



**Maryland
Department of Agriculture**

Office of Plant Industries and Pest Management

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin M. Atticks, Secretary
Steven A. Connelly, Deputy Secretary

Pesticide Regulation

Agriculture | *Maryland's Leading Industry*
mda.maryland.gov

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401

410-841-5710 Baltimore/Washington
410-841-2765 Fax

October 1, 2024

Megan Weil Latshaw, PhD MHS,
Children's Environmental Health and Protection Advisory Council (CEHPAC)

Dear Dr. Latshaw,

Thank you for your letter dated August 19, 2024, received by the Maryland Department of Agriculture (MDA) on September 20, 2024, regarding pesticide use in schools. MDA currently addresses children's environmental health by enforcing state laws regarding pesticides. MDA also enforces the federally mandated laws and regulations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In addition, all pesticides in Maryland are required to be applied per federally mandated labeling directions in which children's environmental health is considered during the Environmental Protection Agency's (EPA) registration process.

Further, MDA routinely conducts integrated pest management inspections in every county public school system during which time records are reviewed. MDA does not routinely collect records, nor do we feel that it is necessary, unless conducting complaint investigations. MDA does not have the funding or data support to have a pesticide application records reporting database for the 1,400 public schools in Maryland, especially when records of pesticide applications are readily available at each school and can be produced upon request. MDA suggests having a discussion with the Maryland State Department of Education (MSDE), who has a representative on CEHPAC, about availability of records. MDA has no authority to require private schools to comply with the regulations, however, with the EPA's assistance IPM practices have been discussed with private schools over the years and is an ongoing conversation.

MDA's IPM in school regulations only pertain to pesticide applied during the school year, which is defined by each county board of education as the time when public schools are regularly open for students. MDA understands there may be summer school and/or other school activities taking place outside of the current definition and would be willing to discuss this further with CEHPAC and MSDE.

Antimicrobials are exempted from the IPM in school regulations. This is consistent with other state IPM programs and with IPM in school guidelines issued by the EPA. MDA as well as other state IPM programs and the EPA have exempted antimicrobial pesticide from school IPM programs so as not to interfere with the ability of the custodial crew, teachers, staff or nurses to disinfect an area, whether due to a sick child or a health emergency. The antimicrobial exemption allows for the prompt disinfecting of an area rather than waiting for a certified or registered applicator. All product label directions/restrictions must be followed. Failure to do so is a violation of the product label and should be immediately reported to MDA. Furthermore, your letter mentions regulation of the use of antimicrobial hand soaps and hand sanitizers. Those products are regulated by the Federal Drug Administration (FDA) and MDA has no authority over any regulatory issues pertaining to those products. MDA also has no authority over Education Article §5-112, however, if the green product makes a pesticidal claim as defined by the regulations, it must be registered with EPA and/or the department as a pesticide and all label directions must be adhered to.

MDA does not agree with the assertion that a data gap exists within the current regulations. All Maryland public schools (K-12) must keep and maintain records for a period of two years and make them available to anyone who requests them. Again, if CEHPAC would like to see electronic reporting, MDA respectfully requests that it be discussed with MSDE.

In closing, the protection of children should be paramount for all of us. MDA has always taken this responsibility seriously. MDA is routinely audited by the EPA and the regulations meet and/or exceed the guidelines for IPM in schools developed by the EPA. As CEHPAC has seen in our Joint Chairman Report (JCR), since the inception of the regulations MDA has received a small number of formal complaints. Additionally, most violations being seen are technical in nature and can be corrected during inspections. MDA is currently unaware of any child being injured by any pesticide application performed in a school or on school grounds in the 20 plus years these regulations have been in place.

Again, thank you for your letter. Should you have any additional questions or concerns, please do not hesitate to reach out to Rob Hofstetter, MDA Pesticide Regulation Program Manager at rob.hofstetter@maryland.gov.

Sincerely,



Kevin M. Atticks, DCD
Secretary of Agriculture