

The Building of State Indoor Pesticide Policies

Most state laws fail to require pesticide use disclosure and reduced pesticide use for indoor public spaces and residential buildings

by Kagan Owens and Jay Feldman

With limited exceptions, the public is denied basic information on pesticide use in public indoor spaces, residential buildings, and workplaces on a daily basis is repeatedly exposed to low levels of toxic chemicals without its knowledge. Despite advances in pest management techniques that utilize alternative non-chemical measures, requirements that pest managers reduce their reliance on toxic chemicals in public indoor spaces and residential buildings are extremely few. While the federal government has done nothing to require public right-to-know when pesticides are used in public indoor spaces, workplaces, and residential buildings, state governments have begun to step in to take action.

One of the most neglected areas of pesticide regulation is the indoor environment, where pesticides can fill the ambient air, leaving residues on furniture, ceilings, walls, and in the building's ventilation system. In fact, the Environmental Protection Agency's *Nonoccupational Pesticide Exposure Study* (NOPES) found 26 different pesticides in indoor air.¹ Of the 26 pesticides NOPES detected, 19 are nerve poisons, 18 may cause cancer, 15 are mutagens, 15 cause birth defects, and 19 can cause reproductive problems. EPA, in the report, states that the common roach, ant, and termite killers, along with a frequently used disinfectant, are found in the majority of households tested, often at tens times their concentration in outdoor air.

States can and do play a valuable role in protecting people and the environment from such exposures. However, only 12 state governments, barely one-quarter of the states nationwide, have enacted laws that require public notification when pesticides are used in one or more type of public building. Some of these states require different methods of pesticide use notification, including posting notification signs, providing prior notification, and otherwise making available information regarding a

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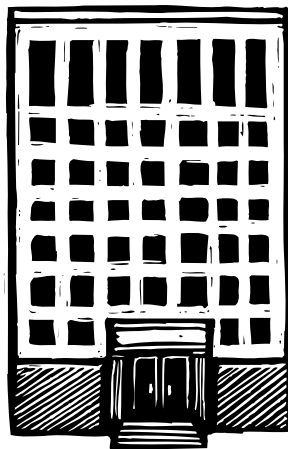
pesticide application. Three states mandate an integrated pest management (IPM) program for state facilities to better protect people. Indoor IPM is an approach to pest management that utilizes a mix of pest prevention and control techniques, including biological, mechanical, sanitation, and, as a last resort, least toxic chemical practices. However, the conventional pest control industry mostly views IPM as a method

that treats toxic pesticides as an equal partner to the non-chemical approaches available, and therefore does not necessarily reduce the inherent hazards of its practices. Of the 12 states, only one state prohibits pesticide use when patients are in hospital rooms. Four states, require that information on pesticide use be made available upon request.

States should require that all types of structural sites such as multiple dwelling complexes, workplaces, government buildings, commercial buildings and restaurants, health care facilities, and schools, provide notification of pesticide use and require an IPM program that utilizes synthetic pesticides only as a last resort.

This report is intended to shed light on the degree to which states, in the case of publicly accessible buildings, require public disclosure, or right-to-know, of pesticide use and mandate IPM. It serves as a tool for those seeking to improve the level of protection from pesticides, either through improved enforcement of existing laws or by the adoption of new ones.

State involvement in pesticide right-to-know and IPM is critical, given the lack of attention to this in the federal pesticide law, *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA), and EPA regulations. People that utilize public space have no way of knowing whether pesticide applications have occurred, nor do they have information on the hazards of the pesticides used. Therefore, the state role in this area is critical. The federal government has yielded this important area of law and regulation to the states, and as a result has contributed to a patchwork of very spotty and uneven protection across the country. In the absence of federal and state attention to these



issues, local jurisdictions have increasingly jumped in to address the concern. However, except in the case of ten states, local governments are preempted, or prohibited, by state law from regulating structural pesticide use on anything other than their publicly owned land.² Therefore, comprehensive law must be adopted at either the state or federal government level.

