campaign; providing for posting of signs; providing for application
8 on County property; providing for application in the County parks; providing for certain vendors;
9 providing certain exceptions; providing for enforcement; and generally relating to pesticides.

10 BY repealing and reenacting with amendments:

11 SUBTITLE 12. HEALTH.
12 Sections 12-161.01, 12-161.02, 12-161.03,
13 12-161.04, 12-161.05, 12-161.06, and 12-161.07,
14 The Prince George's County Code
15 (2015 Edition; 2018 Supplement).

16 BY adding:

17 SUBTITLE 12. HEALTH.
18 Sections 12-161.03.01, 12-161.04.01,
19 12-161.04.02, 12-161.04.03, 12-161.04.04,
20 12-161.04.05, 12-161.04.06, 12-161.04.07,
21 12-161.04.08, 12-161.04.09, 12-161.04.10,

1 12-161.04.11,
 2 The Prince George's County Code
 3 (2015 Edition; 2018 Supplement).

4 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 5 Maryland, that Sections 12-161.01, 12-161.02, 12-161.03, 12-161.04, 12-161.05, 12-161.06,
 6 12-161.07, of the Prince George's County Code be and the same are hereby repealed and
 7 reenacted with the following amendments:

8 **SUBTITLE 12. HEALTH.**

9 **DIVISION 5. PEST CONTROL.**

10 **SUBDIVISION 4. PESTICIDE APPLICATION.**

11 **Sec. 12-161.01. Legislative Intent.**

12 It is hereby declared that the County Council of Prince George's County, Maryland, has
 13 found that the use of pesticides in the County to control common pests of lawns, golf courses,
 14 recreation areas, and similar areas is widespread. The County Council is further concerned that
 15 health problems may exist for certain individuals sensitive to pesticides and may arise in other
 16 individuals who may inadvertently come into contact with a treated area. The Council further
 17 finds and declares that requiring public notice before and after pesticide application is necessary
 18 to protect and promote the public health, safety, and general welfare.

19 (a)(1) The County Council further finds that:

20 pesticides have value when they are used to protect the public health, the environment, and our
 21 food and water supply;

22 (2) pesticides, by definition, contain toxic substances, many of which may have a
 23 detrimental effect on human health and the environment and, in particular, may have
 24 developmental effects on children;

25 (3) exposure to certain pesticides has been linked to a host of serious conditions in
 26 children including pediatric cancers, decreased cognitive function, and behavioral problems such
 27 as ADHD, and the following conditions in adults: Parkinson's disease, diabetes, leukemia,
 28 lymphoma, lupus, rheumatoid arthritis, dementia, reproductive dysfunction, Alzheimer's disease,
 29 and a variety of cancers including breast, colon, prostate and lung cancer;

30 (4) clean water is essential to human life, wildlife and the environment, and the
 31 unnecessary use of pesticides and herbicides for cosmetic purposes contributes to the

1 deterioration of water quality, as substantiated by several studies including the 2014 USGS study
 2 which found that 90% of urban waterways have pesticide levels high enough to harm aquatic
 3 life;

4 (5) bees and other pollinators are crucial to our ecosystem, and the use of
 5 neonicotinoid insecticides, which have been repeatedly and strongly linked with the collapse of
 6 honey bee colonies, as well as harm to aquatic insects and birds, pose an unacceptable risk to
 7 beneficial organisms;

8 (6) there are non- and less-toxic alternatives and methods of cultivating a healthy,
 9 green lawn that do not pose a threat to public health, and that use of pesticides for cosmetic
 10 purposes is not necessary for the management of lawns, especially in light of the risks associated
 11 with their use;

12 (7) pesticide regulations at the federal and State level, and the risk assessments that
 13 inform them, do not mimic real world exposure scenarios and fail to account for synergistic or
 14 cumulative effects of multiple chemicals acting on the same pathway; do not include sufficient
 15 evaluation of a pesticide's "inert" ingredients and the pesticide formulations that are sold to
 16 consumers; and often fail to take sensitive populations like children and pollinators into account;

17 (8) in the absence of adequate regulation at the federal or State level, the County is
 18 compelled to act to protect the health of children, families, pets and the environment.

