

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 110

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. HOLT introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Environment  
5 Protection Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in 1992, the National Parent Teacher Asso-  
4 ciation passed a resolution calling for the reduced  
5 use of pesticides in schools and calling on policy-  
6 makers to consider all possible alternatives before  
7 using any pesticides;

8 (2) the National Education Association and  
9 many other national public interest organizations  
10 have announced support for reducing or eliminating  
11 pesticide use in schools;

12 (3) childhood cancer is continuing to increase at  
13 the alarming rate of 1 percent per year;

14 (4) the overall incidence of childhood cancer in-  
15 creased 10 percent between 1974 and 1991, making  
16 cancer the leading cause of childhood death from  
17 disease;

18 (5) approximately 4,800,000 children in the  
19 United States under the age of 18 have asthma, the  
20 most common chronic illness in children, and the in-  
21 cidence of asthma is on the rise;

22 (6) children are more susceptible to hazardous  
23 impacts from pesticides than are adults;

24 (7) numerous scientific studies have linked both  
25 cancer and asthma to pesticide exposure;

1           (8) the Environmental Protection Agency has  
2 recommended the use of an integrated pest manage-  
3 ment system by local educational agencies, which  
4 emphasizes nonchemical ways of reducing pests,  
5 such as sanitation and maintenance;

6           (9) integrated pest management—

7           (A) promotes nonchemical methods of pest  
8 prevention and management using least toxic  
9 pesticides after all other methods have been ex-  
10 hausted; and

11           (B) requires a notification process by  
12 which each student, parent, guardian, staff  
13 member, and teacher shall be notified of a pes-  
14 ticide application;

15           (10) parents and guardians have a right to  
16 know that there is an integrated pest management  
17 system in their children's schools;

18           (11) an integrated pest management system  
19 provides long-term health and economic benefits;  
20 and

21           (12) parents and guardians wish to and have a  
22 right to be notified in advance of any use of a pes-  
23 ticide in their children's schools.

1 **SEC. 3. INTEGRATED PEST MANAGEMENT SYSTEMS FOR**  
2 **SCHOOLS.**

3 The Federal Insecticide, Fungicide, and Rodenticide  
4 Act is amended—

5 (1) by redesignating sections 34 and 35 (7  
6 U.S.C. 136x, 136y) as sections 35 and 36, respec-  
7 tively; and

8 (2) by inserting after section 33 (7 U.S.C.  
9 136w–8) the following:

10 **“SEC. 34. INTEGRATED PEST MANAGEMENT SYSTEMS FOR**  
11 **SCHOOLS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) BOARD.—The term ‘Board’ means the Na-  
14 tional School Integrated Pest Management Advisory  
15 Board established under subsection (c).

16 “(2) CONTACT PERSON.—The term ‘contact  
17 person’ means an individual who is—

18 “(A) knowledgeable about integrated pest  
19 management systems; and

20 “(B) designated by a local educational  
21 agency as the contact person under subsection  
22 (f).

23 “(3) CRACK AND CREVICE TREATMENT.—The  
24 term ‘crack and crevice treatment’ means the appli-  
25 cation of small quantities of a pesticide in a building  
26 into openings such as those commonly found at ex-

1       pansion joints, between levels of construction, and  
2       between equipment and floors.

3           “(4) EMERGENCY.—The term ‘emergency’  
4       means an urgent need to mitigate or eliminate a  
5       pest that threatens the health or safety of a student  
6       or staff member.

7           “(5) FUND.—The term ‘Fund’ means the Inte-  
8       grated Pest Management Trust Fund established  
9       under subsection (m).

10          “(6) INTEGRATED PEST MANAGEMENT SYS-  
11       TEM.—The term ‘integrated pest management sys-  
12       tem’ means a managed pest control system that—

13           “(A) eliminates or mitigates economic,  
14       health, and aesthetic damage caused by pests;

15           “(B) uses—

16               “(i) integrated methods;

17               “(ii) site or pest inspections;

18               “(iii) pest population monitoring;

19               “(iv) an evaluation of the need for  
20       pest control; and

21               “(v) 1 or more pest control methods,  
22       including sanitation, structural repair, me-  
23       chanical and biological controls, other non-  
24       chemical methods, and (if nontoxic options

1 are unreasonable and have been exhausted)

2 least toxic pesticides; and

3 “(C) minimizes—

4 “(i) the use of pesticides; and

5 “(ii) the risk to human health and the  
6 environment associated with pesticide ap-  
7 plications.

8 “(7) LEAST TOXIC PESTICIDES.—

9 “(A) IN GENERAL.—The term ‘least toxic  
10 pesticides’ means—

11 “(i) boric acid and disodium  
12 octoborate tetrahydrate;

13 “(ii) silica gels;

14 “(iii) diatomaceous earth;

15 “(iv) nonvolatile insect and rodent  
16 baits in tamper resistant containers or for  
17 crack and crevice treatment only;

18 “(v) microbe-based insecticides;

19 “(vi) botanical insecticides (not in-  
20 cluding synthetic pyrethroids) without toxic  
21 synergists;

22 “(vii) biological, living control agents;  
23 and

24 “(viii) materials for which the inert  
25 ingredients are nontoxic and disclosed.

1           “(B) EXCLUSIONS.—The term ‘least toxic  
2 pesticides’ does not include a pesticide that is  
3 determined by the Administrator to be an  
4 acutely or moderately toxic pesticide, car-  
5 cinogen, mutagen, teratogen, reproductive toxin,  
6 developmental neurotoxin, endocrine disrupter,  
7 or immune system toxin, and any application of  
8 the pesticide using a broadcast spray, dust,  
9 tenting, fogging, or baseboard spray applica-  
10 tion.

11           “(8) LIST.—The term ‘list’ means the list of  
12 least toxic pesticides established under subsection  
13 (d).

