

SENATE BILL 149

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1999 Regular Session
(9lr0380)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senators Frosh, Forehand, Conway, Pinsky, Teitelbaum, Van Hollen, and Sfikas**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Schools - Integrated Pest Management**

3 FOR the purpose of extending the applicability of the integrated pest management
4 systems adopted by the county boards of education to certain areas at public
5 schools; providing for certain types of notice to be given before the application of
6 pesticides on school grounds under certain circumstances; requiring the
7 Department of Agriculture to develop certain standards and criteria by a certain
8 date; requiring county boards to develop and implement certain integrated pest
9 management systems for school grounds by a certain date; requiring the
10 Department, in consultation with the Maryland Association of Boards of
11 Education, to submit a certain report to the General Assembly by a certain date;
12 making stylistic changes; providing for a delayed effective date; and generally
13 relating to pesticide application in public schools.

14 BY repealing and reenacting, with amendments,
15 Article - Agriculture

1 Section 5-208.1
2 Annotated Code of Maryland
3 (1985 Replacement Volume and 1998 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Agriculture**

7 5-208.1.

8 (a) (1) In this section, the following words have the meanings indicated.

9 (2) "Contact person" means an individual knowledgeable about
10 integrated pest management and designated by a county board to act under
11 subsection (e) of this section.

12 (3) "County board" has the meaning stated in § 1-101 of the Education
13 Article.

14 (4) "Crack and crevice treatment" means the application of small
15 amounts of a pesticide in a building into openings such as those commonly found at
16 expansion joints, between levels of construction, and between equipment and floors.

17 (5) "Emergency" means a sudden need to mitigate or eliminate a pest
18 which threatens the health or safety of a student or staff member.

19 (6) "Integrated pest management" means a managed pest control
20 program in which methods are integrated and used to keep pests from causing
21 economic, health related, or aesthetic injury through the utilization of site or pest
22 inspections, pest population monitoring, evaluating the need for control, and the use
23 of one or more pest control methods including sanitation, structural repair,
24 nonchemical methods, and, when nontoxic options are unreasonable or have been
25 exhausted, pesticides in order to:

26 (i) Minimize the use of pesticides; and

27 (ii) Minimize the risk to human health and the environment
28 associated with pesticide applications.

29 (7) "Pesticide" does not include:

30 (i) An antimicrobial agent, such as a disinfectant, sanitizer, or
31 deodorizer, used for cleaning purposes; or

32 (ii) Any bait station.

33 (8) "School" means a public school in the public elementary and
34 secondary system of the State.

1 (9) (i) "Space spraying" means application of a pesticide by discharge
2 into the air throughout an area.

3 (ii) "Space spraying" does not include crack and crevice treatment.

4 (10) (i) "Staff member" means an employee of a school system.

5 (ii) "Staff member" includes administrators, teachers, and other
6 support personnel.

7 (iii) "Staff member" does not include:

8 1. A registered employee or applicator certified by the
9 Department; or

10 2. A person assisting in the application of a pesticide.

11 (11) "Universal notification" means written notice by a school to all
12 parents, guardians, and staff members.

13 (b) This section applies to pesticide application in a school BUILDING OR ON
14 SCHOOL GROUNDS.

15 (c) (1) The Department shall develop uniform standards and criteria for
16 implementing integrated pest management systems ~~in~~ ~~FOR~~ schools.

17 (2) THE DEPARTMENT SHALL DEVELOP UNIFORM STANDARDS AND
18 CRITERIA FOR IMPLEMENTING INTEGRATED PEST MANAGEMENT FOR SCHOOL
19 GROUND BY MARCH 15, 2001.

20 (d) (1) A county board shall develop and implement ~~in~~ ~~FOR~~ its schools an
21 integrated pest management system approved by the Secretary.

22 (2) ON OR BEFORE THE BEGINNING OF THE 2001 SCHOOL YEAR, A
23 COUNTY BOARD SHALL DEVELOP AND IMPLEMENT AN INTEGRATED PEST
24 MANAGEMENT SYSTEM FOR SCHOOL GROUNDS APPROVED BY THE SECRETARY.

25 (e) (1) A county board shall designate a contact person.

