

- (5) TOTAL ACREAGE BEING AFFECTED BY APPLICATION;
- (6) TOXICOLOGICAL PROFILE OF PESTICIDE; AND
- (7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

5-209.

[All] EACH commercial application of [any] A pesticide shall be under the supervision of a [certified custom applicator,] certified pest control applicator[,], or certified public agency applicator who is responsible and liable for the application. [All] EACH [applications] APPLICATION of A restricted use [pesticides] PESTICIDE by a certified private applicator shall be done under his supervision, and he is responsible and liable for the application.

5-210.1.

The Secretary may enter into reciprocal agreements with other states to provide that nonresident applicators OR PEST CONTROL CONSULTANTS [shall] MAY be exempt from [certification] EXAMINATION requirements under this subtitle if certified under equivalent plans of other states approved by the federal Environmental Protection Agency granting similar exemptions to residents of this State, upon payment of such fees as are required by Maryland applicators OR PEST CONTROL CONSULTANTS and upon meeting any additional requirements that may be required in the agreement.

[5-210.2.

Permits issued by the Maryland Department of Agriculture under the Pesticide Applicator's Law, prior to July 1, 1975 are valid unless otherwise provided by federal law or regulation.]

5-210.2.

(A) IN LIEU OF, OR IN ADDITION TO, SUSPENSION OF THE LICENSE, PERMIT OR CERTIFICATE, THE SECRETARY MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ~~\$5,000~~ \$1,000.

(B) IN ADDITION TO REVOCATION OF THE LICENSE, PERMIT OR CERTIFICATE, THE SECRETARY MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ~~\$5,000~~ \$1,000.

(C) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL BE ASSESSED WITH CONSIDERATION GIVEN TO:

(1) THE WILLFULNESS OF THE VIOLATION, THE EXTENT TO WHICH THE EXISTENCE OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE VIOLATOR, AND THE EXTENT TO WHICH THE VIOLATOR EXERCISED REASONABLE CARE;