

# The Schooling of State Pesticide Laws – 2002 Update

## A review of state pesticide laws regarding schools

By Kagan Owens and Jay Feldman

Beyond Pesticides surveyed state pesticide laws regarding pesticide use in schools in 1998 and 2000. Since the report's publication in 2000, five states<sup>1</sup> have passed laws that address one or more of the following five evaluation criteria: (i) restricted spray (buffer) zones to address chemicals drifting into school yards and school buildings; (ii) posting signs for indoor and outdoor pesticide applications; (iii) prior written notification for pesticide use; (iv) prohibiting when and where pesticides can be applied; and, (v) requirements for schools to adopt an integrated pest management (IPM) program. These five criteria are essential ingredients in a program to protect children from pesticides used in schools.

Although there continues to be growing movement on this issue, including pending federal legislation, the *School Environment Protection Act*, pesticide use policies and practices remain deficient in the protection of children. Without minimum federal standards, the protection provided children is uneven and inadequate across the country. Just two-thirds of the states, or 33 states, have adopted pesticide acts and regulations that address the protection of children by specifically focusing on pesticide use in, around or near schools. Of these, only 24 states address indoor use of pesticides.<sup>2</sup>

Beyond Pesticides' survey of state laws regarding pesticide use in schools shows that:

- 7 states recognize the importance of controlling drift by restricting pesticide applications in areas neighboring a school;
- 15 states require posting of signs for indoor school pesticide applications and 24 states require posting of signs for pesticide application made on school grounds;
- 21 states require prior written notification to students, parents, or staff before a pesticide application is made to schools;

- 10 states restrict when or what pesticide may be applied in schools; and
- 15 states recommend or require schools to use IPM.

These laws are instrumental in improving protections from school pesticide use. However, to the extent that these laws do not prohibit the use of toxic pesticides around children and do not treat pesticide exposure as a public health issue

by providing universal prior notification of pesticide use, they all to some degree compromise the protection of children. Massachusetts is the only state in the nation to prohibit the use of the most dangerous pesticides in and around schools. Although the Massachusetts' law has some weaknesses, it should be considered, along with Maryland's state school pesticide law, a model for other states.



### Restricted spray (buffer) zones around school property

Buffer zones can eliminate exposure from spray drift on to school property. In order to adequately protect against drift, buffer zones should, at a minimum, be established in a 2-mile radius around the school's property and be in effect at all times of the day. Aerial applications should have a larger buffer zone, at least 3 miles encircling the school. Seven states have recognized the importance of controlling drift by restricting pesticide applications in areas neighboring a school that range from 300 feet to 2 1/2 miles.

### Posting notification signs for indoor and outdoor pesticide applications

Posted notification signs warn those at the school when and where pesticides have been or are being applied. It is important to post signs for indoor and outdoor pesticide applications because of the extensive period of time students and school employees spend at school. Signs posted days before, rather than simply at the time or just after a pesticide application, are more protective. Prior posting may enable people to take precautionary action. Because of the residues left behind after an application, signs should remain posted for 72 hours.

*This report is the third edition of the report released in Pesticides and You, "The Schooling of State Pesticide Laws – 2000" (volume 20, no. 2, 2000) and "The Schooling of State Pesticide Laws" (volume 18, no. 3, 1998).*

