

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**  
Underlining  
[Single boldface brackets]  
Double underlining  
[[Double boldface brackets]]  
\* \* \*

*Heading or defined term.*  
*Added to existing law by original bill.*  
*Deleted from existing law by original bill.*  
*Added by amendment.*  
*Deleted from existing law or the bill by amendment.*  
*Existing law unaffected by bill.*

*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].

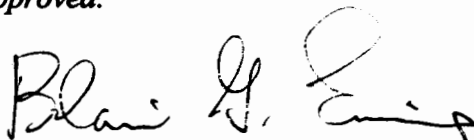
65 (b) The [county] Executive must include in the regulations adopted under  
66 this Section the minimum size or quantity of pesticide subject to Section  
67 33B-4 [of this Code].

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   
Blair G. Ewing, President, County Council

  
Date

74 *Approved:*

75 RETURNED UNSIGNED  
Douglas M. Duncan, County Executive

DECEMBER 19, 2000  
Date