

ANSWERS TO QUESTIONS REALTORS SHOULD KNOW ABOUT PESTICIDES

Questions and Answers for Realtors Regarding Pest or Pesticide Issues

- 1. Does the Maryland Department of Agriculture (MDA) have any regulatory authority regard the performance of wood destroying insect inspections made in connection with a property transfer or for the purpose of securing a real estate loan?**

Yes, the Maryland Pesticide Applicator's Law authorizes the Secretary of Agriculture to establish guidelines and requirements for all licensees, certificate holders, and permittees for the identification of pests and their methods of inspection of property to determine the presence of pests.

- 2. Does the MDA require the use of a specific inspection report form for reporting the findings of a wood destroying insect inspection?**

Yes, the Regulations pertaining to the Maryland Pesticide Applicator's Law require that licensees performing wood destroying insect inspections are required to accurately report all their findings in writing to the person or persons for whom the inspection was performed. The licensee is required to report these findings using Form MD-1.

- 3. What, if any, requirements are there for any individual or company that performs pest inspection service?**

The Maryland Pesticide Applicator's Law and Regulations pertaining to the law define pest control as engaging in, or offering to engage in, recommending, advertising, soliciting the use of, supervising the use of, or using, a pesticide or device for the identification, control, eradication, mitigation, detection, inspection, or prevention of a pest in, on, or around any house, building, water, air, land, plant, structure, or animal. The law and regulations also require that each place of business offering or performing pest control services (including pest inspections) shall be licensed with the MDA, in those pest control categories for which the licensee wished to offer and provide services. In order to obtain and maintain a license, the licensee employ and individual or individuals that are certified, by MDA, in those pest control categories for which the place of business is licensed.

4. What types of licenses, certificates and registration identification card does MDA issue firms that offer pest inspections, including wood destroying insect inspections and what credentials must they and their employees have?

MDA issues Pesticide Business licenses to commercial firms that offer and provide pest control and pest detection/identification services. Employees of these firms that are performing pest control services must be either certified as a pesticide applicator or registered as a pest control technician by MDA. MDA also issues Pest Control Consultant Licenses to firms. These firms provide pest detection/identification and may make pest control recommendations. Employees of these firms that are performing pest detection/identification or pest control recommendations must be either certified as a pest control consultant or registered as a technician.

5. Who should a realtor, seller or buyer contact if there is a dispute over the findings of a pest inspection report that has been performed by a licensed pest control business or pest control consultant?

If a dispute arises about the findings of a pest inspection, the realtor, seller, or buyer should first contact the firm that conducted the inspection to see if they can resolve the dispute. If they cannot resolve the dispute, then it may be advantageous to get a second opinion from another licensed firm.

6. Does MDA investigate complaints involving pest inspections?

Yes, but only if disputes regarding insect inspections cannot be resolved by the inspection firm and/or a second opinion. Should this be the case, the realtor, seller or buyer can contact MDA's Pesticide Regulation Section at 410-841-5710.

7. Is pesticide spraying by farmers harmful to health?

No, pesticide may be sold in the United States until the U.S. Environmental Protection Agency (EPA) has reviewed the manufacturer's application for registration and determined that the use of the product does not present an unreasonable risk to humans, wildlife, or the environment. As part of EPA's registration process, the EPA must approve all language that the manufacturer/registrant proposes to include in the product labeling. EPA reviews the labeling to make sure it contains all the information needed for the effective use of the pesticide product and that the information is backed up by data submitted (or cited) by the manufacturer. Safely using pesticides depends on using the appropriate pesticide and using it correctly. The label on the pesticide container provides instructions for use of the pesticide. The label also includes warnings that are intended to let the user know how to prevent harmful exposure, such as wearing protective clothing, keeping children and pets out of the treated area(s) for certain periods. It is important that anyone applying a pesticide should **Read the pesticide product label first** before applying a pesticide.

8. Who would an individual contact if they have concerns regarding the spraying of pesticides on farmland?

Individuals having concerns regarding the spraying of pesticides on farmland can get information from several agencies, depending on what type of information they are looking for. They are as follows:

A. Many Maryland Counties have established a process for mediating complaints against agricultural operations, including pesticide applications. Usually, these services are provided by the County's zoning office.

B. The Maryland Department of Agriculture's Pesticide Regulation Section licenses commercial pest control firms and certifies commercial, public agency and private (farmers) applicators and can provide the following type of information and services:

- Verify that a company is licensed to make agricultural pesticide applications.
- Verify if an individual applicator is certified.
- Investigate complaints involving pesticide applications to agricultural commodities.

The Pesticide Regulation can be contacted at 410-841-5710

C. The National Pesticide Information Center (NPIC) is the national pesticide information resource for individuals who want information regarding specific pesticide products. NPIC can assist individuals in a number of ways, including the following:

- Understanding the technical/chemical information on labels.
- Assess toxicity and risks.
- Identify the signs of pesticide poisoning.
- Pesticide cleanup and disposal procedures.

The NPIC can be contact by telephone at 1-800-858-7378 or on line at npic@ace.orst.edu

9. What are the procedures for filing a complaint related to the application of a pesticide?

To file a complaint regarding a pesticide application you can mail, fax or email a Letter of Complaint to the Maryland Department of Agriculture's Pesticide Regulation Section. The Letter of Complaint must include the complainant's contact information (name, address, telephone number or email address) and a description of the complaint. The Letter of Complaint shall also include, when known, the name and contact information for the pesticide applicator. The Pesticide Regulation Section can be reached at 410-841-5710, Fax No. 410-841-2765 and our mailing address is:

Maryland Department of Agriculture
Pesticide Regulation Section
50 Harry S Truman Parkway
Annapolis, MD 21401.