



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject PESTICIDES	Number 7-25
Originating Department DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date

Montgomery County Regulation on:

PESTICIDES

Issued by: County Executive

Regulation No. 7-25

COMCOR No. 33B.00.01

Authority: Code Section 33B-5

Council Review: Method (2) under Code Section 2A-15

Register Vol. 42 No. 4

Comment Deadline: 04/30/2025

Effective Date: _____

Sunset Date: None

Summary: This regulation, which amends Executive Regulation No. 23-16AM, updates the list of environmentally detrimental invasive species required under Code Section 33B-5(c).

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COMCOR 33B.00.01 Pesticides

33B.00.01.01 General Provisions

- A. Authority. In accordance with the authority conferred under Chapter 33B, Section 33B-5, of the Montgomery County Code, 2014, as amended (hereinafter referred to as the “Code”), the County Executive hereby promulgates this regulation to implement County law pertaining to public education and safety measures required of retail sellers of pesticides as set forth in Chapter 33B of the Code.
- B. Applicability. This regulation applies to all pesticide retailers that are subject to Chapter 33B of the Code.
- C. Definitions. The definitions of the terms used in this regulation are provided in Chapter 33B, Section 33B-1, of the Code. For purposes of this regulation, the following additional words and phrases will have the meaning respectively ascribed to them in this regulation:

Director of Environmental Protection - The Director of the Montgomery County Department of Environmental Protection or the Director’s designee.

Director of Health and Human Services - The Director of the Montgomery County Department of Health and Human Services or the Director’s designee.

Food Service Facility - Any enterprise that prepares or sells food or drink for human consumption on or off the premises. Food service facility includes any restaurant, coffee shop, retail market, cafeteria, short-order café, luncheonette, tavern, sandwich stand, soda fountain; and any food service facility in an industry, institution, hospital, club, school, church, catering kitchen, or camp.

Landscaped Environment - An area of land covered by a lawn or altered from its natural state by a playground, mulched recreation area, or other improvement that is subject to the pesticide use restrictions under Section 33B-10 of the Code.

Waterbody Environment - Any area of land managed by the Parks Department within 25 feet of a waterbody that is subject to the pesticide use restrictions under Section 33B-14 of the Code.

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.

Pesticide Producer Establishment - Any place assigned an establishment number by the U.S. Environmental Protection Agency where a pesticide or device or active ingredient used in creating a pesticide is produced, or held, for distribution or sale.

Pesticide Retailer - A person that sells at retail non-bulk pesticides or non-bulk quantities of a material that contains a pesticide.



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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.

33B.00.01.02 Display and Storage of Pesticides

- A. A pesticide retailer must ensure that all pesticides, whenever displayed or stored in a retail establishment, are physically separated from food, medicine, beverages, or feed. The retailer must display or store the pesticides across the aisle from any food, medicine, beverages, or feed or place a solid, nonporous, physical barrier between those products and any pesticide. The retailer must take other reasonable precautions if necessary to prevent a pesticide from contaminating any product that is likely to be ingested by a human or a domestic animal. Reasonable precautions may include storing pesticide products in a locked container.
- B. A pesticide display or storage area must contain only pesticide containers that are properly labeled and are free of leaks, cracks, tears, or open seams.

33B.00.01.03 Pesticide Spills

- A. A pesticide retailer must promptly clean up any spilled pesticide product upon discovery of the spill.
- B. Disposal
 - 1. A pesticide retailer must not dispose of a pesticide that escapes from its container or packaging except in accordance with applicable state and federal laws.
 - 2. A pesticide retailer must not dispose of a pesticide by discharging or dumping the pesticide or the pesticide container or packaging into a sewer, ditch, lake, or any other area that may release the pesticide into ground or surface waters.
- C. Repackaging
 - 1. A pesticide retailer may repackage a pesticide that escapes from its container for return to the distributor of that product if:
 - a. the retailer has an agreement that provides for the return of spilled pesticides; and
 - b. the procedures used by the retailer to prepare the product for its return to the distributor comply with applicable state and federal laws.
 - 2. A pesticide retailer must not repackage a pesticide for sale to customers unless the retailer is registered with the U.S. Environmental Protection Agency as a pesticide producer establishment.



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33B.00.01.04 Inspections

- A. The Director of Health and Human Services must routinely inspect food service facilities for compliance with County pesticide laws in the regular course of performing any food safety inspection required under Chapter 15 of the Code.
- B. The Director of Environmental Protection must investigate each complaint alleging a violation of County pesticide laws by a retailer other than a food service facility and may conduct any other on-site visit necessary to achieve compliance with the laws.

