

106TH CONGRESS
1ST SESSION

S. 1716

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 12, 1999

Mr. TORRICELLI (for himself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “School Environment
3 Protection Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

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

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

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

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

25 (6) children are more susceptible to hazardous
26 impacts from pesticides than are adults;

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

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

8 (9) integrated pest management—

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

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

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

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

23 (12) parents and guardians wish to and have a
24 right to be notified in advance of any use of a pes-
25 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 33 and 34 (7
6 U.S.C. 136x, 136y) as sections 34 and 35, respec-
7 tively; and

8 (2) by inserting after section 32 (7 U.S.C.
9 136w-7) the following:

10 **“SEC. 33. 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

1 “(viii) materials for which the
2 inert ingredients are nontoxic and dis-
3 closed.

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

14 “(8) LIST.—The term ‘list’ means the list of
15 least toxic pesticides established under subsection
16 (d).

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

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

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

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

1 “(C) any other individual that may be af-
2 fected by pest management activities of a
3 school.

4 “(11) OFFICIAL.—The term ‘official’ means the
5 official appointed by the Administrator under sub-
6 section (e).

7 “(12) PESTICIDE.—

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

12 “(i) preventing, destroying, repelling,
13 or mitigating any pest;

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

16 “(iii) use as a spray adjuvant such as
17 a wetting agent or adhesive.

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

22 “(13) SCHOOL.—The term ‘school’ means a
23 public—

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

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

6 “(C) kindergarten or nursery school.

7 “(14) SCHOOL GROUNDS.—

8 “(A) IN GENERAL.—The term ‘school
9 grounds’ means the area outside of the school
10 buildings controlled, managed, or owned by the
11 school or school district.

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

16 “(15) SPACE SPRAYING.—

17 “(A) IN GENERAL.—The term ‘space
18 spraying’ means application of a pesticide by
19 discharge into the air throughout an inside
20 area.

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

1 “(C) EXCLUSION.—The term ‘space spray-
2 ing’ does not include crack and crevice treat-
3 ment.

4 “(16) STAFF MEMBER.—

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

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

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

14 “(i) an employee hired by a school,
15 local educational agency, or State to apply
16 a pesticide; or

17 “(ii) a person assisting in the applica-
18 tion of a pesticide.

19 “(17) STATE EDUCATIONAL AGENCY.—The
20 term ‘State educational agency’ has the meaning
21 given the term in section 14101 of the Elementary
22 and Secondary Education Act of 1965 (20 U.S.C.
23 8801).

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

4 “(A) all parents or guardians of children
5 attending the school; and

6 “(B) staff members of the school or local
7 educational agency.

8 “(b) INTEGRATED PEST MANAGEMENT SYSTEMS.—

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

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

21 “(3) STATE PROGRAMS.—If, on the date of en-
22 actment of this section, a State maintains an inte-
23 grated pest management system that meets the
24 standards and criteria established under paragraph
25 (1) (as determined by the Board), a local edu-

1 cational agency in the State may continue to imple-
2 ment the system in a school or in the school district
3 in accordance with paragraph (2).

4 “(4) APPLICATION TO SCHOOLS AND SCHOOL
5 GROUNDS.—The requirements of this section that
6 apply to a school, including the requirement to im-
7 plement an integrated management system, apply to
8 pesticide application in a school building and on the
9 school grounds.

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

12 “(A) the application of a pesticide when a
13 school or a school ground is occupied or in use;
14 or

15 “(B) the use of an area or room treated by
16 a pesticide, other than a least toxic pesticide,
17 during the 24-hour period beginning at the end
18 of the treatment.

19 “(c) NATIONAL SCHOOL INTEGRATED PEST MAN-
20 AGEMENT ADVISORY BOARD.—

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

1 “(A) establish uniform standards and cri-
2 teria for developing integrated pest manage-
3 ment systems and policies in schools;

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

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

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

11 “(A) Parents.

12 “(B) Public health care professionals.

13 “(C) Medical professionals.

14 “(D) State integrated pest management
15 system coordinators.

16 “(E) Independent integrated pest manage-
17 ment specialists that have carried out school in-
18 tegrated pest management programs.