19 (b) The purpose of this statute is to protect the public health and welfare and to minimize
 20 the potential pesticide hazard to people and the environment, consistent with the public interest
 21 in the benefits derived from the safe use and application of pesticides. The goal is to inform the
 22 public about pesticide applications and minimize the use of pesticides for cosmetic purposes,
 23 while not restricting the ability to use pesticides in agriculture, for the protection of public health,
 24 or for other public benefit.

25 **Sec. 12-161.02 Definitions.**

26 (a) (1) **Agriculture** means the business, science, and art of cultivating and managing the
 27 soil, composting, growing, harvesting, and selling sod, crops and livestock, and the products of
 28 forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including
 29 horses, poultry, fish, game and fur-bearing animals; dairying, beekeeping and similar activities,
 30 and equestrian events and activities.

31 (2) **Children's facility** means a building or part of a building which, as part of its

1 function, is regularly occupied by children under the age of 6 years and is required to obtain a
 2 certificate of occupancy as a condition of performing that function. Children’s facility includes a
 3 child day care center, family day care home, nursery school, and kindergarten classroom.

4 (3) **Custom applicator** means any person, and their [his] employees, who is engaged in
 5 the business of applying by air, ground, hand, or mechanical equipment, pesticides to property.

6 (4) **Customer** means any person who has entered into an agreement for a custom
 7 applicator to apply pesticides for the care of property.

8 (5) **Department** means the Office of the Health Officer.

9 (6) **Director** means the Health Officer or their designee.

10 (7) **Garden** means an area of land used to cultivate food crops, flowers, or other
 11 ornamental plants.

12 (8) **Lawn** means an area of land, except agricultural land, that is:

13 (1) mostly covered by grass, other similar herbaceous plants, shrubs, or trees; and

14 (2) kept trim by mowing or cutting.

15 (9) **Lawn** does not include a:

16 (1) playing field;

17 (2) golf course;

18 (3) garden; or

19 (4) tree or shrub.

20 (10) **Listed pesticide means:**

21 (1) a pesticide the active ingredients of which are recommended by the National
 22 Organic Standards Board (NOSB) pursuant to 7 U.S.C. § 6518, as amended, and published as the
 23 National List at 7 C.F.R. §§ 205.601 and 205.602; or

24 (2) a pesticide designated a “minimum risk pesticide” under the Federal
 25 Insecticide, Fungicide and Rodenticide Act (FIFRA) § 25(b) and listed in 40 C.F.R. § 152.25(f).

26 (11) **Mulched recreation area** means an area of land covered with natural or synthetic
 27 mulch or wood chips that is not a playground but is open to the public for picnic or other
 28 recreation use.

29 (12) **Neonicotinoid** means a class of neuro-active pesticides chemically related to
 30 nicotine. Neonicotinoid includes acetamiprid, clothianidin, dinotefuran, imidacloprid,
 31 nitenpyram, nithiazine, thiacloprid, and thiamethoxam.

1 (13) **Pest** means an insect, snail, slug, rodent, nematode, fungus, weed, or any other
 2 form of terrestrial or aquatic plant or animal life or other microorganism (except viruses,
 3 bacteria, or other microorganisms on or in a living man or other living animal), which normally
 4 is considered to be a pest or with the Secretary of the Maryland Department of Agriculture or
 5 defined as a pest by applicable state regulations.

6 (14) **Pesticide** means a substance or mixture of substances intended or used to:

7 (1) For preventing, destroying, repelling, or mitigating any pest;

8 (2) For use as a plant regulator, defoliant, or desiccant; and

9 (3) To be used as a spray adjuvant, such as a wetting agent or adhesive.

10 (4) Pesticide does not include an antimicrobial agent, such as a disinfectant,
 11 sanitizer, or deodorizer, used for cleaning that is not considered a pesticide under any federal or
 12 state law or regulation.

13 (15) **Playground** means an outdoor children’s play area that is on the premises of a
 14 children’s facility, school, apartment building or complex, common ownership community, or
 15 park. Playground includes a mulched path that is used to enter a children’s play area.

16 (16) **Playing field** means:

17 (1) an athletic field maintained by Prince George’s County or the Department of
 18 Parks and Recreation; or

19 (2) an area of land on private property maintained exclusively for sporting
 20 use.

