

HOUSE BILL 660

M4

11r1314
CF SB 785

By: **Delegates Frush, Healey, Lafferty, and Niemann**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Pesticides – Use, Release, Sale, and Purchase Reporting**

3 ~~FOR the purpose of requiring the Department of Agriculture to adopt certain~~
4 ~~regulations regarding the reporting on the use, release, sale, and purchase of~~
5 ~~certain pesticides; declaring certain findings of the General Assembly; requiring~~
6 ~~certain persons that use, release, sell, or purchase certain pesticides to submit~~
7 ~~certain reports to the Department; requiring the reports to contain certain~~
8 ~~information; requiring certain restricted use pesticides reports to be submitted~~
9 ~~at least monthly in a manner required by the Department; requiring certain~~
10 ~~pesticides reports to be submitted annually beginning on a certain date;~~
11 ~~requiring the Department to establish the format of the reports; requiring the~~
12 ~~Department to adopt standard naming conventions for certain chemicals and~~
13 ~~products; requiring a person that withholds certain information from a certain~~
14 ~~report to notify the Department and provide a certain explanation; establishing~~
15 ~~that this Act does not relieve a person from certain reporting requirements~~
16 ~~under federal, State, or local laws; authorizing the Department to inspect~~
17 ~~certain records; requiring certain records to be made available to the~~
18 ~~Department for inspection at a certain time; requiring the Department to~~
19 ~~provide notice of a certain inspection of records to a certain person; requiring~~
20 ~~the Department to serve as the repository for certain records; authorizing the~~
21 ~~Department to delegate certain data management functions; authorizing the~~
22 ~~Department to share data management resources with other State~~
23 ~~departments; requiring the Department to establish an online electronic~~
24 ~~reporting system; requiring the online electronic reporting system to allow~~
25 ~~certain information to be reported; authorizing the Department to adopt certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~regulations regarding electronic reporting; authorizing the Department to adopt regulations regarding the public availability of certain information; requiring the Department to adopt regulations to ensure that certain data will not result in the association of the data with a certain person; requiring the Department to adopt regulations to protect the identity of certain persons; limiting access to certain reports to certain persons; prohibiting access to certain reports unless certain requirements are met; requiring the availability of certain administrative and judicial review under certain circumstances; creating a Pesticide Use and Release Fund; providing for the administration of the Fund; requiring the Fund to be used for certain purposes; requiring the Fund to have an annual revenue target; requiring the Department to set the revenue target and adjust the target based on certain conditions; requiring certain penalties and fees to be deposited into the Fund; requiring the Department to place a certain surcharge on certain fees; requiring the surcharge fees to be deposited into the Fund; requiring the surcharge fees to be used for a certain purpose; prohibiting the violation of this Act; establishing the penalties for certain violations; providing for the enforcement of this Act; requiring the Department to establish a tracking system for certain pesticide purchases; defining certain terms; and generally relating to pesticide release reporting.~~

FOR the purpose of requiring the Department of Agriculture to establish a certain public information program on certain uses of pesticides in the State; requiring the Department to collect certain pesticide use information from certain persons at least every certain number of years; requiring the Department to prepare a report on certain information every certain number of years; requiring the Department to make a certain report available to the public under certain circumstances; and generally relating to pesticide use reporting.

~~BY repealing and reenacting, without amendments,
Article – Agriculture
Section 5-201(a), (g), (l), and (r)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – Agriculture
~~Section 5-2A-01 through 5-2A-20 to be under the new subtitle “Subtitle 2A-
Use, Release, Sale, and Purchase of Pesticides”~~ Section 2-109
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Agriculture

~~5-201.~~

1 ~~(a) In this subtitle the following words have the meanings indicated.~~

2 ~~(g) "Labeling" means all written, printed, or graphic matter:~~

3 ~~(1) Accompanying the pesticide or device at any time; or~~

4 ~~(2) To which reference is made on the label or in literature~~
5 ~~accompanying the pesticide or device, except to current official publications of the:~~

6 ~~(i) Environmental Protection Agency;~~

7 ~~(ii) United States Departments of Agriculture, Interior, and~~
8 ~~Health and Human Services;~~