19 “(F) Environmental advocacy groups.

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

21 “(H) Trade organization for pest control
22 operators.

23 “(I) Teachers and staff members.

24 “(J) School maintenance staff.

25 “(K) School administrators.

1 “(L) School board members.

2 “(3) APPOINTMENT.—Not later than 180 days
3 after the date of enactment of this section, the Ad-
4 ministrator shall appoint members of the Board
5 from nominations received from Parent Teacher As-
6 sociations, school districts, States, and other inter-
7 ested persons and organizations.

8 “(4) TERM.—

9 “(A) IN GENERAL.—A member of the
10 Board shall serve for a term of 5 years, except
11 that the Administrator may shorten the terms
12 of the original members of the Board in order
13 to provide for a staggered term of appointment
14 for all members of the Board.

15 “(B) CONSECUTIVE TERMS.—Subject to
16 subparagraph (C), a member of the Board shall
17 not serve consecutive terms unless the term of
18 the member has been reduced by the Adminis-
19 trator.

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

23 “(5) MEETINGS.—The Administrator shall
24 convene—

1 “(A) an initial meeting of the Board not
2 later than 60 days after the appointment of the
3 members; and

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

6 “(6) COMPENSATION.—A member of the Board
7 shall serve without compensation, but may be reim-
8 bursed by the Administrator for expenses (in accord-
9 ance with section 5703 of title 5, United States
10 Code) incurred in performing duties as a member of
11 the Board.

12 “(7) CHAIRPERSON.—The Board shall select a
13 Chairperson for the Board.

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

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

20 “(10) ADMINISTRATION.—The Administrator—

21 “(A) shall—

22 “(i) authorize the Board to hire a
23 staff director; and

1 “(ii) detail staff of the Environmental
2 Protection Agency, or allow for the hiring
3 of staff for the Board; and

4 “(B) subject to the availability of appro-
5 priations, may pay necessary expenses incurred
6 by the Board in carrying out this subtitle, as
7 determined appropriate by the Administrator.

8 “(11) RESPONSIBILITIES OF THE BOARD.—

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

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

15 “(i) review implementation of this sec-
16 tion (including use of least toxic pes-
17 ticides); and

18 “(ii) review and make recommenda-
19 tions to the Administrator with respect to
20 new proposed active and inert ingredients
21 or proposed amendments to the list in ac-
22 cordance with subsection (d).

23 “(C) TECHNICAL ADVISORY PANELS.—

24 “(i) IN GENERAL.—The Board shall
25 convene technical advisory panels to pro-

1 vide scientific evaluations of the materials
2 considered for inclusion on the list.

3 “(ii) COMPOSITION.—A panel de-
4 scribed in clause (i) shall include experts
5 on integrated pest management, children’s
6 health, entomology, health sciences, and
7 other relevant disciplines.

8 “(D) SPECIAL REVIEW.—

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

19 “(ii) DETERMINATION.—The Board—

20 “(I) shall determine whether the
21 use of pesticides described in clause
22 (i) may endanger the health of chil-
23 dren; and

24 “(II) may recommend to the Ad-
25 ministrators restrictions on pesticide

1 use in school buildings and on school
2 grounds.

3 “(12) REQUIREMENTS.—In establishing the
4 proposed list, the Board shall—

5 “(A) review available information from the
6 Environmental Protection Agency, the National
7 Institute of Environmental Health Studies,
8 medical and scientific literature, and such other
9 sources as appropriate, concerning the potential
10 for adverse human and environmental effects of
11 substances considered for inclusion in the pro-
12 posed list; and

13 “(B) cooperate with manufacturers of sub-
14 stances considered for inclusion in the proposed
15 list to obtain a complete list of ingredients and
16 determine that such substances contain inert
17 ingredients that are generally recognized as
18 safe.

19 “(13) PETITIONS.—The Board shall establish
20 procedures under which individuals may petition the
21 Board for the purpose of evaluating substances for
22 inclusion on the list.

23 “(14) PERIODIC REVIEW.—

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

4 “(i) the date that the substance was
5 initially included on the list; or

6 “(ii) the date of the last review of the
7 substance under this subsection.