33B.00.01.05 Public Education

- A. A pesticide retailer must make written materials on general pesticide use and safety available to each purchaser of non-bulk pesticides at each site where pesticides are available for purchase. Notice of the availability of the written materials must be prominently displayed at those sites in a conspicuous place as near to the point of sale as practicable.
- B. Although the written materials displayed under this Section need not be product- specific, the materials must:
1. be obtained from or have the prior approval of the Department of Environmental Protection; and
 2. include information that advises the general public about opportunities for consumers to consider recommended alternative pest control measures.

33B.00.01.06 Invasive Species - Landscaped Environments

The following table lists invasive species designated by the Executive as detrimental to a landscaped environment under Section 33B-5(c) of the Code. A landscaped environment includes any area of land covered by a lawn or altered from its natural state by a playground, mulched recreation area, or other improvement that is subject to the pesticide use restrictions under Section 33B-10 of the Code. A person may apply a registered pesticide to control these designated species in a landscaped environment. Registered pesticides may only be applied directly to these species when they are present, and must not be used in anticipation of these species being present or applied to any area of a landscaped environment where they are not present.

Scientific Name	Common Name
<u>Artemisia vulgaris</u>	<u>Mugwort</u>
Fallopia japonica	Japanese Knotweed
Ficaria verna	Lesser Celandine
[Microstegium vimineum*]	[Japanese Stiltgrass*]



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Oplismenus undulatifolius	Wavyleaf Basketgrass
[* The evaluation of this species is ongoing.]	
33B.00.01.07 Invasive Species - Waterbody Environments	
<p>The following table lists invasive species designated by the Executive as detrimental to a waterbody environment under Section 33B-5(c) of the Code. A waterbody environment is any area of land managed by the Parks Department within 25 feet of a waterbody that is subject to the pesticide use restrictions under Section 33B-14 of the Code. A person may apply a registered pesticide to control these species in a waterbody environment. Registered pesticides may only be applied directly to these species when they are present, and must not be used in anticipation of these species being present or applied to any area of a waterbody environment where they are not present.</p>	
Scientific Name	Common Name
Aegopodium podagraria	Bishop Weed; Goutweed
Ailanthus altissima	Tree of Heaven
Ampelopsis brevipedunculata	Porcelain Berry
<u>Artemisia vulgaris</u>	<u>Mugwort</u>
Berberis thunbergii	[Japanese] <u>Red</u> Barberry
Celastrus orbiculatus	[Oriental] <u>Round Leaf</u> Bittersweet
Elaeagnus umbellata	Autumn Olive
Euonymus fortunei	Winter Creeper
Fallopia japonica	[Japanese Knotweed] <u>Fleeceflower</u>
Ficaria verna	Lesser Celandine
Hedera helix	[English] <u>Common</u> Ivy
Houttuynia cordata	Chameleon Plant
Humulus japonicus	[Japanese] <u>Wild</u> Hop[s]
Iris pseudacorus	Yellow Flag Iris
Lonicera japonica	[Japanese] <u>Hall's</u> Honeysuckle
Lonicera maackii	Amur Honeysuckle
Lonicera morrowi	Morrow's Honeysuckle



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Lonicera standishii	Standish's Honeysuckle
Lonicera tatarica	Tatarian Honeysuckle
Microstegium vimineum	[Japanese] <u>Packing Grass</u> /Stiltgrass
Oplismenus undulatifolius	Wavyleaf Basketgrass
Pennisetum alopecuroides	Fountain Grass
Persicaria perfoliata	Mile-a-Minute
<u>Phalaris arundinacea</u>	<u>Reed Canary Grass</u>
<u>Phragmites australis</u>	<u>Phragmites</u>
Phyllostachys spp.	Running Bamboo
<u>Pseudosasa japonica</u>	<u>Arrow Bamboo</u>
Pyrus calleryana 'Bradford'	Callery/Bradford Pear
Rosa multiflora	Multiflora Rose
<u>Typha spp.</u>	<u>Cattails</u>
<u>Trapa spp.</u>	<u>Water Chestnut</u>
Wisteria sinensis	Chinese Wisteria
Wisteria floribunda	Japanese Wisteria

33B.00.01.08 Severability

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.

Approved:

Marc Elrich
County Executive

Date



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APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY:



Assistant County Attorney

3/13/25

Date