

# Momentum to Protect Children from School Pesticide Use Catches Fire, Four States Join the Movement

By Kagan Owens

Despite the industry theory of “hot spots,” that good things only happen in certain communities, the movement to protect children from school pesticide use is moving like wildfire across the country. Since the turn of the millennium, four states, Massachusetts, Minnesota, New York, and Vermont have passed laws that aim to protect children from pesticides used in schools, exemplifying the momentum on this issue. The four new state laws demonstrate the varying political climate in state legislatures and industry pressure across the country. Although these laws are a great victory for children, all show some degree of a compromise on providing universal prior notification and decreasing and/or eliminating toxic pesticide use in schools.

With the recent passage of the *Children's and Families' Protection Act*, Massachusetts becomes the first state in the nation to ban the use of the most dangerous pesticides in and around schools. When outdoor pesticides are used, the bill requires 48-hour prior universal notification to students, parents and teachers and requires signs to be posted prior to treatment and remain in place for three days following the treatment. However, the bill contains provisions to waive notification requirements if pesticides are used in a five-day period when school is out of session. Because of long residual lives of many pesticides and their by-products, this provision can undermine the value of notification in many cases. For indoor school pesticide applications, the bill prohibits the use of certain pesticide application methods in areas inaccessible to children and when children are on school property. All schools and state agencies are required to adopt an integrated pest management (IPM) plan. Although this bill has weaknesses, it should be considered, along with Maryland's school pesticide law, a model for other states as it is a positive improvement and establishes landmark requirements regarding the use of pesticides at school. (Signed by governor May 2000.)

Minnesota passed the *Janet B. Johnson Parents' Right-to-Know Act* which requires schools using pesticides classified by the U.S. Environmental Protection Agency (EPA) as toxicity I, II, or III and all restricted use pesticides to provide notification of the school's pesticide use at the beginning of the school year. The act provides for a notification registry for parents. Although this bill is a victory, parents and school staff consider this bill a stepping-stone to more restrictive and protective measures to pesticide use in schools and universal notification of their use. (Signed by governor May 2000.)



Regarding school pesticide notification provisions, New York's *Neighbor Notification Bill* set up a parent and staff registry for those requiring notice before each pesticide application, in combination with universal notice sent to all staff and parents three times a year. For daycare facilities, notice of each pesticide application must be posted two days prior to a treatment in a common area for parents and guardians to see. Pesticide applications made when a school or daycare facility is unoccupied for three continuous days following the application is exempted

from notification requirements. (As of printing, this bill is waiting for the governor to sign.)

Vermont passed two acts, the *Toxic Materials and Indoor Air Quality in Vermont Public Schools Act* and the *Pesticide Advisory Council, Funding and Providing Public Information on the Use of Pesticides Act*, which take a different approach to calling for decreases in school pesticide use. The *Toxic Materials and Indoor Air Quality in Vermont Public Schools Act* directs state agencies to create and maintain a clearinghouse of information to help schools identify and eliminate potential sources of environmental pollution in schools, provide technical assistance to schools, give workshops on environmental health for school personnel, develop a model school environmental health policy, and establish an environmental health certificate to be awarded to schools that have adopted and implemented a plan which goes beyond the provision in the model policy. The *Pesticide Advisory Council, Funding and Providing Public Information on the Use of Pesticides Act* authorizes the state's Pesticide Advisory Council to recommend benchmarks regarding the state goal of achieving an overall reduction in the use of pesticides and to issue an annual report detailing the state's progress in reaching those benchmarks. (Signed by governor May 2000.)

Although some of these new laws have limitations in their protection, all are instrumental in improving protections from pesticides for children while at school. The key to the success of these new laws is going to rely heavily on their implementation and keeping the state agencies and schools accountable.

Across the country, school pesticide laws and policies are becoming more commonplace and the state and community efforts to get such policies adopted are becoming more effective. The momentum behind the school pesticide use issue cannot be stomped out— it can only continue to further drive the movement to success for the rest of the nation. *For more information on state pesticide laws, contact Beyond Pesticides/NCAMP or visit us at [www.beyondpesticides.org](http://www.beyondpesticides.org).*