

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-8-2020

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 a certain posting and placement of signs; providing for certain signs by vendors; providing
5 requirements for the notice and retail purchase of pesticides; providing for a certain posting of
6 signs after the application of pesticides by a custom applicator; providing for a certain posting of
7 signs after the application of pesticides by a property owner or tenant; providing for a certain
8 written statement; providing for a certain notice about pesticides to a customer; providing for
9 storage and handling of pesticides; providing for certain prohibited applications; providing for a
10 certain prohibition on County-owned property; providing for integrated pest management on
11 County property; providing for application in County parks; providing for certain exceptions;
12 providing for an outreach and education campaign; providing for regulations; providing for
13 certain penalties; and generally relating to pesticides.

14 BY repealing and reenacting with amendments:

15 SUBTITLE 12. HEALTH.

16 Sections 12-161.01, 12-161.02, 12-161.03,
17 12-161.04, 12-161.05, 12-161.06, and 12-161.07,

18 The Prince George's County Code
19 (2019 Edition).

20 BY adding:

21 SUBTITLE 12. HEALTH.

Sections 12-161.08, 12-161.09, 2-161.10, 12-161.11,
12-161.12, 12-161.13, 12-161.14, 12-161.15, 12-161.16,
12-161.17, 12-161.18, 12-161.19, 12-161.20, 12-161.21 and
12-161.22,
The Prince George's County Code
(2019 Edition).

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12-161.07, of the Prince George's County Code be and the same are hereby repealed and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

SUBTITLE 12. HEALTH.

DIVISION 5. PEST CONTROL.

SUBDIVISION 4. PESTICIDE APPLICATION.

Sec. 12-161.01. Legislative Intent and Findings.

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

(a) (1) The County Council further finds that:
pesticides have value when they are used to protect the public health, the environment, and our
food and water supply;

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

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

1 and a variety of cancers including breast, colon, prostate and lung cancer;

2 (4) clean water is essential to human life, wildlife and the environment, and the
 3 unnecessary use of pesticides and herbicides for cosmetic purposes contributes to the
 4 deterioration of water quality, as substantiated by several studies including the 2014 USGS study
 5 which found that 90% of urban waterways have pesticide levels high enough to harm aquatic
 6 life;

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

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

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

20 (8) in the absence of adequate regulation at the federal or State level, the County is
 21 compelled to act to protect the health of residents, animals and the environment.

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

28 **Sec. 12-161.02. Definitions.**

29 (a) (1) **Agriculture** means the business, science, and art of cultivating and managing the
 30 soil, composting, growing, harvesting, and selling sod, crops and livestock, and the products of
 31 forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including

1 horses, poultry, fish, game and fur-bearing animals; dairying, beekeeping and similar activities,
2 and equestrian events and activities.

3 (2) **Children’s facility** means a building or part of a building which, as part of its
4 function, is regularly occupied by children under the age of 6 years and is required to obtain a
5 certificate of occupancy as a condition of performing that function. Children’s facility includes a
6 child day care center, family day care home, nursery school, and kindergarten classroom.

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

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

12 (5) **Department** means the County Health Department.

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

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

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

17 (A) mostly covered by grass, other similar herbaceous plants, shrubs, or trees;

18 and

19 (B) kept trim by mowing or cutting.

20 (9) **Lawn** does not include a: _____

21 (A) playing field;

22 (B) golf course;

23 (C) garden; or

24 (D) tree or shrub.

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

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

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

31 (11) **Mulched recreation area** means an area of land covered with natural or synthetic

1 mulch or wood chips that is not a playground but is open to the public for picnic or other
2 recreation use.

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

6 (12.1) **Person** means an individual or legal entity.

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

12 (14) **Pesticide** means a substance or mixture of substances intended:

13 (A) For preventing, destroying, repelling, or mitigating any pest;

14 (B) For use as a plant regulator, defoliant, or desiccant; and

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

16 (D) Pesticide does not include an antimicrobial agent, such as a disinfectant,
17 sanitizer, or deodorizer, used for cleaning that is not considered a pesticide under any federal or
18 state law or regulation.