8 “(B) SUBMISSION TO ADMINISTRATOR.—
9 The Board shall submit the results of a review
10 under subparagraph (A) to the Administrator
11 with a recommendation as to whether the sub-
12 stance should continue to be included on the
13 list.

14 “(15) CONFIDENTIALITY.—Any business sen-
15 sitive material obtained by the Board in carrying out
16 this section shall be treated as confidential business
17 information by the Board and shall not be released
18 to the public.

19 “(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE
20 REVIEW.—

21 “(1) IN GENERAL.—The Board shall rec-
22 ommend to the Administrator a list of least toxic
23 pesticides (including the pesticides described in sub-
24 section (a)(7)) that may be used as least toxic pes-
25 ticides, any restrictions on the use of the listed pes-

1 pesticides, and any recommendations regarding restric-
2 tions on all other pesticides, in accordance with this
3 section.

4 “(2) PROCEDURE FOR EVALUATING PESTICIDE
5 USE.—

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

7 “(i) IN GENERAL.—The Administrator
8 shall establish a list of least toxic pes-
9 ticides that may be used in school build-
10 ings and on school grounds, including any
11 restrictions on the use of the pesticides,
12 that is based on the list prepared by the
13 Board.

14 “(ii) REGULATORY REVIEW.—The Ad-
15 ministrator shall initiate regulatory review
16 of all other pesticides recommended for re-
17 striction by the Board.

18 “(B) RECOMMENDATIONS.—Not later than
19 1 year after receiving the proposed list and re-
20 strictions, and recommended restrictions on all
21 other pesticides from the Board, the Adminis-
22 trator shall—

23 “(i) publish the proposed list and re-
24 strictions and all other proposed pesticide
25 restrictions in the Federal Register and

1 seek public comment on the proposed pro-
2 posals; and

3 “(ii) after evaluating all comments re-
4 ceived concerning the proposed list and re-
5 strictions, but not later than 1 year after
6 the close of the period during which public
7 comments are accepted, publish the final
8 list and restrictions in the Federal Reg-
9 ister, together with a discussion of com-
10 ments received.

11 “(C) FINDINGS.—Not later than 2 years
12 after publication of the final list and restric-
13 tions, the Administrator shall make a deter-
14 mination and issue findings on whether use of
15 registered pesticides in school buildings and on
16 school grounds may endanger the health of chil-
17 dren.

18 “(D) NOTICE AND COMMENT.—

19 “(i) IN GENERAL.—Prior to estab-
20 lishing or making amendments to the list,
21 the Administrator shall publish the pro-
22 posed list or any proposed amendments to
23 the list in the Federal Register and seek
24 public comment on the proposals.

1 “(ii) RECOMMENDATIONS.—The Ad-
2 ministrators shall include in any publication
3 described in clause (i) any changes or
4 amendments to the proposed list that are
5 recommended to and by the Administrator.

6 “(E) PUBLICATION OF LIST.—After evalu-
7 ating all comments received concerning the pro-
8 posed list or proposed amendments to the list,
9 the Administrator shall publish the final list in
10 the Federal Register, together with a descrip-
11 tion of comments received.

12 “(e) OFFICE OF PESTICIDE PROGRAMS.—

13 “(1) ESTABLISHMENT.—The Administrator
14 shall appoint an official for school pest management
15 within the Office of Pesticide Programs of the Envi-
16 ronmental Protection Agency to coordinate the de-
17 velopment and implementation of integrated pest
18 management systems in schools.

19 “(2) DUTIES.—The official shall—

20 “(A) coordinate the development of school
21 integrated pest management systems and poli-
22 cies;

23 “(B) consult with schools concerning—

24 “(i) issues related to the integrated
25 pest management systems of schools;

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

2 and

3 “(iii) the registration of pesticides,

4 and amendments to the registrations, as

5 the registrations and amendments relate to

6 the use of integrated pest management

7 systems in schools; and

8 “(C) support and provide technical assist-

9 ance to the Board.

