

Bill No. 26-00
Concerning: Pesticides - Storage and Handling
Revised: 12-12-00 Draft No. 6
Introduced: August 1, 2000
Enacted: December 12, 2000
Executive: Returned unsigned
Effective: March 27, 2001
Sunset Date: None
Ch. 34, Laws of Mont. Co. 2000

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice-President Ewing and Councilmembers Leggett, Berlage and Praisner

AN ACT to:

- (1) require retailer sellers to handle, transport, display, and store pesticides in a safe manner, and keep pesticides separate from food, medicines, and similar products;
- (2) require retail sellers of pesticides to furnish certain information to consumers; and
- (3) update certain definitions, and generally amend County laws governing storage, handling, transportation, display, and sale of pesticides.

By renumbering and amending
Montgomery County Code
Chapter 33B, Pesticides
Sections 33B-5 and 33B-6

By amending
Chapter 33B, Pesticides
Section 33B-1

By adding
Chapter 33B, Pesticides
Section 33B-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 33B is amended by amending Section 33B-1, adding**
 2 **Section 33B-5, and amending and renumbering Sections 33B-5 and 33B-6 as**
 3 **follows:**

4 **33B-1. Definitions.**

5 In this chapter:

6 **[(1)] Custom applicator** means a person engaged in the business of applying
 7 pesticides.

8 **[(2)] Department** means the Department of Environmental Protection.

9 **Director** means Director of the Department of Environmental
 10 Protection, or the Director's designee.

11 **[(3)] Lawn** means an area of land, except agricultural land, that is:

12 **[[a.]] (1)** Mostly covered by grass, other similar herbaceous plants,
 13 shrubs, or trees; and

14 **[[b.]] (2)** Kept trim by mowing or cutting.

15 **[(4)] Pest** means an ~~[[organism]]~~ insect, snail, slug, rodent, nematode,
 16 fungus, weed, or other form of plant or animal life or microorganism
 17 (except a microorganism on or in a living human or animal) that is
 18 normally considered to be a pest or ~~[[declared to be a pest by the~~
 19 ~~Maryland Department of Agriculture]]~~ defined as a pest by applicable
 20 state regulations.

21 **[(5)] Pest** includes bacteria, insects, weeds and similar agents that damage
 22 lawns and landscape plants.]]

23 **[(6)] Pesticide** means a substance or mixture of substances intended or used
 24 to:

25 **[[a.]** Control pests;

26 **b.** Eliminate pests;

- 27 c. Regulate plant growth;
- 28 d. Cause plants to lose their leaves;
- 29 e. Dry out plants; or
- 30 f. To make a substance in subparagraphs a. through e. adhere to a
- 31 pest or plant.]]

- 32 (1) prevent, destroy, repel, or mitigate any pest;
- 33 (2) be used as a plant regulator, defoliant, or desiccant; or
- 34 (3) be used as a spray adjuvant, such as a wetting agent or adhesive.
- 35 However, pesticide does not include an antimicrobial agent, such as a
- 36 disinfectant, sanitizer, or deodorizer, used for cleaning that is not
- 37 considered a pesticide under any federal or state law or regulation.

38 **33B-5. Storage and handling of pesticides.**

39 Any person who sells at retail a pesticide or material that contains a pesticide
 40 must:

41 (a) transport, display, and store each pesticide in a secure, properly labeled
 42 container that resists breakage and leakage, and promptly clean up and
 43 either repackage or properly dispose of any pesticide that escapes from
 44 its container;

45 (b) [[transport,]] display[[,]] and store each pesticide separately from any
 46 food, medicine, or other product that a human being or animal may
 47 ingest;

48 [[c) warn buyers of the dangers of pesticide contamination, using materials
 49 approved or distributed by the Department; and]]

50 [[d) inform buyers of the availability of less dangerous alternative products,
 51 using materials approved or distributed by the Department.]]

- 52 (c) transport each pesticide separately from any food, medicine, or other
- 53 product that a human being or animal may ingest unless the pesticide is
- 54 in a secure container that resists breakage and leakage; and
- 55 (d) offer to each buyer of a pesticide materials approved or distributed by
- 56 the Department that:
- 57 (1) explain the dangers of contamination that may occur from
- 58 pesticide use; and
- 59 (2) inform buyers of the availability of alternative products.

60 The Department, the Health and Human Services Department, and any other
 61 agency designated by the County Executive, must enforce this Section.

62 **[33B-5] 33B-6. Regulations.**

- 63 (a) The County Executive must adopt regulations to carry out this Chapter
- 64 under method (2) [of section 2A-15 of this Code].
- 65 (b) The [county] Executive must include in the regulations adopted under
- 66 this Section the minimum size or quantity of pesticide subject to Section
- 67 33B-4 [of this Code].

68 **[33B-6] 33B-7. Penalty for violating Chapter.**

- 69 (a) [A person who violates] Any violation of this Chapter is [subject to] a
- 70 class C violation [under section 1-19 of this Code].
- 71 (b) Each day a violation [of this Chapter] continues is a separate offense.

72 *Approved:*

73 /S/	12/13/00
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Blair G. Ewing, President, County Council	Date

74 *Approved:*

75 Returned unsigned	12/19/00
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Douglas M. Duncan, County Executive	Date

76 *This is a correct copy of Council action.*

77 /S/

12/20/00

Mary A. Edgar, CMC, Clerk of the Council

Date