This is the second report in a series that reviews state pesticide statutes and regulations. School pest management is addressed in a separate study by Beyond Pesticides/NCAMP, entitled *The Schooling of State Pesticide Laws*. (See *Pesticides and You*, Vol. 18, No. 3, 1998.) The review does not identify state laws that address lawn applications, other outdoor pesticide uses, or fumigation requirements. The review does not evaluate state enforcement of their policies and the level of compliance. It is also not a review of local efforts to disclose pesticide use and require IPM in public spaces, which is an important and critical piece of the larger national effort to protect people and the environment from pesticides.

Findings

Only 12 states require disclosure, or right-to-know, in their state laws when pesticides are used in public indoor areas, workplace, or residential building,³ and do so by several different means. This leaves over 75 percent of the states, or the majority of the United States population, without basic protections from pesticides when they are used in publicly accessible buildings. The 12 states, including California, Connecticut, Georgia, Illinois, Maine, Massachusetts, Michigan, Montana, New Jersey, Pennsylvania, Texas, and Virginia, have notification requirements, such as posting or prior notification, for pesticides applied to one or more structural sites. The posting of signs is the most common form of notification. Eight states require posting in one or more structural sites. Five states have requirements for prior notification. Prior notification is generally provided for those who live or work at the site. One state, California, leaves the option of posting or providing notice to the building owner. Two states, Connecticut and Pennsylvania, have established notification registries for people who request to be notified of specific structural pesticide applications. Four states, including California, Delaware, Kansas, and New York, require the information regarding the application to be available upon request. This is the extent to which Delaware, Kansas, and New York regulate in this area. Connecticut law does

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not ensure tenants to be provided label(s) of the pesticides that will be applied. Three states, including Connecticut, Oregon and Washington require state agencies to adopt an IPM program. Only one state, Illinois, has restrictions on the use of pesticides, which are specific to health care facilities only.

Recommendations

No matter what type of facility, notification and posting should be required when all structural pesticide applications take place. No matter what type of pesticide is applied, no matter whom the applicator is, whether commercial applicator or building custodian or owner, all pesticide applications should be preceded by notification of people likely to be exposed, which includes all people who enter the building. Sufficient prior notice, at least 72 hours prior to the application, is necessary for people to prevent any unwanted exposure. Notification in these areas is especially important for people who are sensitive to chemicals as they could be placing their lives in immediate danger just by walking into a grocery store or public library. It is also necessary to enable people to avoid exposure and the associated hazards and risks. If permanent posted notices are required, then temporary posted notices should also be used. Temporary posted notices are needed along with the permanent notices, because people tend to ignore the permanent notices. Signs should be posted at least 72 hours before the application commences and remain in place for an additional 72 hours. Posting signs at entrances and adjacent to the areas treated is an effective way to inform people who would otherwise be completely unaware. Signs should include information on who to contact for further information, the name of the pesticides used, and when and where they will be applied. Information on the potential hazards of the pesticides used should be provided before, and made available at the time and after, the application occurs.

All buildings should use the principles of an IPM program, using alternative non-chemical pest management techniques first, and least toxic pesticides should be used only as a last resort. Proper maintenance of a building's structure and continual pest monitoring is also important to pest prevention in an IPM program.

Multiple Dwelling Complexes

Most people in the United States spend the majority of their day indoors. The use of pesticides in apartments, condominiums, duplexes and other types of multiple dwelling complexes is usually out of the resident's control, thus they are involuntarily exposed to potentially danger-

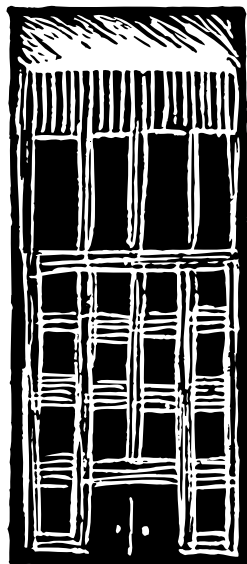


Table 1. Summary of State Right-to-Know Policies Regarding Structural Pest Control

