
By: Delegate Guns

Rules suspended

Introduced and read first time: March 7, 1997

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Mandatory Integrated Pest Management Program**

3 FOR the purpose of requiring the Secretary of Agriculture to establish a mandatory
4 integrated pest management program in certain public school districts by a certain
5 date; requiring the Secretary to approve or disapprove certain programs requiring
6 certain school districts to develop certain programs and submit them to the
7 Secretary for approval by a certain date; requiring certain school districts to
8 designate a certain integrated pest management coordinator; requiring certain
9 school districts to employ or contract certified applicators; specifying certain
10 classifications of pesticides; establishing certain procedures to obtain approval for
11 the use of certain pesticides on certain school property; requiring schools to inform
12 certain individuals regarding a right to notification; requiring schools to maintain a
13 pesticide notification list; requiring prior notification of pesticide application to
14 certain individuals; requiring that notification contain certain information; defining
15 certain terms; and generally relating to a mandatory integrated pest management
16 program.

17 BY adding to

18 Article - Agriculture

19 Section 5-1001 through 5-1005, inclusive, to be under the new subtitle "Subtitle 10.

20 Mandatory Integrated Pest Management Program"

21 Annotated Code of Maryland

22 (1985 Replacement Volume and 1996 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Agriculture**

26 SUBTITLE 10. MANDATORY INTEGRATED PEST MANAGEMENT PROGRAM.

27 5-1001.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

29 INDICATED.

1 (B) "INTEGRATED PEST MANAGEMENT" MEANS THE MANAGEMENT OF PEST
2 PROBLEMS THROUGH UTILIZATION OF SITE OR PEST INSPECTIONS, PEST
3 POPULATION MONITORING, EVALUATING THE NEED FOR CONTROL, AND THE USE
4 OF ONE OR MORE PEST CONTROL METHODS INCLUDING SANITATION, STRUCTURAL
5 REPAIR, NONCHEMICAL METHODS AND, AS A LAST RESORT, PESTICIDES, IN ORDER
6 TO:

7 (1) MINIMIZE THE USE OF PESTICIDES; AND

8 (2) MINIMIZE THE RISK TO HUMAN HEALTH AND THE ENVIRONMENT
9 ASSOCIATED WITH PESTICIDE APPLICATIONS.

10 (C) (1) "PESTICIDE" HAS THE MEANING DESCRIBED IN § 5-201(L) OF THIS
11 TITLE.

12 (2) "PESTICIDE" DOES NOT INCLUDE AN ANTIMICROBIAL AGENT, SUCH
13 AS A DISINFECTANT, SANITIZER, OR DEODORIZER USED FOR CLEANING PURPOSES.

14 (D) "PUBLIC SCHOOL PROPERTIES" MEANS SCHOOL PROPERTIES UNDER THE
15 JURISDICTION OF COUNTY BOARDS OF EDUCATION OR THE BOARD OF SCHOOL
16 COMMISSIONERS FOR BALTIMORE CITY.

17 (E) "SCHOOL" MEANS A PUBLIC EDUCATIONAL INSTITUTION THAT PROVIDES
18 INSTRUCTION IN KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE.

19 (F) (1) "STAFF MEMBER" MEANS AN EMPLOYEE OF A SCHOOL, INCLUDING
20 AN ADMINISTRATOR, TEACHER, OR OTHER SUPPORT PERSONNEL.

21 (2) "STAFF MEMBER" DOES NOT INCLUDE A REGISTERED EMPLOYEE
22 OR APPLICATOR CERTIFIED BY THE DEPARTMENT OR ANY PERSON ASSISTING WITH
23 PESTICIDE APPLICATION.

24 5-1002.

25 (A) THE SECRETARY SHALL ESTABLISH A MANDATORY INTEGRATED PEST
26 MANAGEMENT PROGRAM IN ALL PUBLIC SCHOOL DISTRICTS IN THE STATE THAT
27 INCLUDES:

28 (1) IMPLEMENTATION, OVERSIGHT, AND REVIEW OF THE MANDATORY
29 INTEGRATED PEST MANAGEMENT PROGRAMS;

30 (2) PRIORITIZATION OF PESTICIDES TO BE APPLIED ON PUBLIC SCHOOL
31 PROPERTIES ACCORDING TO FEDERAL ENVIRONMENTAL PROTECTION AGENCY
32 STANDARDS AND THE UTILIZATION OF TIERS I, II, AND III AS DESCRIBED IN § 5-1004
33 OF THIS SUBTITLE; AND

34 (3) STRATEGIES TO MANAGE PEST PROBLEMS WITHOUT RELIANCE ON
35 PESTICIDES THAT MAY PRESENT RISKS TO HUMAN HEALTH AND THE
36 ENVIRONMENT WHILE PROTECTING HUMAN HEALTH FROM PEST INFESTATION.