10 “(f) CONTACT PERSON.—

11 “(1) IN GENERAL.—Each local educational

12 agency of a school district shall designate a contact

13 person for carrying out an integrated pest manage-

14 ment system in schools in the school district.

15 “(2) DUTIES.—The contact person of a school

16 district shall—

17 “(A) maintain information about pesticide

18 applications inside and outside schools within

19 the school district, in school buildings, and on

20 school grounds;

21 “(B) act as a contact for inquiries about

22 the integrated pest management system;

23 “(C) maintain material safety data sheets

24 and labels for all pesticides that may be used in

25 the school district;

1 “(D) be informed of Federal and State
2 chemical health and safety information and con-
3 tact information;

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

6 “(F) maintain contact with Federal and
7 State integrated pest management system ex-
8 perts; and

9 “(G) obtain periodic updates and training
10 from State integrated pest management system
11 experts.

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

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

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

18 “(g) NOTICE OF INTEGRATED PEST MANAGEMENT
19 SYSTEM.—

20 “(1) IN GENERAL.—At the beginning of each
21 school year, each local educational agency or school
22 of a school district shall include a notice of the inte-
23 grated pest management system of the school dis-
24 trict in school calendars or other forms of universal
25 notification.

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

3 “(A) the integrated pest management sys-
4 tem of the school district;

5 “(B) any pesticide (including any least
6 toxic pesticide) or bait station that may be used
7 in a school building or on a school ground as
8 part of the integrated pest management system;

9 “(C) the name, address, and telephone
10 number of the contact person of the school dis-
11 trict;

12 “(D) a statement that—

13 “(i) the contact person maintains the
14 product label and material safety data
15 sheet of each pesticide (including each
16 least toxic pesticide) and bait station that
17 may be used by a school in buildings or
18 on school grounds;

19 “(ii) the label and data sheet is avail-
20 able for review by a parent, guardian, staff
21 member, or student attending the school;
22 and

23 “(iii) the contact person is available to
24 parents, guardians, and staff members for
25 information and comment; and

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

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

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

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

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

16 “(h) USE OF PESTICIDES.—

17 “(1) IN GENERAL.—If a local educational agen-
18 cy or school determines that a pest in the school or
19 on school grounds cannot be controlled after having
20 used the integrated pest management system of the
21 school or school district and least toxic pesticides,
22 the school may use a pesticide (other than space
23 spraying of the pesticide) to control the pest in ac-
24 cordance with this subsection.

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

3 “(A) IN GENERAL.—Subject to paragraphs
4 (4) and (5), not less than 72 hours before a
5 pesticide (other than a least toxic pesticide) is
6 used by a school, the school shall provide to a
7 parent or guardian of each student enrolled at
8 the school and each staff member of the school,
9 notice that includes—

10 “(i) the common name, trade name,
11 and Environmental Protection Agency reg-
12 istration number of the pesticide;

13 “(ii) a description of the location of
14 the application of the pesticide;

15 “(iii) a description of the date and
16 time of application, except that, in the case
17 of outdoor pesticide applications, 1 notice
18 shall include 3 dates, in chronological
19 order, that the outdoor pesticide applica-
20 tions may take place if the preceding date
21 is canceled;

22 “(iv) a statement that ‘The Office of
23 Pesticide Programs of the United States
24 Environmental Protection Agency has stat-
25 ed: ‘Where possible, persons who poten-

1 tially are sensitive, such as pregnant
2 women and infants (less than 2 years old),
3 should avoid any unnecessary pesticide ex-
4 posure.’;

5 “(v) a description of potential adverse
6 effects of the pesticide based on the mate-
7 rial safety data sheet of the pesticide;

8 “(vi) a description of the reasons for
9 the application of the pesticide;

10 “(vii) the name and telephone number
11 of the contact person of the school district;
12 and

13 “(viii) any additional warning infor-
14 mation related to the pesticide.

15 “(B) METHOD OF NOTIFICATION.—The
16 school may provide the notice required by sub-
17 paragraph (A) by—

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

20 “(ii) a telephone call;

21 “(iii) direct contact; or

22 “(iv) written notice mailed at least 1
23 week before the application.