9 ~~(iii) State experiment stations;~~

10 ~~(iv) State agricultural colleges; or~~

11 ~~(v) Other similar federal or State institutions or agencies~~
12 ~~authorized by law to conduct research in the field of pesticides.~~

13 ~~(h) "Pesticide" means any substance or mixture of substances intended for:~~

14 ~~(1) Preventing, destroying, repelling, or mitigating any pest;~~

15 ~~(2) Use as a plant regulator, defoliant, or desiccant; or~~

16 ~~(3) Use as a spray adjuvant such as a wetting agent or adhesive.~~

17 ~~(i) "Restricted use pesticide" means a pesticide so classified by the provisions~~
18 ~~in this title or by the federal government or the Secretary of Agriculture, State of~~
19 ~~Maryland.~~

20 ~~**SUBTITLE 2A. USE, RELEASE, SALE, AND PURCHASE OF PESTICIDES.**~~

21 ~~**PART I. DEFINITIONS; GENERAL PROVISIONS.**~~

22 ~~**5-2A-01.**~~

23 ~~**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**~~
24 ~~**INDICATED.**~~

25 ~~**(B) "FUND" MEANS THE PESTICIDE USE AND RELEASE FUND**~~
26 ~~**ESTABLISHED UNDER § 5-2A-13 OF THIS SUBTITLE.**~~

1 ~~(C) "LABELING", "PESTICIDE", AND "RESTRICTED USE PESTICIDE"~~
2 ~~HAVE THE MEANINGS STATED IN § 5-201 OF THIS TITLE.~~

3 ~~(D) "RELEASE" MEANS ANY PESTICIDE APPLICATION OR SPILL THAT~~
4 ~~DOES NOT COMPLY WITH PESTICIDE LABELING INSTRUCTIONS.~~

5 ~~(E) "USE" MEANS ANY PESTICIDE APPLICATION THAT COMPLIES WITH~~
6 ~~PESTICIDE LABELING INSTRUCTIONS.~~

7 ~~5-2A-02.~~

8 ~~THE GENERAL ASSEMBLY FINDS THAT:~~

9 ~~(1) THE USE AND RELEASE OF PESTICIDES INTO THE~~
10 ~~ENVIRONMENT CAN HAVE A NEGATIVE EFFECT ON PUBLIC HEALTH AND THE~~
11 ~~ENVIRONMENT;~~

12 ~~(2) NEGATIVE EFFECTS TO THE STATE'S AIR, WATER, AND LAND~~
13 ~~RESOURCES CAN OCCUR EVEN IF PESTICIDES ARE USED IN FULL ACCORDANCE~~
14 ~~WITH APPROVED APPLICATIONS AND LABELING INSTRUCTIONS WHEN WEATHER~~
15 ~~AND OTHER SITUATIONS RESULT IN PESTICIDES ENTERING THE ATMOSPHERE,~~
16 ~~SOILS, GROUNDWATER, STREAMS, RIVERS, LAKES, OR ESTUARIES;~~

17 ~~(3) SIGNIFICANT EFFORTS ARE UNDERTAKEN AT GREAT EXPENSE~~
18 ~~TO IDENTIFY AND TRACK PESTICIDES IN THE ENVIRONMENT;~~

19 ~~(4) WITHOUT INFORMATION ON THE PATTERNS OF THE SALE,~~
20 ~~USE, AND RELEASE OF PESTICIDES, IT IS COSTLY AND CHALLENGING TO DESIGN~~
21 ~~APPROPRIATE MONITORING, TRACKING, EVALUATION, AND PROTECTION~~
22 ~~PROGRAMS;~~

23 ~~(5) IT IS JUSTIFIED AND APPROPRIATE TO REQUIRE THAT~~
24 ~~CERTAIN INFORMATION ON THE SALE, USE, AND RELEASE OF PESTICIDES THAT~~
25 ~~ARE POTENTIALLY HARMFUL ENVIRONMENTAL CONTAMINANTS AND~~
26 ~~POTENTIAL ELEMENTS OF TERRORIST ACTIVITIES BE ASSEMBLED FOR THE~~
27 ~~PURPOSES OF ASSURING THE PROTECTION OF HUMAN AND ENVIRONMENTAL~~
28 ~~HEALTH;~~