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

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

23 (A) an athletic field maintained by Prince George's County or the Department of
24 Parks and Recreation; or

25 (B) an area of land on private property maintained exclusively for sporting
26 use.

27 (17) **Private Applicator** means any person who applies pesticides by air, ground,
28 hand, or mechanical equipment to his privately owned or leased property, or property which he
29 otherwise occupies or uses by consent of the owner, and further includes any corporation,
30 partnership, sole proprietorship, other business association, condominium association, agency of
31 Prince George's County, Maryland, or any of the municipalities within Prince George's County,

1 Maryland, and similar entities which utilizes its own employees to apply by air, ground, hand, or
 2 mechanical equipment, pesticides to property owned or managed by said entity.

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

6 (A) applying a pesticide for the purpose of engaging in agriculture; or

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

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

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

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

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

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

21 (A) subject to the ebb and flow of the tide; or

22 (B) free flowing, unconfined and above-ground rivers, streams or creeks.

23 (24) **Weed** means Poison ivy; ragweed; kudzu; Canada, musk, nodding, plumeless,
 24 and bull thistles; any plant, except another thistle, identified as a noxious weed under Section 9-
 25 401 of the Agriculture Article of the Annotated Code of Maryland; and any other plant which the
 26 Director finds by regulation endangers public health or safety if allowed to grow unchecked.

27 **Sec. 12-161.03. [Signs.] Reserved.**

28 [(a) Signs prior to pesticide application.

29 (1) For at least twenty-four (24) hours prior to each application of pesticide by a
 30 custom applicator, the customer shall post signs visible from all streets fronting or providing
 31 principal access to the property. The sign(s) will be developed or approved by the Health Officer

1 for the purpose of notifying the public of the pending property treatment and will be supplied to
2 the customer by the custom applicator.

3 (2) At least twenty-four (24) hours prior to each episode of pesticide treatment by a
4 private applicator, or a residential applicator, the applicator shall either post signs visible from all
5 streets fronting or providing principal access to the property, said sign to be substantially in the
6 form and content as described in paragraph (1) of this Subsection and may be obtained pursuant
7 to Section 12-161.09 of this Subdivision.

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

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

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

18 (b) Signs after pesticide application.

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

21 (2) Such sign or signs shall:

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

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

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

29 (3) The Health Officer may from time to time exempt certain types of property, such
30 as, but not exclusively, golf courses and public utility rights-of-way, in which access is
31 sufficiently restricted and proximity to other properties which may be affected by or receive

1 drifting chemicals from the pesticide application is sufficiently removed, from the requirements
 2 of this Subsection, providing such exempted property has an alternative method of providing the
 3 notification set forth in this Subsection to members of the public who may come into contact
 4 with the treated area.

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

9 **Sec. 12-161.04. [Written Statement.] Reserved.**

10 [(a) Immediately after application of a pesticide, the custom applicator shall give each
 11 customer a brief written statement as set forth in this Section.

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

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

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

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

21 (c) As a part of such statement, the custom applicator shall, in addition to the foregoing,
 22 list the trade and generic name of each pesticide which is used and any customer safety.]

23 **Sec. 12-161.05. [Vendors.] Reserved.**

24 [Every vendor of a pesticide or material containing a pesticide shall [be encouraged to]
 25 display and make available to the buyer with each sale signs for pre- and post-treatment posting
 26 and other informational material provided by or approved by, the Health Officer, said
 27 informational material to provide, at a minimum, the information required by Section 12-
 28 161.04(b)(1) and (2).]

29 **Sec. 12-161.06. [Exceptions and Regulations]. Reserved.**

30 [(a) Upon the showing by the Washington Suburban Sanitary Commission, Maryland-
 31 National Capital Park and Planning Commission, and the Prince George's County Department of

1 Public Works and Transportation that the potential for any adverse effect from pesticide
 2 application upon the public or to adjoining property is minimal or that compliance with the terms
 3 of this Subdivision is excessively burdensome or impractical, the Health Officer may exempt
 4 said agencies from the requirements of this Subdivision.]

