

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 397 (Delegate Pitkin, *et al.*)
Environmental Matters

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

This bill requires a school principal or child care operator to notify staff members and a child's parent or guardian of specified information pertaining to pesticide applications, including the planned dates and general location of application. The principal or child care operator may authorize pesticide applications only on the dates, in the general location, and using the pesticides specified in the notice. When the pesticide application diverges from the written notification, the school principal or child care operator must provide staff members and a child's parent or guardian with at least 48 hours advance notice prior to the pesticide application. This bill provides an exception for emergency applications. School principals and child care operators are required to post specified signs in the area of the pesticide application. The bill requires students to vacate the portion of the building or grounds to be applied with pesticides. Students may not return to that portion of the building or grounds applied with pesticides for at least 12 hours after the pesticide application or for the amount of time recommended in the pesticide's instructions, whichever is longer.

Fiscal Summary

State Effect: Indeterminate expenditure increase. No effect on revenues.

Local Effect: Indeterminate expenditure increase. No effect on revenues. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful impact on small businesses as discussed below.

Fiscal Analysis

Background: During the 1996 interim, the Department of Agriculture submitted a proposed regulation on pesticide application at public schools and child care centers to the Joint Committee on Administrative, Executive and Legislative Review (AELR). At the request of the AELR Committee, the Department of Agriculture postponed implementation of the regulation pending the outcome of this legislation. While the legislation and regulation vary slightly, the fiscal impact is very similar.

State Expenditures: The Department of Agriculture advises that this bill would require an additional five employees (four Agricultural Inspectors and an Office Secretary) at a cost of \$214,600 in fiscal 1998 to handle an anticipated increase in inspection and enforcement activities.

However, the Department of Fiscal Services advises that State expenditures would only increase if there are a significant number of complaints and attendant investigations resulting from the bill's provisions. Any such increase cannot be reliably estimated at this time.

Local Expenditures: Local boards of education expenditures for pesticide notification could increase considerably depending upon whether the "regular means of notification" is done through mailings or through sending information home with the child. There are approximately 805,000 students enrolled in public schools. If the public schools have to mail out quarterly notifications to the child's parent or guardian, local expenditures could increase by \$1.1 million annually (805,000 students X \$0.35 mailing and printing costs X quarterly notification). However, if the public schools sent the notifications home with the child, local expenditures could only increase by \$96,600 (805,000 students X \$0.03 printing costs X quarterly notification). If further notifications are required due to pesticide applications outside of the pre-schedule applications, local expenditures could increase by an additional amount.

In addition, local boards of education may face additional costs for pest control services depending upon whether pesticide application occurs outside of the pre-scheduled applications. For example, in many cases, private contractors perform the inspection and pesticide application on the same day. However, due to the 48-hour prior notification requirement, these businesses may have to make a follow-up visit to apply the pesticide. It is assumed that in these cases, the pest control firms will increase their fees. The fiscal impact to local school systems is not known at this time.

Small Business Effect: There are approximately 600 pest control businesses in operation in Maryland. Approximately one-half of the State's school systems rely on private contractors to provide pest control services. In many cases, private contractors perform the inspection and pesticide application on the same day. However, due to the 48-hour prior notification

requirement, these businesses may have to make a follow-up visit to apply the pesticide. It is assumed that in these cases, the pest control firms will increase their fees.

Further, private child care providers may incur additional costs for pesticide applications, depending upon whether pest control applicators have to make a follow-up visit to apply the pesticide and whether it results in higher pest control fees.

Information Source(s): Department of Agriculture, Maryland Association of Boards of Education, Maryland State Department of Education, Department of Fiscal Services

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