21 (17) **Private Applicator** means any person who applies pesticides by air, ground,
 22 hand, or mechanical equipment to his privately owned or leased property, or property which he
 23 otherwise occupies or uses by consent of the owner, and further includes any corporation,
 24 partnership, sole proprietorship, other business association, condominium association, agency of
 25 Prince George's County, Maryland, or any of the municipalities within Prince George's County,
 26 Maryland, and similar entities which utilizes its own employees to apply by air, ground, hand, or
 27 mechanical equipment, pesticides to property owned or managed by said entity.

28 (18) **Private lawn application** means the application of a pesticide to a lawn on
 29 property owned by or leased to the person applying the pesticide. Private lawn application does
 30 not include:

31 (1) applying a pesticide for the purpose of engaging in agriculture; or

1 (2) applying a pesticide around or near the foundation of a building for the
 2 purpose of indoor pest control owned or managed by said entity.

3 (19) **Property** means land located in Prince George's County, Maryland, and the
 4 water, vegetation, and airspace upon and above said land, but does not include structures or other
 5 improvements or areas of land used exclusively for agriculture or commercial forest production.

6 (20) **Registered pesticide** means a pesticide registered by the United States
 7 Environmental Protection Agency and labeled pursuant to FIFRA for use in lawn, garden and
 8 ornamental sites or areas.

9 (21) **Residential Applicator** means a private applicator who applies a pesticide for
 10 any purpose on any property where he/she resides, excluding such property as may comprise the
 11 common area of a multifamily dwelling or associated group of dwellings.

12 (22) **Vector or disease vector** means an animal, insect, or microorganism that carries
 13 and transmits an infectious pathogen into another organism.

14 (23) **Waterbody** means waters located within the County that are:

15 (1) subject to the ebb and flow of the tide; or

16 (2) free flowing, unconfined and above-ground rivers, streams or creeks.

17 **Sec. 12-161.03 Signs.**

18 (a) Sign prior to pesticide application.

19 (1) For at least twenty-four (24) hours prior to each application of pesticide by a
 20 custom applicator, the customer shall post signs visible from all streets fronting or providing
 21 principal access to the property. The sign(s) will be developed or approved by the Health Officer
 22 for the purpose of notifying the public of the pending property treatment and will be supplied to
 23 the customer by the custom applicator.

24 (2) At least twenty-four (24) hours prior to each episode of pesticide treatment by a
 25 private applicator, or a residential applicator, the applicator shall either post signs visible from all
 26 streets fronting or providing principal access to the property, said sign to be substantially in the
 27 form and content as described in paragraph (1) of this Subsection and may be obtained pursuant
 28 to Section 12-161.05 of this Subdivision.

29 (3) This requirement shall not apply to emergency situations as may be defined by
 30 regulation or in which treatment is necessary to protect property or structures from immediate
 31 damage from an existing pest.

1 (4) The Health Officer shall further have the right, from time to time, to exempt certain
 2 properties, such as, but not exclusively, golf courses and public utility rights-of-way, when it is
 3 shown that access to the property is sufficiently restricted and proximity to other properties
 4 which may be affected by or receive drifting chemicals from the pesticide application is
 5 sufficiently removed so as to eliminate the need for prior posting.

6 (5) The signs required under this Subsection shall remain posted until replaced by the signs
 7 required by Subsection (b) of this Section.

8 (b) Sign after pesticide application.

9 (1) Immediately after pesticide application, the applicator shall post a sign or signs on
 10 the treated property.

11 (2) Such sign or signs shall:

12 (A) Be clearly visible on the treated area and from all streets fronting or
 13 providing principal places of access to the property. If there are more than one principal places of
 14 access to the property, a sign shall be placed so as to be visible from each.

15 (B) Be of such size and bear such language as developed, approved, or directed
 16 by the Health Officer.

17 (C) The signs shall remain in place for at least three (3) days, and in no event
 18 more than seven (7) days, following application of the pesticide.

19 (3) The Health Officer may from time to time exempt certain types of property, such
 20 as, but not exclusively, golf courses and public utility rights-of-way, in which access is
 21 sufficiently restricted and proximity to other properties which may be affected by or receive
 22 drifting chemicals from the pesticide application is sufficiently removed, from the requirements
 23 of this Subsection, providing such exempted property has an alternative method of providing the
 24 notification set forth in this Subsection to members of the public who may come into contact
 25 with the treated area.

26 (c) The Health Officer shall provide to the public in a manner deemed appropriate,
 27 information which explains the notice provisions. The Health Officer shall compile and make
 28 available to the public, upon request, specific information and safety precautions for those lawn
 29 pesticides determined by the Health Officer to be most commonly used.

30 **Sec. 12-161.04. - Written Statement.**

31 (a) Immediately after application of a pesticide, the custom applicator shall give each

1 customer a brief written statement as set forth in this Section.

2 (b) The language of such statement shall be developed or approved by, and revised as
3 necessary by, the Health Officer but shall include, at a minimum:

4 (1) Current government agency phone numbers for consumer complaints, further
5 technical information and medical emergencies;

6 (2) A list of general customer safety precautions applicable to most pesticide
7 applications; and

8 (3) A statement notifying the customer that each custom applicator applying
9 pesticides shall be licensed by the Maryland Department of Agriculture and have its employees
10 follow safety precautions.

11 (c) As a part of such statement, the custom applicator shall, in addition to the foregoing,
12 list the trade and generic name of each pesticide which is used and any customer safety
13 precautions specific to any of the individual pesticides.

14 **Sec. 12-161.05. - Vendors.**

15 Every vendor of a pesticide or material containing a pesticide shall be encouraged to
16 display and make available to the buyer with each sale signs for pre- and post-treatment posting
17 and other informational material provided by or approved by, the Health Officer, said
18 informational material to provide, at a minimum, the information required by Section 12-
19 161.04(b)(1) and (2).

20 **Sec. 12-161.06. Exceptions and Regulations.**

21 (a) Upon the showing by the Washington Suburban Sanitary Commission, Maryland-
22 National Capital Park and Planning Commission, and the Prince George's County Department of
23 Public Works and Transportation that the potential for any adverse effect from pesticide
24 application upon the public or to adjoining property is minimal or that compliance with the terms
25 of this Subdivision is excessively burdensome or impractical, the Health Officer may exempt
26 said agencies from the requirements of this Subdivision.

27 (b) The Board of Health may adopt by resolution such regulations and establish such
28 exemptions as may be necessary to carry out the intent of this Subdivision.

29 **Sec. 12-161.07. Enforcement.**

30 Each violation of this Division shall constitute a civil violation subject to a civil fine of
31 Fifty Dollars (\$50.00) in accordance with the procedures of Division 3, Subtitle 28, Prince

1 George's County Code.

2 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
3 Maryland, that Sections 12-161.03.01, 12-161.04.01, 12-161.04.02, 12-161.04.03, 12-161.04.04,
4 12-161.04.05, 12-161.04.06, 12-161.04.07, 12-161.04.08, 12-161.04.09, 12-161.04.10, 12-
5 161.04.11, of the Prince George's County Code be and the same are hereby added:

6 **SUBTITLE 12. HEALTH.**

7 **DIVISION 5. PEST CONTROL.**

8 **SUBDIVISION 4. PESTICIDE APPLICATION.**

9 **Sec. 12-161.03.01 Signs with retail purchase of pesticide.**

10 (a) A person who sells at retail a pesticide or material that contains a pesticide
11 shall:

12 (1) make available to a person who buys the pesticide or material that contains
13 a pesticide:

14 (a) notice signs and supporting information that are approved by the Health
15 Officer;

16 (b) the product label or other information that FIFRA requires for sale of
17 the pesticide; and

18 (c) materials approved or distributed by the Department that:

19 (i) explain the dangers of contamination that may occur from
20 pesticide use; and

21 (ii) inform buyers of the availability of alternative products; and

22 (b) display a sign or signs in each area of the retail establishment where registered
23 pesticides are available to consumers, with language approved by the Department, that:

24 (1) informs buyers of the County law on the use of registered pesticides on
25 lawns; and

26 (2) identifies pest control options that are permissible for lawn application
27 under the law.

28 (c) The Health Officer shall enforce this Section and shall annually inspect each person.

29 **Sec. 12-161.04.01. Storage and handling of pesticides.**

30 (a) Any person who sells at retail a pesticide or material that contains a pesticide shall:

31 (1) transport, display, and store each pesticide in a secure, properly labeled container

1 that resists breakage and leakage, and promptly clean up and either repackage or properly
 2 dispose of any pesticide that escapes from its container;

3 (2) display and store each pesticide separately from any food, medicine, or other
 4 product that a human being or animal may ingest; and

5 (3) transport each pesticide separately from any food, medicine, or other product that
 6 a human being or animal may ingest unless the pesticide is in a secure container that resists
 7 breakage and leakage.

8 (b) The Health Department and any other agency designated by the County Executive,
 9 shall enforce this Section.

10 **Sec. 12-161.04.02 Regulations.**

11 (a) The County Executive shall provide regulations in resolution form to the County
 12 Council to carry out the requirements of this legislation.

13 (b) The County Executive shall include in the regulations adopted under this Section, the
 14 minimum size or quantity, and type of pesticide subject to Section 12-161.03.01.

15 (c) The County Executive shall include in the regulations adopted under this Section, a list
 16 of invasive species that may be detrimental to the environment in the County. The County
 17 Executive shall submit the first list of invasive species to the County Council for approval by
 18 February 1, 2020 . The County Executive shall review and update the list of invasive species
 19 designated under subsection (c) by July 1 of each year.

20 **Sec. 12-161.04.03. Penalty for Violating Subtitle.**

21 (a) Any person that violates this Subtitle shall be penalized. Each day of the violation
 22 shall be a separate offense.

23 **Sec. 12-161.04.04 Notice about pesticides to customer.**

24 (a) In this Section:

25 (1) Customer means a person who makes a contract with a custom applicator to have
 26 the custom applicator apply a pesticide to a lawn.

27 (2) New customer includes a customer who renews a contract with a custom applicator.

28 (b) A custom applicator shall give to a new customer before application, a list of:

29 (1) the trade name of each pesticide that might be used;

30 (2) the generic name of each pesticide that might be used; and

31 (3) specific customer safety precautions for each pesticide that might be used; and

1 (4) after application, a list of:

2 (a) the trade name of each pesticide actually used; and

3 (b) the generic name of each pesticide actually used; and

4 (5) a written notice about pesticides prepared by the Department under subsection (c).

5 (c) The Department shall prepare, keep current, and provide to a custom applicator a written
 6 notice about pesticides for the custom applicator to give to a customer under subsection (b).

7 (d) The notice prepared by the Department under subsection (c) shall include:

8 (1) government agency phone numbers to call to;

9 (2) make a consumer complaint;

10 (3) receive technical information on pesticides; and

11 (4) get assistance in the case of a medical emergency;

12 (e) (1) a list of general safety precautions a customer should take when a lawn is treated with a
 13 pesticide;

14 (2) required statement that a custom applicator shall:

15 (3) be licensed by the Maryland Department of Agriculture; and

16 (4) follow safety precautions; and

17 (5) a statement that the customer has the right to require the custom applicator to notify the
 18 customer before each treatment of the lawn of the customer with a pesticide.

19 **Sec. 12-161.04.05 Posting signs after application by custom applicator**

20 (a) Immediately after a custom applicator treats a lawn with a pesticide, the custom applicator
 21 shall place markers within or along the perimeter of the area where pesticides have been applied.

22 (b) A marker required under this Section shall:

23 (1) be clearly visible to persons immediately outside the perimeter of the property;

24 (2) be a size, form, and color approved by the Department;

25 (3) be made of material approved by the Department;

26 (4) have wording with content and dimensions approved by the Department; and

27 (5) be in place on the day that the pesticide is applied.

28 **Sec. 12-161.04.06 Posting signs after application by property owner or tenant.**

29 (a) A person who performs a private lawn application treating an area more than 100 square
 30 feet, or an area of any size within five feet of a property line, shall place markers within or along
 31 the perimeter of the area where pesticides have been applied.

1 (b) A marker required under this Section shall:

- 2 (1) be clearly visible to persons immediately outside the perimeter of the property;
- 3 (2) be a size, form, and color approved by the Department;
- 4 (3) be made of material approved by the Department;
- 5 (4) have wording with content and dimensions approved by the Department; and
- 6 (5) be in place on the day that the pesticide is applied.

