

FEB 18 2005

ENVIRONMENTAL PROTECTION

HOUSE FILE 347
BY HEDDENS and SHOULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to pesticide application within schools, and on
2 school grounds, athletic fields, and playgrounds, and
3 providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 347

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1 Section 1. Section 206.2, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 13A. "Indoor pesticide treatment" means a
4 pesticide treatment that includes an outside perimeter
5 treatment of a building if the primary purpose of the
6 treatment is to treat the inside of the building.

7 NEW SUBSECTION. 15A. "Integrated pest management plan"
8 means a decision-making process that includes inspection and
9 pest identification; monitoring of pest and beneficial insect
10 populations and related recordkeeping; injury-level
11 assessments to determine when treatment is needed; treatment
12 selection and application, with pest prevention methods,
13 including habitat modification and sanitation measures, and
14 nontoxic controls treatment; and evaluation of results.

15 NEW SUBSECTION. 18A. "Outdoor pesticide treatment" means
16 an outdoor pesticide treatment that is applied anywhere on
17 school grounds, including, but not limited to, athletic fields
18 or playgrounds.

19 NEW SUBSECTION. 20A. "Pest" means, for purposes of
20 sections 206.40 through 206.46, an insect, rodent, nematode,
21 fungus, weed, or other form of terrestrial or aquatic plant or
22 animal life or virus, bacteria, or other microorganism, except
23 viruses, bacteria, or other microorganisms on or in living
24 humans or other living animals, declared to be a pest under
25 the federal Insecticide, Fungicide, and Rodenticide Act, 7
26 U.S.C. § 136 et seq., as amended.

27 NEW SUBSECTION. 20B. "Pest control information sheet"
28 means a document that contains the date of treatment, the
29 name, address, and telephone number of the applicator, the
30 pesticide utilized, and any other information required by the
31 secretary.

32 NEW SUBSECTION. 21A. "Pesticide application technician"
33 means an individual, employed by a commercial applicator or a
34 governmental agency, who is certified or licensed under this
35 chapter to apply pesticides under the direct supervision of a

1 certified or licensed applicator.

2 NEW SUBSECTION. 27A. "School" means, for purposes of
3 sections 206.40 through 206.46, a public or nonpublic school
4 under section 280.2, or a school operated by a state agency
5 for special purposes.

6 Sec. 2. NEW SECTION. 206.40 ANNUAL PARENTAL NOTIFICATION
7 REGARDING SCHOOL PESTICIDE USE.

8 The chief administrator of a school or the chief
9 administrator's designee shall include the following
10 information in any registration materials the school
11 distributes to parents or guardians of children attending
12 classes in a building on the school grounds:

13 1. That the school periodically applies pesticides indoors
14 or on school grounds.

15 2. That information on the pesticides applied indoors or
16 outdoors is available at the request of a parent or guardian.

17 Sec. 3. NEW SECTION. 206.41 NOTIFICATION OF PESTICIDE
18 TREATMENTS AT SCHOOLS.

19 1. Prior to applying an indoor pesticide treatment at a
20 school building, the certified applicator or a pesticide
21 application technician shall supply a pest control information
22 sheet and a pest control notification sign to the chief
23 administrator of the school or the chief administrator's
24 designee, who shall be responsible for all of the following:

25 a. Posting the pest control notification sign in
26 conspicuous view in an area of common access for at least
27 seventy-two hours before and at least forty-eight hours
28 following each planned treatment.

29 b. Providing copies of the pest control information sheet
30 to every individual working in the school building at least
31 seventy-two hours before each planned treatment.

32 c. Providing notice of the treatment in writing to the
33 parents or guardians of the students who attend classes in the
34 building at least seventy-two hours before each planned
35 treatment. The notice shall include the name, address, and

1 telephone number of the certified applicator or the pesticide
2 application technician, the date of treatment, and the
3 pesticide to be utilized. The notice may be included in a
4 normal school communication to parents or guardians and need
5 not be mailed separately to parents or guardians.

6 2. Prior to applying an outdoor pesticide treatment
7 anywhere on school grounds, including but not limited to
8 athletic fields or playgrounds, the certified applicator or a
9 pesticide application technician shall supply the pest control
10 information sheet and a pest control notification sign to the
11 chief administrator of the school or the chief administrator's
12 designee, who shall be responsible for posting the pest
13 control notification sign in conspicuous view on the school
14 grounds to be treated for at least seventy-two hours before
15 and at least forty-eight hours following each planned
16 treatment.

