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Assigned to: Environmental Matters

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House action: Adopted with floor amendments
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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
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(1)
19 Annotated Code of Maryland

1 (1985 Replacement Volume and 1997 Supplement)

2 BY adding to

3 Article - Agriculture

4 Section 5-208.1

5 Annotated Code of Maryland

6 (1985 Replacement Volume and 1997 Supplement)

7 Preamble

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

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

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

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

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

19 WHEREAS, The Maryland General Assembly desires to institute Statewide
20 standards for implementation of integrated pest management systems and
21 notification to parents, guardians, and school staff about the operation of those
22 systems; now, therefore,

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 5-201.

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

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

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

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

31 5-208.1.

32 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

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

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

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

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

13 (6) "INTEGRATED PEST MANAGEMENT" MEANS ~~THE MANAGED USE OF~~
14 ~~COMBINED PEST CONTROL ALTERNATIVES, INCLUDING CULTURAL, MECHANICAL,~~
15 ~~BIOLOGICAL, AND CHEMICAL MEANS MOST EFFECTIVELY TO PREVENT OR REDUCE~~
16 ~~TO ACCEPTABLE LEVELS PESTS AND DAMAGE CAUSED BY PESTS~~ A MANAGED PEST
17 CONTROL PROGRAM IN WHICH METHODS ARE INTEGRATED AND USED TO KEEP
18 PESTS FROM CAUSING ECONOMIC, HEALTH RELATED, OR AESTHETIC INJURY
19 THROUGH THE UTILIZATION OF SITE OR PEST INSPECTIONS, PEST POPULATION
20 MONITORING, EVALUATING THE NEED FOR CONTROL, AND THE USE OF ONE OR
21 MORE PEST CONTROL METHODS INCLUDING SANITATION, STRUCTURAL REPAIR,
22 NONCHEMICAL METHODS, AND, AS A LAST RESORT, PESTICIDES IN ORDER TO:

23 (I) MINIMIZE THE USE OF PESTICIDES; AND

24 (II) MINIMIZE THE RISK TO HUMAN HEALTH AND THE
25 ENVIRONMENT ASSOCIATED WITH PESTICIDE APPLICATIONS.

26 (7) "PESTICIDE" DOES NOT INCLUDE:

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

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

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

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

35 (II) "SPACE SPRAYING" DOES NOT INCLUDE CRACK AND CREVICE
36 TREATMENT.

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

1 (II) "STAFF MEMBER" INCLUDES ADMINISTRATORS, TEACHERS,
2 AND OTHER SUPPORT PERSONNEL.

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

4 1. A REGISTERED EMPLOYEE OR APPLICATOR CERTIFIED BY
5 THE DEPARTMENT; OR

6 2. A PERSON ASSISTING IN THE APPLICATION OF A
7 PESTICIDE.

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

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

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

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

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

16 (2) THE CONTACT PERSON SHALL:

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

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

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

25 (2) THE NOTICE SHALL INCLUDE:

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

29 (I) A STATEMENT THAT EXPLAINS THE SCHOOL'S INTEGRATED
30 PEST MANAGEMENT SYSTEM AND LISTS ANY PESTICIDE OR BAIT STATION THAT MAY
31 BE USED IN A SCHOOL BUILDING AS PART OF THE INTEGRATED PEST MANAGEMENT
32 SYSTEM;

33 (II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
34 CONTACT PERSON;

1 (III) A STATEMENT THAT THE CONTACT PERSON MAINTAINS THE
2 PRODUCT LABEL OR MATERIAL SAFETY DATA SHEET OF EACH PESTICIDE OR BAIT
3 STATION THAT MAY BE USED BY THE SCHOOL IN BUILDINGS AND ON SCHOOL
4 GROUNDS, THAT THE LABEL OR DATA SHEET IS AVAILABLE FOR REVIEW BY A
5 PARENT, GUARDIAN, STAFF MEMBER, OR STUDENT ATTENDING THE SCHOOL, AND
6 THAT THE CONTACT PERSON IS AVAILABLE TO PARENTS, GUARDIANS, AND STAFF
7 MEMBERS FOR INFORMATION AND COMMENT; AND

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

11 (G) (1) AT THE START OF EACH SCHOOL YEAR, A SCHOOL SHALL DEVELOP A
12 PESTICIDE NOTIFICATION LIST CONTAINING EACH STAFF MEMBER, AND PARENT OR
13 GUARDIAN OF A STUDENT ATTENDING THE SCHOOL, WHO REQUESTS IN WRITING
14 PRIOR NOTIFICATION OF A PESTICIDE APPLICATION MADE IN THE SCHOOL DURING
15 THE SCHOOL YEAR.