14           “(9) LOCAL EDUCATIONAL AGENCY.—The term  
15 ‘local educational agency’ has the meaning given the  
16 term in section 14101 of the Elementary and Sec-  
17 ondary Education Act of 1965 (20 U.S.C. 8801).

18           “(10) PERSON.—The term ‘person’ means—

19                   “(A) an individual that attends, has chil-  
20 dren enrolled in, works at, or uses a school;

21                   “(B) a resident of a school district; and

22                   “(C) any other individual that may be af-  
23 fected by pest management activities of a  
24 school.

1           “(11) OFFICIAL.—The term ‘official’ means the  
2 official appointed by the Administrator under sub-  
3 section (e).

4           “(12) PESTICIDE.—

5           “(A) IN GENERAL.—The term ‘pesticide’  
6 means any substance or mixture of substances,  
7 including herbicides and bait stations, intended  
8 for—

9           “(i) preventing, destroying, repelling,  
10 or mitigating any pest;

11           “(ii) use as a plant regulator, defo-  
12 liant, or desiccant; or

13           “(iii) use as a spray adjuvant such as  
14 a wetting agent or adhesive.

15           “(B) EXCLUSION.—The term ‘pesticide’  
16 does not include antimicrobial agents such as  
17 disinfectants or deodorizers used for cleaning  
18 products.

19           “(13) SCHOOL.—The term ‘school’ means a  
20 public—

21           “(A) elementary school (as defined in sec-  
22 tion 14101 of the Elementary and Secondary  
23 Education Act of 1965 (20 U.S.C. 8801));

24           “(B) secondary school (as defined in sec-  
25 tion 14101 of that Act); or



1 “(C) kindergarten or nursery school.

2 “(14) SCHOOL GROUNDS.—

3 “(A) IN GENERAL.—The term ‘school  
4 grounds’ means the area outside of the school  
5 buildings controlled, managed, or owned by the  
6 school or school district.

7 “(B) INCLUSIONS.—The term ‘school  
8 grounds’ includes a lawn, playground, sports  
9 field, and any other property or facility con-  
10 trolled, managed, or owned by a school.

11 “(15) SPACE SPRAYING.—

12 “(A) IN GENERAL.—The term ‘space  
13 spraying’ means application of a pesticide by  
14 discharge into the air throughout an inside  
15 area.

16 “(B) INCLUSION.—The term ‘space spray-  
17 ing’ includes the application of a pesticide using  
18 a broadcast spray, dust, tenting, or fogging.

19 “(C) EXCLUSION.—The term ‘space spray-  
20 ing’ does not include crack and crevice treat-  
21 ment.

22 “(16) STAFF MEMBER.—

23 “(A) IN GENERAL.—The term ‘staff mem-  
24 ber’ means an employee of a school or local  
25 educational agency.

1           “(B) INCLUSIONS.—The term ‘staff mem-  
2           ber’ includes an administrator, teacher, and  
3           other person that is regularly employed by a  
4           school or local educational agency.

5           “(C) EXCLUSIONS.—The term ‘staff mem-  
6           ber’ does not include—

7                   “(i) an employee hired by a school,  
8                   local educational agency, or State to apply  
9                   a pesticide; or

10                   “(ii) a person assisting in the applica-  
11                   tion of a pesticide.

12           “(17) STATE EDUCATIONAL AGENCY.—The  
13           term ‘State educational agency’ has the meaning  
14           given the term in section 14101 of the Elementary  
15           and Secondary Education Act of 1965 (20 U.S.C.  
16           8801).

17           “(18) UNIVERSAL NOTIFICATION.—The term  
18           ‘universal notification’ means notice provided by a  
19           local educational agency or school to—

20                   “(A) all parents or guardians of children  
21                   attending the school; and

22                   “(B) staff members of the school or local  
23                   educational agency.

24           “(b) INTEGRATED PEST MANAGEMENT SYSTEMS.—

1           “(1) IN GENERAL.—The Administrator, in con-  
2           sultation with the Secretary of Education, shall es-  
3           tablish a National School Integrated Pest Manage-  
4           ment Advisory System to develop and update uni-  
5           form standards and criteria for implementing inte-  
6           grated pest management systems in schools.

7           “(2) IMPLEMENTATION.—Not later than 18  
8           months after the date of enactment of this sub-  
9           section, each local educational agency of a school  
10          district shall develop and implement in each of the  
11          schools in the school district an integrated pest man-  
12          agement system that complies with this section.

13          “(3) STATE PROGRAMS.—If, on the date of en-  
14          actment of this section, a State maintains an inte-  
15          grated pest management system that meets the  
16          standards and criteria established under paragraph  
17          (1) (as determined by the Board), a local edu-  
18          cational agency in the State may continue to imple-  
19          ment the system in a school or in the school district  
20          in accordance with paragraph (2).

21          “(4) APPLICATION TO SCHOOLS AND SCHOOL  
22          GROUNDS.—The requirements of this section that  
23          apply to a school, including the requirement to im-  
24          plement an integrated management system, apply to

1 pesticide application in a school building and on the  
2 school grounds.

3 “(5) APPLICATION OF PESTICIDES WHEN  
4 SCHOOLS IN USE.—A school shall prohibit—

5 “(A) the application of a pesticide when a  
6 school or a school ground is occupied or in use;  
7 or

8 “(B) the use of an area or room treated by  
9 a pesticide, other than a least toxic pesticide,  
10 during the 24-hour period beginning at the end  
11 of the treatment.

12 “(c) NATIONAL SCHOOL INTEGRATED PEST MAN-  
13 AGEMENT ADVISORY BOARD.—

14 “(1) IN GENERAL.—The Administrator, in con-  
15 sultation with the Secretary of Education, shall es-  
16 tablish a National School Integrated Pest Manage-  
17 ment Advisory Board to—

18 “(A) establish uniform standards and cri-  
19 teria for developing integrated pest manage-  
20 ment systems and policies in schools;

21 “(B) develop standards for the use of least  
22 toxic pesticides in schools; and

23 “(C) advise the Administrator on any other  
24 aspects of the implementation of this section.

