

AN ACT Relating to Protecting Children Where They Play

Section 1: This Act shall be referred to as “The Protect Children Where They Play Act”

Section 2: Purpose

It is the intent of the [enacting entity] to prevent unnecessary exposure of children to toxic pesticides, and provide the healthiest learning environment, playgrounds, and playfields possible. By implementing ecological pest management (EPM) on community greens, localities will eliminate reliance on toxic pesticides and protect children’s health, while at the same time successfully managing weeds and pest problems that arise.

Section 3: Findings

WHEREAS children are more susceptible to hazardous impacts from pesticides than adults, and have “critical windows of vulnerability” whereby even small amounts of pesticide exposure can result in significant health effects;

WHEREAS ecological land and building management practices that emphasize organic methods of pest prevention and management will eliminate the use of and exposure to pesticides while controlling pest populations;

WHEREAS toxic pesticides must only be used in a designated emergency situation after other options have been attempted and exhausted, and there is an imminent threat to public health.

WHEREAS pesticides such as glyphosate and formulated Roundup pose health risks, such as cancer, that are not adequately addressed under federal pesticide regulation;

WHEREAS, pesticides are harmful to wildlife, including threatened and endangered species, soil microbiology, and natural ecosystems, and toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, and drinking water sources;

WHEREAS the people of [State_Name] embrace a precautionary approach to the use of toxic pesticides in order to adequately protect people and the environment from pesticides’ harmful effects.

WHEREAS the people of [State_Name] have a fundamental right to know about the use of pesticides where children learn and play;

Section 4: Definitions

A. "Community greens" means any outdoor public grounds owned, managed, or leased by any incorporated county, municipality or other local governing body within the state [State_Name] including a lawn, playground, or sports field, including golf courses and rights-of-way.

B. “Governing body” means the city council or city commission of a city, the board of trustees of a town or village, the council of incorporated counties and the board of county commissioners of counties;

C. “Natural fertilizer” means fertilizers that contain nutrients naturally derived solely from the remains or a byproduct of organisms, or from minerals. The term includes cottonseed meal, soybean meal, fish emulsion, compost, and composted manure, but does not include any fertilizer containing biosolids or synthetic ingredients, or substances that are reacted with acids or produced in a petrochemical process.

D. "Permitted outdoor pesticide" means:

- (1) A pesticide classified by the United States Environmental Protection Agency as an exempt material pursuant to 40 C.F.R. 152.25, as amended; or
- (2) A pesticide including no active ingredients other than those published in the National List at 7 C.F.R 205.601 and 602, as annotated and amended.

E. "Public Grounds" means any real property owned or leased by a local government.

F. "Public Health Emergency" is an unpredictable outbreak of poisonous, or stinging or biting insects that have been determined by a public health agency to be a disease vector or is known to be a health threat.

G. "Public Health Official" means an individual who is employed by a public health department or serve a public health capacity for a public agency.

Section 5: Product Applications; Notice Required

A. No pesticide other than permitted outdoor pesticide shall be applied to community greens, except in as provided by paragraph D of this section, or in the case of a public health emergency, defined in Section 2E, which is to be determined based on a finding by a public health official appointed by the governing body. The finding must include a determination that the use of nontoxic practices and permitted materials will not provide adequate public health protection.

B. Only natural fertilizers shall be applied to community greens. Fertilizers containing synthetic ingredients are prohibited.

C. The application of a pesticide under a public health emergency shall be performed by a certified pesticide applicator.

D. Prior to an emergency pesticide application on community greens, at least 48 hours public notice shall be provided through reasonable means, including but not limited to the Internet website of the governing body, except that if such notice is not practicable, notification shall be posted at the treated site at the time of application, and broader notice through media and social media shall be given to the public within 24 hours after an emergency pesticide application. A copy of each notice of an emergency pesticide application shall be maintained by the governing body for a period of 5 years. Such notice shall include:

- (1) The name of the active ingredient of the pesticide being applied.
- (2) The brand name of the product and copy of the product label.
- (3) The target pest.
- (4) The location of the application.
- (5) The date of application.

E. The following pesticidal materials and activities are exempt from the provisions of this section:

- (1) Commercial agriculture;
- (2) Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;
- (3) Disinfectants, germicides, bactericides, miticides, and virucides, when used in the manner specified by the manufacturer;
- (4) Swimming pool supplies when used in the manner specified by the manufacturer;
- (5) General use paints, stains and sealants, when used in the manner specified by the manufacturer;

(6) Rat and rodent control supplies, when used in the bait boxes that prevent secondary poisoning;
and