STATE	Multiple Dwelling Complex	Workplace	Government Building	Commercial Building	Health Care Facility
California	<p>Notice to tenants required immediately before initial treatment.</p> <p>Any person may request name of pesticide applied by structural pest control company; company must provide within 24 hours.</p>	<p>Any person may request name of pesticide applied by structural pest control company; company must provide within 24 hours.</p>	<p>Any person may request name of pesticide applied by structural pest control company; company must provide within 24 hours.</p>	<p>Any person may request name of pesticide applied by structural pest control company; company must provide within 24 hours.</p>	<p>Any person may request name of pesticide applied by structural pest control company; company must provide within 24 hours.</p>
Connecticut	<p>Notice of pesticide to be used and notice of registry given to manager or resident of unit to be treated prior to contract and before any additional pesticides used.</p> <p>Registry for residents provides 24 hour prior notice of any application made within 100 yards of adjoining property line.</p>			<p>Registry for tenants & building owners provides 24 hour prior notice of any application made within 100 yards of adjoining property line.</p>	
Georgia			<p>Buildings owned or leased by "an agency," open to public must post sign at entrance & remain for 24 hours, or use permanent notice.</p>		
Illinois					<p>Sign required to be posted at entrance to building and treatment area.</p> <p>Prohibits use of certain pesticides while patients in the treatment area.</p>
Maine	<p>Posting required when application made to residential, commercial or institutional area of "likely human use," and remain for 48 hours.</p>	<p>Posting required when application made to residential, commercial or institutional area of "likely human use," and remain for 48 hours.</p>	<p>Posting required when application made to residential, commercial or institutional area of "likely human use," and remain for 48 hours.</p>	<p>Posting required when application made to residential, commercial or institutional area of "likely human use," and remain for 48 hours.</p>	<p>Posting required when application made to residential, commercial or institutional area of "likely human use," and remain for 48 hours.</p>

Table 1. Summary of State Right-to-Know Policies Regarding Structural Pest Control, continued

STATE	Multiple Dwelling Complex	Workplace	Government Building	Commercial Building	Health Care Facility
Massachusetts	Prior notification 7 days to 48 hours.	Prior notification: "to anyone upon request," "Public building." Post sign at entrance to building or area.	Prior notification: "to anyone upon request," "Public building." Post sign at entrance to building or area. Post sign at entrance to any federal, state or local government building and remain for 48 hours.	Prior notification: "to anyone upon request," "Public building." Post sign at entrance to building or area.	Prior notification: "to anyone upon request," "Public building." Post sign at entrance to building or area. Post sign at entrance to health care facility and remain for 48 hours.
Michigan					
Montana			Post sign at entrance to building owned or leased by a "public agency" and open to public at area treated until pesticide is dry.		
New Jersey	Prior written notification to resident of a multiple family residence to be treated, 48 hours.	Post permanent signs at commercial and public workplaces.	Post permanent signs at "public buildings."	Post sign at treated area in mall, airport, etc. until pesticide has settled or dried.	Post permanent sign at nurse's station at health care facilities.
Pennsylvania	Prior notification, MCS Registry, 72 to 12 hour, if application within 500 feet of one's primary or secondary residence.	Prior notification, MCS Registry, 72 to 12 hour, if application within 500 feet of one's workplace.			
Texas	Prior notification to all residential property units with 5 or more units to be treated & adjacent units, 48 hours. OR post sign in common access areas. 5 or fewer units, notice at time of application.	Workplaces required to give information to anyone who works in the building. Signs posted in common access areas & remain for 48 hours.			
Virginia	Prior notification to tenant unit to be treated, 48 hours.				

ous chemicals that put their health at risk. This is particularly problematic for people with multiple chemical sensitivity (MCS).⁴ However, otherwise healthy people recognize that low level exposure to pesticides can have adverse impact on their nervous and immune system, affect their respiratory system, and lead to chronic effects, such as cancer. People experience, and the scientific literature supports, a range of acute effects such as headaches, nausea, disorientation, inability to concentrate, and breathing and vision problems from exposure to neurotoxic pesticides.⁵

