

SENATE BILL 149

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M4

1999 Regular Session
9lr0380

By: **Senators Frosh, Forehand, Conway, Pinsky, Teitelbaum, Van Hollen,
and Sfikas**

Introduced and read first time: January 27, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 3, 1999

CHAPTER _____

1 AN ACT concerning

2 **Public Schools - Integrated Pest Management**

3 FOR the purpose of extending the applicability of the integrated pest management
4 systems adopted by the county boards of education to certain areas at public
5 schools; making stylistic changes; providing for a delayed effective date; and
6 generally relating to pesticide application in public schools.

7 BY repealing and reenacting, with amendments,
8 Article - Agriculture
9 Section 5-208.1
10 Annotated Code of Maryland
11 (1985 Replacement Volume and 1998 Supplement)

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

14 **Article - Agriculture**

15 5-208.1.

16 (a) (1) In this section, the following words have the meanings indicated.

17 (2) "Contact person" means an individual knowledgeable about
18 integrated pest management and designated by a county board to act under
19 subsection (e) of this section.

1 (3) "County board" has the meaning stated in § 1-101 of the Education
2 Article.

3 (4) "Crack and crevice treatment" means the application of small
4 amounts of a pesticide in a building into openings such as those commonly found at
5 expansion joints, between levels of construction, and between equipment and floors.

6 (5) "Emergency" means a sudden need to mitigate or eliminate a pest
7 which threatens the health or safety of a student or staff member.

8 (6) "Integrated pest management" means a managed pest control
9 program in which methods are integrated and used to keep pests from causing
10 economic, health related, or aesthetic injury through the utilization of site or pest
11 inspections, pest population monitoring, evaluating the need for control, and the use
12 of one or more pest control methods including sanitation, structural repair,
13 nonchemical methods, and, when nontoxic options are unreasonable or have been
14 exhausted, pesticides in order to:

15 (i) Minimize the use of pesticides; and

16 (ii) Minimize the risk to human health and the environment
17 associated with pesticide applications.

18 (7) "Pesticide" does not include:

19 (i) An antimicrobial agent, such as a disinfectant, sanitizer, or
20 deodorizer, used for cleaning purposes; or

21 (ii) Any bait station.

22 (8) "School" means a public school in the public elementary and
23 secondary system of the State.

24 (9) (i) "Space spraying" means application of a pesticide by discharge
25 into the air throughout an area.

26 (ii) "Space spraying" does not include crack and crevice treatment.

27 (10) (i) "Staff member" means an employee of a school system.

28 (ii) "Staff member" includes administrators, teachers, and other
29 support personnel.

30 (iii) "Staff member" does not include:

31 1. A registered employee or applicator certified by the
32 Department; or

33 2. A person assisting in the application of a pesticide.

1 (11) "Universal notification" means written notice by a school to all
2 parents, guardians, and staff members.

3 (b) This section applies to pesticide application in a school BUILDING OR ON
4 SCHOOL GROUNDS.

5 (c) The Department shall develop uniform standards and criteria for
6 implementing integrated pest management systems [in] FOR schools.

7 (d) A county board shall develop and implement [in] FOR its schools an
8 integrated pest management system approved by the Secretary.

9 (e) (1) A county board shall designate a contact person.

10 (2) The contact person shall:

11 (i) Act as a contact for inquiries about the integrated pest
12 management system; and

13 (ii) Maintain material safety data sheets and labels for all
14 pesticides which may be used in the school district of the county board.

15 (f) (1) At the beginning of each school year, a school shall include notice of
16 the school's integrated pest management system in the school calendar or other
17 universal notification.

18 (2) The notice shall include:

19 (i) A statement that explains the school's integrated pest
20 management system and lists any pesticide or bait station that may be used in a
21 school building OR ON SCHOOL GROUNDS as part of the integrated pest management
22 system;

23 (ii) The name, address, and telephone number of the contact
24 person;

25 (iii) A statement that the contact person maintains the product label
26 or material safety data sheet of each pesticide or bait station that may be used by the
27 school in buildings and on school grounds, that the label or data sheet is available for
28 review by a parent, guardian, staff member, or student attending the school, and that
29 the contact person is available to parents, guardians, and staff members for
30 information and comment; and

31 (iv) Instructions for including a parent, guardian, or staff member
32 on a pesticide notification list under subsection (g) of this section.

33 (g) (1) At the start of each school year, a school shall develop a pesticide
34 notification list containing each staff member, and parent or guardian of a student
35 attending the school, who requests in writing prior notification of a pesticide

1 application made in the school BUILDING OR ON SCHOOL GROUNDS during the school
2 year.

3 (2) The school shall keep the pesticide notification list current and shall
4 add additional names on written request by a staff member, or by the parent or
5 guardian of a student attending the school.

6 (3) The school shall make the pesticide notification list available to the
7 Department on request.