29 ~~(6) IT IS RECOGNIZED THAT RESTRICTED USE PESTICIDES MAY~~
30 ~~POTENTIALLY BE USED BY TERRORISTS AND THAT THE TRACKING OF~~
31 ~~INFORMATION REGARDING THE PURCHASE AND SALE OF RESTRICTED USE~~
32 ~~PESTICIDES MAY BE USEFUL IN IDENTIFYING POTENTIALLY UNLAWFUL AND~~
33 ~~THREATENING USES OF THESE PESTICIDES;~~

1 ~~(2) THE PURCHASE AND SALE OF RESTRICTED USE PESTICIDES.~~

2 ~~5-2A-06.~~

3 ~~(A) A PERSON REQUIRED TO SUBMIT A REPORT UNDER THIS PART~~
4 ~~SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT INDICATING:~~

5 ~~(1) THE QUANTITIES OF THE PESTICIDE USED OR RELEASED IN~~
6 ~~AT LEAST ANNUAL TOTALS OR AS REQUIRED BY THE DEPARTMENT;~~

7 ~~(2) THE TYPES OF PESTICIDE USED OR RELEASED;~~

8 ~~(3) THE LOCATIONS WHERE PESTICIDE IS USED OR RELEASED;~~

9 ~~(4) PESTICIDE MONTHLY OR SEASONAL USE PATTERNS;~~

10 ~~(5) THE INTENDED PURPOSES OF THE PESTICIDE APPLICATION~~
11 ~~OR RELEASE, INCLUDING:~~

12 ~~(i) CROPS TO WHICH PESTICIDE IS APPLIED; AND~~

13 ~~(ii) TARGETED ORGANISMS FOR PESTICIDE USE;~~

14 ~~(6) THE 16-DIGIT U.S. GEOLOGICAL SURVEY UNIT CODE FOR~~
15 ~~THE WATERSHED, OR EQUIVALENT CODE ESTABLISHED BY THE DEPARTMENT,~~
16 ~~IN WHICH PESTICIDE WAS USED OR RELEASED; AND~~

17 ~~(7) ANY INFORMATION RELATING TO PESTICIDE USE OR RELEASE~~
18 ~~THAT THE SECRETARY REQUIRES.~~

19 ~~(B) RESTRICTED USE PESTICIDE SALE AND PURCHASE REPORTS~~
20 ~~REQUIRED UNDER THIS PART SHALL BE SUBMITTED AT LEAST MONTHLY IN A~~
21 ~~MANNER REQUIRED BY THE DEPARTMENT.~~

22 ~~(C) PESTICIDE USE AND RELEASE REPORTS REQUIRED UNDER THIS~~
23 ~~PART OR REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE SHALL~~
24 ~~COVER THE PRECEDING CALENDAR YEAR AND BE SUBMITTED ANNUALLY TO~~
25 ~~THE DEPARTMENT BEGINNING ON MARCH 1, 2013.~~

26 ~~(D) (1) THE DEPARTMENT SHALL SPECIFY THE FORMAT OF REPORTS~~
27 ~~REQUIRED UNDER THIS PART.~~

1 ~~(2) THE DEPARTMENT SHALL ADOPT STANDARD NAMING~~
2 ~~CONVENTIONS AND CATEGORIES FOR THE VARIOUS CHEMICAL NAMES,~~
3 ~~PRODUCT NAMES, AND PRODUCT FORMULATIONS.~~

4 ~~(E) A PERSON THAT WITHHOLDS INFORMATION FROM A REPORT~~
5 ~~REQUIRED UNDER THIS SECTION BASED ON A CLAIM THAT THE INFORMATION IS~~
6 ~~CONFIDENTIAL BUSINESS INFORMATION SHALL:~~

7 ~~(1) NOTIFY THE DEPARTMENT THAT INFORMATION IS BEING~~
8 ~~WITHHELD; AND~~

9 ~~(2) PROVIDE AN EXPLANATION FOR THE CLAIM THAT THE~~
10 ~~WITHHELD INFORMATION IS CONFIDENTIAL.~~

11 ~~(F) THIS SECTION DOES NOT RELIEVE A PERSON FROM ANY OTHER~~
12 ~~REPORTING REQUIREMENTS UNDER FEDERAL, STATE, OR LOCAL LAWS.~~