1           “(2) COMPOSITION OF BOARD.—The Board  
2 shall be composed of 12 members and include 1 rep-  
3 resentative from each of the following groups:

4                   “(A) Parents.

5                   “(B) Public health care professionals.

6                   “(C) Medical professionals.

7                   “(D) State integrated pest management  
8 system coordinators.

9                   “(E) Independent integrated pest manage-  
10 ment specialists that have carried out school in-  
11 tegrated pest management programs.

12                   “(F) Environmental advocacy groups.

13                   “(G) Children’s health advocacy groups.

14                   “(H) Trade organization for pest control  
15 operators.

16                   “(I) Teachers and staff members.

17                   “(J) School maintenance staff.

18                   “(K) School administrators.

19                   “(L) School board members.

20           “(3) APPOINTMENT.—Not later than 180 days  
21 after the date of enactment of this section, the Ad-  
22 ministrator shall appoint members of the Board  
23 from nominations received from Parent Teacher As-  
24 sociations, school districts, States, and other inter-  
25 ested persons and organizations.

1 “(4) TERM.—

2 “(A) IN GENERAL.—A member of the  
3 Board shall serve for a term of 5 years, except  
4 that the Administrator may shorten the terms  
5 of the original members of the Board in order  
6 to provide for a staggered term of appointment  
7 for all members of the Board.

8 “(B) CONSECUTIVE TERMS.—Subject to  
9 subparagraph (C), a member of the Board shall  
10 not serve consecutive terms unless the term of  
11 the member has been reduced by the Adminis-  
12 trator.

13 “(C) MAXIMUM TERM.—In no event may a  
14 member of the Board serve for more than 6  
15 consecutive years.

16 “(5) MEETINGS.—The Administrator shall con-  
17 vene—

18 “(A) an initial meeting of the Board not  
19 later than 60 days after the appointment of the  
20 members; and

21 “(B) subsequent meetings on a periodic  
22 basis, but not less often than 2 times each year.

23 “(6) COMPENSATION.—A member of the Board  
24 shall serve without compensation, but may be reim-  
25 bursed by the Administrator for expenses (in accord-

1       ance with section 5703 of title 5, United States  
2       Code) incurred in performing duties as a member of  
3       the Board.

4               “(7) CHAIRPERSON.—The Board shall select a  
5       Chairperson for the Board.

6               “(8) QUORUM.—A majority of the members of  
7       the Board shall constitute a quorum for the purpose  
8       of conducting business.

9               “(9) DECISIVE VOTES.—Two-thirds of the votes  
10       cast at a meeting of the Board at which a quorum  
11       is present shall be decisive for any motion.

12               “(10) ADMINISTRATION.—The Administrator—

13                       “(A) shall—

14                               “(i) authorize the Board to hire a  
15                               staff director; and

16                               “(ii) detail staff of the Environmental  
17                               Protection Agency, or allow for the hiring  
18                               of staff for the Board; and

19                       “(B) subject to the availability of appro-  
20       priations, may pay necessary expenses incurred  
21       by the Board in carrying out this subtitle, as  
22       determined appropriate by the Administrator.

23               “(11) RESPONSIBILITIES OF THE BOARD.—

1           “(A) IN GENERAL.—The Board shall pro-  
2           vide recommendations to the Administrator re-  
3           garding the implementation of this section.

4           “(B) LIST OF LEAST TOXIC PESTICIDES.—  
5           Not later than 1 year after the initial meeting  
6           of the Board, the Board shall—

7                   “(i) review implementation of this sec-  
8                   tion (including use of least toxic pes-  
9                   ticides); and

10                   “(ii) review and make recommenda-  
11                   tions to the Administrator with respect to  
12                   new proposed active and inert ingredients  
13                   or proposed amendments to the list in ac-  
14                   cordance with subsection (d).

15           “(C) TECHNICAL ADVISORY PANELS.—

16                   “(i) IN GENERAL.—The Board shall  
17                   convene technical advisory panels to pro-  
18                   vide scientific evaluations of the materials  
19                   considered for inclusion on the list.

20                   “(ii) COMPOSITION.—A panel de-  
21                   scribed in clause (i) shall include experts  
22                   on integrated pest management, children’s  
23                   health, entomology, health sciences, and  
24                   other relevant disciplines.

25           “(D) SPECIAL REVIEW.—



1           “(i) IN GENERAL.—Not later than 2  
2           years after the initial meeting of the  
3           Board, the Board shall review, with the as-  
4           sistance of a technical advisory panel, pes-  
5           ticides used in school buildings and on  
6           school grounds for their acute toxicity and  
7           chronic effects, including cancer,  
8           mutations, birth defects, reproductive dys-  
9           function, neurological and immune system  
10          effects, and endocrine system disruption.

11          “(ii) DETERMINATION.—The Board—

12                 “(I) shall determine whether the  
13                 use of pesticides described in clause  
14                 (i) may endanger the health of chil-  
15                 dren; and

16                 “(II) may recommend to the Ad-  
17                 ministrator restrictions on pesticide  
18                 use in school buildings and on school  
19                 grounds.

20          “(12) REQUIREMENTS.—In establishing the  
21          proposed list, the Board shall—

22                 “(A) review available information from the  
23                 Environmental Protection Agency, the National  
24                 Institute of Environmental Health Studies,  
25                 medical and scientific literature, and such other

1 sources as appropriate, concerning the potential  
2 for adverse human and environmental effects of  
3 substances considered for inclusion in the pro-  
4 posed list; and

5 “(B) cooperate with manufacturers of sub-  
6 stances considered for inclusion in the proposed  
7 list to obtain a complete list of ingredients and  
8 determine that such substances contain inert  
9 ingredients that are generally recognized as  
10 safe.