37 (B) THE SECRETARY SHALL REQUIRE THAT ALL PUBLIC SCHOOL DISTRICTS
38 HAVE AN APPROVED INTEGRATED PEST MANAGEMENT PROGRAM BY JUNE 1, 1999.

1 (C) (1) THE SECRETARY SHALL REVIEW INTEGRATED PEST MANAGEMENT
2 PROGRAMS AND REVISIONS SUBMITTED BY SCHOOL DISTRICTS AND APPROVE OR
3 DISAPPROVE THE PROGRAM WITHIN 45 DAYS AFTER RECEIPT.

4 (2) IF THE SECRETARY DISAPPROVES THE PROGRAM, THE SECRETARY
5 SHALL PROVIDE TO THE SCHOOL DISTRICT THE REASONS FOR THE DECISION IN
6 WRITING.

7 (3) IF THE SECRETARY APPROVES THE PROGRAM, THE SECRETARY
8 SHALL NOTIFY THE SCHOOL DISTRICT IN WRITING.

9 5-1003.

10 (A) EACH PUBLIC SCHOOL DISTRICT SHALL DEVELOP A WRITTEN
11 INTEGRATED PEST MANAGEMENT PROGRAM.

12 (B) EACH PUBLIC SCHOOL DISTRICT SHALL SUBMIT TO THE SECRETARY A
13 WRITTEN INTEGRATED PEST MANAGEMENT PROGRAM, BY JUNE 1, 1998, THAT
14 INCLUDES:

15 (1) PROCEDURES FOR CONDUCTING THE INTEGRATED PEST
16 MANAGEMENT PROGRAM;

17 (2) PROCEDURES FOR REGULAR INSPECTIONS AND MONITORING TO
18 DETERMINE THE PRESENCE OF PESTS;

19 (3) STANDARDS TO DETERMINE SEVERITY OF PEST INFESTATION AND
20 JUSTIFICATION FOR CORRECTIVE ACTION;

21 (4) RECORD KEEPING TO TRACK PEST CONTROL PROCEDURES AND
22 ANY COMMUNICATIONS TO STAFF MEMBERS AND STUDENTS REGARDING
23 INTEGRATED PEST MANAGEMENT AND PESTICIDE USE;

24 (5) PROGRAM EVALUATION TO DETERMINE PROGRAM
25 EFFECTIVENESS;

26 (6) EDUCATION AND TRAINING OF STAFF MEMBERS REGARDING PEST
27 CONTROL PROCEDURES;

28 (7) SANITATION TO PREVENT PEST PROBLEMS BY REDUCING
29 CONTRIBUTING FACTORS SUCH AS FOOD SOURCES AND OTHER CONTRIBUTORS TO
30 PEST HARBORAGE;

31 (8) STRUCTURAL REPAIRS AS A PREVENTATIVE MEASURE TO EXCLUDE
32 PESTS FROM THE SCHOOL FACILITY;

33 (9) NONCHEMICAL PEST CONTROL MEASURES; AND

34 (10) PROCEDURES TO ENSURE THAT PESTICIDES ARE USED AS A LAST
35 RESORT AFTER OTHER APPROPRIATE MEASURES HAVE FAILED.

36 (C) EACH SCHOOL DISTRICT SHALL DESIGNATE AN INTEGRATED PEST
37 MANAGEMENT COORDINATOR WHO SHALL:

4

1 (1) BE A CERTIFIED APPLICATOR AS DEFINED IN § 5-201(C) OF THIS
2 TITLE;

3 (2) COORDINATE THE IMPLEMENTATION OF THE SCHOOL DISTRICT'S
4 INTEGRATED PEST MANAGEMENT PROGRAM;

5 (3) ENSURE THAT ALL SCHOOL EMPLOYEES WHO PERFORM PEST
6 CONTROL HAVE THE NECESSARY TRAINING, ARE EQUIPPED WITH THE
7 APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT, AND HAVE THE NECESSARY
8 LICENSES FOR THEIR PEST MANAGEMENT RESPONSIBILITIES;

9 (4) MAINTAIN A PRIORITIZED LIST OF NEEDED STRUCTURAL AND
10 LANDSCAPE IMPROVEMENTS RELATED TO PEST MANAGEMENT;

11 (5) ENSURE THAT ALL PESTICIDE USE, INCLUDING USE BY OUTSIDE
12 CONTRACTORS, COMPLIES WITH THE APPROVED INTEGRATED PEST MANAGEMENT
13 PROGRAM;

