



# The State of Maryland

## Executive Department

EXECUTIVE ORDER  
01.01.2017.17

### Back River Midge Reduction

- WHEREAS, Midges are an insect species closely related to mosquitoes and black flies;
- WHEREAS, An infestation of midges can be a public and common nuisance on lands and waters used for recreation, employment, or tourism;
- WHEREAS, Swarms of midges can fly into humans' noses and mouths, and pose a health risk to people with asthma and allergies;
- WHEREAS, Densities of 500 midge larvae per square meter are considered a nuisance and can menace the economic welfare of and cause injury to marinas, restaurants, community centers, and other businesses and facilities;
- WHEREAS, The Baltimore County Department of Environmental Protection and Sustainability has reported densities of approximately 12,000 midge larvae per square meter in some areas of the Back River;
- WHEREAS, Nutrient-rich sediment from the Back River Wastewater Treatment Plant has likely contributed to ongoing and uncontrolled infestation of midges;
- WHEREAS, Some marinas on the Back River have reported losing half of their customers because of the midge infestation, and senior citizens' centers have had to limit outdoor activities for their members;
- WHEREAS, The midge infestation on the Back River threatens to spread into the northern Chesapeake Bay;

- WHEREAS, The State has dedicated more than \$288 million in financial aid to Baltimore County to upgrade the Back River Wastewater Treatment Plant with biological nutrient removal (“BNR”) and enhanced nutrient removal (“ENR”) technologies;
- WHEREAS, When completed in 2018, these pending improvements to the Back River Wastewater Treatment Plant will reduce the nutrient-rich sediment that has likely caused the uncontrolled infestation of midges on the Back River;
- WHEREAS, In the interim, it is desirable to significantly reduce the populations of midges in the Back River to provide some relief for local residents;
- WHEREAS, With the goal of suppressing nuisance midges in the tidal waters of the Back River, the Back River Nuisance Midge Expert Panel, a team of scientists, has recommended test applications of bacillus thuringiensis israelensis (“Bti”), which destroys midge larvae but does not have other effects on the environment or other species; and
- WHEREAS, State resources, including general funds of the State, should be expended to retard, eradicate, eliminate, or destroy midges in the Back River.

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Department of Agriculture (the “Department”), in consultation with the Department of Natural Resources, may use the services of a third-party vendor to disseminate, place, or spread Bti in areas of the Back River that have been identified as “hot spots” for midges.

B. In accordance with applicable budgetary and procurement laws, the Department may, to eradicate the infestation of midges on the Back River, expend general funds of the State, funds appropriated in the State budget, or funds otherwise available for use in controlling insects that are a menace to the welfare of the people of the State.

C. In accordance with applicable budgetary and procurement laws, the Department may operate, sell, buy, lease, exchange, rent, or repair any vehicle, vessel, boat, net, or other equipment necessary for the retardation, eradication, elimination, or destruction of the infestation of midges on the Back River.

D. Work to eradicate the infestation of midges on the Back River may be executed by the Department by contract or open account, as is deemed in the State's best interest.

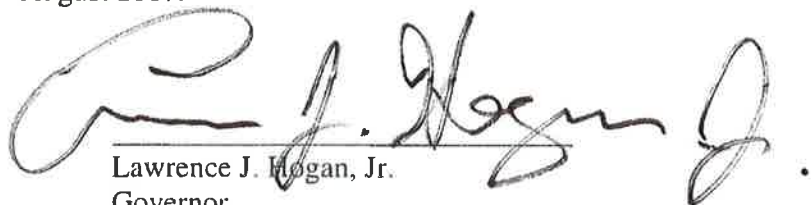
E. To eradicate the infestation of midges on the Back River, the Department may enter any public or private land or property, vehicle, vessel, or aircraft in the State.

F. The Department shall, in conjunction with the Department of Natural Resources, review the effectiveness of the efforts to eradicate the infestation of midges on the Back River.


G. The Department shall cooperate with agencies of the United States, other State agencies, and other persons in carrying out the eradication of the infestation of midges on the Back River.

H. The Department may, in conjunction with the Department of Natural Resources, adopt any regulations desirable to carry out the eradication of the infestation of midges on the Back River.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 10th Day of August 2017.

  
Lawrence J. Hogan, Jr.  
Governor

ATTEST:

  
John C. Wobensmith  
Secretary of State