11 “(13) PETITIONS.—The Board shall establish  
12 procedures under which individuals may petition the  
13 Board for the purpose of evaluating substances for  
14 inclusion on the list.

15 “(14) PERIODIC REVIEW.—

16 “(A) IN GENERAL.—The Board shall re-  
17 view each substance included on the list at least  
18 once during each 5-year period beginning on—

19 “(i) the date that the substance was  
20 initially included on the list; or

21 “(ii) the date of the last review of the  
22 substance under this subsection.

23 “(B) SUBMISSION TO ADMINISTRATOR.—  
24 The Board shall submit the results of a review  
25 under subparagraph (A) to the Administrator

1 with a recommendation as to whether the sub-  
 2 stance should continue to be included on the  
 3 list.

4 “(15) CONFIDENTIALITY.—Any business sen-  
 5 sitive material obtained by the Board in carrying out  
 6 this section shall be treated as confidential business  
 7 information by the Board and shall not be released  
 8 to the public.

9 “(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE  
 10 REVIEW.—

11 “(1) IN GENERAL.—The Board shall rec-  
 12 ommend to the Administrator a list of least toxic  
 13 pesticides (including the pesticides described in sub-  
 14 section (a)(7)) that may be used as least toxic pes-  
 15 ticides, any restrictions on the use of the listed pes-  
 16 ticides, and any recommendations regarding restric-  
 17 tions on all other pesticides, in accordance with this  
 18 section.

19 “(2) PROCEDURE FOR EVALUATING PESTICIDE  
 20 USE.—

21 “(A) LIST OF LEAST TOXIC PESTICIDES.—

22 “(i) IN GENERAL.—The Administrator  
 23 shall establish a list of least toxic pes-  
 24 ticides that may be used in school build-  
 25 ings and on school grounds, including any

1 restrictions on the use of the pesticides,  
2 that is based on the list prepared by the  
3 Board.

4 “(ii) REGULATORY REVIEW.—The Ad-  
5 ministrator shall initiate regulatory review  
6 of all other pesticides recommended for re-  
7 striction by the Board.

8 “(B) RECOMMENDATIONS.—Not later than  
9 1 year after receiving the proposed list and re-  
10 strictions, and recommended restrictions on all  
11 other pesticides from the Board, the Adminis-  
12 trator shall—

13 “(i) publish the proposed list and re-  
14 strictions and all other proposed pesticide  
15 restrictions in the Federal Register and  
16 seek public comment on the proposed pro-  
17 posals; and

18 “(ii) after evaluating all comments re-  
19 ceived concerning the proposed list and re-  
20 strictions, but not later than 1 year after  
21 the close of the period during which public  
22 comments are accepted, publish the final  
23 list and restrictions in the Federal Reg-  
24 ister, together with a discussion of com-  
25 ments received.

1           “(C) FINDINGS.—Not later than 2 years  
2 after publication of the final list and restric-  
3 tions, the Administrator shall make a deter-  
4 mination and issue findings on whether use of  
5 registered pesticides in school buildings and on  
6 school grounds may endanger the health of chil-  
7 dren.

8           “(D) NOTICE AND COMMENT.—

9           “(i) IN GENERAL.—Prior to estab-  
10 lishing or making amendments to the list,  
11 the Administrator shall publish the pro-  
12 posed list or any proposed amendments to  
13 the list in the Federal Register and seek  
14 public comment on the proposals.

15           “(ii) RECOMMENDATIONS.—The Ad-  
16 ministrator shall include in any publication  
17 described in clause (i) any changes or  
18 amendments to the proposed list that are  
19 recommended to and by the Administrator.

20           “(E) PUBLICATION OF LIST.—After evalu-  
21 ating all comments received concerning the pro-  
22 posed list or proposed amendments to the list,  
23 the Administrator shall publish the final list in  
24 the Federal Register, together with a descrip-  
25 tion of comments received.

1 “(e) OFFICE OF PESTICIDE PROGRAMS.—

2 “(1) ESTABLISHMENT.—The Administrator  
3 shall appoint an official for school pest management  
4 within the Office of Pesticide Programs of the Envi-  
5 ronmental Protection Agency to coordinate the de-  
6 velopment and implementation of integrated pest  
7 management systems in schools.

8 “(2) DUTIES.—The official shall—

9 “(A) coordinate the development of school  
10 integrated pest management systems and poli-  
11 cies;

12 “(B) consult with schools concerning—

13 “(i) issues related to the integrated  
14 pest management systems of schools;

15 “(ii) the use of least toxic pesticides;

16 and

17 “(iii) the registration of pesticides,  
18 and amendments to the registrations, as  
19 the registrations and amendments relate to  
20 the use of integrated pest management  
21 systems in schools; and

22 “(C) support and provide technical assist-  
23 ance to the Board.

24 “(f) CONTACT PERSON.—

1           “(1) IN GENERAL.—Each local educational  
2 agency of a school district shall designate a contact  
3 person for carrying out an integrated pest manage-  
4 ment system in schools in the school district.

5           “(2) DUTIES.—The contact person of a school  
6 district shall—

7           “(A) maintain information about pesticide  
8 applications inside and outside schools within  
9 the school district, in school buildings, and on  
10 school grounds;

11           “(B) act as a contact for inquiries about  
12 the integrated pest management system;

13           “(C) maintain material safety data sheets  
14 and labels for all pesticides that may be used in  
15 the school district;

16           “(D) be informed of Federal and State  
17 chemical health and safety information and con-  
18 tact information;

19           “(E) maintain scheduling of all pesticide  
20 usage for schools in the school district;

21           “(F) maintain contact with Federal and  
22 State integrated pest management system ex-  
23 perts; and

1           “(G) obtain periodic updates and training  
2           from State integrated pest management system  
3           experts.