24 “(C) REISSUANCE.—If the date of the ap-
25 plication of the pesticide needs to be extended

1 beyond the period required for notice under this
2 paragraph, the school shall reissue the notice
3 under this paragraph for the new date of appli-
4 cation.

5 “(3) POSTING OF SIGNS.—

6 “(A) IN GENERAL.—Subject to paragraphs
7 (4) and (5), at least 72 hours before a pesticide
8 (other than a least toxic pesticide) is used by a
9 school, the school shall post a sign that provides
10 notice of the application of the pesticide—

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

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

15 “(B) ADMINISTRATION.—A sign required
16 under subparagraph (A) for the application of
17 a pesticide shall—

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

20 “(ii) be at least 8 ½ inches by 11
21 inches; and

22 “(iii) state the same information as
23 that required for prior notification of the
24 application under paragraph (2).

1 “(C) OUTDOOR PESTICIDE APPLICA-
2 TIONS.—

3 “(i) IN GENERAL.—In the case of out-
4 door pesticide applications, each sign shall
5 include 3 dates, in chronological order,
6 that the outdoor pesticide application may
7 take place if the preceding date is canceled
8 due to weather.

9 “(ii) DURATION OF POSTING.—A sign
10 described in clause (i) shall be posted after
11 an outdoor pesticide application in accord-
12 ance with subparagraph (B).

13 “(4) ADMINISTRATION.—

14 “(A) APPLICATORS.—Paragraphs (2) and
15 (3) shall apply to any person that applies a pes-
16 ticide in a school or on a school ground, includ-
17 ing a custodian, staff member, or commercial
18 applicator.

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

21 “(i) during the school year; and

22 “(ii) during holidays and the summer
23 months, if the school is in use, with notice
24 provided to all staff members and the par-

1 ents or guardians of the students that are
2 using the school in an authorized manner.

3 “(5) EMERGENCIES.—

4 “(A) IN GENERAL.—A school may apply a
5 pesticide (other than a least toxic pesticide) in
6 the school or on school grounds without com-
7 plying with paragraphs (2) and (3) in an emer-
8 gency, subject to subparagraph (B).

9 “(B) SUBSEQUENT NOTIFICATION OF PAR-
10 ENTS, GUARDIANS, AND STAFF MEMBERS.—Not
11 later than the earlier of the time that is 24
12 hours after a school applies a pesticide under
13 this paragraph or on the morning of the next
14 school day, the school shall provide to each par-
15 ent or guardian of a student enrolled at the
16 school, and staff member of the school, notice
17 of the application of the pesticide for emergency
18 pest control that includes—

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

21 “(ii) a description of the problem and
22 the factors that qualified the problem as
23 an emergency that threatened the health or
24 safety of a student or staff member; and

1 “(iii) a description of the steps the
2 school will take in the future to avoid
3 emergency application of a pesticide under
4 this paragraph.

5 “(C) METHOD OF NOTIFICATION.—The
6 school may provide the notice required by sub-
7 paragraph (B) by—

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

10 “(ii) a telephone call; or

11 “(iii) direct contact.

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

16 “(E) MODIFICATION OF INTEGRATED PEST
17 MANAGEMENT PLANS.—If a school in a school
18 district applies a pesticide under this para-
19 graph, the local educational agency of the
20 school district shall modify the integrated pest
21 management plan of the school district to mini-
22 mize the future applications of pesticides under
23 this paragraph.

24 “(6) DRIFT OF PESTICIDES ONTO SCHOOL
25 GROUND.—Each local educational agency, State pes-

1 pesticide lead agency, and the Administrator are en-
2 couraged to—

3 “(A) identify sources of pesticides that
4 drift from treated land to school grounds of the
5 educational agency; and

6 “(B) take steps necessary to create an in-
7 door and outdoor school environment that are
8 protected from pesticides described in subpara-
9 graph (A).

10 “(i) MEETINGS.—

11 “(1) IN GENERAL.—Before the beginning of a
12 school year, at the beginning of each new calendar
13 year, and at a regularly scheduled meeting of a
14 school board, each local educational agency shall
15 provide an opportunity for the contact person des-
16 ignated under subsection (d) to receive and address
17 public comments regarding the integrated pest man-
18 agement system of the school district.