13 ~~5-2A-07.~~

14 ~~(A) THE DEPARTMENT MAY INSPECT ANY RECORDS OR REPORTS OF~~
15 ~~PESTICIDE USE, RELEASE, SALE, AND PURCHASE BY A PERSON.~~

16 ~~(B) ON REQUEST BY THE DEPARTMENT, A PERSON SHALL MAKE~~
17 ~~RECORDS AVAILABLE FOR INSPECTION BY THE DEPARTMENT DURING NORMAL~~
18 ~~BUSINESS HOURS.~~

19 ~~(C) IF THE DEPARTMENT INTENDS TO INSPECT RECORDS AT THE~~
20 ~~LOCATION WHERE THE RECORDS ARE MAINTAINED, THE DEPARTMENT SHALL~~
21 ~~PROVIDE ADVANCE NOTICE OF NOT LESS THAN 1 WEEK TO THE PERSON IN~~
22 ~~POSSESSION OF THE RECORDS.~~

23 ~~5-2A-08.~~

24 ~~(A) THE DEPARTMENT SHALL SERVE AS THE REPOSITORY FOR DATA~~
25 ~~REGARDING PESTICIDE USE, RELEASE, SALE, AND PURCHASE IN THE STATE.~~

26 ~~(B) THE DEPARTMENT MAY DELEGATE THE MANAGEMENT OF ITS DATA~~
27 ~~REPOSITORY FUNCTIONS TO ANOTHER STATE AGENCY OR PRIVATE~~
28 ~~CONTRACTOR.~~

29 ~~(C) THE DEPARTMENT MAY SHARE SYSTEMS AND RESOURCES WITH~~
30 ~~OTHER STATE DEPARTMENTS TO OPTIMIZE THE MANAGEMENT AND SHARING OF~~
31 ~~ITS DATA REPOSITORIES.~~

1 ~~5-2A-09.~~

2 (A) (1) ~~THE DEPARTMENT SHALL ESTABLISH AN ONLINE~~
3 ~~ELECTRONIC REPORTING SYSTEM FOR THE SUBMITTAL OF REPORTS REQUIRED~~
4 ~~UNDER THIS PART.~~

5 (2) ~~THE ONLINE ELECTRONIC REPORTING SYSTEM FOR USE AND~~
6 ~~RELEASE SHALL INCLUDE MEANS FOR A PERSON TO IDENTIFY THE WATERSHED~~
7 ~~OF THE USE OR RELEASE SITE AS REQUIRED UNDER § 5-2A-06(A)(6) OF THIS~~
8 ~~PART.~~

9 (B) (1) ~~THE DEPARTMENT MAY ADOPT REGULATIONS FOR THE~~
10 ~~PURPOSE OF ACHIEVING RECEIPT OF 90% OF REPORTS REQUIRED UNDER THIS~~
11 ~~PART BY ONLINE ELECTRONIC SUBMISSION BY 2013.~~

12 (2) ~~THE DEPARTMENT MAY ADOPT REGULATIONS REQUIRING~~
13 ~~ALL REPORTS TO BE SUBMITTED ELECTRONICALLY AFTER JANUARY 1, 2016.~~

14 ~~5-2A-10.~~

15 (A) ~~THE DEPARTMENT MAY ADOPT REGULATIONS REGARDING ACCESS~~
16 ~~BY THE PUBLIC TO INFORMATION SUBMITTED TO OR MAINTAINED BY THE~~
17 ~~DEPARTMENT REGARDING PESTICIDES USED, RELEASED, SOLD, AND~~
18 ~~PURCHASED IN THE STATE.~~

19 (B) (1) ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO:~~

20 (I) ~~ENSURE THAT PUBLICLY DISTRIBUTED DATA WILL NOT~~
21 ~~RESULT IN THE ASSOCIATION OF ANY DATA WITH A PERSON; AND~~