4           “(3) PESTICIDE USE DATA.—A local edu-  
5           cational agency of a school district shall—

6           “(A) maintain all pesticide use data for  
7           each school in the school district; and

8           “(B) on request, make the data available  
9           to the public for review.

10          “(g) NOTICE OF INTEGRATED PEST MANAGEMENT  
11          SYSTEM.—

12           “(1) IN GENERAL.—At the beginning of each  
13           school year, each local educational agency or school  
14           of a school district shall include a notice of the inte-  
15           grated pest management system of the school dis-  
16           trict in school calendars or other forms of universal  
17           notification.

18           “(2) CONTENTS.—The notice shall include a de-  
19           scription of—

20           “(A) the integrated pest management sys-  
21           tem of the school district;

22           “(B) any pesticide (including any least  
23           toxic pesticide) or bait station that may be used  
24           in a school building or on a school ground as  
25           part of the integrated pest management system;



1           “(C) the name, address, and telephone  
2           number of the contact person of the school dis-  
3           trict;

4           “(D) a statement that—

5                   “(i) the contact person maintains the  
6                   product label and material safety data  
7                   sheet of each pesticide (including each  
8                   least toxic pesticide) and bait station that  
9                   may be used by a school in buildings or on  
10                  school grounds;

11                   “(ii) the label and data sheet is avail-  
12                   able for review by a parent, guardian, staff  
13                   member, or student attending the school;  
14                   and

15                   “(iii) the contact person is available to  
16                   parents, guardians, and staff members for  
17                   information and comment; and

18           “(E) the time and place of any meetings  
19           that will be held under subsection (g)(1).

20           “(3) USE OF PESTICIDES.—A local educational  
21           agency or school may use a pesticide during a school  
22           year only if the use of the pesticide has been dis-  
23           closed in the notice required under paragraph (1) at  
24           the beginning of the school year.

1           “(4) NEW EMPLOYEES AND STUDENTS.—After  
2 the beginning of each school year, a local educational  
3 agency or school of a school district shall provide the  
4 notice required under this subsection to—

5                   “(A) each new staff member who is em-  
6 ployed during the school year; and

7                   “(B) the parent or guardian of each new  
8 student enrolled during the school year.

9           “(h) USE OF PESTICIDES.—

10                   “(1) IN GENERAL.—If a local educational agen-  
11 cy or school determines that a pest in the school or  
12 on school grounds cannot be controlled after having  
13 used the integrated pest management system of the  
14 school or school district and least toxic pesticides,  
15 the school may use a pesticide (other than space  
16 spraying of the pesticide) to control the pest in ac-  
17 cordance with this subsection.

18                   “(2) PRIOR NOTIFICATION OF PARENTS,  
19 GUARDIANS, AND STAFF MEMBERS.—

20                   “(A) IN GENERAL.—Subject to paragraphs  
21 (4) and (5), not less than 72 hours before a  
22 pesticide (other than a least toxic pesticide) is  
23 used by a school, the school shall provide to a  
24 parent or guardian of each student enrolled at

1 the school and each staff member of the school,  
2 notice that includes—

3 “(i) the common name, trade name,  
4 and Environmental Protection Agency reg-  
5 istration number of the pesticide;

6 “(ii) a description of the location of  
7 the application of the pesticide;

8 “(iii) a description of the date and  
9 time of application, except that, in the case  
10 of outdoor pesticide applications, 1 notice  
11 shall include 3 dates, in chronological  
12 order, that the outdoor pesticide applica-  
13 tions may take place if the preceding date  
14 is canceled;

15 “(iv) a statement that The Office of  
16 Pesticide Programs of the United States  
17 Environmental Protection Agency has stat-  
18 ed: ‘Where possible, persons who poten-  
19 tially are sensitive, such as pregnant  
20 women and infants (less than 2 years old),  
21 should avoid any unnecessary pesticide ex-  
22 posure.’;

23 “(v) a description of potential adverse  
24 effects of the pesticide based on the mate-  
25 rial safety data sheet of the pesticide;

1                   “(vi) a description of the reasons for  
2                   the application of the pesticide;

3                   “(vii) the name and telephone number  
4                   of the contact person of the school district;  
5                   and

6                   “(viii) any additional warning infor-  
7                   mation related to the pesticide.

8                   “(B) METHOD OF NOTIFICATION.—The  
9                   school may provide the notice required by sub-  
10                  paragraph (A) by—

11                  “(i) written notice sent home with the  
12                  student and provided to the staff member;

13                  “(ii) a telephone call;

14                  “(iii) direct contact; or

15                  “(iv) written notice mailed at least 1  
16                  week before the application.

17                  “(C) REISSUANCE.—If the date of the ap-  
18                  plication of the pesticide needs to be extended  
19                  beyond the period required for notice under this  
20                  paragraph, the school shall reissue the notice  
21                  under this paragraph for the new date of appli-  
22                  cation.

23                  “(3) POSTING OF SIGNS.—

24                  “(A) IN GENERAL.—Subject to paragraphs  
25                  (4) and (5), at least 72 hours before a pesticide

1 (other than a least toxic pesticide) is used by a  
2 school, the school shall post a sign that provides  
3 notice of the application of the pesticide—

4 “(i) in a prominent place that is in or  
5 adjacent to the location to be treated; and

6 “(ii) at each entrance to the building  
7 or school ground to be treated.

8 “(B) ADMINISTRATION.—A sign required  
9 under subparagraph (A) for the application of  
10 a pesticide shall—

11 “(i) remain posted for at least 72  
12 hours after the end of the treatment;

13 “(ii) be at least 8½ inches by 11  
14 inches; and

15 “(iii) state the same information as  
16 that required for prior notification of the  
17 application under paragraph (2).

18 “(C) OUTDOOR PESTICIDE APPLICA-  
19 TIONS.—

20 “(i) IN GENERAL.—In the case of out-  
21 door pesticide applications, each sign shall  
22 include 3 dates, in chronological order,  
23 that the outdoor pesticide application may  
24 take place if the preceding date is canceled  
25 due to weather.