19 “(2) EMERGENCY MEETINGS.—An emergency
20 meeting of a school board to address a pesticide ap-
21 plication may be called under locally appropriate
22 procedures for convening emergency meetings.

23 “(j) INVESTIGATIONS AND ORDERS.—

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

4 “(A) conduct an investigation of the com-
5 plaint;

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

8 “(C) notify the complainant and the per-
9 son alleged to have committed the violation of
10 the findings of the Administrator.

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

16 “(3) OBJECTIONS TO PRELIMINARY ORDER.—

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

21 “(i) file objections to the preliminary
22 order (including findings); and

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

24 “(B) FINAL ORDER.—If a hearing is not
25 requested within 30 days after the preliminary

1 order is issued, the preliminary order shall be
2 final and not subject to judicial review.

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

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

8 “(6) SETTLEMENT AGREEMENT.—Before the
9 final order is issued, the proceeding may be termi-
10 nated by a settlement agreement, which shall remain
11 open, entered into by the Administrator, the com-
12 plainant, and the person alleged to have committed
13 the violation.

14 “(7) COSTS.—

15 “(A) IN GENERAL.—If the Administrator
16 issues a final order against a school or school
17 district for violation of this section and the
18 complainant requests, the Administrator may
19 assess against the person against whom the
20 order is issued the costs (including attorney’s
21 fees) reasonably incurred by the complainant in
22 bringing the complaint.

23 “(B) AMOUNT.—The Administrator shall
24 determine the amount of the costs that were
25 reasonably incurred by the complainant.

1 “(8) JUDICIAL REVIEW AND VENUE.—

2 “(A) IN GENERAL.—A person adversely af-
3 fected by an order issued after a hearing under
4 this subsection may file a petition for review
5 not later than 60 days after the date that the
6 order is issued, in a district court of the United
7 States or other United States court for any dis-
8 trict in which a local educational agency or
9 school is found, resides, or transacts business.

10 “(B) TIMING.—The review shall be heard
11 and decided expeditiously.

12 “(C) COLLATERAL REVIEW.—An order of
13 the Administrator subject to review under this
14 paragraph shall not be subject to judicial review
15 in a criminal or other civil proceeding.

16 “(k) CIVIL PENALTY.—

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

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

1 “(1) INTEGRATED PEST MANAGEMENT TRUST
2 FUND.—

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

7 “(A) amounts deposited in the Fund under
8 subsection (j)(2);

9 “(B) amounts transferred to the Secretary
10 of the Treasury for deposit into the Fund under
11 paragraph (5); and

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

14 “(2) EXPENDITURES FROM FUND.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), on request by the Administrator, the
17 Secretary of the Treasury shall transfer from
18 the Fund to the Administrator, without further
19 appropriation, such amounts as the Secretary
20 determines are necessary to provide funds to
21 each State educational agency of a State, in
22 proportion to the amount of civil penalties col-
23 lected in the State under subsection (j)(1), to
24 carry out education, training, propagation, and
25 development activities under integrated pest

1 management systems of schools in the State to
2 remedy the harmful effects of actions taken by
3 the persons that paid the civil penalties.

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

9 “(3) INVESTMENT OF AMOUNTS.—

10 “(A) IN GENERAL.—The Secretary of the
11 Treasury shall invest such portion of the Fund
12 as is not, in the judgment of the Secretary of
13 the Treasury, required to meet current with-
14 drawals. Investments may be made only in in-
15 terest-bearing obligations of the United States.

16 “(B) ACQUISITION OF OBLIGATIONS.—For
17 the purpose of investments under subparagraph
18 (A), obligations may be acquired—

19 “(i) on original issue at the issue
20 price; or

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

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

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

5 “(4) TRANSFERS OF AMOUNTS.—

6 “(A) IN GENERAL.—The amounts required
7 to be transferred to the Fund under this sub-
8 section shall be transferred at least monthly
9 from the general fund of the Treasury to the
10 Fund on the basis of estimates made by the
11 Secretary of the Treasury.

