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Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Parents' Right to Know - Pesticide Applications - Schools and Child Care Centers**

3 FOR the purpose of requiring principals of public schools and owners or operators of
4 licensed child care centers to notify parents or guardians of certain information
5 before certain pesticide applications; allowing emergency pesticide applications in
6 certain circumstances; requiring a licensee for pest control to provide customers
7 with certain Material Safety Data Sheets in certain circumstances; and generally
8 relating to pesticide applications at schools and child care centers.

9 BY repealing and reenacting, with amendments,
10 Article - Agriculture
11 Section 5-208
12 Annotated Code of Maryland
13 (1985 Replacement Volume and 1995 Supplement)

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

16 **Article - Agriculture**

17 5-208.

18 (a) When a pesticide is applied, or at the time a customer enters into a contract
19 with a licensee for pest control, a licensee shall provide a customer with the following
20 written information:

- 21 (1) Name of licensee;
- 22 (2) Maryland pesticide business license number;
- 23 (3) Telephone number of licensee;
- 24 (4) Common name of pesticide or active ingredient applied;

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1 (5) Pertinent safety information, as determined by the Department,
2 including health risks for humans and animals, about pesticide in the end-use dilution
3 applied;

4 (6) Maryland Poison Center telephone number; [and]

5 (7) THE MATERIAL SAFETY DATA SHEETS CONCERNING THE PESTICIDE
6 APPLIED, WHICH SHALL BE ON FILE AT THE SITE OF APPLICATION AVAILABLE FOR
7 PUBLIC EXAMINATION; AND

8 [(7)] (8) Any other information required by the Department.

9 (b) Upon the customer's request, the licensee shall provide the customer with
10 advance notice of a pesticide application.

11 (C) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
12 AT LEAST 48 HOURS BEFORE A PESTICIDE APPLICATION TO A LAWN, EXTERIOR
13 LANDSCAPE, OR INTERIOR AREA OF A PUBLIC ELEMENTARY OR SECONDARY
14 SCHOOL OR CHILD CARE CENTER LICENSED UNDER TITLE 5 OF THE FAMILY LAW
15 ARTICLE, THE PRINCIPAL OF THE SCHOOL OR THE OWNER OR OPERATOR OF THE
16 CHILD CARE CENTER SHALL PROVIDE STAFF MEMBERS AND A PARENT OR
17 GUARDIAN OF EACH CHILD IN THE SCHOOL OR CHILD CARE CENTER WITH NOTICE
18 IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH OF THE PESTICIDE
19 APPLICATION ALONG WITH THE INFORMATION SPECIFIED IN SUBSECTION (A)(4)
20 AND (5) OF THIS SECTION.

21 (II) THE PRINCIPAL OF THE SCHOOL OR THE OWNER OR
22 OPERATOR OF THE CHILD CARE CENTER SHALL:

23 1. USE BEST EFFORTS TO ENSURE THAT EACH STUDENT
24 TAKES HOME WRITTEN NOTIFICATION OF THE PESTICIDE APPLICATION; AND

25 2. POST A NOTICE OF THE PESTICIDE APPLICATION IN A
26 CENTRAL AREA OF THE SCHOOL OR CHILD CARE CENTER WHERE THE NOTICE IS
27 AVAILABLE FOR ALL STAFF MEMBERS TO READ.

28 (2) (I) EMERGENCY PESTICIDE APPLICATIONS SHALL BE ALLOWED
29 ONLY IN THE EVENT OF AN IMMEDIATE THREAT TO THE HEALTH AND SAFETY OF
30 STUDENTS AND STAFF MEMBERS, AND ONLY WHEN NONTOXIC MEANS HAVE BEEN
31 EXHAUSTED.

32 (II) BEFORE AN EMERGENCY APPLICATION, STUDENTS SHALL
33 VACATE THE PORTION OF THE BUILDING OR GROUNDS TO BE TREATED AND MAY
34 NOT RETURN TO THAT PORTION OF THE BUILDING OR GROUNDS FOR AT LEAST 12
35 HOURS FOLLOWING THE APPLICATION.

36 (III) WITHIN 24 HOURS OR THE NEXT SCHOOL DAY AFTER AN
37 EMERGENCY APPLICATION, THE PRINCIPAL OF THE SCHOOL OR THE OWNER OR
38 OPERATOR OF THE CHILD CARE CENTER SHALL NOTIFY A PARENT OR GUARDIAN
39 OF THE EMERGENCY APPLICATION.

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1 [(c)] (D) (1) A licensee or public agency permittee applying a pesticide to a
2 lawn [or to], exterior landscape, OR INTERIOR [plants] AREA shall post at the time of
3 application a sign.

4 (2) The sign shall remain 48 hours following the pesticide application, after
5 which time the customer is responsible for the removal of the sign.

6 (3) (i) A person may not remove, alter, or deface the sign or agree or
7 conspire with another to remove, alter, or deface the sign within 48 hours of its posting.

8 (ii) The customer or licensee may not be held liable for any penalty for
9 sign removal under this subtitle if the sign is removed by another person or cause over
10 which the customer or licensee has no control.

11 (4) The sign shall:

12 (i) Be clearly visible either from the principal place of access to the
13 property; or

14 (ii) Be clearly visible on the portion of the property where the
15 pesticide is applied.

16 (5) The sign shall contain a uniform statement approved by the Department.

17 [(d)] (E) Before applying an experimental use pesticide, the holder of the
18 required experimental use permit from the U. S. Environmental Protection Agency shall
19 provide the Department with the following information:

20 (1) Name of cooperator;

21 (2) Location of planned application or treatment;

22 (3) Name of active ingredient of pesticide;

23 (4) Purpose of application or use;

24 (5) Total acreage being affected by application;

25 (6) Toxicological profile of pesticide; and

26 (7) Any other information required by the Department.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1996.