14 (6) AUTHORIZE PESTICIDE USE;

15 (7) MAINTAIN FILES OF PESTICIDE APPLICATION RECORDS, PESTICIDE
16 LABELS, AND MATERIAL SAFETY DATA SHEETS (MSDS);

17 (8) INFORM SCHOOL DISTRICT ADMINISTRATORS AND OTHER
18 PERSONNEL REGARDING INTEGRATED PEST MANAGEMENT PROGRAM
19 REQUIREMENTS; AND

20 (9) ESTABLISH PROCEDURES TO MAINTAIN RECORDS OF NOTICES OF
21 TIER II AND TIER III PESTICIDE APPLICATIONS IN THE DISTRICT.

22 (D) (1) EACH SCHOOL DISTRICT SHALL EMPLOY OR CONTRACT WITH A
23 CERTIFIED APPLICATOR, WHO MAY, IF A SCHOOL DISTRICT EMPLOYEE, ALSO BE
24 THE INTEGRATED PEST MANAGEMENT COORDINATOR.

25 (2) A CERTIFIED APPLICATOR SHALL:

26 (I) COORDINATE AND OVERSEE THE DAILY IMPLEMENTATION OF
27 THE INTEGRATED PEST MANAGEMENT PROGRAM;

28 (II) APPROVE THE USE OF TIER I PESTICIDES;

29 (III) CONSULT WITH, AND RECEIVE WRITTEN APPROVAL FROM,
30 THE INTEGRATED PEST MANAGEMENT COORDINATOR PRIOR TO THE USE OF TIER II
31 AND TIER III PESTICIDES;

32 (IV) PROVIDE WRITTEN JUSTIFICATION FOR THE USE OF TIER II
33 AND TIER III PESTICIDES;

34 (V) RECEIVE WRITTEN AUTHORIZATION FROM THE INTEGRATED
35 PEST MANAGEMENT COORDINATOR PRIOR TO EMERGENCY TREATMENTS;

36 (VI) RECEIVE COMPLAINTS RELATING TO PEST PROBLEMS; AND

37 (VII) ENSURE THAT PESTICIDE RECORDS ARE MAINTAINED.

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1 (E) A PEST CONTROL APPLICATOR MUST OBTAIN WRITTEN APPROVAL FROM
2 A CERTIFIED APPLICATOR PRIOR TO THE APPLICATION OF TIER II OR TIER III
3 PESTICIDES IN A SCHOOL OR ON SCHOOL PROPERTY.

4 5-1004.

5 (A) PESTICIDES APPROVED FOR USE ON SCHOOL PROPERTY ARE CLASSIFIED
6 AS FOLLOWS:

7 (1) ALL TIER I PESTICIDES MUST BE UNITED STATES ENVIRONMENTAL
8 PROTECTION AGENCY CATEGORY III AND IV PESTICIDES OR:

9 (I) INORGANIC INSECTICIDES;

10 (II) INSECTICIDAL SOAPS;

11 (III) INSECT AND RODENT BAITES IN TAMPER-RESISTANT
12 CONTAINERS OR FOR CRACK AND CREVICE PLACEMENT ONLY;

13 (IV) MICROBE OR FUNGUS-BASED INSECTICIDES;

14 (V) BOTANICAL INSECTICIDES OTHER THAN SYNTHETIC
15 PYRETHROIDS CONTAINING NOT MORE THAN 5 PERCENT SYNERGISTS; OR

16 (VI) BIOLOGICAL (LIVING) CONTROL AGENTS;

17 (2) TIER II PESTICIDES MUST BE UNITED STATES ENVIRONMENTAL
18 PROTECTION AGENCY CATEGORY III AND IV PESTICIDES NOT INCLUDED IN TIER I,
19 MAY INCLUDE PRODUCTS CARRYING A "CAUTION" SIGNAL WORD, AND MAY NOT BE
20 APPLIED FOR A DURATION THAT EXCEEDS 3 MONTHS;

21 (3) TIER III PESTICIDES INCLUDE:

22 (I) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
23 CATEGORY I AND II PESTICIDES AND MAY INCLUDE PRODUCTS CARRYING A
24 "WARNING" OR "DANGER" SIGNAL WORD; AND

25 (II) RESTRICTED USE PESTICIDES AS DEFINED UNDER THE
26 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT OR THIS TITLE; AND

27 (4) TIER III PESTICIDES MAY NOT HAVE A DURATION EXCEEDING 3
28 MONTHS OR THREE APPLICATIONS PER SITE, WHICHEVER IS FIRST.