Over the past decade, people with MCS have taken such matters to court and won some important rights. For example, in a landmark housing discrimination suit, *Sally Atkinson v. Lincoln Realty Management Co.* (Docket No. H-4358, 1990), the Pennsylvania Human Relations Commission (PHRC) ordered the realty company to “cease and desist from discriminating on the basis of handicap” by using pesticides near a tenant with MCS. PHRC’s final order in the suit required the management company to “reasonably accommodate” Ms. Atkinson’s handicap by formulating an IPM strategy for areas in and around her building, implementing an organic lawn care maintenance program, and installing better ventilation equipment. A similar decision was reached in 1994 when the Secretary of Housing and Urban Development (HUD), through its Office of General Counsel, issued a MCS-related determination of reasonable cause and charge of discrimination against County Creek Association, Inc. in Vienna, Virginia for violating the *Fair Housing Act*. In a March 5, 1992 HUD memorandum, entitled “Multiple Chemical Sensitivity Disorder and Environmental Illness as Handicaps,” from Associate General Counsel for Equal Opportunity and Administrative Law, HUD recognizes that MCS is a handicap under Section 504 of the *Federal Rehabilitation Act* and subsection 802(h) of the *Fair Housing Act*.

Eight states, including California, Connecticut, Maine, Massachusetts, New Jersey, Pennsylvania, Texas, and Virginia, require notification of structural pesticide applications to residents of multiple dwelling complexes. California and Connecticut have provisions for notification at the time of the initial application while the other five states re-

quire prior notification. Residents can request to be placed on a registry to be notified of structural pesticide applications made to adjoining property in Connecticut. Maine requires posting notification signs at the time of the application. California, Delaware, Kansas, and New York require that information regarding a pesticide application is made available to a tenant upon his/her request. Massachusetts has the longest prior notification requirements of seven days to 48 hours. Texas requires notification to extend beyond the resident of the treated dwelling by including other residents in the building who share ventilation systems and walls.

As a rule, prior notification to all building occupants and posting of signs should take place when pesticide applications occur in hallways, stairwells, laundry rooms, mailrooms and other common access and use areas.

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Workplaces

Five states, including Maine, Massachusetts, New Jersey, Pennsylvania, and Texas, require structural applications to specifically notify employees working in the building. Texas is the only state that requires both prior notification and posting of signs. California, Delaware, Kansas, and New York do not provide

notification of the application but do provide information regarding a structural pesticide application upon request.

Employees should have a right-to-know when pesticides are applied in their workplace. Prior written notification should be given seven days to 72 hours prior to application to all employees that work in the building. Plenty of time needs to be provided in order to notify people who do not work everyday and for those who need to take appropriate measures to miss work in order to avoid exposure. Signs should be posted at each entrance to the building, at a central bulletin in each office, and adjacent to each treated area in order to protect people that missed the written prior notification warning.

Government Buildings

The public has access to numerous government facilities. Five states have notification requirements for structural pesticide applications to government buildings. Georgia, Michigan, and Montana notification requirements specifically pertain to buildings owned or leased by a government agency

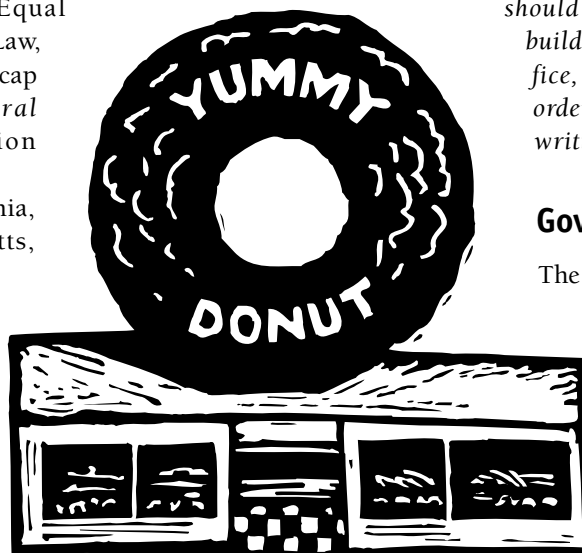


Table 2. Summary of states that require integrated pest management (IPM)

State	Government Buildings
Connecticut	State agencies are required to use IPM at facilities under its control, once commissioner establishes guidelines.
Oregon	State agencies required to use IPM at facilities under its control.
Washington	State agencies required to use IPM at facilities under its control.

and open to the public. Although Massachusetts and New Jersey do not specify government buildings, their notification requirement for “public buildings” includes government. Connecticut, Oregon, and Washington require state agencies to use IPM at their facilities. California and Delaware require information regarding a pesticide application to be available upon request.