22 (II) ~~PROTECT THE IDENTITY OF A PERSON REQUIRED TO~~
23 ~~SUBMIT A REPORT UNDER THIS PART.~~

24 (2) ~~ACCESS TO INDIVIDUAL REPORTS SHALL BE LIMITED TO:~~

25 (I) ~~GOVERNMENT AGENCIES; AND~~

26 (II) ~~RESEARCH ORGANIZATIONS THAT HAVE A REGULATORY~~
27 ~~OR ACADEMIC INTEREST IN THE USE, RELEASE, SALE, OR PURCHASE OF~~
28 ~~PESTICIDES.~~

29 (3) ~~ACCESS TO INDIVIDUAL REPORTS MAY NOT BE PROVIDED TO~~
30 ~~AN ENTITY LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS THE~~
31 ~~ENTITY:~~

1 ~~(I) DEMONSTRATES IT HAS ADEQUATE SECURITY~~
2 ~~MEASURES TO PREVENT THE RELEASE OF INFORMATION THAT IS~~
3 ~~ATTRIBUTABLE TO A PERSON SUBMITTING A REPORT; AND~~

4 ~~(II) SIGNS AN AGREEMENT TO KEEP CONFIDENTIAL THE~~
5 ~~IDENTITY OF A PERSON THAT HAS SUBMITTED A REPORT.~~

6 ~~(C) FOR MATTERS RELATING TO THE DEPARTMENT'S PROTECTION OF~~
7 ~~THE IDENTITY OF A PERSON REQUIRED TO SUBMIT A REPORT, A PERSON SHALL~~
8 ~~BE ENTITLED TO:~~

9 ~~(1) A REVIEW BY AN ADMINISTRATIVE LAW JUDGE; AND~~

10 ~~(2) AN APPEAL TO A COURT OF COMPETENT JURISDICTION, AS~~
11 ~~AUTHORIZED BY STATE LAW.~~

12 ~~5-2A-11. RESERVED.~~

13 ~~5-2A-12. RESERVED.~~

14 ~~PART III. PESTICIDE USE AND RELEASE FUND.~~

15 ~~5-2A-13.~~

16 ~~(A) THERE IS A PESTICIDE USE AND RELEASE FUND IN THE~~
17 ~~DEPARTMENT.~~

18 ~~(B) THE SECRETARY SHALL ADMINISTER THE FUND.~~

19 ~~(C) (1) (I) EXCEPT AS PROVIDED BY SUBPARAGRAPH (II) OF THIS~~
20 ~~PARAGRAPH, THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
21 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

22 ~~(II) IF THE FUND HAS SUFFICIENT MONEY TO COVER ALL~~
23 ~~COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE FOR THE~~
24 ~~UPCOMING FISCAL YEAR, THE DEPARTMENT MAY TRANSFER EXCESS MONEY TO~~
25 ~~AN ACCOUNT IN THE DEPARTMENT FOR THE PURPOSE OF ADMINISTERING THE~~
26 ~~OFFICE OF THE STATE CHEMIST.~~

27 ~~(2) THE STATE TREASURER SHALL HOLD THE FUND~~
28 ~~SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

29 ~~(D) THE FUND CONSISTS OF:~~

1 ~~(1) REVENUE DISTRIBUTED TO THE FUND UNDER THIS SUBTITLE;~~

2 ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

3 AND

4 ~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED~~
5 ~~FOR THE BENEFIT OF THE FUND.~~

6 ~~(E) THE FUND SHALL BE USED FOR:~~

7 ~~(1) THE COLLECTION, MANAGEMENT, AND ANALYSIS OF DATA~~
8 ~~RECEIVED BY THE DEPARTMENT FROM PERSONS REQUIRED TO REPORT IN~~
9 ~~ACCORDANCE WITH THIS SUBTITLE OR REGULATIONS ADOPTED IN~~
10 ~~ACCORDANCE WITH THIS SUBTITLE;~~

11 ~~(2) ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE; AND~~

12 ~~(3) IN ACCORDANCE WITH SUBSECTION (C)(1)(H) OF THIS~~
13 ~~SECTION, THE ADMINISTRATION OF THE OFFICE OF THE STATE CHEMIST IN~~
14 ~~THE DEPARTMENT.~~

15 ~~(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE~~
16 ~~FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