29 (B) THE INTEGRATED PEST MANAGEMENT COORDINATOR'S WRITTEN
30 APPROVALS FOR USE OF TIER II AND TIER III PESTICIDES SHALL BE MADE ON A
31 FORM PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE:

32 (1) A DESCRIPTION OF THE PROBLEM;

33 (2) OTHER APPROPRIATE PEST MANAGEMENT STRATEGIES FOR THE
34 PROBLEM; AND

35 (3) JUSTIFICATION FOR USE OF THE PESTICIDE.

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1 (C) SCHOOL DISTRICTS SHALL RETAIN AND MAKE AVAILABLE TO THE
2 PUBLIC IN THE DISTRICT OFFICE COPIES OF THE INTEGRATED PEST MANAGEMENT
3 PLANS AND THE WRITTEN APPROVALS FOR USE OF TIER II AND TIER III PESTICIDES.

4 (D) A TIER II OR TIER III PESTICIDE MAY NOT BE APPLIED IF A STUDENT,
5 STAFF MEMBER, OR OTHER UNAUTHORIZED INDIVIDUAL IS IN THE AREA OF THE
6 SCHOOL OR SCHOOL PROPERTY TO BE TREATED.

7 (E) A TIER II OR TIER III PESTICIDE MAY NOT BE APPLIED IN A SCHOOL OR
8 ON A SCHOOL PROPERTY UNTIL NOTIFICATION IS PROVIDED BY THE SCHOOL IN
9 ACCORDANCE WITH § 5-1005 OF THIS SUBTITLE.

10 (F) A TIER II OR TIER III PESTICIDE MAY BE APPLIED IN AN EMERGENCY
11 SITUATION IN WHICH THE INTEGRATED PEST MANAGEMENT COORDINATOR
12 AUTHORIZES THE APPLICATION BASED ON EXTRAORDINARY CIRCUMSTANCES
13 ENDANGERING THE HEALTH OR SAFETY OF STUDENTS OR STAFF MEMBERS.

14 5-1005.

15 (A) AT THE BEGINNING OF EACH SCHOOL YEAR, EACH SCHOOL SHALL
16 PROVIDE TO A PARENT OR GUARDIAN OF EACH STUDENT ATTENDING THE SCHOOL
17 AND TO EACH STAFF MEMBER WRITTEN INFORMATION, IN ACCORDANCE WITH
18 PARAGRAPH (C) OF THIS SECTION, ON THE RIGHT TO BE NOTIFIED BEFORE A
19 PESTICIDE APPLICATION IS MADE IN THE SCHOOL OR ON THE SCHOOL PROPERTY
20 DURING THE SCHOOL YEAR.

21 (B) AFTER THE BEGINNING OF A SCHOOL YEAR, IF A NEW STUDENT IS
22 ENROLLED, OR A NEW STAFF MEMBER IS EMPLOYED, THE SCHOOL SHALL PROVIDE
23 TO A PARENT OR GUARDIAN OF A NEW STUDENT OR TO A NEW STAFF MEMBER
24 WRITTEN INFORMATION, IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SECTION,
25 ON THE RIGHT TO BE NOTIFIED BEFORE A PESTICIDE APPLICATION IS MADE IN THE
26 SCHOOL OR ON THE SCHOOL PROPERTY DURING THE SCHOOL YEAR.

27 (C) THE FOLLOWING WRITTEN INFORMATION SHALL BE MAILED, SENT HOME
28 WITH THE STUDENT, OR DELIVERED BY THE SCHOOL THE DIRECTLY TO THE
29 PARENT, GUARDIAN, OR STAFF MEMBER:

30 (1) A STATEMENT THAT EXPLAINS THE SCHOOL DISTRICT'S
31 INTEGRATED PEST MANAGEMENT PROGRAM AND PROVIDES NOTICE THAT A
32 PESTICIDE MAY BE APPLIED TO SCHOOL PROPERTY;

33 (2) DESCRIPTIONS OF EACH TIER II AND TIER III PESTICIDE
34 APPLICATION IN THE SCHOOL OR ON SCHOOL PROPERTY DURING THE PRECEDING
35 12 MONTHS;

36 (3) A STATEMENT THAT A PRODUCT LABEL OR MATERIAL SAFETY
37 DATA SHEET OF EACH PESTICIDE THAT IS APPLIED WILL BE MAINTAINED IN THE
38 SCHOOL DISTRICT OFFICE AND IS AVAILABLE FOR REVIEW BY A PARENT,
39 GUARDIAN, STAFF MEMBER, OR STUDENT;

