

School Environment Protection Act of 2009 (SEPA)

Bill Summary

The School Environment Protection Act (SEPA) ensures a healthy learning environment for children through the management of school buildings and school grounds without toxic pesticides.

Children need better protection from toxic chemical exposure while at school. Numerous scientific studies find that pesticides typically used in schools are linked to both cancer and asthma. Published in the *Journal of the American Medical Association*, a study, *Acute Illnesses Associated with Pesticide Exposure at Schools*, (Vol. 294, No. 4, pp455-465), documents ongoing pesticide poisoning in schools across the country. Authored by Walter A. Alarcon, M.D. (National Institute for Occupational Safety and Health) and numerous state health departments, the study analyzes 2593 poisonings from 1998 to 2002 from three surveillance systems. While the analysis finds overall incident rates of 7.4 cases per million children and 27.3 cases per million employees, the authors conclude, “[T]hese results should be considered low estimates of the magnitude of the problem because many cases of pesticide poisoning are likely not reported to surveillance systems or poisoning control centers.” The authors recommend the adoption of strategies to reduce school pesticide use.

In its report *Third National Report on Human Exposure to Environmental Chemicals*, the Centers for Disease Control’s (CDC) contains striking data on widespread exposure to commonly used neurotoxic pyrethroid pesticides, documenting residues of this chemical in the bodies of over 50 percent of the U.S. population. The chemical is linked to endocrine disrupting effects, respiratory illness and asthma. According to the National Institutes of Health, asthma affected an estimated 14.9 million people and has been increasing over the past 20 years, especially among children.

Children are among the group least protected from pesticide exposure according to the National Academy of Sciences report, *Pesticides in the Diets of Infants and Children*. The report finds that EPA generally lacks the data necessary to protect children. Due to their small size, greater intake of air and food relative to body weight, developing organ systems and other unique characteristics, children are at higher risk than adults from pesticide exposure.

Thirty-five states have taken some protective action to address pesticide use in, around or near their schools. These include a mixture of pesticide restrictions and parental notification and sign posting before certain pesticide use. However, the state protection is uneven across the country and children in 15 states are provided no protection at all.

Safer practices. The legislation requires that the safest methods of pest control are used in school buildings and on school grounds to protect children. As a first step, it requires public schools to use a defined Integrated Pest Management (IPM) program that focuses on using non-chemical strategies that prevent and manage pest problems and only allows least-toxic pesticide use as a last resort. IPM relies on a combination of methods that address sanitation, structural repair, mechanical measures, biological controls and other non-chemical methods inside buildings and additional approaches for turf and ornamental plant management that build healthy soil and natural resistance to pests. The legislation prohibits synthetic fertilizer use on school grounds because of its adverse impact on soil health and waterways.

Least-toxic pesticides. The legislation defines least-toxic pesticides to prohibit the use of carcinogens, reproductive and developmental toxins, nervous system toxicants, endocrine disruptors, and those

chemicals that have not been fully evaluated for health effects. In addition, outdoor pesticides are excluded that adversely affects wildlife, have high soil mobility, or are groundwater contaminants. Specific least-toxic pesticides that may be used at a school include containerized boric acid, silica gels, diatomaceous earth, nonvolatile baits, microbe-based insecticides, and botanical insecticides. There is annual notification of the IPM plan, and individuals may contact the IPM coordinator to find out the specific product use schedule.

Public health emergency provision. If a school determines that there is an urgent need to mitigate or eliminate a pest that threatens the health or safety of students or staff members who cannot otherwise be protected through the use of its IPM program's non-chemical strategies and least-toxic pesticides, the legislation allows for emergency pesticide use of pesticides. The IPM Coordinator must approve the pesticide to be used for the public health emergency. In addition, notification is required to be provided to all parents, guardians, student and staff at least 24 hours prior to the application, the application must be made by a state certified applicator, the application area must be unoccupied for 24 hours following the application, and signs notifying school users of the pesticide application are required to remain posted for 72 hours.

Notification of IPM program. Notification regarding the school's IPM program and IPM coordinator contact information is required to be provided in school communications at the beginning of each school year. This notification also includes a statement that the IPM coordinator maintains pesticide product labels and material safety data sheets on each pesticide, including least-toxic pesticides, that may be used at the school, all of which are available from the IPM coordinator.

National School IPM Advisory Board. The legislation establishes a 12-member National School IPM Advisory Board made up of stakeholders without a conflict of interest who are nominated by the public. Board members will meet at least twice a year and are not compensated except for travel. The Board, with the help of a technical advisory panel, will develop school IPM standards and the list of least-toxic pesticide products.

IPM Coordinator. Each local educational agency is required to designate an IPM Coordinator who will be the contact person for all inquires regarding the IPM program. The IPM Coordinator maintains and makes available to the public information about pesticide applications, pesticide material safety data sheets, labels, EPA fact sheets, official EPA information related to the pesticides in use, and generally acts as a contact for inquiries. Each school is required to maintain all pesticide use data for at least three years.

Pesticides defined. Pesticides includes "any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' does not include cleaning products, other than those that contain pesticidal agents."

Legislation does not preempt states or localities. A state or locality can exceed the provisions of this act. States or localities that already have policies that meet or exceed this act can continue with their implementation.

Authorization. The bill authorizes \$7 million for each fiscal year 2011 through 2015.

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