
By: **Senators Frosh, Forehand, Conway, Pinsky, Teitelbaum, Van Hollen,
and Sfikas**

Introduced and read first time: January 27, 1999
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Integrated Pest Management**

3 FOR the purpose of extending the applicability of the integrated pest management
4 systems adopted by the county boards of education to certain areas at public
5 schools; making stylistic changes; and generally relating to pesticide application
6 in public schools.

7 BY repealing and reenacting, with amendments,
8 Article - Agriculture
9 Section 5-208.1
10 Annotated Code of Maryland
11 (1985 Replacement Volume and 1998 Supplement)

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

14 **Article - Agriculture**

15 5-208.1.

16 (a) (1) In this section, the following words have the meanings indicated.

17 (2) "Contact person" means an individual knowledgeable about
18 integrated pest management and designated by a county board to act under
19 subsection (e) of this section.

20 (3) "County board" has the meaning stated in § 1-101 of the Education
21 Article.

22 (4) "Crack and crevice treatment" means the application of small
23 amounts of a pesticide in a building into openings such as those commonly found at
24 expansion joints, between levels of construction, and between equipment and floors.

25 (5) "Emergency" means a sudden need to mitigate or eliminate a pest
26 which threatens the health or safety of a student or staff member.

1 (6) "Integrated pest management" means a managed pest control
2 program in which methods are integrated and used to keep pests from causing
3 economic, health related, or aesthetic injury through the utilization of site or pest
4 inspections, pest population monitoring, evaluating the need for control, and the use
5 of one or more pest control methods including sanitation, structural repair,
6 nonchemical methods, and, when nontoxic options are unreasonable or have been
7 exhausted, pesticides in order to:

8 (i) Minimize the use of pesticides; and

9 (ii) Minimize the risk to human health and the environment
10 associated with pesticide applications.

11 (7) "Pesticide" does not include:

12 (i) An antimicrobial agent, such as a disinfectant, sanitizer, or
13 deodorizer, used for cleaning purposes; or

14 (ii) Any bait station.

15 (8) "School" means a public school in the public elementary and
16 secondary system of the State.

17 (9) (i) "Space spraying" means application of a pesticide by discharge
18 into the air throughout an area.

19 (ii) "Space spraying" does not include crack and crevice treatment.

20 (10) (i) "Staff member" means an employee of a school system.

21 (ii) "Staff member" includes administrators, teachers, and other
22 support personnel.

23 (iii) "Staff member" does not include:

24 1. A registered employee or applicator certified by the
25 Department; or

26 2. A person assisting in the application of a pesticide.

27 (11) "Universal notification" means written notice by a school to all
28 parents, guardians, and staff members.

29 (b) This section applies to pesticide application in a school BUILDING OR ON
30 SCHOOL GROUNDS.

31 (c) The Department shall develop uniform standards and criteria for
32 implementing integrated pest management systems [in] FOR schools.

33 (d) A county board shall develop and implement [in] FOR its schools an
34 integrated pest management system approved by the Secretary.

- 1 (e) (1) A county board shall designate a contact person.
- 2 (2) The contact person shall:
- 3 (i) Act as a contact for inquiries about the integrated pest
4 management system; and
- 5 (ii) Maintain material safety data sheets and labels for all
6 pesticides which may be used in the school district of the county board.
- 7 (f) (1) At the beginning of each school year, a school shall include notice of
8 the school's integrated pest management system in the school calendar or other
9 universal notification.
- 10 (2) The notice shall include:
- 11 (i) A statement that explains the school's integrated pest
12 management system and lists any pesticide or bait station that may be used in a
13 school building OR ON SCHOOL GROUNDS as part of the integrated pest management
14 system;
- 15 (ii) The name, address, and telephone number of the contact
16 person;
- 17 (iii) A statement that the contact person maintains the product label
18 or material safety data sheet of each pesticide or bait station that may be used by the
19 school in buildings and on school grounds, that the label or data sheet is available for
20 review by a parent, guardian, staff member, or student attending the school, and that
21 the contact person is available to parents, guardians, and staff members for
22 information and comment; and
- 23 (iv) Instructions for including a parent, guardian, or staff member
24 on a pesticide notification list under subsection (g) of this section.
- 25 (g) (1) At the start of each school year, a school shall develop a pesticide
26 notification list containing each staff member, and parent or guardian of a student
27 attending the school, who requests in writing prior notification of a pesticide
28 application made in the school BUILDING OR ON SCHOOL GROUNDS during the school
29 year.
- 30 (2) The school shall keep the pesticide notification list current and shall
31 add additional names on written request by a staff member, or by the parent or
32 guardian of a student attending the school.
- 33 (3) The school shall make the pesticide notification list available to the
34 Department on request.
- 35 (h) After the start of each school year, a school shall provide the written
36 information required under subsection (f)(2) of this section to a newly employed staff
37 member or the parent or guardian of a student newly enrolled during the school year.