In order to inform the public that enter government buildings, notification signs should be posted at each entrance to the building and treated area.

Commercial Buildings

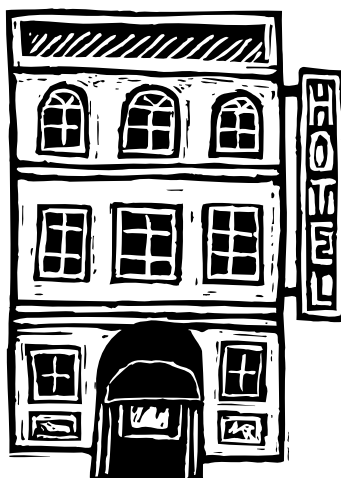
Commercial buildings can include grocery stores, malls, hotels, motels, restaurants and the like. Potential exposure to pesticides applied at these sites is self-evident due to the regularity with which people frequent these types of establishments. Limiting the exposure of customers to pesticide applications is crucial. Four states, including Maine, Massachusetts, Michigan, and New Jersey, require notification for structural pesticide applications to commercial buildings. In Connecticut, building owners or tenants can request to be placed on a registry to be notified of structural pesticide applications made to adjoining property. California and Delaware require information regarding an application to be available upon request.

In order to inform the public who enter these commercial sites, notification signs should be posted at each entrance to the building and treated area.

Health Care Facilities

Pesticides applied in a health care facility can have critical effects on its patients. Five states, including Illinois, Maine, Massachusetts, New Jersey, and Texas specifically require notification of pesticide applications made in health care facilities. Illinois prohibits the use of certain pesticides while patients are in the treated area. California and Delaware require information regarding an application to be available upon request.

All patients should be removed from the pesticide treatment area for at least 72 hours. It is crucial that these facilities have a strong IPM program in place.



State Review





California Structural Pest Control Act, section 8538 of the California Codes, requires a structural pest control company to provide notice to the owner, the owner’s agent, and tenant of the premises to be treated. Notice includes the name of the pest to be treated, the pesticide to be used and a “caution” statement. Notice must be left at the time of the initial treatment, and is provided either by mail, personal delivery or posting at a conspicuous place on the property. The section also states that signs are to be posted at a conspicuous place for structural pesticide applications made to a commercial or industrial building, “unless the owner or owner’s agent objects.” Notice is required for indoor and perimeter structural pest control applications only. California Code of Regulations, title 16, section 1970.4(f), states that a structural pest control company that applies a pesticide within, around or to any structure, must provide the common, generic, or chemical name of each pesticide used to anyone that requests it within 24 hours.





Connecticut Public Act No. 97-242, *An Act Concerning an Integrated Pest Management Program and the Registration of Pesticides*, requires each state department, agency and institution to use IPM at the facilities under its control once the Commissioner of Environmental Protection has provided a model IPM plan. The plans are currently being developed and should be available to the agencies by summer 1999. Connecticut General Statutes, section 22a-66a(a), require a commercial pest control operator, prior to entering into a written or oral agreement, to provide the manager or resident of the property to be treated with information about a registry and the label(s) for the pesticide(s) to be applied. The applicator will provide “to such persons” the label for any other pesticide(s) to be applied prior to the initial application of that pesticide(s). Section 22a-66a(b) states that an owner or tenant can request to be placed on a registry maintained by the commissioner of the Department of Environmental

Protection in order to be notified at least 24 hours in advance of a pesticide application made to adjoining property. Notice includes the time of the application, common name of the pesticide, the location of the application, how to contact the applicator business and is made by telephone, mail or personal notification.