# How States Around the Country Protect Children From Pesticide Exposure in Schools

State	Buffer Zones	Posting Signs <sup>1</sup>	Prior Notification <sup>2</sup>	IPM <sup>3</sup>	Prohibition of Use
<b>Alaska</b>		Indoor & outdoor, post sign, remain for 24 hours. When school out of session & open to public, post notification sign 24 hours prior to application.	Parent & staff registry or universal notification, school decision, 24 hour notice.		Children prohibited from entering treated area for 24 hours, or the reentry interval stated on the label.
<b>Alabama</b>	Aerial application, 400 feet.				
<b>Arizona</b>	Ground & aerial application, 1/4 mile, certain odoriferous & highly toxic pesticides.	Indoor & outdoor, school district establish posting requirements.	Parent & staff, universal 48 hour notice.		
<b>California</b>		Indoor & outdoor, post sign 24 hours prior to application, remain 72 hours.	Parent & staff registry, 72 hour notice.	Recommends.	
<b>Connecticut</b>		Outdoor, post sign, no specifics on time to remain posted.	Parents & staff registry, 24 hour notice.	Recommends.	Pesticide applications prohibited during operating hours.
<b>Florida</b>		Outdoor, post sign beginning of application, no specifics on time to remain posted.		Requires.	
<b>Georgia</b>		Indoor, prior posting, remain 24 hours. Outdoor, prior posting, remain until the following day.			
<b>Illinois</b>		Outdoor, post sign, remove following day.	Parent registry or universal notification, school decision, 48 hour notice.	Requires. <sup>4</sup>	
<b>Kentucky</b>		Outdoor, post sign immediately following application, remain until the following day.	Parent & staff registry, 24 hour notice.	Requires.	
<b>Louisiana</b>	Aerial application, 1000 feet, during school hours.		Parent registry, medical verification required, no time specified.	Requires.	Applications of restricted use pesticides, entry restricted for 8 hours after application.
<b>Maine</b>		Outdoor, post prior to application, remain 48 hours.	Parent & staff can request notification, outdoor applications. <sup>5</sup>	Recommends.	
<b>Maryland</b>		Indoor & outdoor, "in-school notification." Outdoor, post sign at time of application, remain 48 hours.	Parent & staff, elementary school, universal 24 hour notice, secondary school, registry, 24 hour notice.	Requires.	
<b>Massachusetts</b>	Aerial crop application, 150 feet.	Indoor, post prior to application. Outdoor, post sign 48 hours prior to application, remain 72 hours.	Parent & staff, universal notification, outdoor applications. Parent & staff registry, indoor application, no time specified.	Requires.	Pesticide use prohibited when children present. Outdoor, pesticides that are known, likely or probable carcinogens, contain a "List I" inert ingredient or for aesthetic reason alone are prohibited from use. Indoor, certain pesticides are prohibited.
<b>Michigan</b>		Indoor, post sign after application, remain 48 hours. Outdoor, post sign after application, remain 24 hours.	Parent registry, 24 hour notice.	Requires. <sup>6</sup>	Indoor, spray or aerosol insecticide, entry restricted for 4 hours after application. Outdoor, prohibits spray insecticide, 100 ft outside occupied area.

<sup>1</sup> Five states require posting notification signs for outdoor lawn applications: Colorado, Indiana, Iowa, and Vermont. These states are not included because this is the only requirement the states have adopted regarding schools.  
<sup>2</sup> Does not include provisions regarding universal notification of the school's pest management program at the start of the school year or provisions requiring schools to provide written notice after applications have taken place.  
<sup>3</sup> Does not include states like Hawaii, Indiana, Oklahoma, Pennsylvania, South Carolina, and Tennessee that have developed materials on school IPM. The section only applies to the states that have adopted acts or regulations requiring or recommending schools adopt IPM.  
<sup>4</sup> Illinois requires IPM for structural pest management only.  
<sup>5</sup> Maine's law allows for individuals to request to be notified of an outdoor application by contacting the school directly and setting up an agreed upon prenotification time. Law does not require schools to establish a formal registry.  
<sup>6</sup> Michigan requires IPM plans be developed for indoor pest management only.