1                   “(ii) DURATION OF POSTING.—A sign  
2                   described in clause (i) shall be posted after  
3                   an outdoor pesticide application in accord-  
4                   ance with subparagraph (B).

5                   “(4) ADMINISTRATION.—

6                   “(A) APPLICATORS.—Paragraphs (2) and  
7                   (3) shall apply to any person that applies a pes-  
8                   ticide in a school or on a school ground, includ-  
9                   ing a custodian, staff member, or commercial  
10                  applicator.

11                  “(B) TIME OF YEAR.—Paragraphs (2) and  
12                  (3) shall apply to a school—

13                         “(i) during the school year; and

14                         “(ii) during holidays and the summer  
15                         months, if the school is in use, with notice  
16                         provided to all staff members and the par-  
17                         ents or guardians of the students that are  
18                         using the school in an authorized manner.

19                  “(5) EMERGENCIES.—

20                  “(A) IN GENERAL.—A school may apply a  
21                  pesticide (other than a least toxic pesticide) in  
22                  the school or on school grounds without com-  
23                  plying with paragraphs (2) and (3) in an emer-  
24                  gency, subject to subparagraph (B).

1           “(B) SUBSEQUENT NOTIFICATION OF PAR-  
2           ENTS, GUARDIANS, AND STAFF MEMBERS.—Not  
3           later than the earlier of the time that is 24  
4           hours after a school applies a pesticide under  
5           this paragraph or on the morning of the next  
6           school day, the school shall provide to each par-  
7           ent or guardian of a student enrolled at the  
8           school, and staff member of the school, notice  
9           of the application of the pesticide for emergency  
10          pest control that includes—

11                   “(i) the information required for a no-  
12                   tice under paragraph (2)(A);

13                   “(ii) a description of the problem and  
14                   the factors that qualified the problem as  
15                   an emergency that threatened the health or  
16                   safety of a student or staff member; and

17                   “(iii) a description of the steps the  
18                   school will take in the future to avoid  
19                   emergency application of a pesticide under  
20                   this paragraph.

21           “(C) METHOD OF NOTIFICATION.—The  
22           school may provide the notice required by sub-  
23           paragraph (B) by—

24                   “(i) written notice sent home with the  
25                   student and provided to the staff member;

1 “(ii) a telephone call; or

2 “(iii) direct contact.

3 “(D) POSTING OF SIGNS.—A school apply-  
4 ing a pesticide under this paragraph shall post  
5 a sign warning of the pesticide application in  
6 accordance with paragraph (3).

7 “(E) MODIFICATION OF INTEGRATED PEST  
8 MANAGEMENT PLANS.—If a school in a school  
9 district applies a pesticide under this para-  
10 graph, the local educational agency of the  
11 school district shall modify the integrated pest  
12 management plan of the school district to mini-  
13 mize the future applications of pesticides under  
14 this paragraph.

15 “(6) DRIFT OF PESTICIDES ONTO SCHOOL  
16 GROUND.—Each local educational agency, State pes-  
17 ticide lead agency, and the Administrator are en-  
18 couraged to—

19 “(A) identify sources of pesticides that  
20 drift from treated land to school grounds of the  
21 educational agency; and

22 “(B) take steps necessary to create an in-  
23 door and outdoor school environment that are  
24 protected from pesticides described in subpara-  
25 graph (A).



1 “(i) MEETINGS.—

2 “(1) IN GENERAL.—Before the beginning of a  
3 school year, at the beginning of each new calendar  
4 year, and at a regularly scheduled meeting of a  
5 school board, each local educational agency shall  
6 provide an opportunity for the contact person des-  
7 ignated under subsection (d) to receive and address  
8 public comments regarding the integrated pest man-  
9 agement system of the school district.

10 “(2) EMERGENCY MEETINGS.—An emergency  
11 meeting of a school board to address a pesticide ap-  
12 plication may be called under locally appropriate  
13 procedures for convening emergency meetings.

14 “(j) INVESTIGATIONS AND ORDERS.—

15 “(1) IN GENERAL.—Not later than 60 days  
16 after receiving a complaint of a violation of this sec-  
17 tion, the Administrator shall—

18 “(A) conduct an investigation of the com-  
19 plaint;

20 “(B) determine whether it is reasonable to  
21 believe the complaint has merit; and

22 “(C) notify the complainant and the per-  
23 son alleged to have committed the violation of  
24 the findings of the Administrator.

1           “(2) PRELIMINARY ORDER.—If the Adminis-  
2           trator determines it is reasonable to believe a viola-  
3           tion occurred, the Administrator shall issue a pre-  
4           liminary order (that includes findings) to impose the  
5           penalty described in subsection (j).

6           “(3) OBJECTIONS TO PRELIMINARY ORDER.—

7                   “(A) IN GENERAL.—Not later than 30  
8           days after the preliminary order is issued under  
9           paragraph (2), the complainant and the person  
10          alleged to have committed the violation may—

11                           “(i) file objections to the preliminary  
12                           order (including findings); and

13                           “(ii) request a hearing on the record.

14                   “(B) FINAL ORDER.—If a hearing is not  
15           requested within 30 days after the preliminary  
16           order is issued, the preliminary order shall be  
17           final and not subject to judicial review.

18           “(4) HEARING.—A hearing under this sub-  
19           section shall be conducted expeditiously.

20           “(5) FINAL ORDER.—Not later than 120 days  
21           after the end of the hearing, the Administrator shall  
22           issue a final order.

23           “(6) SETTLEMENT AGREEMENT.—Before the  
24           final order is issued, the proceeding may be termi-  
25           nated by a settlement agreement, which shall remain

1 open, entered into by the Administrator, the com-  
2 plainant, and the person alleged to have committed  
3 the violation.

