

HOUSE BILL 1025

M4, M1

1lr2165

By: **Delegate Terrasa**

Introduced and read first time: February 5, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Pesticides – Carbofuran – Collection, Disposal, and Prohibition on Possession or**
3 **Storage**

4 FOR the purpose of requiring the Department of Agriculture, in coordination with the
5 Department of Natural Resources, to establish a certain program to address the
6 illegal use of carbofuran and to eliminate stockpiles of carbofuran in the State;
7 prohibiting a person from possessing or storing any quantity of carbofuran in the
8 State on or after a certain date; authorizing the Secretary of Agriculture, the
9 Secretary of Natural Resources, or a Natural Resources police officer to seize any
10 quantity of carbofuran for certain purposes; establishing certain penalties; requiring
11 the Department of Agriculture, in coordination with the Department of Natural
12 Resources, to adopt certain regulations; defining a certain term; and generally
13 relating to carbofuran.

14 BY adding to

15 Article – Agriculture

16 Section 5–2B–01 through 5–2B–04 to be under the new subtitle “Subtitle 2B.
17 Carbofuran”

18 Annotated Code of Maryland

19 (2016 Replacement Volume and 2020 Supplement)

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

22 **Article – Agriculture**

23 **SUBTITLE 2B. CARBOFURAN.**

24 **5–2B–01.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 IN THIS SUBTITLE, "CARBOFURAN" MEANS A PESTICIDE:

2 (1) FOR WHICH THE FEDERALLY APPROVED USES WERE
3 VOLUNTARILY CANCELED IN 2009 AFTER THE U.S. ENVIRONMENTAL PROTECTION
4 AGENCY CONCLUDED THAT DIETARY, WORKER, AND ECOLOGICAL RISKS WERE
5 UNACCEPTABLE FOR ALL USES;

6 (2) THAT WAS COMMONLY MARKETED UNDER THE TRADE NAME
7 FURADAN; AND

8 (3) THAT HAS BEEN IMPLICATED IN THE KILLING OF WILDLIFE.

9 **5-2B-02.**

10 (A) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF
11 NATURAL RESOURCES, SHALL ESTABLISH A PROGRAM TO:

12 (1) ADDRESS THE ILLEGAL USE OF CARBOFURAN IN THE STATE; AND

13 (2) ELIMINATE STOCKPILES OF CARBOFURAN IN THE STATE.

14 (B) THE PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION
15 SHALL:

16 (1) REQUIRE THAT ALL QUANTITIES OF CARBOFURAN BE COLLECTED
17 BY 2023;

18 (2) ENSURE THAT ALL QUANTITIES OF CARBOFURAN THAT ARE
19 COLLECTED OR SEIZED UNDER THIS SUBTITLE ARE DESTROYED IN ACCORDANCE
20 WITH BEST MANAGEMENT PRACTICES UNDER THE DEPARTMENT'S PESTICIDE
21 DISPOSAL PROGRAM; AND

22 (3) SET FORTH ENFORCEMENT PROCEDURES TO ADDRESS
23 VIOLATIONS OF § 5-2B-03 OF THIS SUBTITLE.

24 **5-2B-03.**

25 (A) ON AND AFTER JANUARY 1, 2024, A PERSON MAY NOT POSSESS OR
26 STORE ANY QUANTITY OF CARBOFURAN IN THE STATE.

27 (B) THE SECRETARY, THE SECRETARY OF NATURAL RESOURCES, OR A
28 NATURAL RESOURCES POLICE OFFICER MAY SEIZE ANY QUANTITY OF CARBOFURAN
29 TO ENFORCE THIS SECTION.

1 **(C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,500.**

3 **(2) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION**
4 **OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
5 **TO A FINE NOT EXCEEDING \$4,000, OR IMPRISONMENT NOT EXCEEDING 1 YEAR, OR**
6 **BOTH.**

7 **5-2B-04.**

8 **THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF NATURAL**
9 **RESOURCES, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

10 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
11 **October 1, 2021.**