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State	Buffer Zones	Posting Signs <sup>1</sup>	Prior Notification <sup>2</sup>	IPM <sup>3</sup>	Prohibition of Use
Minnesota			Parent registry, notification at "reasonable" time before application.	Requires.	
Montana		Indoor, post sign at time of application, remain "until dry." Outdoor, post sign, remain 24 hours.		Recommends.	
New Hampshire	Aerial application, during commuting hours & outdoor activity in sensitive areas.	Indoor, permanent posting at central bulletin board, states next application. Outdoor, post sign at start of application, remain 24 hours.	Parent & staff registry, no time specified.		Pesticides cannot be applied "where exposure may have an adverse effect on human health." <sup>7</sup>
New Jersey	Ground & aerial gypsy moth application, during commuting hours, 2 miles grade school, 2 1/2 miles high school. Aerial application, 300 feet.	Indoor & outdoor emergency applications only, no specifics on time.	Parent & staff registry, no time specified. Parent and staff universal notification, child care center, 48 hour notice.		Pesticide application prohibited during normal school hours or when area will be occupied within time for product to dry.
New Mexico		Indoor & outdoor, daycare center, post sign 48 hours prior to application. Outdoor, post sign, remain 24 hours.	Parent & staff registry, 48 hour notice.	Recommends.	Prohibits use of certain pesticides when area occupied or will be for next 6 hours. Licensed childcare centers use of pesticides prohibited when children on premises.
New York					
North Carolina	Aerial application, 300 feet, when school occupied.				
Pennsylvania		Indoor, post sign 48 hours prior to application, no specifics on time to remain posted.	Parent & staff registry, medical verification required, school application & within 500 feet of school property, 12 to 72 hour notice.		No applications in "common access areas" during normal school hours or extracurricular activities, restricted entry 7 hours after application.
Rhode Island		Outdoor, post sign, remain 72 hours.	Parent & staff registry, 24 hour notice.		
Texas		Indoor, post sign 48 hours prior to application, no specifics on time to remain posted.	Parent registry, indoor & perimeter application, no time specified.	Requires.	Pesticides are grouped into lists. No indoor application of certain Green List when students in area. Other Green List & Yellow & Red Lists, restrict entry for 12 hours after application. Outdoor applications, Green List: students must be 10 feet away. Yellow List: 10 feet away. 12 hours restricted entry. Red list: 50 feet away, 12 hour restricted entry.
Washington		Indoor & outdoor, post sign at time of application, remain posted for 24 hours.	Parent & staff registry, or universal notice, 48 hour notice. <sup>8</sup>		
West Virginia		Indoor, day care center, post sign 24 hours prior to application, no specifics on time to remain posted.	Day care employees, automatic 24 hour notice, level 3 or 4 pesticide. Parent registry, schools & day care centers, 24 hour notice of level 3 or 4 pesticide.	Requires.	Pesticides are grouped into levels. Students & employees restrict entry for 4 hours after level 3 pesticide & 8 hours after level 4 pesticide.
Wisconsin		Indoor & outdoor, post sign at time of application, remain 72 hours.			
Wyoming		Indoor & outdoor, post sign 12 hours prior to application, remain 72 hours.	Parent & staff, universal prior notice. <sup>9</sup>		

<sup>7</sup> Although this language is open to interpretation, it is a stronger safety standard than contained in the *Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)*, which protects for "unreasonable adverse effects."

<sup>8</sup> Washington law states that a school "as a minimum, notifies interested parents or guardians of students and employees at least 48 hours prior to a pesticide application."

<sup>9</sup> Wyoming school pesticide notification act requires the pesticide applicator provide 72 hour prior notice to the school district, which is required to "further notify students, teachers and staff."

Fifteen states require posting of signs for indoor school pesticide applications. New York and Texas, the two strongest states in this regard, require posting warning signs at least 48 hours in advance of the application. Three states, California, Wisconsin and Wyoming, require that signs remain posted for 72 hours, the longest time frame among the states.

Twenty-four states have posting requirements when pesticide applications are made on school grounds. Massachusetts and New York require sign posting 48 hours in advance of the pesticide application in school buildings and on school grounds. Five states require that signs remain posted for at least 72 hours. Twelve states require posting for both indoor and outdoor pesticide applications.

### **Prior written notification**

Written notification prior to each pesticide use is a good way to make sure that *all* parents, children and staff are aware and warned. There are basically two types of notification – registries and universal, and modified systems that incorporates elements of both. Notification-based registries are a less effective means of notifying people and do not qualify as true right-to-know because of their limited scope. Requiring that individuals place themselves on registries affords only those who already know about toxic exposure the opportunity to be informed about pesticide use in the school. Registries also tend to be more costly and time consuming for the school because of the time associated with list management. Prior notification should be 72 hours in advance to make sure the information has been received, to get further information regarding the pesticide, and to make arrangements to avoid the exposure, if necessary.