17 ~~(2) ANY INTEREST OR OTHER INVESTMENT EARNINGS OF THE~~
18 ~~FUND SHALL BE CREDITED AND PAID INTO THE FUND.~~

19 ~~(G) (1) THE FUND SHALL HAVE AN ANNUAL REVENUE TARGET.~~

20 ~~(2) THE ANNUAL REVENUE TARGET SHALL BE SET AND ADJUSTED~~
21 ~~ANNUALLY BY THE DEPARTMENT IN RESPONSE TO DOCUMENTED PROGRAM~~
22 ~~NEEDS OR CHANGES IN THE COST OF LIVING INDEX USED BY THE STATE.~~

23 ~~(3) THE REVENUE TARGET SHALL BE SET AT A LEVEL SUFFICIENT~~
24 ~~TO COVER ALL COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE.~~

25 ~~5-2A-14.~~

26 ~~ANY FEE OR PENALTY COLLECTED IN ACCORDANCE WITH THIS SUBTITLE~~
27 ~~SHALL BE DEPOSITED INTO THE FUND.~~

28 ~~5-2A-15.~~

1 ~~(A) THE DEPARTMENT SHALL PLACE A SURCHARGE ON REGISTRATION~~
2 ~~FEES RELATED TO PESTICIDES IN AN AMOUNT SUFFICIENT TO GENERATE~~
3 ~~FUNDS TO MEET THE ANNUAL REVENUE TARGET ESTABLISHED UNDER §~~
4 ~~5-2A-13(C) OF THIS PART.~~

5 ~~(B) THE SURCHARGE PORTION OF REGISTRATION FEES UNDER~~
6 ~~SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF~~
7 ~~SUPPORTING THE DEVELOPMENT AND OPERATION OF, AND COMPLIANCE WITH,~~
8 ~~THE REPORTING PROGRAMS REQUIRED UNDER THIS SUBTITLE.~~

9 ~~(C) THE SURCHARGE ON THE PESTICIDE REGISTRATION FEES SHALL BE~~
10 ~~DEPOSITED INTO THE FUND.~~

11 ~~5-2A-16. RESERVED.~~

12 ~~5-2A-17. RESERVED.~~

13 ~~PART IV. ENFORCEMENT AND PENALTIES.~~

14 ~~5-2A-18.~~

15 ~~A PERSON MAY NOT KNOWINGLY OR RECKLESSLY SUBMIT FALSE~~
16 ~~INFORMATION IN RESPONSE TO A REPORTING REQUIREMENT UNDER THIS~~
17 ~~SUBTITLE.~~

18 ~~5-2A-19.~~

19 ~~(A) A PERSON SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO~~
20 ~~EXCEED \$100 FOR AN INITIAL NOTICE OF NONCOMPLIANCE WITH THIS~~
21 ~~SUBTITLE.~~

22 ~~(B) FAILURE TO SUBMIT A REPORT OR PAY THE FEES AS REQUIRED~~
23 ~~UNDER THIS SUBTITLE ON SECOND AND SUBSEQUENT NOTICES DELIVERED AT~~
24 ~~LEAST 30 DAYS FROM THE INITIAL OR PREVIOUS NOTICE SHALL BE SUBJECT TO~~
25 ~~A PENALTY IN AN AMOUNT NOT TO EXCEED \$10,000 FOR EACH NOTICE.~~

26 ~~(C) KNOWINGLY SUBMITTING FALSE INFORMATION TO THE~~
27 ~~DEPARTMENT IN A REPORT REQUIRED UNDER THIS SUBTITLE SHALL BE~~
28 ~~SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$20,000.~~

29 ~~(D) A PERSON THAT VIOLATES AN AGREEMENT OF CONFIDENTIALITY~~
30 ~~UNDER § 5-2A-10 OF THIS SUBTITLE SHALL BE SUBJECT TO A PENALTY IN AN~~
31 ~~AMOUNT NOT TO EXCEED \$10,000.~~

1 ~~5-2A-20.~~

2 ~~(A) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROVISIONS AND~~
3 ~~PROCEDURES OF TITLE 12 OF THIS ARTICLE SHALL BE USED AND APPLIED TO~~
4 ~~ANY PERSON THAT KNOWINGLY OR RECKLESSLY VIOLATES:~~