8 (h) After the start of each school year, a school shall provide the written
9 information required under subsection (f)(2) of this section to a newly employed staff
10 member or the parent or guardian of a student newly enrolled during the school year.

11 (i) (1) Except as provided in paragraph (3) of this subsection, at least 24
12 hours before a pesticide is applied in a school building OR ON SCHOOL GROUNDS, the
13 school shall provide to each parent, guardian, and staff member on the pesticide
14 notification list the:

15 (i) Common name of the pesticide;

16 (ii) Location of the application;

17 (iii) Planned date and time of application; and

18 (iv) United States Environmental Protection Agency warning that
19 pregnant women should reduce or eliminate exposure to all pesticides.

20 (2) The school may provide prior notification, required under paragraph
21 (1) of this subsection, by:

22 (i) Written notice sent home with the student or provided to the
23 staff member;

24 (ii) Telephone call;

25 (iii) Direct contact; or

26 (iv) Written notice mailed at least 3 days prior to the application.

27 (3) In the case of a pesticide application [in] AT an elementary school, at
28 least 24 hours before the pesticide is applied in a school building OR ON SCHOOL
29 GROUNDS, the school shall provide to each parent or guardian, and staff member:

30 (i) The common name of the pesticide;

31 (ii) The location of the application;

32 (iii) The planned date and time of application;

33 (iv) The following language:

1 "The office of pesticide programs of the United States Environmental Protection
2 Agency has stated:

3 "Where possible, persons who potentially are more sensitive, such as pregnant
4 women and infants (less than two years old), should avoid any unnecessary pesticide
5 exposure."; and

6 (v) A brief description of potential adverse effects based upon the
7 material safety DATA sheet of the pesticides to be applied.

8 (4) Each school system shall develop an appropriate means of in-school
9 notification to students and staff members before a pesticide is applied in a SCHOOL
10 BUILDING OR ON SCHOOL GROUNDS OF A middle school or high school.

11 (j) (1) Subject to subsection (k) of this section, a school that intends to use
12 space spraying in a school building shall provide written notice at least 1 week
13 beforehand by universal notification.

14 (2) The notice shall be on a separate paper sheet at least 8 1/2 inches by
15 11 inches in size and shall contain:

16 (i) A common name of the pesticide to be used;

17 (ii) A location of the space spraying;

18 (iii) A planned date and time of space spraying;

19 (iv) The following language:

20 "The office of pesticide programs of the United States Environmental Protection
21 Agency has stated:

22 "Where possible, persons who potentially are more sensitive, such as pregnant
23 women and infants (less than two years old), should avoid any unnecessary pesticide
24 exposure.";

25 (v) If the pesticide is not addressed in the notice sent at the
26 beginning of the school year, a brief description of the pesticide to be applied;

27 (vi) A brief description of potential adverse effects based upon the
28 material safety data sheet of the pesticides to be applied; and

29 (vii) The name and telephone number of the county designated
30 contact person.

31 (k) (1) A pesticide may be applied in a school BUILDING OR ON SCHOOL
32 GROUNDS without prior notification only if an emergency pest situation exists.

33 (2) Except as provided in paragraph (5) of this subsection, within 24
34 hours after an emergency pesticide application IN A SCHOOL BUILDING OR ON
35 SCHOOL GROUNDS, or on the next school day, the school shall notify each parent,

1 guardian, and staff member on the pesticide notification list that a pesticide was
2 applied for emergency pest control.

3 (3) The notification required under paragraph (2) of this subsection shall
4 include the:

5 (i) Common name of the pesticide applied;

6 (ii) Approximate location of the application;

7 (iii) Date of application; and

8 (iv) Reason for the emergency application.

9 (4) Notification under this subsection may be made by:

10 (i) Telephone call;

11 (ii) Direct contact; or

12 (iii) Written notice sent home with the student or provided to the
13 staff member.

14 (5) In the case of an emergency pesticide application [in] AT an
15 elementary school, within 24 hours after AN EMERGENCY pesticide application IN A
16 SCHOOL BUILDING OR ON SCHOOL GROUNDS, or on the next school day, the school
17 shall provide to each parent, guardian, and staff member:

18 (i) The common name of the pesticide;

19 (ii) The location of the application;

20 (iii) The date and time of application;

21 (iv) The following language:

22 "The office of pesticide programs of the United States Environmental Protection
23 Agency has stated:

24 "Where possible, persons who potentially are more sensitive, such as pregnant
25 women and infants (less than two years old), should avoid any unnecessary pesticide
26 exposure."; and

27 (v) A brief description of potential adverse effects based upon the
28 material safety data sheet of the pesticides applied.

29 (l) Each school system shall develop appropriate means of in-school
30 notification before a bait station is used in [the] A school BUILDING OR ON SCHOOL
31 GROUNDS. The means may include a sign posted on the door of the room in which the
32 bait station is placed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, ~~1999~~ 2000.