Understanding the Montgomery County Pesticide Regulation, 52-14

Chuck Schuster
Extension Educator – UME
All Around Nice Guy!
cfs@umd.edu
This Bill, called many names, is officially the Non-Essential Pesticide Prohibitions, Cosmetic Pesticide Use Restrictions Bill, or 52-14.

This regulation regulates the pesticides currently used on residential turf grass, park property and other county owned property.
Purpose

To protect the public health and welfare
To minimize the potential pesticide hazard to people and the environment
To inform the public about pesticide applications and minimize the use of pesticides for cosmetic purposes
Important Note

Agriculture is not restricted with this legislation.
- Growing crops of any kind are not restricted
- Sod is considered a crop
- Gardening is not restricted
Public Education is an important part of this regulation. (That is where the Master Gardener Program comes in)

As much of a restriction as this is, it is an educational opportunity.
Signs at Retail Establishments

A person who sells at retail a pesticide or material that contains a pesticide must:

- Make available to a person who buys the pesticide or material that contains a pesticide:
  - Notice signs and supporting information that are approved by the department (DEP).
  - Materials that explain the dangers of contamination that may occur from pesticide use and
  - Inform buyers of the availability of alternative products.
  - Display a sign or signs in each area of the retail establishment where registered pesticides are available to consumers with language approved by the Department that:
Signs at Retail Establishments

- Informs buyers of the County law on the use of registered pesticides on lawns and
- Identifies pest control options that are permissible for lawn application under the law.
Notice Requirements

A custom applicator must give to a new customer

– Before application, a list of:
  • The trade name of each pesticide that might be used
  • The generic name of each pesticide that might be used
  • Specific customer safety precautions including all potential health risks identified by the United States Department of Environmental Protection Agency and the World Health Organization

– After the application, a list of
  – The trade name of each pesticide actually used
  – And the Generic name of each pesticide actually used.
Other Notices

The notice prepared by the Department under subsection (c) must include:

(1) government agency phone numbers to call to:
   - make a consumer complaint;
   - receive technical information on pesticides; and
   - get assistance in the case of a medical emergency;

(2) a list of general safety precautions a customer should take when a lawn is treated with a pesticide;
Other Notices

- A statement that a custom applicator must:
  - (A) be licensed by the Maryland Department of Agriculture; and
  - (B) follow safety precautions; and
- A statement that the customer has the right to require the custom applicator to notify the customer **before** each treatment of the lawn of the customer with a pesticide.
Posting signs 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 feet of a property line, must place markers within or along the perimeter of the area where pesticides have been applied.

(b) A marker required under this Section must:

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; and
4. have wording with content and dimensions approved by the Department; and
5. be in place on the day that the pesticide is applied.
Prohibited Applications

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

(1) a lawn;
(2) a playground;
(3) a mulched recreation area; (not landscape)
(4) a children’s facility; or
(5) the grounds of a children’s facility.
Prohibited Applications

On County-owned property and property owned by Montgomery Parks, the regulation states that only certain organic or minimum risk pesticides can be used on lawns (turf) in the County and within 25 feet of a waterbody on property owned by Montgomery Parks.
A person may apply any registered pesticide to:

1. control weeds as defined in Chapter 58, Weeds;
2. control invasive species listed in a regulation adopted under subsection 33B-5(c);
3. control disease vectors;
4. control biting or stinging insects or stinging plants;
5. control organisms that threaten the health of trees or shrubs;
6. maintain property as part of efforts by a public utility to comply with applicable vegetation management provisions of any federal, state, or local law or regulation; (Right of Way)
7. control indoor pests, if applied around or near the foundation of a building;
8. control pests while engaged in agriculture; and
9. control a pest outbreak that poses an imminent threat to human health or prevent significant economic damage if a registered pesticide is not used.
A person may apply any registered pesticide to:

(9) control a pest outbreak that poses an imminent threat to human health or prevent significant economic damage if a registered pesticide is not used.

Executive Regulation 23-16AM outlines plant material that is considered invasive. The following list includes plant species designated by the Executive as detrimental to a landscape environment under Section 33B-5(c).
Invasive Species in Landscape

- Japanese Knotweed
- Lesser Celandine
- Chameleon Plant
- Japanese Stiltgrass
- Wavyleaf Basketgrass

**landscape is defined as any area of land covered by a lawn or altered from its natural state by a playground, a mulched recreation area or other improvement that is subject to 33B-5(c)
If a pesticide is applied under paragraph (b)(9) of this Section, the person applying the pesticide must:

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

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

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

(b) Exceptions.

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

(2) This Section does not apply to County-owned property that the Parks Department operates or manages for the County.
Integrated Pest Management (IPM) on County property.

Adoption of program.

- The Department must adopt an Integrated Pest Management program for all property owned by the County.
Requirements. Any program adopted under subsection (a) must require:

1. monitoring the turf or landscape as appropriate;
2. accurate record-keeping documenting any potential pest problem;
3. evaluating the site for any injury caused by a pest and determining the appropriate treatment;
4. using a treatment that is the least damaging to the general environment and best preserves the natural ecosystem;
Integrated Pest Management (IPM) on County property.

Requirements. Any program adopted under subsection (a) must require:

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

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

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

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

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

The Parks Department must implement a pesticide-free parks program that, at a minimum, consists of:

– the maintenance of certain parks entirely without the use of registered pesticides other than listed (approved) pesticides;
Pesticide-free parks. The Parks Department must implement a pesticide-free parks program that, at a minimum, consists of:

- a program for reducing the use of registered pesticides other than listed pesticides on playing fields that includes:
  - (A) a pilot program consisting of at least five playing fields maintained without the use of registered pesticides other than listed pesticides that:
    - is conducted in consultation with an expert in organic turf management, with experience in successful transitions from conventional to organic turf management; and
  - includes a publicly available plan describing the practices and procedures used;
maintenance of all other playing fields using an Integrated Pest Management (IPM) program; and

(C) a plan submitted to the Council by September 2019 for transitioning to maintenance of all playing fields without the use of registered pesticides other than listed pesticides by 2020; and

(3) a public communication campaign to inform the public of the existence and progress of the pesticide-free parks program.
Exceptions. The pesticide-free parks program and pesticide usage protocols may generally permit the application of a registered pesticide to:

1. control weeds as defined in Chapter 58, Weeds;
2. control invasive species listed in a regulation adopted under subsection 33B-5(c);
3. control disease vectors;
4. control biting or stinging insects or stinging plants;
5. control organisms that threaten the health of trees or shrubs;
6. remove weeds as part of the renovation of a playing field;
7. control pests while engaged in agriculture; and
8. otherwise protect human health or prevent significant economic damage.
Effective Dates

The prohibitions on the use of registered pesticides on private property contained in Section 33B-10 take effect on January 1, 2018.

The prohibitions and requirements related to the use of registered pesticides and neonicotinoids on County-owned property and in County parks take effect on July 1, 2016.
This regulation does not prohibit the display and potential retail sale of any General Use or Restricted Use pesticide by a retail or wholesale establishment.

Individuals will need to make informed decisions to stay compliant with this law.

This regulation’s intent is to provide education of the consumer on options. Many provisions of this regulation simplify restate already existing federal or state regulations.
Opportunities

Teach the public about sound, research proven turf management techniques.

Promote the use of soil testing and fertility management.

Take the opportunity to share sound research based information to your clients, steer away from many things that the internet social media pages tend to offer.
QUESTIONS?