5 ~~(1) THIS SUBTITLE; AND~~

6 ~~(2) ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE.~~

7 ~~(B) A PENALTY IMPOSED FOR A VIOLATION OF THIS SUBTITLE IS~~
8 ~~PAYABLE TO THE FUND AND MAY BE COLLECTED IN ANY MANNER PROVIDED BY~~
9 ~~LAW FOR THE COLLECTION OF DEBTS.~~

10 ~~(C) THE DEPARTMENT AND OTHER AGENCIES ASSIGNED TO SUPPORT~~
11 ~~THE DEPARTMENT SHALL ENFORCE THIS SUBTITLE.~~

12 ~~(D) UNLESS A PERSON SERVED WITH NOTICE OF A PENALTY UNDER~~
13 ~~THIS PART MAKES A WRITTEN REQUEST FOR A HEARING WITHIN 30 DAYS OF~~
14 ~~RECEIPT OF THE NOTICE, THE PENALTY IS CONSIDERED FINAL.~~

15 ~~(E) IF A PERSON REQUIRED TO PAY A FINAL PENALTY IMPOSED UNDER~~
16 ~~THIS PART FAILS TO PAY WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL,~~
17 ~~A LIEN SHALL BE RECORDED AGAINST ANY REAL PROPERTY OWNED BY THE~~
18 ~~PERSON IN THE AMOUNT OF THE PENALTY, TOGETHER WITH INTEREST AND ANY~~
19 ~~COSTS THAT MAY ACCRUE.~~

20 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

21 ~~(a) The Department of Agriculture shall establish a tracking system to~~
22 ~~facilitate the reporting, recording, and investigating of suspicious pesticide purchases.~~

23 ~~(b) The tracking system shall include:~~

24 ~~(1) A toll free telephone line for citizens to anonymously report~~
25 ~~suspicious pesticide purchases; and~~

26 ~~(2) A database, maintained by the Department, to record all citizen~~
27 ~~reports.~~

28 ~~(c) Once a report has been entered into the database, the Department shall:~~

29 ~~(1) Review the report; and~~

1 ~~(2) Forward to the appropriate federal or State law enforcement~~
2 ~~agency any report the Department determines to contain credible evidence of~~
3 ~~potentially dangerous or illegal activity.~~

4 ~~(d) On or before October 1, 2012, the Department shall adopt regulations to~~
5 ~~carry out these provisions.~~

6 **2-109.**

7 **(A) THE DEPARTMENT SHALL ESTABLISH A PUBLIC INFORMATION**
8 **PROGRAM FOR THE COLLECTION OF INFORMATION ON PESTICIDE USE IN THE**
9 **STATE IN ACCORDANCE WITH THIS SECTION.**

10 **(B) AT LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL COLLECT**
11 **INFORMATION ON PESTICIDE USE IN THE STATE FROM:**

12 **(1) FARM OPERATORS;**

13 **(2) PRIVATE APPLICATORS CERTIFIED UNDER § 5-207 OF THIS**
14 **ARTICLE;**

15 **(3) PEST CONTROL BUSINESSES LICENSED UNDER § 5-207 OF**
16 **THIS ARTICLE; AND**

17 **(4) PUBLIC AGENCIES PERMITTED UNDER § 5-207 OF THIS**
18 **ARTICLE.**

19 **(C) THE INFORMATION ON PESTICIDE USE COLLECTED UNDER**
20 **SUBSECTION (B) OF THIS SECTION SHALL INCLUDE, BY CALENDAR YEAR:**

21 **(1) THE TYPE OF PESTICIDE;**

22 **(2) THE ACTIVE INGREDIENT IN THE PESTICIDE; AND**

23 **(3) THE TOTAL AMOUNT OF PESTICIDE USED.**

24 **(D) (1) EVERY 5 YEARS, THE DEPARTMENT SHALL PREPARE A**
25 **REPORT ON THE INFORMATION COLLECTED UNDER THIS SECTION.**

26 **(2) ON REQUEST, THE DEPARTMENT SHALL MAKE THE REPORT**
27 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE TO THE**
28 **PUBLIC.**

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.