

HOUSE BILL 286

Unofficial Copy
M4

1998 Regular Session
(81r1286)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by Delegates Stup and ~~Owings~~, Owings, Klausmeier, McHale, Ciliberti, Oaks, D. Davis, Billings, Nathan-Pulliam, Morhaim, and Frush Frush, Pitkin, R. Baker, W. Baker, Baldwin, Barve, Benson, Bobo, Branch, E. Burns, Cadden, Clagett, Comeau, Conroy, Crumlin, Cryor, DeCarlo, Dembrow, Dypski, Exum, Faulkner, Finifter, Franchot, Goldwater, Grosfeld, Healey, Hecht, Heller, Howard, Hubbard, B. Hughes, Hurson, Jones, Kagan, Kopp, Leopold, Love, Mandel, Marriott, McIntosh, Menes, C. Mitchell, Moe, Montague, Muse, Opara, Patterson, Pendergrass, Perry, Petzold, Rosenberg, Rzepkowski, Shriver, and Turner

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Schools - Integrated Pest Management**

3 FOR the purpose of requiring county boards of education to adopt certain integrated
4 pest management systems for public schools as approved by the Secretary of
5 Agriculture; requiring public schools to provide certain information to certain
6 individuals at the start of each school year; requiring county boards to designate
7 certain contact persons for certain purposes; requiring public schools to
8 maintain a certain pesticide notification list; requiring public schools to provide

1 certain information to certain individuals before certain pesticide applications,
2 subject to a certain exception; requiring public schools to provide certain
3 information to certain individuals in a certain manner in case of an emergency
4 pesticide application; defining certain terms; providing for the application of
5 this Act; providing for the effective date of this Act; providing for the application
6 and termination of a portion of this Act; and generally relating to pesticide
7 application in schools.

8 BY repealing and reenacting, without amendments,
9 Article - Agriculture
10 Section 5-201(l)
11 Annotated Code of Maryland
12 (1985 Replacement Volume and 1997 Supplement)

13 BY adding to
14 Article - Agriculture
15 Section 5-208.1
16 Annotated Code of Maryland
17 (1985 Replacement Volume and 1997 Supplement)

18 Preamble

19 WHEREAS, The U. S. Environmental Protection Agency has recommended the
20 use of an integrated pest management system by school districts; and

21 WHEREAS, All county boards of education in the State employ integrated
22 pest management for the control of insects, rodents, and other pests in school
23 buildings; and

24 WHEREAS, An integrated pest management system allows only the judicious
25 use of pesticides; and

26 WHEREAS, Parents and guardians have a right to know that there is an
27 integrated pest management system in their children's schools; and

28 WHEREAS, Many parents and guardians wish to be notified of any use of a
29 pesticide in a school; and

30 WHEREAS, The Maryland General Assembly desires to institute Statewide
31 standards for implementation of integrated pest management systems and
32 notification to parents, guardians, and school staff about the operation of those
33 systems; now, therefore,

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

1

Article - Agriculture

2 5-201.

3 (l) "Pesticide" means any substance or mixture of substances intended for:

4 (1) Preventing, destroying, repelling, or mitigating any pest;

5 (2) Use as a plant regulator, defoliant, or desiccant; or

6 (3) Use as a spray adjuvant such as a wetting agent or adhesive.

7 5-208.1.

8 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.10 (2) "CONTACT PERSON" MEANS AN INDIVIDUAL KNOWLEDGEABLE
11 ABOUT INTEGRATED PEST MANAGEMENT AND DESIGNATED BY A COUNTY BOARD TO
12 ACT UNDER SUBSECTION (E) OF THIS SECTION.13 (3) "COUNTY BOARD" HAS THE MEANING STATED IN § 1-101 OF THE
14 EDUCATION ARTICLE.15 (4) "CRACK AND CREVICE TREATMENT" MEANS THE APPLICATION OF
16 SMALL AMOUNTS OF A PESTICIDE IN A BUILDING INTO OPENINGS SUCH AS THOSE
17 COMMONLY FOUND AT EXPANSION JOINTS, BETWEEN LEVELS OF CONSTRUCTION,
18 AND BETWEEN EQUIPMENT AND FLOORS.19 (5) "EMERGENCY" MEANS A SUDDEN NEED TO MITIGATE OR ELIMINATE
20 A PEST WHICH THREATENS THE HEALTH OR SAFETY OF A STUDENT OR STAFF
21 MEMBER.22 (6) "INTEGRATED PEST MANAGEMENT" MEANS ~~THE MANAGED USE OF~~
23 ~~COMBINED PEST CONTROL ALTERNATIVES, INCLUDING CULTURAL, MECHANICAL,~~
24 ~~BIOLOGICAL, AND CHEMICAL MEANS MOST EFFECTIVELY TO PREVENT OR REDUCE~~
25 ~~TO ACCEPTABLE LEVELS PESTS AND DAMAGE CAUSED BY PESTS~~ A MANAGED PEST
26 CONTROL PROGRAM IN WHICH METHODS ARE INTEGRATED AND USED TO KEEP
27 PESTS FROM CAUSING ECONOMIC, HEALTH RELATED, OR AESTHETIC INJURY
28 THROUGH THE UTILIZATION OF SITE OR PEST INSPECTIONS, PEST POPULATION
29 MONITORING, EVALUATING THE NEED FOR CONTROL, AND THE USE OF ONE OR
30 MORE PEST CONTROL METHODS INCLUDING SANITATION, STRUCTURAL REPAIR,
31 NONCHEMICAL METHODS, AND, AS A LAST RESORT WHEN NONTOXIC OPTIONS ARE
32 UNREASONABLE OR HAVE BEEN EXHAUSTED, PESTICIDES IN ORDER TO:33 (I) MINIMIZE THE USE OF PESTICIDES; AND34 (II) MINIMIZE THE RISK TO HUMAN HEALTH AND THE
35 ENVIRONMENT ASSOCIATED WITH PESTICIDE APPLICATIONS.

36 (7) "PESTICIDE" DOES NOT INCLUDE:

1 (I) AN ANTIMICROBIAL AGENT, SUCH AS A DISINFECTANT,
2 SANITIZER, OR DEODORIZER, USED FOR CLEANING PURPOSES; OR

3 (II) ANY BAIT, ~~UNLESS THE BAIT CONTAINS A SUBSTANCE OR~~
4 ~~MIXTURE OF SUBSTANCES THAT VOLATILIZE INTO THE AMBIENT AIR~~ STATION.

5 (8) "SCHOOL" MEANS A PUBLIC SCHOOL IN THE PUBLIC ELEMENTARY
6 AND SECONDARY SYSTEM OF THE STATE.

7 (9) (I) "SPACE SPRAYING" MEANS APPLICATION OF A PESTICIDE BY
8 DISCHARGE INTO THE AIR THROUGHOUT AN AREA.

9 (II) "SPACE SPRAYING" DOES NOT INCLUDE CRACK AND CREVICE
10 TREATMENT.

11 (10) (I) "STAFF MEMBER" MEANS AN EMPLOYEE OF A SCHOOL SYSTEM.

12 (II) "STAFF MEMBER" INCLUDES ADMINISTRATORS, TEACHERS,
13 AND OTHER SUPPORT PERSONNEL.

14 (III) "STAFF MEMBER" DOES NOT INCLUDE:

15 1. A REGISTERED EMPLOYEE OR APPLICATOR CERTIFIED BY
16 THE DEPARTMENT; OR

17 2. A PERSON ASSISTING IN THE APPLICATION OF A
18 PESTICIDE.

19 (11) "UNIVERSAL NOTIFICATION" MEANS WRITTEN NOTICE BY A SCHOOL
20 TO ALL PARENTS, GUARDIANS, AND STAFF MEMBERS.

21 (B) THIS SECTION APPLIES TO PESTICIDE APPLICATION IN A SCHOOL.

22 (C) THE DEPARTMENT SHALL DEVELOP UNIFORM STANDARDS AND CRITERIA
23 FOR IMPLEMENTING INTEGRATED PEST MANAGEMENT SYSTEMS IN SCHOOLS.

24 (D) A COUNTY BOARD SHALL DEVELOP AND IMPLEMENT IN ITS SCHOOLS AN
25 INTEGRATED PEST MANAGEMENT SYSTEM APPROVED BY THE SECRETARY.

26 (E) (1) A COUNTY BOARD SHALL DESIGNATE A CONTACT PERSON.

27 (2) THE CONTACT PERSON SHALL:

28 (I) ACT AS A CONTACT FOR INQUIRIES ABOUT THE INTEGRATED
29 PEST MANAGEMENT SYSTEM; AND

30 (II) MAINTAIN MATERIAL SAFETY DATA SHEETS AND LABELS FOR
31 ALL PESTICIDES WHICH MAY BE USED IN THE SCHOOL DISTRICT OF THE COUNTY
32 BOARD.

1 (F) (1) AT THE BEGINNING OF EACH SCHOOL YEAR, A SCHOOL SHALL
2 INCLUDE NOTICE OF THE SCHOOL'S INTEGRATED PEST MANAGEMENT SYSTEM IN
3 THE SCHOOL CALENDAR OR OTHER UNIVERSAL NOTIFICATION.

4 (2) THE NOTICE SHALL INCLUDE:

5 ~~(I) A STATEMENT THAT EXPLAINS THE SCHOOL'S INTEGRATED~~
6 ~~PEST MANAGEMENT SYSTEM AND THAT A PESTICIDE MAY BE APPLIED IN SCHOOL~~
7 ~~BUILDINGS;~~

8 (I) A STATEMENT THAT EXPLAINS THE SCHOOL'S INTEGRATED
9 PEST MANAGEMENT SYSTEM AND LISTS ANY PESTICIDE OR BAIT STATION THAT MAY
10 BE USED IN A SCHOOL BUILDING AS PART OF THE INTEGRATED PEST MANAGEMENT
11 SYSTEM;

12 (II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
13 CONTACT PERSON;

14 (III) A STATEMENT THAT THE CONTACT PERSON MAINTAINS THE
15 PRODUCT LABEL OR MATERIAL SAFETY DATA SHEET OF EACH PESTICIDE OR BAIT
16 STATION THAT MAY BE USED BY THE SCHOOL IN BUILDINGS AND ON SCHOOL
17 GROUNDS, THAT THE LABEL OR DATA SHEET IS AVAILABLE FOR REVIEW BY A
18 PARENT, GUARDIAN, STAFF MEMBER, OR STUDENT ATTENDING THE SCHOOL, AND
19 THAT THE CONTACT PERSON IS AVAILABLE TO PARENTS, GUARDIANS, AND STAFF
20 MEMBERS FOR INFORMATION AND COMMENT; AND

21 (IV) INSTRUCTIONS FOR INCLUDING A PARENT, GUARDIAN, OR
22 STAFF MEMBER ON A PESTICIDE NOTIFICATION LIST UNDER SUBSECTION (G) OF
23 THIS SECTION.

24 (G) (1) AT THE START OF EACH SCHOOL YEAR, A SCHOOL SHALL DEVELOP A
25 PESTICIDE NOTIFICATION LIST CONTAINING EACH STAFF MEMBER, AND PARENT OR
26 GUARDIAN OF A STUDENT ATTENDING THE SCHOOL, WHO REQUESTS IN WRITING
27 PRIOR NOTIFICATION OF A PESTICIDE APPLICATION MADE IN THE SCHOOL DURING
28 THE SCHOOL YEAR.

29 (2) THE SCHOOL SHALL KEEP THE PESTICIDE NOTIFICATION LIST
30 CURRENT AND SHALL ADD ADDITIONAL NAMES ON WRITTEN REQUEST BY A STAFF
31 MEMBER, OR BY THE PARENT OR GUARDIAN OF A STUDENT ATTENDING THE
32 SCHOOL.

33 (3) THE SCHOOL SHALL MAKE THE PESTICIDE NOTIFICATION LIST
34 AVAILABLE TO THE DEPARTMENT ON REQUEST.

35 (H) AFTER THE START OF EACH SCHOOL YEAR, A SCHOOL SHALL PROVIDE
36 THE WRITTEN INFORMATION REQUIRED UNDER SUBSECTION (F)(2) OF THIS SECTION
37 TO A NEWLY EMPLOYED STAFF MEMBER OR THE PARENT OR GUARDIAN OF A
38 STUDENT NEWLY ENROLLED DURING THE SCHOOL YEAR.

1 (I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AT
 2 LEAST ~~24~~ 48 ~~24~~ HOURS BEFORE A PESTICIDE IS APPLIED IN A SCHOOL BUILDING, THE
 3 SCHOOL SHALL PROVIDE TO EACH PARENT, GUARDIAN, AND STAFF MEMBER ON THE
 4 PESTICIDE NOTIFICATION LIST THE:

5 (I) COMMON NAME OF THE PESTICIDE;

6 (II) LOCATION OF THE APPLICATION; ~~AND~~

7 (III) PLANNED DATE AND TIME OF APPLICATION; AND

8 (IV) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 9 WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO
 10 ALL PESTICIDES.

11 (2) THE SCHOOL MAY, ~~AT THE REQUEST OF A PARENT, GUARDIAN, OR~~
 12 ~~STAFF MEMBER,~~ PROVIDE PRIOR NOTIFICATION, REQUIRED UNDER PARAGRAPH (1)
 13 OF THIS SUBSECTION, BY:

14 (I) WRITTEN NOTICE SENT HOME WITH THE STUDENT OR
 15 PROVIDED TO THE STAFF MEMBER;

16 (II) TELEPHONE CALL;

17 (III) DIRECT CONTACT; OR

18 (IV) WRITTEN NOTICE MAILED AT LEAST 3 DAYS PRIOR TO THE
 19 APPLICATION.

20 (3) IN THE CASE OF A PESTICIDE APPLICATION IN AN ELEMENTARY
 21 SCHOOL, AT LEAST ~~48~~ 24 HOURS BEFORE THE PESTICIDE IS APPLIED IN A SCHOOL
 22 BUILDING, THE SCHOOL SHALL PROVIDE TO EACH PARENT OR GUARDIAN, AND
 23 STAFF MEMBER:

24 (I) THE COMMON NAME OF THE PESTICIDE;

25 (II) THE LOCATION OF THE APPLICATION;

26 (III) THE PLANNED DATE AND TIME OF APPLICATION;

27 (IV) ~~THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY~~
 28 ~~WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO~~
 29 ~~ALL PESTICIDES; AND~~

30 (IV) THE FOLLOWING LANGUAGE:

31 "THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES
 32 ENVIRONMENTAL PROTECTION AGENCY HAS STATED:

1 WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH
 2 AS PREGNANT WOMEN AND INFANTS (LESS THAN TWO YEARS OLD), SHOULD AVOID
 3 ANY UNNECESSARY PESTICIDE EXPOSURE.""; AND

4 (V) A BRIEF DESCRIPTION OF POTENTIAL ADVERSE EFFECTS
 5 BASED UPON THE MATERIAL SAFETY SHEET OF THE PESTICIDES TO BE APPLIED.

6 (4) EACH SCHOOL SYSTEM SHALL DEVELOP AN APPROPRIATE MEANS OF
 7 IN-SCHOOL NOTIFICATION TO STUDENTS AND STAFF MEMBERS BEFORE A
 8 PESTICIDE IS APPLIED IN A MIDDLE SCHOOL OR HIGH SCHOOL.

9 (J) (1) SUBJECT TO SUBSECTION (K) OF THIS SECTION, A SCHOOL THAT
 10 INTENDS TO USE SPACE SPRAYING IN A SCHOOL BUILDING SHALL PROVIDE WRITTEN
 11 NOTICE AT LEAST 1 WEEK BEFOREHAND BY UNIVERSAL NOTIFICATION.

12 (2) THE NOTICE SHALL BE ON A SEPARATE PAPER SHEET AT LEAST 8 8
 13 1/2 INCHES BY 11 1/2 INCHES IN SIZE AND SHALL CONTAIN THE:

14 (I) A COMMON NAME OF THE PESTICIDE TO BE USED;

15 (II) A LOCATION OF THE SPACE SPRAYING; AND

16 (III) A PLANNED DATE AND TIME OF SPACE SPRAYING;

17 ~~(IV) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY~~
 18 ~~WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO~~
 19 ~~ALL PESTICIDES;~~

20 (IV) THE FOLLOWING LANGUAGE:

21 "THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES
 22 ENVIRONMENTAL PROTECTION AGENCY HAS STATED:

23 WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH
 24 AS PREGNANT WOMEN AND INFANTS (LESS THAN TWO YEARS OLD), SHOULD AVOID
 25 ANY UNNECESSARY PESTICIDE EXPOSURE."";

26 (V) IF THE PESTICIDE IS NOT ADDRESSED IN THE NOTICE SENT AT
 27 THE BEGINNING OF THE SCHOOL YEAR, A BRIEF DESCRIPTION OF THE PESTICIDE TO
 28 BE APPLIED;

29 (VI) A BRIEF DESCRIPTION OF POTENTIAL ADVERSE EFFECTS
 30 BASED UPON THE MATERIAL SAFETY DATA SHEET OF THE PESTICIDES TO BE
 31 APPLIED; AND

32 (VII) THE NAME AND TELEPHONE NUMBER OF THE COUNTY
 33 DESIGNATED CONTACT PERSON.

34 (K) (1) A PESTICIDE MAY BE APPLIED IN A SCHOOL WITHOUT PRIOR
 35 NOTIFICATION ONLY IF AN EMERGENCY PEST SITUATION EXISTS.

1 (2) ~~EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION,~~
2 WITHIN 24 HOURS AFTER AN EMERGENCY PESTICIDE APPLICATION, OR ON THE
3 NEXT SCHOOL DAY, THE SCHOOL SHALL NOTIFY EACH PARENT, GUARDIAN, AND
4 STAFF MEMBER ON THE PESTICIDE NOTIFICATION LIST THAT A PESTICIDE WAS
5 APPLIED FOR EMERGENCY PEST CONTROL.

6 (3) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS
7 SUBSECTION SHALL INCLUDE THE:

8 (I) COMMON NAME OF THE PESTICIDE APPLIED;

9 (II) APPROXIMATE LOCATION OF THE APPLICATION;

10 (III) DATE OF APPLICATION; AND

11 (IV) REASON FOR THE EMERGENCY APPLICATION.

12 (4) NOTIFICATION UNDER THIS SUBSECTION MAY BE MADE BY:

13 (I) TELEPHONE CALL;

14 (II) DIRECT CONTACT; OR

15 (III) WRITTEN NOTICE SENT HOME WITH THE STUDENT OR
16 PROVIDED TO THE STAFF MEMBER.

17 (5) ~~IN THE CASE OF AN EMERGENCY PESTICIDE APPLICATION IN AN~~
18 ~~ELEMENTARY SCHOOL, WITHIN 24 HOURS AFTER PESTICIDE APPLICATION, OR ON~~
19 ~~THE NEXT SCHOOL DAY, THE SCHOOL SHALL PROVIDE TO EACH PARENT, GUARDIAN,~~
20 ~~AND STAFF MEMBER:~~

21 (I) ~~THE COMMON NAME OF THE PESTICIDE;~~

22 (II) ~~THE LOCATION OF THE APPLICATION;~~

23 (III) ~~THE PLANNED DATE AND TIME OF APPLICATION;~~

24 (IV) ~~THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY~~
25 ~~WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO~~
26 ~~ALL PESTICIDES; AND~~

27 (IV) ~~THE FOLLOWING LANGUAGE:~~

28 ~~"THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES~~
29 ~~ENVIRONMENTAL PROTECTION AGENCY HAS STATED:~~

30 ~~"WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH~~
31 ~~AS PREGNANT WOMEN AND INFANTS (LESS THAN TWO YEARS OLD), SHOULD AVOID~~
32 ~~ANY UNNECESSARY PESTICIDE EXPOSURE.""; AND~~

1 (V) A BRIEF DESCRIPTION OF POTENTIAL ADVERSE EFFECTS
2 BASED UPON THE MATERIAL SAFETY DATA SHEET OF THE PESTICIDES ~~TO BE~~
3 APPLIED.

4 (5) ~~IN THE CASE OF EMERGENCY PESTICIDE APPLICATION BY SPACE~~
5 ~~SPRAYING, WITHIN 24 HOURS AFTER THE APPLICATION OR ON THE NEXT SCHOOL~~
6 ~~DAY, THE SCHOOL SHALL PROVIDE THE INFORMATION LISTED IN PARAGRAPH (3) OF~~
7 ~~THIS SUBSECTION BY UNIVERSAL NOTIFICATION.~~

8 (4) ~~UNIVERSAL NOTIFICATION UNDER THIS SECTION SHALL BE:~~

9 (1) ~~DIRECTLY TRANSMITTED TO STAFF MEMBERS; AND~~

10 (2) ~~IN THE CASE OF A PARENT OR GUARDIAN, EITHER DIRECTLY~~
11 ~~TRANSMITTED OR SENT HOME WITH EACH STUDENT.~~

12 (L) EACH SCHOOL SYSTEM SHALL DEVELOP APPROPRIATE MEANS OF
13 IN-SCHOOL NOTIFICATION BEFORE A BAIT STATION IS USED IN THE SCHOOL. THE
14 MEANS MAY INCLUDE A SIGN POSTED ON THE DOOR OF THE ROOM IN WHICH THE
15 BAIT STATION IS PLACED.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the mandatory provisions
17 of Section 1 of this Act shall apply to each county board of education starting in the
18 1999-2000 regular school year, but until the start of the 1999-2000 regular school
19 year, county boards of education shall use their best efforts to comply with Section 1
20 of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 4 of
22 this Act:

23 (1) each county board of education shall provide an opportunity, at least
24 once each year at a regularly scheduled meeting of the county board, for the contact
25 person appointed under Section 1 of this Act to receive and address public comments
26 regarding the system; and

27 (2) notice of the meeting shall be included in the universal notification
28 required at the start of each school year under § 5-208.1(f) of the Agriculture Article,
29 as enacted by this Act.

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
31 remain effective for a period of 2 years and, at the end of September 30, 2000, with no
32 further action required by the General Assembly, Section 3 of this Act shall be
33 abrogated and of no further force and effect.

34 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 July 1, 1998.