17 3. The secretary of agriculture shall adopt rules
18 regulating emergency pesticide applications for which the
19 required notification in subsections 1 and 2 may be waived.
20 The rules shall include all of the following provisions:

21 a. Emergency pesticide applications shall be allowed only
22 in the event of an immediate threat to the health and safety
23 of students and school employees.

24 b. Before any emergency application, students and
25 employees shall vacate the portion of the building or grounds
26 to be treated and shall not be allowed to return to that
27 portion of the building or grounds for at least twenty-four
28 hours following the application.

29 c. School officials shall notify by telephone any parent
30 or guardian who has requested notification of emergency
31 pesticide use. Schools shall advise parents or guardians of
32 their right to request notification of emergency pesticide use
33 on an annual basis and shall explain procedures for requesting
34 such notification.

35 4. The board of directors of each school district and the

1 authorities in charge of each accredited nonpublic school
2 shall maintain detailed records of all pesticide applications
3 for at least three years.

4 Sec. 4. NEW SECTION. 206.42 INTEGRATED PEST MANAGEMENT
5 PLANS FOR SCHOOLS.

6 1. The board of directors of each school district and the
7 authorities in charge of each accredited nonpublic school
8 shall, on or before September 1, 2006, adopt an integrated
9 pest management plan that incorporates the standards developed
10 by the secretary and the director of the department of
11 education.

12 2. The secretary and the director of the department of
13 education shall, in collaboration with the advisory committee
14 created pursuant to section 206.23, develop and implement
15 integrated pest management plan standards for schools not
16 later than March 1, 2006. In developing standards, the
17 secretary and the director of the department of education
18 shall consult with a person who is knowledgeable in the area
19 of integrated pest management in schools. The standards shall
20 include, but not be limited to, the following:

21 a. A requirement that the least toxic methods available to
22 control pests be used.

23 b. A hierarchy of treatments that schools shall use in
24 controlling pests.

25 c. A uniform pest control notification sign that measures
26 at least eight and one-half by eleven inches in size to be
27 utilized in school buildings and on school grounds.

28 3. The secretary and the director of the department of
29 education shall prepare model integrated pest management
30 plans, materials, training, and assistance, which the
31 department shall provide to schools to facilitate the
32 implementation of integrated pest management plans by schools.

33 Sec. 5. NEW SECTION. 206.43 PESTICIDE APPLICATION --
34 SCHOOL GROUNDS.

35 1. No person other than a certified applicator or

1 pesticide application technician shall apply pesticides within
2 any building or on the grounds of any school. A pesticide may
3 be applied in a school building only during periods in which
4 students are not expected to use the building for normal
5 academic instruction or organized extracurricular activities
6 for at least twenty-four hours following the application.

7 2. A pesticide may be applied on school grounds only
8 during periods in which students are not expected to use the
9 treated portion of the grounds for normal academic instruction
10 or organized extracurricular activities for at least twenty-
11 four hours following the application.

12 3. a. If a portion of a school building that has a
13 separate ventilation system and is separated from the
14 remainder of the building by smoke or fire doors is treated
15 with a pesticide, the twenty-four-hour waiting period
16 established under subsection 1 shall apply only for the
17 treated portion of the building. Students shall not be
18 present in the untreated portion of the building for normal
19 academic instruction or organized extracurricular activities
20 for at least twelve hours.

21 b. Access to the treated portion of the building, plus a
22 buffer zone as prescribed by the secretary, shall be
23 restricted for twenty-four hours. In all such applications,
24 the school shall make every effort to prevent the pesticide
25 from migrating into the untreated portion of the building,
26 including sealing doors and windows from the treated portion
27 of the building.

28 4. Under no circumstances shall pesticides be applied in a
29 school building or on school grounds when students are present
30 in the school building or on school grounds for normal
31 academic instruction or organized extracurricular activities
32 except as provided in section 206.40, subsection 3.

33 5. The secretary shall adopt rules establishing standards
34 for pesticide application on school grounds, including but not
35 limited to the buffer areas around the treated portion of the

1 grounds in which students will not be permitted for twenty-
2 four hours after application, and establishing procedures for
3 pesticide applications in school buildings and on school
4 grounds of schools in which students are in residence.