4 “(7) COSTS.—

5 “(A) IN GENERAL.—If the Administrator  
6 issues a final order against a school or school  
7 district for violation of this section and the  
8 complainant requests, the Administrator may  
9 assess against the person against whom the  
10 order is issued the costs (including attorney’s  
11 fees) reasonably incurred by the complainant in  
12 bringing the complaint.

13 “(B) AMOUNT.—The Administrator shall  
14 determine the amount of the costs that were  
15 reasonably incurred by the complainant.

16 “(8) JUDICIAL REVIEW AND VENUE.—

17 “(A) IN GENERAL.—A person adversely af-  
18 fected by an order issued after a hearing under  
19 this subsection may file a petition for review  
20 not later than 60 days after the date that the  
21 order is issued, in a district court of the United  
22 States or other United States court for any dis-  
23 trict in which a local educational agency or  
24 school is found, resides, or transacts business.

1           “(B) TIMING.—The review shall be heard  
2           and decided expeditiously.

3           “(C) COLLATERAL REVIEW.—An order of  
4           the Administrator subject to review under this  
5           paragraph shall not be subject to judicial review  
6           in a criminal or other civil proceeding.

7           “(k) CIVIL PENALTY.—

8           “(1) IN GENERAL.—Any local educational agen-  
9           cy, school, or person that violates this section may  
10          be assessed a civil penalty by the Administrator  
11          under subsections (h) and (i), respectively, of not  
12          more than \$10,000 for each offense.

13          “(2) TRANSFER TO TRUST FUND.—Except as  
14          provided in subsection (i)(4)(B), civil penalties col-  
15          lected under paragraph (1) shall be deposited in the  
16          Fund.

17          “(l) INTEGRATED PEST MANAGEMENT TRUST  
18          FUND.—

19          “(1) ESTABLISHMENT.—There is established in  
20          the Treasury of the United States a trust fund to  
21          be known as the ‘Integrated Pest Management  
22          Trust Fund’, consisting of—

23                  “(A) amounts deposited in the Fund under  
24                  subsection (j)(2);

1           “(B) amounts transferred to the Secretary  
2 of the Treasury for deposit into the Fund under  
3 paragraph (5); and

4           “(C) any interest earned on investment of  
5 amounts in the Fund under paragraph (3).

6           “(2) EXPENDITURES FROM FUND.—

7           “(A) IN GENERAL.—Subject to subpara-  
8 graph (B), on request by the Administrator, the  
9 Secretary of the Treasury shall transfer from  
10 the Fund to the Administrator, without further  
11 appropriation, such amounts as the Secretary  
12 determines are necessary to provide funds to  
13 each State educational agency of a State, in  
14 proportion to the amount of civil penalties col-  
15 lected in the State under subsection (j)(1), to  
16 carry out education, training, propagation, and  
17 development activities under integrated pest  
18 management systems of schools in the State to  
19 remedy the harmful effects of actions taken by  
20 the persons that paid the civil penalties.

21           “(B) ADMINISTRATIVE EXPENSES.—An  
22 amount not to exceed 6 percent of the amounts  
23 in the Fund shall be available for each fiscal  
24 year to pay the administrative expenses nec-  
25 essary to carry out this subsection.

1 “(3) INVESTMENT OF AMOUNTS.—

2 “(A) IN GENERAL.—The Secretary of the  
3 Treasury shall invest such portion of the Fund  
4 as is not, in the judgment of the Secretary of  
5 the Treasury, required to meet current with-  
6 drawals. Investments may be made only in in-  
7 terest-bearing obligations of the United States.

8 “(B) ACQUISITION OF OBLIGATIONS.—For  
9 the purpose of investments under subparagraph  
10 (A), obligations may be acquired—

11 “(i) on original issue at the issue  
12 price; or

13 “(ii) by purchase of outstanding obli-  
14 gations at the market price.

15 “(C) SALE OF OBLIGATIONS.—Any obliga-  
16 tion acquired by the Fund may be sold by the  
17 Secretary of the Treasury at the market price.

18 “(D) CREDITS TO FUND.—The interest on,  
19 and the proceeds from the sale or redemption  
20 of, any obligations held in the Fund shall be  
21 credited to and form a part of the Fund.

22 “(4) TRANSFERS OF AMOUNTS.—

23 “(A) IN GENERAL.—The amounts required  
24 to be transferred to the Fund under this sub-  
25 section shall be transferred at least monthly

1 from the general fund of the Treasury to the  
2 Fund on the basis of estimates made by the  
3 Secretary of the Treasury.

4 “(B) ADJUSTMENTS.—Proper adjustment  
5 shall be made in amounts subsequently trans-  
6 ferred to the extent prior estimates were in ex-  
7 cess of or less than the amounts required to be  
8 transferred.

9 “(5) ACCEPTANCE AND USE OF DONATIONS.—  
10 The Secretary may accept and use donations to  
11 carry out paragraph (2)(A). Amounts received by  
12 the Secretary in the form of donations shall be  
13 transferred to the Secretary of the Treasury for de-  
14 posit into the Fund.

15 “(m) EMPLOYEE PROTECTION.—

16 “(1) IN GENERAL.—No local educational agen-  
17 cy, school, or person may harass, prosecute, hold lia-  
18 ble, or discriminate against any employee or other  
19 person because the employee or other person—

20 “(A) is assisting or demonstrating an in-  
21 tent to assist in achieving compliance with this  
22 section (including any regulation);

23 “(B) is refusing to violate or assist in the  
24 violation of this section (including any regula-  
25 tion); or

1           “(C) has commenced, caused to be com-  
2           menced, or is about to commence a proceeding,  
3           has testified or is about to testify at a pro-  
4           ceeding, or has assisted or participated or is  
5           about to participate in any manner in such a  
6           proceeding or in any other action to carry out  
7           this section.