26 (2) The contact person shall:

27 (i) Act as a contact for inquiries about the integrated pest
28 management system; and

29 (ii) Maintain material safety data sheets and labels for all
30 pesticides which may be used in the school district of the county board.

31 (f) (1) At the beginning of each school year, a school shall include notice of
32 the school's integrated pest management system in the school calendar or other
33 universal notification.

- 1 (2) The notice shall include:
- 2 (i) A statement that explains the school's integrated pest
3 management system and lists any pesticide or bait station that may be used in a
4 school building OR ON SCHOOL GROUNDS as part of the integrated pest management
5 system;
- 6 (ii) The name, address, and telephone number of the contact
7 person;
- 8 (iii) A statement that the contact person maintains the product label
9 or material safety data sheet of each pesticide or bait station that may be used by the
10 school in buildings and on school grounds, that the label or data sheet is available for
11 review by a parent, guardian, staff member, or student attending the school, and that
12 the contact person is available to parents, guardians, and staff members for
13 information and comment; and
- 14 (iv) Instructions for including a parent, guardian, or staff member
15 on a pesticide notification list under subsection (g) of this section.
- 16 (g) (1) At the start of each school year, a school shall develop a pesticide
17 notification list containing each staff member, and parent or guardian of a student
18 attending the school, who requests in writing prior notification of a pesticide
19 application made in the school BUILDING OR ON SCHOOL GROUNDS during the school
20 year.
- 21 (2) The school shall keep the pesticide notification list current and shall
22 add additional names on written request by a staff member, or by the parent or
23 guardian of a student attending the school.
- 24 (3) The school shall make the pesticide notification list available to the
25 Department on request.
- 26 (h) After the start of each school year, a school shall provide the written
27 information required under subsection (f)(2) of this section to a newly employed staff
28 member or the parent or guardian of a student newly enrolled during the school year.
- 29 (i) (1) Except as provided in paragraph (3) of this subsection, at least 24
30 hours before a pesticide is applied in a school building OR ON SCHOOL GROUNDS, the
31 school shall provide to each parent, guardian, and staff member on the pesticide
32 notification list the:
- 33 (i) Common name of the pesticide;
- 34 (ii) Location of the application;
- 35 (iii) Planned date and time of application; and
- 36 (iv) United States Environmental Protection Agency warning that
37 pregnant women should reduce or eliminate exposure to all pesticides.

1 (2) The school may provide prior notification, required under paragraph
2 (1) of this subsection, by:

3 (i) Written notice sent home with the student or provided to the
4 staff member;

5 (ii) Telephone call;

6 (iii) Direct contact; or

7 (iv) Written notice mailed at least 3 days prior to the application.

8 (3) In the case of a pesticide application [in] AT an elementary school, at
9 least 24 hours before the pesticide is applied in a school building OR ON SCHOOL
10 GROUNDS, the school shall provide to each parent or guardian, and staff member:

11 (i) The common name of the pesticide;

12 (ii) The location of the application;

13 (iii) The planned date and time of application;

14 (iv) The following language:

15 "The office of pesticide programs of the United States Environmental Protection
16 Agency has stated:

17 "Where possible, persons who potentially are more sensitive, such as pregnant
18 women and infants (less than two years old), should avoid any unnecessary pesticide
19 exposure."; and

20 (v) A brief description of potential adverse effects based upon the
21 material safety DATA sheet of the pesticides to be applied.

22 (4) Each school system shall develop an appropriate means of in-school
23 notification to students and staff members before a pesticide is applied in a SCHOOL
24 BUILDING OR ON SCHOOL GROUNDS OF A middle school or high school.

25 (5) (I) FOR APPLICATION ON SCHOOL GROUNDS, THE NOTICE OF
26 PLANNED DATE AND TIME OF APPLICATION REQUIRED UNDER THIS SUBSECTION
27 MAY SPECIFY THAT WHETHER CONDITIONS OR OTHER EXTENUATING
28 CIRCUMSTANCES MAY CAUSE THE ACTUAL DATE OF APPLICATION TO BE
29 POSTPONED TO A LATER DATE OR DATES.