5 Sec. 6. NEW SECTION. 206.44 PERIMETER TREATMENT OF
6 SCHOOL BUILDINGS.

7 1. The secretary shall adopt rules defining a perimeter
8 treatment of a school building and adopt by rule definitions
9 provided by federal law for the purpose of indoor pesticide
10 treatment.

11 2. The odoriferous pesticides profenofos, sulprofos, def,
12 and merphos and other pesticides with similar odoriferous
13 characteristics shall not be applied within one-fourth mile of
14 a school, except by soil injection.

15 3. Highly toxic pesticides and paraquat may be applied
16 within one-fourth mile of a school only if authorized
17 activities at the school are scheduled to occur after the
18 reentry time period assigned to the pesticide by provisions of
19 the product label elapses.

20 4. A school administrator at the school shall be notified
21 of the application of pesticides by aircraft in the vicinity
22 of the school as prescribed by the department by rule.

23 5. For purposes of this section, distances shall be
24 measured from the property boundary of a school closest to the
25 area to be sprayed. Nothing in this section shall be
26 construed to permit the application of pesticides in such a
27 way as to cause drift within the grounds of a school, but
28 compliance with subsections 1 through 4 and the requirements
29 of the pesticide label establishes a presumption of compliance
30 with this section.

31 Sec. 7. NEW SECTION. 206.45 EXEMPTIONS.

32 1. The use of disinfectant and antimicrobial products are
33 exempt from the notification and recordkeeping requirements of
34 section 206.41 and from the restrictions on application set
35 forth in section 206.43.

1 notification requirements exceed the savings from reduced
2 pesticide use.

3 The bill directs the secretary of agriculture and the
4 director of the department of education to develop, in
5 collaboration with the advisory committee created pursuant to
6 Code section 206.23, and implement integrated pest management
7 plan standards not later than March 1, 2006; and to prepare
8 model integrated pest management plans, materials, training,
9 and assistance, which the department of agriculture shall
10 provide to schools.

11 The bill requires certified applicators and pesticide
12 application technicians to supply, prior to applying an indoor
13 pesticide treatment at a school building, a pest control
14 information sheet and a pest control notification sign to the
15 chief administrator or the chief administrator's designee, who
16 must post the pest control notification sign in conspicuous
17 view in an area of common access for at least 72 hours before
18 and at least 48 hours following each planned treatment,
19 provide copies of the pest control information sheet to every
20 individual working in the school building at least 72 hours
21 before each planned treatment, and provide notice in writing
22 to the parents and guardians of the students who attend
23 classes in the building at least 72 hours before each planned
24 treatment.

25 The requirements relating to applying an outdoor pesticide
26 treatment anywhere on school grounds are similar. A school
27 must also include information in its registration materials
28 that the school periodically applies pesticides indoors and on
29 school grounds and that information on the pesticides is
30 available at the request of a parent or guardian.

31 The secretary of agriculture is directed to adopt rules
32 regulating emergency pesticide applications. The board of
33 directors of each school district and the authorities in
34 charge of each accredited nonpublic school must maintain
35 detailed records of all pesticide applications for at least

1 three years.

2 The standards for an integrated pest management control
3 plan must include a requirement that the least toxic methods
4 available to control pests, rodents, insects, and weeds be
5 used; a hierarchy of treatments that schools must use in
6 controlling pests; and a uniform pest control notification
7 sign that measures at least 8.5 inches by 11 inches in size to
8 be utilized in school buildings and on school grounds.

9 The bill prohibits any person other than a certified
10 applicator or pesticide application technician from applying
11 pesticides within any school building or on the grounds of any
12 school and specifies the conditions and times when a pesticide
13 may be applied in a school building and on school grounds.

14 The bill requires the secretary of agriculture to adopt
15 rules defining a perimeter treatment, and prohibits the
16 application of certain odoriferous pesticides within one-
17 fourth mile of a school, except by soil injection. Other
18 highly toxic pesticides may be applied within one-fourth mile
19 of a school only when authorized activities at the school are
20 scheduled to occur after the reentry time period assigned to
21 the pesticide by provisions of the product label elapses.

22 The use of disinfectant and antimicrobial products are
23 exempted from the notification and recordkeeping requirements.
24 The application of self-contained bait packages placed in
25 areas not accessible to students is exempted from the
26 notification requirements and from the restrictions on
27 application.

28 The bill takes effect January 1, 2006.

29 The bill may include a state mandate as defined in Code
30 section 25B.3.

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