The Schooling of State Pesticide Laws — A Petition
To The Federal Government and a Response

When Beyond Pesticides/NCAMP completed its study, The Schooling of State Pesticide Laws, earlier this year (see Pesticides and You, Vol. 18, No. 3), it shipped the results off to the Administrator of the U.S. Environmental Protection Agency (EPA) and the Secretary of Education, with a petition asking the federal government to address the serious deficiency in the protection of children from pesticides used in our nation's schools. The report shows a patchwork of standards across the states which neglect to fully protect children in five areas: (i) buffer zones to address drift, (ii) posting signs for indoor and outdoor pesticide applications, (iii) prior written notification for pesticide use, (iv) prohibitions on when and where pesticides may be applied, and (v) requirements for integrated pest management plans. What follows is the Beyond Pesticides/NCAMP petition to the federal agencies and a response from the EPA. At the time of printing we are still awaiting an initial response from the U.S. Department of Education.

PETITION TO EPA ADMINISTRATOR BROWNER AND SECRETARY OF EDUCATION RILEY, JANUARY 28, 1999

Dear Administrator Browner and Secretary Riley,

We are writing to urge the Environmental Protection Agency and Department of Education to begin rulemaking to protect children from the use of pesticides at schools across the country. Our formal request to initiate rulemaking in this regard is borne out of the data collected by the National Coalition Against the Misuse of Pesticides (NCAMP), to be released today in a study which documents uneven and inadequate protection of children from school pesticide use in the 50 states. Given your and the administration's interest in protecting children, we know that you do not want to see this situation continue unabated. We are filing this request with both the Environmental Protection Agency and the Department of Education in the hope that the two can work together to make our children's schools a safer place to learn.

NCAMP's study, The Schooling of State Pesticide Laws, reveals a striking lack of protection in five basic areas that together would constitute an adequate standard for protecting children from pesticides at school. While 30 states offer some limited degree of protection in these areas, the federal government has been silent in these areas, allowing children to go off to school each morning facing an unnecessary threat of pesticide exposure in their classrooms and on school grounds. When you break down the number of states that institute some protections in the key areas of exposure and right-to-know, as cited below, the totals shrink considerably. For example, only six states establish buffer or restricted spray zones around schools to try to protect against chemicals drifting into the classroom and school yard. Only five states require that measures are instituted to use less toxic pest management methods in schools through integrated pest management, although the definitions vary considerably.

NCAMP's study evaluates five categories covering critical areas of protection, including: (i) restricted spray (buffer) zones around schools to prevent drifting of chemicals on to school property; (ii) posting warning signs for indoor and outdoor pesticide applications; (iii) prior written notification of pesticide use to parents and school staff; (iv) prohibiting when and where pesticides can be applied at schools; and, (v) use of integrated pest management (IPM) in deciding appropriate pest management approaches. Of the 30 states that offer protection in one or more of these categories, only 16 states address indoor use of pesticides. Overall the level of protection varies widely across the states.

The five categories of protection evaluated in the study are essential ingredients in a program to protect children from pesticides at school. No state has acted in every category and where steps have been taken, they are often much too limited.

The study signals a tremendous need for improved regulatory standards for protecting children from pesticides at their schools. While states need to take stronger action, it is time for the federal government to step up to the plate and institute national standards. The study identifies a patchwork of laws that provide uneven and inadequate protection of children. Our children deserve more than this.

Study Findings

- Only six states recognize the importance of controlling drift by restricting pesticide applications in areas neighboring a school. These restricted spray zones range from 300 feet to 2 1/2 miles. Only Arizona and New Jersey require buffer zones for both ground and aerial pesticide applications.

- Ten states require posting of signs for indoor school pesticide applications. Posted notification signs warn those in the school when and where pesticides have been or are being applied. Texas is exemplary in requiring posting indoor notification signs 48 hours before the application is to begin.

- Twenty-two states require posting of signs for pesticide applications made on school grounds. Rhode Island is exemplary in requiring signs to remain posted for 72 hours after the application commences. Seven states require posting for both indoor and outdoor pesticide applications at schools.

- Nine states have requirements to notify students, parents, and/ or employees of the school before a pesticide application occurs. Arizona and Maryland require that the schools provide prior notification to each parent, guardian and staff member.

- Eight states require schools to inform parents or guardians of their right to be listed on a registry. Registries are viewed by the authors as a less effective notification method because they may eliminate individuals who do not know about toxic exposure. Two of the eight states, Louisiana and Pennsylvania, create the extra barrier of requiring medical verification to be listed.
on a registry. This is even more limiting since it does not allow people to avoid exposure.

- Seven states restrict when and what pesticides may be applied in schools. These prohibitions on use are important in reducing pesticide exposure.
- A strong integrated pest management (IPM) program can eliminate the unnecessary use of toxic pesticides, thereby protecting children. Thirteen states define, recommend or require IPM in their state pesticide laws. Of these, only five states (Connecticut, Maryland, Oregon, Texas and West Virginia) require IPM, and only four states (Illinois, Louisiana, Maine and Montana) recommend it. Three states (Florida, Massachusetts and Pennsylvania) simply define IPM in their law.

As you know, children are at high risk to the adverse effects associated with pesticide exposure. Studies are numerous which document that children exposed to pesticides suffer elevated rates of childhood leukemia, soft tissue sarcoma and brain cancer. Studies link pesticide exposure to the alarming childhood asthma rate and respiratory problems. Because of their affect on the central nervous system, scientists increasingly are associating learning disabilities or attention deficit disorders with low level toxic chemical exposure.

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