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

7 **Sec. 12-161.07. [Enforcement.] Reserved.**

8 [Each violation of this Division shall constitute a civil violation subject to a civil fine of
 9 Fifty Dollars (\$50.00) in accordance with the procedures of Division 3, Subtitle 28, Prince
 10 George's County Code.]

11 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 12-161.08, 12-161.09, 12-161.10, 12-161.11, 12-161.12, 12-161.13, 12-
 13 161.14, 12-161.15, 12-161.16, 12-161.17, 12-161.18, 12-161.19, 12-161.20, 12-161.21,
 14 and 12-161.22, of the Prince George's County Code be and the same are hereby added:

15 **SUBTITLE 12. HEALTH.**

16 **DIVISION 5. PEST CONTROL.**

17 **SUBDIVISION 4. PESTICIDE APPLICATION.**

18 **Sec. 12-161.08. Signs, pesticide application.**

19 (a) Signs prior to pesticide application.

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

25 (2) At least twenty-four (24) hours prior to each episode of pesticide treatment by a
 26 private applicator, or a residential applicator, the applicator shall either post signs visible from all
 27 streets fronting or providing principal access to the property, said sign to be substantially in the
 28 form and content as described in paragraph (1) of this Subsection and may be obtained pursuant
 29 to Section 12-161.09 of this Subdivision.

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

1 damage from an existing pest.

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

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

9 (b) Signs after pesticide application.

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

12 (2) Such sign or signs shall:

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

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

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

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

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

31 **Sec. 12-161.09. Signs, vendors.**

1 Every vendor of a pesticide or material containing a pesticide shall display and make
2 available to the buyer with each sale signs for pre- and post-treatment posting and other
3 informational material provided by or approved by, the Health Officer, said informational
4 material to provide, at a minimum, the information required by Section 12-161.13(b)(1) and (2).

5 **Sec. 12-161.10. Signs with retail purchase of pesticide.**

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

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

10 (A) notice signs and supporting information that are approved by the
11 Health Officer;

12 (B) the product label or other information that FIFRA requires for sale of
13 the pesticide; and

14 (C) materials approved or distributed by the Department that:

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

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

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

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

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

23 (c) The Health Department shall enforce this Section and shall annually inspect each
24 person.

25 **Sec. 12-161.11. Posting markers after application by custom applicator.**

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

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

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

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

- (3) be made of material approved by the Department;
- (4) have wording with content and dimensions approved by the Department; and
- (5) be in place on the day that the pesticide is applied.

Sec. 12-161.12. Posting markers after application by property owner or tenant.

(a) A person who performs a private lawn application treating an area more than 100 square feet, or an area of any size within five (5) feet of a property line, shall place markers within or along the perimeter of the area where pesticides have been applied.

(b) A marker required under this Section shall:

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

Sec. 12-161.13. Written Statement.

(a) Immediately after application of a pesticide, the custom applicator shall give each customer a brief written statement as set forth in this Section.

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

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

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

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

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

Sec. 12-161.14. Notice about pesticides to customer.

(a) In this Section:

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

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

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

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

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

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

7 (4) after application, a list of:

8 (A) the trade name of each pesticide actually used; and

9 (B) the generic name of each pesticide actually used; and

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

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

13 (b).

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

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

16 (2) make a consumer complaint;

17 (3) receive technical information on pesticides; and

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

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

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

22 (A) be licensed by the Maryland Department of Agriculture; and

23 (B) follow safety precautions; and

24 (3) a statement that the customer has the right to require the custom applicator to
 25 notify the customer before each treatment of the lawn of the customer with a pesticide.

26 precautions specific to any of the individual pesticides.