7 **Sec. 12-161.04.07 Prohibited applications.**

8 (a) On County-owned property and private property, except as provided in subsection (b), a
 9 person shall not apply a registered pesticide other than a listed pesticide to:

- 10 (1) a lawn;
- 11 (2) a playground;
- 12 (3) a mulched recreation area;
- 13 (4) a children’s facility; or
- 14 (5) the grounds of a children’s facility.

15 (b) A person may apply any registered pesticide to:

- 16 (1) control weeds;
- 17 (2) control invasive species listed in a regulation;
- 18 (3) control disease vectors;
- 19 (4) control biting or stinging insects or stinging plants;
- 20 (5) control organisms that threaten the health of trees or shrubs;
- 21 (6) maintain property as part of efforts by a public utility to comply with applicable
 22 vegetation management provisions of any federal, state, or local law or regulation;
- 23 (7) control indoor pests, if applied around or near the foundation of a building;
- 24 (8) control pests while engaged in agriculture; and
- 25 (9) control a pest outbreak that poses an imminent threat to human health or prevent
 26 significant economic damage if a registered pesticide is not used.

27 (c) If a pesticide is applied under paragraph (b)(9) of this Section, the person applying the
 28 pesticide shall:

- 29 (1) within seven days after a pesticide is applied on private property, notify the
 30 Department of the application and the reasons for the use of the pesticide; or
- 31 (2) within 30 days after a pesticide is applied on County-owned property, inform the

1 Council of the application and the reasons for the use of the pesticide.

2 **Sec. 12-161.04.08. Outreach and education campaign.**

3 (a) The Executive shall implement a public outreach and education campaign before and
 4 during implementation of the provisions of this Subtitle.

5 (b) The outreach and education campaign shall include the provision of the following
 6 resources:

7 (1) products which are the NOSB National list products categorized by use;

8 (2) FIFRA § 25(b) minimum risk pesticides, listed in 40 C.F.R. § 152.25(f); and

9 (3) guidance on best practices for organic and pesticide-free lawn care.

10 (c) The outreach and education campaign should include:

11 (1) informational mailers to County households;

12 (2) distribution of information through County internet and web-based resources;

13 (3) radio and television public service announcements;

14 (4) news releases and news events;

15 (5) information translated into Spanish, French, Chinese, Korean, Vietnamese, and
 16 other languages, as needed;

17 (6) extensive use of County Cable and other Public, Educational, and Government
 18 channels funded by the County; and

19 (7) posters and brochures made available at County events, on The Bus, libraries,
 20 recreation facilities, senior centers, public schools, Prince George’s Community College, health
 21 care providers, hospitals, clinics, and other venues.

22 **Sec. 12-161.04.09 Neonicotinoid pesticides on County-owned property.**

23 (a) Prohibition. Except as provided in subsection (b), a County employee or County
 24 contractor shall not use a neonicotinoid pesticide on property owned by the County.

25 (b) Exceptions.

26 (1) A County employee or County contractor may use a neonicotinoid pesticide on
 27 County-owned property to control pests while engaged in agriculture.

28 (2) This Section does not apply to County-owned property that the Maryland National
 29 Capital Park and Planning Commission operates or manages for the County.

30 **Sec.12-161.04.10 Integrated pest management on County property.**

31 (a) Adoption of program. The Department shall adopt an integrated pest management

1 program for all property owned by the County.

2 (b) Requirements. Any program adopted under subsection (a) shall require:

3 (1) monitoring the turf or landscape as appropriate;

4 (2) accurate record-keeping documenting any potential pest problem;

5 (3) evaluating the site for any injury caused by a pest and determining the appropriate
 6 treatment;

7 (4) using a treatment that is the least damaging to the general environment and best
 8 preserves the natural ecosystem;

9 (5) using a treatment that will be the most likely to produce long-term reductions in
 10 pest control requirements and is operationally feasible and cost effective in the short and long
 11 term;

12 (6) using a treatment that minimizes negative impacts to non-target organisms;

13 (7) using a treatment that is the least disruptive of natural controls;

14 (8) using a treatment that is the least hazardous to human health; and

15 (9) exhausting the list of all non-chemical methods and listed pesticides for the
 16 targeted pest before using any other treatments.

