

**Pesticides Regulation – Chapter 33 Section 33B-6 of the Montgomery County Code, 1994  
as Amended  
Effective Date – April 22, 2003**

**A. Definitions**

- Pesticide Retailer*      A person that sells at retail non-bulk pesticides or non-bulk quantities of a material that contains a pesticide.
- Non-bulk Pesticides*    Any pesticide distributed, sold, offered for sale, packaged or repackaged in containers designed for less than 10 gallons of liquid or less than 56 pounds of dry weight.
- Properly labeled*        The written, printed or graphic matter that appears on or is attached to a pesticide or its immediate container and the outside container or wrapper of any retail package of pesticide contains sufficient instructions for use and caution to satisfy the requirements of State and Federal pesticide labeling laws.

**B. Regulations**

1. Display and Storage of Pesticides
  - a. Pesticides, whenever displayed or stored in a retail establishment, must be physically separated from food, medicine, beverages or feed.
  - b. A pesticides display or storage area must contain only pesticide containers that are properly labeled and are free of leaks, cracks, tears or open seams.
2. Pesticide Spills
  - a. A pesticide retailer must promptly clean up any spilled pesticide product upon discovery of the spill.
  - b. Disposal: A pesticide retailer must dispose of pesticide that escapes from its container or packaging only in accordance with applicable State and Federal laws.
  - c. Repackaging: A pesticide retailer may repackage a pesticide that escapes from its container for return to the distributor if:
    - 1) The retailer has an agreement that provides for the return of spilled pesticide.
    - 2) The procedures used by the retailer to repackage the pesticide for return to the distributor comply with applicable State and Federal laws.
3. Public Education
  - a. A pesticide retailer must make available to each purchaser of pesticides written materials on general pesticide use and safety explaining the dangers of contamination that may occur from pesticide use, and information on the availability of alternative products.
  - b. Written materials need not be product specific and must be prominently displayed in a conspicuous place at or near the point of sale.

**C. Penalty for Violating Chapter 33 Section 33B-6**

1. Any violation of this chapter is a Class C violation (\$50.00 fine).
2. Each day the violation continues is a separate offense.