27 **Sec. 12-161.15. Storage and handling of pesticides.**

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

29 (1) transport, display, and store each pesticide in a secure, properly labeled container
 30 that resists breakage and leakage, and promptly clean up and either repackage or properly

31 dispose of any pesticide that escapes from its container;

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

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

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

8 **Sec. 12-161.16. Prohibited applications.**

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

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

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

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

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

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

1 (2) within 30 days after a pesticide is applied on County-owned property, inform the
2 County Council of the application and the reasons for the use of the pesticide.

3 **Sec. 12-161.17. Neonicotinoid pesticides on County-owned property.**

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

6 (b) Exceptions.

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

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

11 **Sec.12-161.18. Integrated pest management on County property.**

12 (a) Adoption of program. The County Executive shall adopt an integrated pest
13 management program for all property owned by the County.

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

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

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

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

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

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

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

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

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

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

29 (c) The County Executive shall provide training in integrated pest management for each
30 employee who is responsible for pest management.

31 **Sec. 12-161.19. County parks.**

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

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

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

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

13 (A) a pilot program consisting of at least five (5) playing fields maintained
 14 without the use of registered pesticides other than listed pesticides that:

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

17 (ii) includes a publicly available plan describing the practices and
 18 procedures used;

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

21 (C) a plan submitted to the Council by September 1, 2021 for transitioning to
 22 maintenance of all playing fields without the use of registered pesticides other than listed
 23 pesticides by September 1, 2022; and

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

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

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

31 (2) except where immediate application is necessary to protect human health or

1 prevent significant economic damage, include the posting of notice of each planned application
 2 of a registered pesticide other than a listed pesticide on the appropriate National Capital Park and
 3 Planning Commission website and in the area where the pesticide is to be applied, from at least
 4 48 hours before application through at least 48 hours after application, that includes:

- 5 (A) the common name of the pesticide; and
- 6 (B) the location of the application; and
- 7 (C) the planned date and time of the application; and
- 8 (D) the reason for the use of the pesticide; and

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

12 (d) Exceptions. The pesticide-free parks program and pesticide usage protocols may
 13 generally permit the application of a registered pesticide to:

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

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

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

- 27 (A) the common name of each registered pesticide used;
- 28 (B) the location of each application;
- 29 (C) the date and time of each application; and
- 30 (D) the reason for each use of a registered pesticide;

31 (2) describe the status of the pesticide-free parks program implemented under this

1 Section; and

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

3 **Sec. 12-161.20. Outreach and education campaign.**

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

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

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

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

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

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

12 (1) informational mailers to County households;

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

14 (3) radio and television public service announcements;

15 (4) news releases and news events;

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

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

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

23 **Sec. 12-161.21. Regulations.**

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

26 (b) The County Executive shall include in the regulations adopted under this Section, the
27 minimum size or quantity, and type of pesticide.

28 (c) The County Executive shall include in the regulations adopted under this Section, a list
29 of invasive species that may be detrimental to the environment in the County. The County
30 Executive shall submit the first list of invasive species to the County Council for approval by
31 February 1, 2021 . The County Executive shall review and update the list of invasive species

1 designated under subsection (c) by July 1 of each year.

2 **Sec. 12-161.22. Penalties for violating provisions of Division.**

3 (a) Any person that violates this Division shall be penalized. Each day of the violation
4 shall be a separate offense.

5 (b) (1) Each violation of this Division shall constitute a civil violation subject to a civil
6 fine of Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second
7 offense, and Two Hundred and Fifty Dollars (\$250.00) for each subsequent offense, in
8 accordance with the procedures of Division 3, Subtitle 28, Prince George's County Code.

9 (2) Notwithstanding Section 12-161.22 (b)(1) of this Division, a violation of Section
10 12-161.16 (prohibited applications), of this Division shall constitute a civil violation subject to a
11 civil fine of Five Hundred Dollars (\$500.00) for the first offense, One Thousand Dollars
12 (\$1,000.00) for the second offense, and One Thousand Dollars (\$1,000.00) for each subsequent
13 offense, in accordance with the procedures of Division 3, Subtitle 28, Prince George's County
14 Code.

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

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

Adopted this _____ day of _____, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *