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By: **Delegates Stup and Owings**

Introduced and read first time: January 28, 1998

Assigned to: Environmental Matters

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A BILL ENTITLED

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  
9 certain information to certain individuals before certain pesticide applications,  
10 subject to a certain exception; requiring public schools to provide certain  
11 information to certain individuals in a certain manner in case of an emergency  
12 pesticide application; defining certain terms; providing for the application of  
13 this Act; providing for the effective date of this Act; providing for the application  
14 and termination of a portion of this Act; and generally relating to pesticide  
15 application in schools.

16 BY repealing and reenacting, without amendments,  
17 Article - Agriculture  
18 Section 5-201(l)  
19 Annotated Code of Maryland  
20 (1985 Replacement Volume and 1997 Supplement)

21 BY adding to  
22 Article - Agriculture  
23 Section 5-208.1  
24 Annotated Code of Maryland  
25 (1985 Replacement Volume and 1997 Supplement)

26 Preamble

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

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

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

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

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

10 WHEREAS, The Maryland General Assembly desires to institute Statewide  
11 standards for implementation of integrated pest management systems and  
12 notification to parents, guardians, and school staff about the operation of those  
13 systems; now, therefore,

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 5-201.

18 (1) "Pesticide" means any substance or mixture of substances intended for:

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

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

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

22 5-208.1.

23 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "CONTACT PERSON" MEANS AN INDIVIDUAL KNOWLEDGEABLE  
26 ABOUT INTEGRATED PEST MANAGEMENT AND DESIGNATED BY A COUNTY BOARD TO  
27 ACT UNDER SUBSECTION (E) OF THIS SECTION.

28 (3) "COUNTY BOARD" HAS THE MEANING STATED IN § 1-101 OF THE  
29 EDUCATION ARTICLE.

30 (4) "CRACK AND CREVICE TREATMENT" MEANS THE APPLICATION OF  
31 SMALL AMOUNTS OF A PESTICIDE IN A BUILDING INTO OPENINGS SUCH AS THOSE  
32 COMMONLY FOUND AT EXPANSION JOINTS, BETWEEN LEVELS OF CONSTRUCTION,  
33 AND BETWEEN EQUIPMENT AND FLOORS.

1 (5) "EMERGENCY" MEANS A SUDDEN NEED TO MITIGATE OR ELIMINATE  
2 A PEST WHICH THREATENS THE HEALTH OR SAFETY OF A STUDENT OR STAFF  
3 MEMBER.

4 (6) "INTEGRATED PEST MANAGEMENT" MEANS THE MANAGED USE OF  
5 COMBINED PEST CONTROL ALTERNATIVES, INCLUDING CULTURAL, MECHANICAL,  
6 BIOLOGICAL, AND CHEMICAL MEANS MOST EFFECTIVELY TO PREVENT OR REDUCE  
7 TO ACCEPTABLE LEVELS PESTS AND DAMAGE CAUSED BY PESTS.

8 (7) "PESTICIDE" DOES NOT INCLUDE:

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

11 (II) ANY BAIT, UNLESS THE BAIT CONTAINS A SUBSTANCE OR  
12 MIXTURE OF SUBSTANCES THAT VOLATILIZE INTO THE AMBIENT AIR.

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

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

17 (II) "SPACE SPRAYING" DOES NOT INCLUDE CRACK AND CREVICE  
18 TREATMENT.

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

20 (II) "STAFF MEMBER" INCLUDES ADMINISTRATORS, TEACHERS,  
21 AND OTHER SUPPORT PERSONNEL.

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

23 1. A REGISTERED EMPLOYEE OR APPLICATOR CERTIFIED BY  
24 THE DEPARTMENT; OR

25 2. A PERSON ASSISTING IN THE APPLICATION OF A  
26 PESTICIDE.

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

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

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

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

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

1           (2)     THE CONTACT PERSON SHALL:

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

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

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

10           (2)     THE NOTICE SHALL INCLUDE:

11                   (I)     A STATEMENT THAT EXPLAINS THE SCHOOL'S INTEGRATED  
12 PEST MANAGEMENT SYSTEM AND THAT A PESTICIDE MAY BE APPLIED IN SCHOOL  
13 BUILDINGS;

14                   (II)    THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
15 CONTACT PERSON;

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

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

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

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

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

37     (H)     AFTER THE START OF EACH SCHOOL YEAR, A SCHOOL SHALL PROVIDE  
38 THE WRITTEN INFORMATION REQUIRED UNDER SUBSECTION (F)(2) OF THIS SECTION

1 TO A NEWLY EMPLOYED STAFF MEMBER OR THE PARENT OR GUARDIAN OF A  
2 STUDENT NEWLY ENROLLED DURING THE SCHOOL YEAR.

3 (I) (1) AT LEAST 24 HOURS BEFORE A PESTICIDE IS APPLIED IN A SCHOOL  
4 BUILDING, THE SCHOOL SHALL PROVIDE TO EACH PARENT, GUARDIAN, AND STAFF  
5 MEMBER ON THE PESTICIDE NOTIFICATION LIST THE:

6 (I) COMMON NAME OF THE PESTICIDE;

7 (II) LOCATION OF THE APPLICATION; AND

8 (III) PLANNED DATE AND TIME OF APPLICATION.

9 (2) THE SCHOOL MAY PROVIDE PRIOR NOTIFICATION BY:

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

12 (II) TELEPHONE CALL;

13 (III) DIRECT CONTACT; OR

14 (IV) WRITTEN NOTICE MAILED AT LEAST 3 DAYS PRIOR TO THE  
15 APPLICATION.

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

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

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

22 (II) LOCATION OF THE SPACE SPRAYING; AND

23 (III) PLANNED DATE AND TIME OF SPACE SPRAYING.

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

26 (2) WITHIN 24 HOURS AFTER AN EMERGENCY PESTICIDE APPLICATION,  
27 OR ON THE NEXT SCHOOL DAY, THE SCHOOL SHALL NOTIFY EACH PARENT,  
28 GUARDIAN, AND STAFF MEMBER ON THE PESTICIDE NOTIFICATION LIST THAT A  
29 PESTICIDE WAS APPLIED FOR EMERGENCY PEST CONTROL.

30 (3) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS  
31 SUBSECTION SHALL INCLUDE THE:

32 (I) COMMON NAME OF THE PESTICIDE APPLIED;

1 (II) APPROXIMATE LOCATION OF THE APPLICATION;

2 (III) DATE OF APPLICATION; AND

3 (IV) REASON FOR THE EMERGENCY APPLICATION.

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

5 (I) TELEPHONE CALL;

6 (II) DIRECT CONTACT; OR

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

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

13 (L) UNIVERSAL NOTIFICATION UNDER THIS SECTION SHALL BE:

14 (1) DIRECTLY TRANSMITTED TO STAFF MEMBERS; AND

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

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

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

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

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

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

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