8           “(2) COMPLAINTS.—Not later than 1 year after  
9           an alleged violation occurred, an employee or other  
10          person alleging a violation of this section, or another  
11          person at the request of the employee, may file a  
12          complaint with the Administrator.

13          “(3) REMEDIAL ACTION.—If the Administrator  
14          decides, on the basis of a complaint, that a local  
15          educational agency, school, or person violated para-  
16          graph (1), the Administrator shall order the local  
17          educational agency, school, or person to—

18                 “(A) take affirmative action to abate the  
19                 violation;

20                 “(B) reinstate the complainant to the  
21                 former position with the same pay and terms  
22                 and privileges of employment; and

23                 “(C) pay compensatory damages, including  
24                 back pay.

25          “(n) GRANTS.—



1           “(1) IN GENERAL.—The Administrator, in con-  
2           sultation with the Secretary of Education, shall pro-  
3           vide grants to local educational agencies to develop  
4           and implement integrated pest management systems  
5           in schools in the school district of the local edu-  
6           cational agencies.

7           “(2) AMOUNT.—The amount of a grant pro-  
8           vided to a local educational agency of a school dis-  
9           trict under paragraph (1) shall be based on the ratio  
10          that the number of students enrolled in schools in  
11          the school district bears to the total number of stu-  
12          dents enrolled in schools in all school districts in the  
13          United States.

14          “(o) RELATIONSHIP TO STATE AND LOCAL REQUIRE-  
15          MENTS.—This section (including regulations promulgated  
16          under this section) shall not preempt requirements im-  
17          posed on local educational agencies and schools related to  
18          the use of integrated pest management by State or local  
19          law (including regulations) that are more stringent than  
20          the requirements imposed under this section.

21          “(p) REGULATIONS.—Subject to subsection (m), the  
22          Administrator shall promulgate such regulations as are  
23          necessary to carry out this section.

24          “(q) RESTRICTION ON PESTICIDE USE.—Not later  
25          than 6 years after the date of enactment of this section,

1 no pesticide, other than a pesticide that is defined as a  
 2 least toxic pesticide under this subsection, shall be used  
 3 in a school or on school grounds unless the Administrator  
 4 has met the deadlines and requirements of this section.

5 “(r) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 are authorized to be appropriated to carry out this section  
 7 \$7,000,000 for each of fiscal years 2005 through 2009.”.

8 **SEC. 4. CONFORMING AMENDMENT.**

9 The table of contents in section 1(b) of the Federal  
 10 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
 11 prec. 121) is amended by striking the items relating to  
 12 sections 34 and 35 and inserting the following:

“Sec. 34. Integrated pest management systems for schools.

“(a) Definitions.

“(1) Board.

“(2) Contact person.

“(3) Crack and crevice treatment.

“(4) Emergency.

“(5) Fund.

“(6) Integrated pest management system.

“(7) Least toxic pesticides.

“(8) List.

“(9) Local educational agency.

“(10) Official.

“(11) Person.

“(12) Pesticide.

“(13) School.

“(14) School ground.

“(15) Space spraying.

“(16) Staff member.

“(17) State educational agency.

“(18) Universal notification.

“(b) Integrated pest management systems.

“(1) In general.

“(2) Implementation.

“(3) State programs.

“(4) Application to schools and school grounds.

“(5) Application of pesticides when schools in use.

“(c) National School Integrated Pest Management Advisory Board

“(1) In general.

“(2) Composition of Board.

- “(3) Appointment.
- “(4) Term.
- “(5) Meetings.
- “(6) Compensation.
- “(7) Chairperson.
- “(8) Quorum.
- “(9) Decisive votes.
- “(10) Administration.
- “(11) Responsibilities of the Board.
- “(12) Requirements.
- “(13) Petitions.
- “(14) Periodic review.
- “(15) Confidentiality.
- “(d) List of Least Toxic Pesticides.
  - “(1) In general.
  - “(2) Procedure for evaluating pesticide use.
- “(e) Office of Pesticide Programs.
  - “(1) Establishment.
  - “(2) Duties.
- “(f) Contact person.
  - “(1) In general.
  - “(2) Duties.
  - “(3) Pesticide use data.
- “(g) Notice of Integrated Pest Management System.
  - “(1) In general.
  - “(2) Contents.
  - “(3) Use of pesticides.
  - “(4) New employees and students.
- “(h) Use of pesticides.
  - “(1) In general.
  - “(2) Prior notification of parents, guardians, and staff members.
  - “(3) Posting of signs.
  - “(4) Administration.
  - “(5) Emergencies.
  - “(6) Drift of pesticides onto school ground.
- “(i) Meetings.
  - “(1) In general.
  - “(2) Emergency meetings.
- “(j) Investigations and orders.
  - “(1) In general.
  - “(2) Preliminary order.
  - “(3) Objections to preliminary order.
  - “(4) Hearing.
  - “(5) Final order.
  - “(6) Settlement agreement.
  - “(7) Costs.
  - “(8) Judicial review and venue.
- “(k) Civil penalty.
  - “(1) In general.
  - “(2) Transfer to Trust Fund.
- “(l) Integrated Pest Management Trust Fund.
  - “(1) Establishment.
  - “(2) Expenditures from Fund.
  - “(3) Investment of amounts.
  - “(4) Transfers of amounts.

- “(5) Acceptance and use of donations.
  - “(m) Employee protection.
    - “(1) In general.
    - “(2) Complaints.
    - “(3) Remedial action.
  - “(n) Grants.
    - “(1) In general.
    - “(2) Amount.
  - “(o) Relationship to State and local requirements.
  - “(p) Regulations.
  - “(q) Restriction on pesticide use.
  - “(r) Authorization of appropriations.
- “Sec. 35. Severability.
- “Sec. 36. Authorization of appropriations.”.

**1 SEC. 5. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act take  
3 effect on October 1, 2004.