12 “(B) ADJUSTMENTS.—Proper adjustment
13 shall be made in amounts subsequently trans-
14 ferred to the extent prior estimates were in ex-
15 cess of or less than the amounts required to be
16 transferred.

17 “(5) ACCEPTANCE AND USE OF DONATIONS.—

18 The Secretary may accept and use donations to
19 carry out paragraph (2)(A). Amounts received by
20 the Secretary in the form of donations shall be
21 transferred to the Secretary of the Treasury for de-
22 posit into the Fund.

23 “(m) EMPLOYEE PROTECTION.—

24 “(1) IN GENERAL.—No local educational agen-
25 cy, school, or person may harass, prosecute, hold lia-

1 ble, or discriminate against any employee or other
2 person because the employee or other person—

3 “(A) is assisting or demonstrating an in-
4 tent to assist in achieving compliance with this
5 section (including any regulation);

6 “(B) is refusing to violate or assist in the
7 violation of this section (including any regula-
8 tion); or

9 “(C) has commenced, caused to be com-
10 menced, or is about to commence a proceeding,
11 has testified or is about to testify at a pro-
12 ceeding, or has assisted or participated or is
13 about to participate in any manner in such a
14 proceeding or in any other action to carry out
15 this section.

16 “(2) COMPLAINTS.—Not later than 1 year after
17 an alleged violation occurred, an employee or other
18 person alleging a violation of this section, or another
19 person at the request of the employee, may file a
20 complaint with the Administrator.

21 “(3) REMEDIAL ACTION.—If the Administrator
22 decides, on the basis of a complaint, that a local
23 educational agency, school, or person violated para-
24 graph (1), the Administrator shall order the local
25 educational agency, school, or person to—

1 “(A) take affirmative action to abate the
2 violation;

3 “(B) reinstate the complainant to the
4 former position with the same pay and terms
5 and privileges of employment; and

6 “(C) pay compensatory damages, including
7 back pay.

8 “(n) GRANTS.—

9 “(1) IN GENERAL.—The Administrator, in con-
10 sultation with the Secretary of Education, shall pro-
11 vide grants to local educational agencies to develop
12 and implement integrated pest management systems
13 in schools in the school district of the local edu-
14 cational agencies.

15 “(2) AMOUNT.—The amount of a grant pro-
16 vided to a local educational agency of a school dis-
17 trict under paragraph (1) shall be based on the ratio
18 that the number of students enrolled in schools in
19 the school district bears to the total number of stu-
20 dents enrolled in schools in all school districts in the
21 United States.

22 “(o) RELATIONSHIP TO STATE AND LOCAL REQUIRE-
23 MENTS.—This section (including regulations promulgated
24 under this section) shall not preempt requirements im-
25 posed on local educational agencies and schools related to

1 the use of integrated pest management by State or local
 2 law (including regulations) that are more stringent than
 3 the requirements imposed under this section.

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

7 “(q) RESTRICTION ON PESTICIDE USE.—Not later
 8 than 6 years after the date of enactment of this section,
 9 no pesticide, other than a pesticide that is defined as a
 10 least toxic pesticide under this subsection, shall be used
 11 in a school or on school grounds unless the Administrator
 12 has met the deadlines and requirements of this section.

13 “(r) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this section
 15 \$7,000,000 for each of fiscal years 2000 through 2004.”.

16 **SEC. 4. CONFORMING AMENDMENT.**

17 The table of contents in section 1(b) of the Federal
 18 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
 19 prec. 121) is amended by striking the items relating to
 20 sections 30 through 32 and inserting the following:

“Sec. 30. Minimum requirements for training of maintenance applicators and
 service technicians.

“Sec. 31. Environmental Protection Agency minor use program.

“Sec. 32. Department of Agriculture minor use program.

“(a) In general.

“(b)(1) Minor use pesticide data.

“(2) Minor Use Pesticide Data Revolving Fund.

“Sec. 33. 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. 34. Severability.
- “Sec. 35. Authorization of appropriations.”.

1 SEC. 5. EFFECTIVE DATE.

- 2 This Act and the amendments made by this Act take
- 3 effect on October 1, 1999.

○