1 (i) (1) Except as provided in paragraph (3) of this subsection, at least 24
2 hours before a pesticide is applied in a school building OR ON SCHOOL GROUNDS, the
3 school shall provide to each parent, guardian, and staff member on the pesticide
4 notification list the:

- 5 (i) Common name of the pesticide;
- 6 (ii) Location of the application;
- 7 (iii) Planned date and time of application; and
- 8 (iv) United States Environmental Protection Agency warning that
9 pregnant women should reduce or eliminate exposure to all pesticides.

10 (2) The school may provide prior notification, required under paragraph
11 (1) of this subsection, by:

- 12 (i) Written notice sent home with the student or provided to the
13 staff member;
- 14 (ii) Telephone call;
- 15 (iii) Direct contact; or
- 16 (iv) Written notice mailed at least 3 days prior to the application.

17 (3) In the case of a pesticide application [in] AT an elementary school, at
18 least 24 hours before the pesticide is applied in a school building OR ON SCHOOL
19 GROUNDS, the school shall provide to each parent or guardian, and staff member:

- 20 (i) The common name of the pesticide;
- 21 (ii) The location of the application;
- 22 (iii) The planned date and time of application;
- 23 (iv) The following language:

24 "The office of pesticide programs of the United States Environmental Protection
25 Agency has stated:

26 "Where possible, persons who potentially are more sensitive, such as pregnant
27 women and infants (less than two years old), should avoid any unnecessary pesticide
28 exposure."; and

- 29 (v) A brief description of potential adverse effects based upon the
30 material safety DATA sheet of the pesticides to be applied.

31 (4) Each school system shall develop an appropriate means of in-school
32 notification to students and staff members before a pesticide is applied in a SCHOOL
33 BUILDING OR ON SCHOOL GROUNDS OF A middle school or high school.

1 (j) (1) Subject to subsection (k) of this section, a school that intends to use
2 space spraying in a school building shall provide written notice at least 1 week
3 beforehand by universal notification.

4 (2) The notice shall be on a separate paper sheet at least 8 1/2 inches by
5 11 inches in size and shall contain:

6 (i) A common name of the pesticide to be used;

7 (ii) A location of the space spraying;

8 (iii) A planned date and time of space spraying;

9 (iv) The following language:

10 "The office of pesticide programs of the United States Environmental Protection
11 Agency has stated:

12 "Where possible, persons who potentially are more sensitive, such as pregnant
13 women and infants (less than two years old), should avoid any unnecessary pesticide
14 exposure.";

15 (v) If the pesticide is not addressed in the notice sent at the
16 beginning of the school year, a brief description of the pesticide to be applied;

17 (vi) A brief description of potential adverse effects based upon the
18 material safety data sheet of the pesticides to be applied; and

19 (vii) The name and telephone number of the county designated
20 contact person.

21 (k) (1) A pesticide may be applied in a school BUILDING OR ON SCHOOL
22 GROUNDS without prior notification only if an emergency pest situation exists.

23 (2) Except as provided in paragraph (5) of this subsection, within 24
24 hours after an emergency pesticide application IN A SCHOOL BUILDING OR ON
25 SCHOOL GROUNDS, or on the next school day, the school shall notify each parent,
26 guardian, and staff member on the pesticide notification list that a pesticide was
27 applied for emergency pest control.

28 (3) The notification required under paragraph (2) of this subsection shall
29 include the:

30 (i) Common name of the pesticide applied;

31 (ii) Approximate location of the application;

32 (iii) Date of application; and

33 (iv) Reason for the emergency application.

1 (4) Notification under this subsection may be made by:
2 (i) Telephone call;
3 (ii) Direct contact; or
4 (iii) Written notice sent home with the student or provided to the
5 staff member.

6 (5) In the case of an emergency pesticide application [in] AT an
7 elementary school, within 24 hours after AN EMERGENCY pesticide application IN A
8 SCHOOL BUILDING OR ON SCHOOL GROUNDS, or on the next school day, the school
9 shall provide to each parent, guardian, and staff member:

10 (i) The common name of the pesticide;
11 (ii) The location of the application;
12 (iii) The date and time of application;
13 (iv) The following language:

14 "The office of pesticide programs of the United States Environmental Protection
15 Agency has stated:

16 `Where possible, persons who potentially are more sensitive, such as pregnant
17 women and infants (less than two years old), should avoid any unnecessary pesticide
18 exposure.'"; and

19 (v) A brief description of potential adverse effects based upon the
20 material safety data sheet of the pesticides applied.

21 (l) Each school system shall develop appropriate means of in-school
22 notification before a bait station is used in [the] A school BUILDING OR ON SCHOOL
23 GROUNDS. The means may include a sign posted on the door of the room in which the
24 bait station is placed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 1999.