 Delaware Pesticide Rules and Regulations, section 14.01(g), states that a commercial applicator must have a copy of the pesticide label being used at the application site available to those that request a copy. "Any interested person at or adjacent to the application site" can request information contained on the pesticide label from the commercial applicator.

 Georgia House Bill 1317, passed in 1996, requires posting notification signs when restricted use pesticides are applied in public buildings. Public buildings include "buildings owned or leased by an agency, which is open to the public, including but not limited to any building which provides facilities or shelter for public use or assembly or which is used for educational, office or institutional purposes" (1996 GA. LAWS 1317). A notice of pesticide application is required to be at the building's entry, posted before commencement of the application and for 24 hours after. If pesticides are applied regularly, a permanent notice must be posted at the building's entry. Posted notice must include when and where the application is to occur and how to obtain a copy of the material safety data sheet (MSDS) and label of the pesticide(s) applied from the building operator. The building operator is required to keep all records of pesticides applied, including all MSDS' for a period of five years. Georgia Rules and Regulations, section 620-3-.02(k), require posting when structural applications extend six feet outside of a structure.


 Illinois Administrative Code, title 77 section 830.800(g), prohibits the use of any liquid, aerosol, mist, fog, dust or powder pesticide formulation to patient areas or rooms of a health care facility when patients are in the areas or rooms. Health care facilities include, but are not limited to, nursing homes, mental health facilities, and hospitals. This section also requires pest control technicians to post a sign at all entrances to the treated room or area in the health care facility in order to keep all unauthorized individuals out of the treated area. The pest control technician must also provide information regarding the pesticide application to the person responsible for patient care in the treated area.

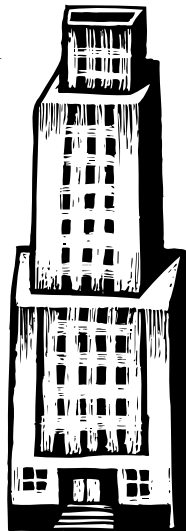
 Kansas Administrative Regulations, section 4-13-4a(c), requires the pesticide business licensee to give the owner or manager information regarding a pesticide application made in an office building, "apartment house" or "other multiple tenant structure." Information regarding the application is available from the owner or manager to any tenant of the residence or business treated upon request.

Only 12 state governments, barely one-quarter of the states nationwide, have enacted laws that require public notification when pesticides are used in one or more type of public building.

 Maine Board of Pesticide Control regulations, chapter 22 section 2(G), requires posting signs for structural pesticide applications when the applications occur in an area of "likely human use." Such areas include any area within 150 feet of a building used for residential, commercial or institutional purposes or are regularly used by persons other than the persons authorizing or conducting the

application. The sign must be posted before the commencement of the application and remain posted for 48 hours afterwards.

 Massachusetts Code of Regulation, title 333 section 13.10, requires notification for indoor pesticide applications. Section 13.10(3)(b) requires commercial applicators to notify residential unit occupants seven days to 48 hours in advance of a pesticide application. Notification must include information regarding the pesticide application, the applicator, ways to minimize exposure, and a statement of precaution for sensitive individuals. Section 13.10(1) requires posting signs for indoor pesticide applications to public buildings by commercial applicators. Public buildings include "buildings where the public has access, work, recreate, including but not limited to commercial buildings, health care facilities, restaurants, hotels, places of worship, stores, airports and other public places" (CMR title 333 § 13.10(1) (1996)). Wood preservatives, enclosed baits and traps are exempt from posting requirements. Signs are posted at entrances to the room or area where the application has occurred, prior to the beginning of the application. Section 13.10(3)(d) states that commercial applicators will "provide pre-notification to anyone upon their request, which will include the date of the next treatment, the locations to be treated and the potential pesticide(s) that may be used" (CMR title 333 § 13.10(d) (1996)). Section 13.10(3)(c)(3) states that the applicator must provide information regarding a previous treatment to any person upon their request.





Michigan Administrative Code, section 285.637.11(4), requires posting signs for an insecticide application to a commercial or public building or health care facility. A public building is defined as a building that is owned or operated by a federal, state or local government. The building manager is to post signs, given to him/her by the applicator, at the entrances to the building and keep posted for 48 hours.