16 (2) THE SCHOOL SHALL KEEP THE PESTICIDE NOTIFICATION LIST
17 CURRENT AND SHALL ADD ADDITIONAL NAMES ON WRITTEN REQUEST BY A STAFF
18 MEMBER, OR BY THE PARENT OR GUARDIAN OF A STUDENT ATTENDING THE
19 SCHOOL.

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

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

26 (I) (1) AT LEAST ~~24~~ 48 HOURS BEFORE A PESTICIDE IS APPLIED IN A
27 SCHOOL BUILDING, THE SCHOOL SHALL PROVIDE TO EACH PARENT, GUARDIAN, AND
28 STAFF MEMBER ON THE PESTICIDE NOTIFICATION LIST THE:

29 (I) COMMON NAME OF THE PESTICIDE;

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

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

32 (IV) UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
33 WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO
34 ALL PESTICIDES.

35 (2) THE SCHOOL MAY, AT THE REQUEST OF A PARENT, GUARDIAN, OR
36 STAFF MEMBER, PROVIDE PRIOR NOTIFICATION BY:

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

- 1 (II) TELEPHONE CALL;
 2 (III) DIRECT CONTACT; OR
 3 (IV) WRITTEN NOTICE MAILED AT LEAST 3 DAYS PRIOR TO THE
 4 APPLICATION.

5 (3) IN THE CASE OF A PESTICIDE APPLICATION IN AN ELEMENTARY
 6 SCHOOL, AT LEAST 48 HOURS BEFORE THE PESTICIDE IS APPLIED IN A SCHOOL
 7 BUILDING, THE SCHOOL SHALL PROVIDE TO EACH PARENT OR GUARDIAN, AND
 8 STAFF MEMBER:

- 9 (I) THE COMMON NAME OF THE PESTICIDE;
 10 (II) THE LOCATION OF THE APPLICATION;
 11 (III) THE PLANNED DATE AND TIME OF APPLICATION;
 12 (IV) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 13 WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO
 14 ALL PESTICIDES; AND
 15 (V) A BRIEF DESCRIPTION OF POTENTIAL ADVERSE EFFECTS
 16 BASED UPON THE MATERIAL SAFETY SHEET OF THE PESTICIDES TO BE APPLIED.

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

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

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

- 25 (I) A COMMON NAME OF THE PESTICIDE TO BE USED;
 26 (II) A LOCATION OF THE SPACE SPRAYING; ~~AND~~
 27 (III) A PLANNED DATE AND TIME OF SPACE SPRAYING;
 28 (IV) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 29 WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO
 30 ALL PESTICIDES;
 31 (V) IF THE PESTICIDE IS NOT ADDRESSED IN THE NOTICE SENT AT
 32 THE BEGINNING OF THE SCHOOL YEAR, A BRIEF DESCRIPTION OF THE PESTICIDE TO
 33 BE APPLIED;

1 (VI) A BRIEF DESCRIPTION OF POTENTIAL ADVERSE EFFECTS
2 BASED UPON THE MATERIAL SAFETY DATA SHEET OF THE PESTICIDES TO BE
3 APPLIED; AND

4 (VII) THE NAME AND TELEPHONE NUMBER OF THE COUNTY
5 DESIGNATED CONTACT PERSON.

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

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

12 (3) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS
13 SUBSECTION SHALL INCLUDE THE:

14 (I) COMMON NAME OF THE PESTICIDE APPLIED;

15 (II) APPROXIMATE LOCATION OF THE APPLICATION;

16 (III) DATE OF APPLICATION; AND

17 (IV) REASON FOR THE EMERGENCY APPLICATION.

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

19 (I) TELEPHONE CALL;

20 (II) DIRECT CONTACT; OR

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

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

27 (I) THE COMMON NAME OF THE PESTICIDE;

28 (II) THE LOCATION OF THE APPLICATION;

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

30 (IV) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
31 WARNING THAT PREGNANT WOMEN SHOULD REDUCE OR ELIMINATE EXPOSURE TO
32 ALL PESTICIDES; 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.