40 (4) THE NAME AND TELEPHONE NUMBER OF THE INTEGRATED PEST
41 MANAGEMENT COORDINATOR FOR THE SCHOOL DISTRICT; AND

7

1 (5) DIRECTIONS FOR INCLUDING A PARENT, GUARDIAN, OR STAFF
2 MEMBER ON THE PESTICIDE NOTIFICATION LIST PROVIDED IN § 5-1004(D) OF THIS
3 SUBTITLE, INCLUDING:

4 (I) A FORM THAT A PARENT, GUARDIAN, OR STAFF MEMBER MAY
5 COMPLETE AND RETURN TO SCHOOL TO REQUEST INCLUSION ON THE PESTICIDE
6 NOTIFICATION LIST; AND

7 (II) A STATEMENT THAT A TIER II OR TIER III PESTICIDE MAY BE
8 APPLIED IN AN EMERGENCY SITUATION WITHOUT PRIOR NOTIFICATION TO A
9 PARENT, GUARDIAN, OR STAFF MEMBER, BUT THAT THE PERSONS ON THE
10 PESTICIDE NOTIFICATION LIST WILL BE NOTIFIED OF THE APPLICATION WITHIN 48
11 HOURS AFTER THE APPLICATION OCCURS.

12 (D) AT THE BEGINNING OF EACH SCHOOL YEAR, EACH SCHOOL SHALL MAKE
13 A LIST OF EACH PARENT OR GUARDIAN OF A STUDENT ATTENDING THE SCHOOL OR
14 EACH STAFF MEMBER WHO REQUESTS PRIOR NOTIFICATION OF A PESTICIDE
15 APPLICATION TO BE MADE IN THE SCHOOL OR ON SCHOOL PROPERTY DURING THE
16 SCHOOL YEAR.

17 (E) THE PESTICIDE NOTIFICATION LIST SHALL BE KEPT CURRENT BY THE
18 SCHOOL, AND ADDITIONAL NAMES SHALL BE ADDED UPON REQUEST BY A PARENT
19 OR GUARDIAN OF A STUDENT OR A STAFF MEMBER.

20 (F) THE SCHOOL OR SCHOOL DISTRICT SHALL MAKE THE PESTICIDE
21 NOTIFICATION LIST AVAILABLE TO THE DEPARTMENT UPON REQUEST.

22 (G) EXCEPT AS PROVIDED UNDER § 5-1004(F) OF THIS SUBTITLE, AT LEAST 48
23 HOURS BEFORE A TIER II OR TIER III PESTICIDE APPLICATION, THE SCHOOL SHALL
24 NOTIFY EACH PARENT OR GUARDIAN OF A STUDENT OR STAFF MEMBER ON THE
25 PESTICIDE NOTIFICATION LIST OF THE:

26 (1) COMMON NAME OF THE PESTICIDE TO BE APPLIED;

27 (2) APPROXIMATE LOCATION OF THE APPLICATION; AND

28 (3) PLANNED DATE AND TIME OF THE APPLICATION.

29 (H) NOTIFICATION MAY BE MADE BY:

30 (1) A WRITTEN NOTICE SENT HOME WITH THE STUDENT OR PROVIDED
31 TO THE STAFF MEMBER;

32 (2) A TELEPHONE CALL;

33 (3) DIRECT CONTACT; OR

34 (4) A WRITTEN NOTICE MAILED NOT LESS THAN 3 DAYS BEFORE THE
35 PESTICIDE APPLICATION.

36 (I) (1) AT THE TIME OF A PESTICIDE APPLICATION, THE APPLICATOR
37 SHALL POST A SIGN:

38 (I) AT THE PRIMARY ENTRANCE TO THE SCHOOL;

8

1 (II) IN A CENTRAL SCHOOL LOCATION ACCESSIBLE TO STAFF,
2 STUDENTS, PARENTS, AND GUARDIANS; OR

3 (III) AT THE SITE OF THE PESTICIDE APPLICATION.

4 (2) THE SIGN SHALL CONTAIN THE:

5 (I) WORDS "CAUTION - PESTICIDE APPLICATION";

6 (II) DATE OF THE APPLICATION;

7 (III) SITE OF THE APPLICATION;

8 (IV) COMMON NAME OF THE PESTICIDE TO BE APPLIED;

9 (V) DATE AND TIME FOR THE EARLIEST REENTRY INTO THE
10 TREATED AREA; AND

11 (VI) NAME AND TELEPHONE NUMBER OF A CONTACT PERSON FOR
12 ADDITIONAL INFORMATION.

13 (3) THE SCHOOL SHALL KEEP THE SIGN IN PLACE FOR 48 HOURS
14 FOLLOWING THE PESTICIDE APPLICATION BEFORE REMOVING THE SIGN.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1997.