Montana Pesticide Act, section 80-8-107 of the Montana Code Annotated, requires posting signs when a building operator or commercial applicator applies pesticides to any public building. A public building is defined as “a building that is owned or leased by a public agency and that is open to the public, including but not limited to a building that is used for education, office, or institutional purposes” (MONT. CODE. ANN. § 80-8-107(1)(b) (1997)). Signs must be posted at the time of the application at each entrance to the building or room. Signs are to remain posted until the pesticide is dry or the reentry interval has expired. If applications take place on a regular basis, signs may be permanently displayed. Signs state how to obtain information regarding the application, including a copy of the MSDS and label for the product(s) used. Posting is not required for pesticide baits, pastes and gels.



New Jersey Administrative Code, title 7 section 30-9.10(b), requires commercial applicators to provide 48 hour prior notification for any commercial structural application to a “multiple family residence.” Notification must be given in writing and include information on the application and how to obtain a copy of the label(s) of the pesticide product(s). Prior notification is not required for crack and crevice applications or flushing agents. Section 30-9.10(c) requires posting permanent signs at “commercial and public buildings” for a pesticide applied by a commercial applicator in order to notify employees of the building. The section continues to state specifically where to post permanent notices in health care facilities, restaurants, hotels and motels, and commercial workplaces. For applications made in malls, stores, airports and “other large public places,” signs are to be posted during the application at the entrance to the treated area and remain posted until the pesticide has settled or dried. Crack and crevice applications at malls, stores, airports and “other large public places” are exempt from the posting requirement.



New York Environmental Conservation Law, section 33-0905(5), requires a certified commercial applicator treating a multiple dwelling, building or structure to supply the owner or owner’s agent of the building with information regarding the pesticide(s) used. This information is available to all “occupants,” upon request, from the owner or agent.



Oregon State Pesticide Control Act, section 634.660 of the Oregon Revised Statutes, requires the following agencies to implement an IPM program: “State Department of Agriculture, State Department of Fish and Wildlife, Department of Transportation, State Parks and Recreation Department, State Forestry Department, Department of Corrections, Oregon Division of Administrative Services and each Oregon institution of higher education for the institution’s own building and grounds maintenance” (OR. REV. STAT. § 634.660 (1995)). Each person responsible for pest management in each agency must be trained in IPM. The law establishes an Interagency Integrated Pest Management Coordinating Committee, which consists of an IPM representative from each agency listed above. Its meetings are open to the public.

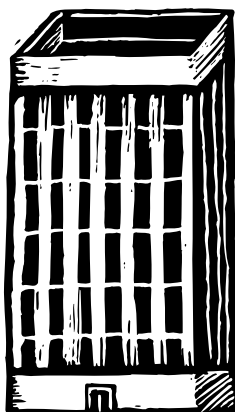
One of the most neglected areas of pesticide regulation is the indoor environment, where pesticides can fill the ambient air, leave residues on furniture, ceilings, walls and in the building’s ventilation system.



Pennsylvania Code, title 7, sections 128.111 to 128.112, establish provisions for the pesticide “hypersensitivity registry” maintained by the Department of Agriculture. The registry provides 12 to 72 hour prior notification for commercial and public pesticide applications that occur within 500 feet of one’s primary home, secondary home and workplace. Prior notification includes information on the pesticide application and, upon request, how an individual can obtain a copy of the label. Placement on the registry requires a doctor’s verification of an individual’s sensitivities to pesticides.