Twenty-one states have requirements to notify parents or school staff in writing before a pesticide application is to occur. Of these, nine states have provisions for universal notification prior to each pesticide application.<sup>3</sup> Nineteen states have provisions that establish a registry, allowing individuals to sign up for prior notification.<sup>4</sup> The widest range of notification activities, requiring posting signs for indoor and outdoor applications and providing prior notification of a school pesticide application, are met by only ten states.

### **Prohibitions on use**

Limiting when and what pesticides are applied in and around schools is important to the reduction of pesticide exposure. Pesticides should never be applied when students or staff are, or likely to be, in the area within 24 hours of the application. Ten states restrict the type and/or timing of pesticides that may be used in a school. In reality, certain types of pesticides, such as carcinogens, endocrine disruptors, reproductive toxins, devel-

opmental toxins, neurotoxins and pesticides listed by EPA as a toxicity category I or II pesticide should never be used around children. Massachusetts is the only state that bans the use of certain pesticides by schools. Alaska has the longest re-entry restrictions, requiring that the area treated with certain pesticides remain unoccupied for 24 hours after the application.

### **Integrated pest management**

A good integrated pest management (IPM) program can eliminate the unnecessary application of synthetic, volatile pesticides in schools. The main elements of a good IPM program include: 1) monitoring to establish whether there is a pest problem, 2) identifying the causes of the pest problem, 3) addressing the cause by changing conditions to prevent problems, 4) utilizing pest suppression techniques, if necessary, that are based on mechanical and biological controls, and 5) only after non-toxic alternatives have been tried and exhausted, use the least toxic pesticide.

Fifteen states address IPM in their state laws, but only ten of those require that schools adopt an IPM program. Unfortunately, IPM is a term that is used loosely with many different definitions. More and more, we hear pest control programs inaccurately described as IPM. Of the fifteen states, California, Illinois, Maryland, Massachusetts and Minnesota, have comprehensive definitions of IPM, and allow only the least toxic pesticide to be used as a last resort. It is important to incorporate a strong IPM definition into policies and laws to achieve effective, least-hazardous pest management.

### **Conclusion**

Raising the level of protection across the nation to meet the highest possible standard of protection for children is essential. Where a state offers protection not provided by your state, advocate for it. Where policies exist, make sure that they are enforced. Enforcement of existing pesticide laws is also critical and often the most difficult phase of community-based efforts. Both the adoption of laws and ensuring their enforcement once adopted, require vigilant monitoring and public pressure. Exemptions that waive notification requirements before or after pesticide use, such as during school vacations, undermine protection.

Parents and community members can help school districts improve their pest management practices by contacting district officials and encouraging them to implement an IPM and notification program. School administrators will be more conscious of their pest management policy if they know parents are concerned and tracking their program.

*For information on state pesticide laws, school district policies, and tools on how to get such policies at the federal, state and local level adopted, please contact Beyond Pesticides or see [www.beyondpesticides.org](http://www.beyondpesticides.org).*

<sup>1</sup> The five states that have passed school pest management laws since “The Schooling of Pesticide Laws- 2000” include Alaska, Kentucky, Rhode Island, Wisconsin, and Wyoming.

<sup>2</sup> States that “address” indoor use of pesticides are based on whether the state requires schools post notification signs for indoor pesticide applications, provide prior notification of an indoor pesticide applications prohibit the use of certain pesticides in school buildings or recommend or require integrated pest management.

<sup>3</sup> This includes the three states that give the schools the choice of providing notice either via a registry or universal notice, the four states that have provisions for both registries and universal notice, and the two states that specifically require schools provide universal prior notification.

<sup>4</sup> This includes the three states that give the schools the choice of providing notice either via a registry or universal notice, the four states that have provisions for both registries and universal notice, and the 12 states that specifically require schools maintain a registry.