30 (II) IF THE ACTUAL DATE OF APPLICATION IS MORE THAN 14 DAYS
31 LATER THAN THE PLANNED DATE PROVIDED IN THE NOTICE, NOTICE OF THE
32 APPLICATION REQUIRED UNDER THIS SUBSECTION SHALL BE REISSUED.

33 (j) (1) Subject to subsection (k) of this section, a school that intends to use
34 space spraying in a school building shall provide written notice at least 1 week
35 beforehand by universal notification.

1 (2) The notice shall be on a separate paper sheet at least 8 1/2 inches by
2 11 inches in size and shall contain:

3 (i) A common name of the pesticide to be used;

4 (ii) A location of the space spraying;

5 (iii) A planned date and time of space spraying;

6 (iv) The following language:

7 "The office of pesticide programs of the United States Environmental Protection
8 Agency has stated:

9 `Where possible, persons who potentially are more sensitive, such as pregnant
10 women and infants (less than two years old), should avoid any unnecessary pesticide
11 exposure.'";

12 (v) If the pesticide is not addressed in the notice sent at the
13 beginning of the school year, a brief description of the pesticide to be applied;

14 (vi) A brief description of potential adverse effects based upon the
15 material safety data sheet of the pesticides to be applied; and

16 (vii) The name and telephone number of the county designated
17 contact person.

18 (k) (1) A pesticide may be applied in a school BUILDING OR ON SCHOOL
19 GROUNDS without prior notification only if an emergency pest situation exists.

20 (2) Except as provided in paragraph (5) of this subsection, within 24
21 hours after an emergency pesticide application IN A SCHOOL BUILDING OR ON
22 SCHOOL GROUNDS, or on the next school day, the school shall notify each parent,
23 guardian, and staff member on the pesticide notification list that a pesticide was
24 applied for emergency pest control.

25 (3) The notification required under paragraph (2) of this subsection shall
26 include the:

27 (i) Common name of the pesticide applied;

28 (ii) Approximate location of the application;

29 (iii) Date of application; and

30 (iv) Reason for the emergency application.

31 (4) Notification under this subsection may be made by:

32 (i) Telephone call;

- 1 (ii) Direct contact; or
 2 (iii) Written notice sent home with the student or provided to the
 3 staff member.

4 (5) In the case of an emergency pesticide application [in] AT an
 5 elementary school, within 24 hours after AN EMERGENCY pesticide application IN A
 6 SCHOOL BUILDING OR ON SCHOOL GROUNDS, or on the next school day, the school
 7 shall provide to each parent, guardian, and staff member:

- 8 (i) The common name of the pesticide;
 9 (ii) The location of the application;
 10 (iii) The date and time of application;
 11 (iv) The following language:

12 "The office of pesticide programs of the United States Environmental Protection
 13 Agency has stated:

14 "Where possible, persons who potentially are more sensitive, such as pregnant
 15 women and infants (less than two years old), should avoid any unnecessary pesticide
 16 exposure."; and

- 17 (v) A brief description of potential adverse effects based upon the
 18 material safety data sheet of the pesticides applied.

19 (l) Each school system shall develop appropriate means of in-school
 20 notification before a bait station is used in [the] A school BUILDING ~~OR ON SCHOOL~~
 21 ~~GROUNDS~~. The means may include a sign posted on the door of the room in which the
 22 bait station is placed.

23 SECTION 2. AND IT BE FURTHER ENACTED, That the Department of
 24 Agriculture, in consultation with the Maryland Association of Boards of Education,
 25 shall report to the General Assembly, in accordance with § 2-1246 of the State
 26 Government Article, by January 1, 2000 on: (a) the status of the Department's
 27 development of uniform criteria and standards for integrated pest management
 28 systems for school grounds; (b) the status of implementation of integrated pest
 29 management systems for school grounds for the 2001 school year; (c) the
 30 implementation of interior integrated pest management systems by schools; and (d) the
 31 participation level of parents, guardians, and staff in the pesticide notification list
 32 required under subsection (i) of § 5-208.1 of the Agriculture Article.

33 SECTION ~~2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
 34 effect July 1, ~~1999~~ 2000.