Texas Structural Pest Control Board Regulations, section 595.8, states that when a pesticide is applied by a licensed applicator to a residential property with five or more rental properties, the owner or manager of the property must notify the residents of each unit to be treated and those that share a wall, ceiling or floor to the application area. “Consumer information sheets” regarding the application are left at the front door of or inside each unit 48 hours before each planned treatment. If “consumer information sheets” are not provided, the owner or manager must post notification signs 48 hours prior to the application



in “common access areas.” Section 595.7 of the regulations states that for residential rental properties with less than 5 units, the “consumer information sheets” and the name of the pesticide(s) used must be given to all residents at the time of the application. “Consumer information sheets” state that a copy of the label and MSDS can be obtained from the pesticide licensee. This section also states that employers, building managers, administrators of workplaces, hospitals, nursing homes, hotels, warehouses and food-processing establishments are required to provide, upon request, “consumer information sheets” regarding pesticide applications to anyone who works in the building. Signs must be posted for 48 hours in common access areas to notify all employees. The signs state how to obtain more information on the pesticide(s) applied.



Virginia Landlord and Tenants Act, section 55-248.18(A) of the Code of Virginia, requires a land-

lord to give written notice to a tenant at least 48 hours prior to his/her application of a pesticide in the tenant's dwelling unit.



Washington Revised Code, chapter 17.15, requires all state agencies that have pest control responsibilities, including the Department of Agriculture, State Noxious Weed Control Board, Department of Ecology, Department of Fish and Wildlife, Department of Transportation, Parks and Recreation Commission, Department of Natural Resources, Department of Corrections, Department of General Administration and each state

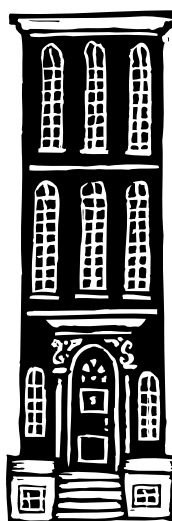
People have a right to be informed about the use and adverse effects of pesticides to which they are potentially exposed in public indoor spaces and residential buildings.

institution of higher education, for the institution's own building and grounds maintenance, to follow the principles of IPM. Each state agency listed is required to designate an IPM coordinator. The Interagency IPM Coordinating Committee consists of the IPM coordinators from each state agency listed and a representative from the Department of Labor and Industries and the Office of the Superintendent of Public Instruction. All committee meetings are open to the public.

Conclusion

People have a right to be informed about the use and adverse effects of pesticides to which they are potentially exposed in multiple dwelling complexes, workplaces, government buildings, commercial buildings and health care facilities. In order to avoid exposure to the pesticides applied for structural pest management, laws must require prior notification of the application, posting of signs, access to information regarding the adverse effects of the pesticides used, and the use of a strong IPM program at the site.

For information on the above discussed statutes and regulations and tools on how to organize for the adoption of such policies at the state or local level, please contact Beyond Pesticides/NCAMP. In addition to working at the state or local level to have such policies adopted, work with your building managers and custodians as well.



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- 1 EPA, *Nonoccupational Pesticide Exposure Study (NOPES)*, Atmospheric Research and Exposure Assessment Laboratory, Research Triangle Park, NC, EPA/600/3-90/003, 1990.
- 2 Ten states that do not preempt local governments from regulating structural pesticide use include Alaska, California, Hawaii, Maine, Maryland, Nevada, South Dakota, Utah, Vermont and Wyoming. Please note that California vests local authority in this area solely with the county agriculture commissioners.
- 3 This is a review of state pesticide laws with the exception of the *Landlord and Tenants Act* of Virginia. There may be in some cases other state laws not cited here that regulate pesticide use and notification in dwelling complexes, workplaces, government buildings, commercial facilities or health care facilities.
- 4 MCS is based on five criteria. 1) “The symptoms are reproducible with repeated chemical exposure.” 2) “The condition is chronic.” 3) “Low levels of exposure result in manifestations of the syndrome.” 4) “The symptoms improve or resolve when the incidents are removed.” 5) “Responses occur to multiple chemically unrelated substances.” Nethercott, J.R. et. al., “Multiple chemical sensitivities syndrome: toward a working case definition,” *Archives of Environmental Health* 48:19-26, 1993.
- 5 Ashford, N and Miller, C, M.D., *Chemical Exposures: Low Levels, High Stakes*, New York: Van Nostrand Reinhold, 1991; Sherman, J, M.D., *Chemical Exposure and Disease: Diagnostic and Investigative Techniques*, New York: Van Nostrand Reinhold, 1988