17 (c) The Department shall provide training in integrated pest management for each employee
 18 who is responsible for pest management.

19 **Sec. 12-161.04.11 County parks.**

20 (a) Policy. It is the policy of Prince George’s County to promote environmentally sensitive
 21 landscape pest management in its parks by phasing out the use of the most hazardous pesticides
 22 and reducing overall pesticide use while preserving landscape assets, maintaining functionality
 23 of playing fields and protecting the health and safety of the public and County employees. To
 24 carry out this policy, the Department of the Environment shall, subject to appropriation,
 25 implement the provisions of this Section.

26 (b) Pesticide-free parks. The National Capital Park and Planning Commission shall
 27 implement a pesticide-free parks program that, at a minimum, consists of:

28 (1) the maintenance of certain parks entirely without the use of registered pesticides
 29 other than listed pesticides;

30 (2) a program for reducing the use of registered pesticides other than listed pesticides
 31 on playing fields that includes:

1 (A) a pilot program consisting of at least five playing fields maintained without
 2 the use of registered pesticides other than listed pesticides that:

3 (i) is conducted in consultation with an expert in organic turf management,
 4 with experience in successful transitions from conventional to organic turf management; and

5 (ii) includes a publicly available plan describing the practices and
 6 procedures used;

7 (B) maintenance of all other playing fields using an integrated pest management
 8 program; and

9 (C) a plan submitted to the Council by September 1, 2020 for transitioning to
 10 maintenance of all playing fields without the use of registered pesticides other than listed
 11 pesticides by September 1, 2021; and

12 (3) a public communication campaign to inform the public of the existence and
 13 progress of the pesticide-free parks program.

14 (c) Pesticide usage protocols. The National Capital Park and Planning Commission shall
 15 develop usage protocols which limit the use of registered pesticides other than listed pesticides to
 16 the maximum extent possible and, subject to the exceptions in subsection (d):

17 (1) do not permit the use of registered pesticides other than listed pesticides within 25 feet
 18 of a waterbody;

19 (2) except where immediate application is necessary to protect human health or prevent
 20 significant economic damage, include the posting of notice of each planned application of a
 21 registered pesticide other than a listed pesticide on the appropriate National Capital Park and
 22 Planning Commission website and in the area where the pesticide is to be applied, from at least
 23 48 hours before application through at least 48 hours after application, that includes:

24 (A) the common name of the pesticide; and

25 (B) the location of the application; and

26 (C) the planned date and time of the application; and

27 (D) the reason for the use of the pesticide; and

28 (3) provide for pesticide application information required under paragraph (c)(2) to be made
 29 available to the public in real-time and in a manner consistent with the Prince George's County
 30 Code.

31 (d) Exceptions. The pesticide-free parks program and pesticide usage protocols may generally

1 permit the application of a registered pesticide to:

- 2 (1) control weeds;
- 3 (2) control invasive species listed in a regulation;
- 4 (3) control disease vectors;
- 5 (4) control biting or stinging insects or stinging plants;
- 6 (5) control organisms that threaten the health of trees or shrubs;
- 7 (6) remove weeds as part of the renovation of a playing field;
- 8 (7) control pests while engaged in agriculture; and
- 9 (8) otherwise protect human health or prevent significant economic damage.

10 (e) Reporting requirement. The National Capital Park and Planning Commission shall submit
 11 semi-annual reports to the County Executive and County Council on or before January 15 and
 12 July 15 of each year that:

13 (1) detail registered pesticide usage, other than listed pesticide usage, in County parks
 14 during the preceding year, including:

- 15 (A) the common name of each registered pesticide used;
- 16 (B) the location of each application;
- 17 (C) the date and time of each application; and
- 18 (D) the reason for each use of a registered pesticide;

19 (2) describe the status of the pesticide-free parks program implemented under this
 20 Section; and

21 (3) are available to the public in a manner consistent with the County Code.

22 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 23 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 24 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 26 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 27 Act, since the same would have been enacted without the incorporation in this Act of any such
 28 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 29 or section.

30 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 31 calendar days after it becomes law.

Adopted this ____ day of _____, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Angela D. Alsobrooks
County Executive