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BILL ANALYSIS

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House Bill 5154 (Substitute H-3 as passed by the House)  
Sponsor: Representative Edward Gaffney  
House Committee: Agriculture and Resource Management  
Senate Committee: Agriculture, Forestry and Tourism

Date Completed: 2-9-04

### **CONTENT**

**The bill would amend Part 83 (Pesticide Control) of the Natural Resources and Environmental Protection Act to do the following:**

- Require schools to adopt an "Integrated Pest Management Program".**
- Require schools and day care centers to notify parents before a pesticide was applied at a school or day care center.**
- Require school and day care administrators to notify parents annually that they would receive advance notice of a pesticide application.**
- Require an advance notice of a pesticide application to contain certain information about the pesticide, including its name, where it would be applied, how much would be applied, and who would be applying it.**
- Prohibit a person from applying pesticides in a room at a school or day care center if children were present.**
- Require the Michigan Department of Agriculture (MDA) to develop a model integrated pest management policy for schools.**
- Require the MDA to encourage school boards to adopt the model policy and to require staff to obtain periodic updates and training on integrated pest management.**

#### Integrated Pest Management Program

Adoption by Schools. Beginning one year after the bill's effective date, a person would be prohibited from applying a pesticide, other than a sanitizer, germicide, disinfectant, or anti-microbial agent, at a school unless the school had adopted an integrated pest management program. "Integrated pest management program" would mean a program for integrated pest management that included at least the following four elements:

1. The following integrated pest management practices and principles:
  - Site evaluation, including site description, inspection, and monitoring.
  - Consideration of the relationship between pest biology and pest management methods.
  - Consideration of all available pest management methods, including population reduction techniques, such as mechanical, biological, and chemical techniques, and pest prevention techniques, such as habitat modification.
  - Pest control method selection, including consideration of the impact on human health and the environment.
  - Continual evaluation of the integrated pest management program to determine its effectiveness and the need for program modification.

2. Record-keeping, which would have to be maintained by the applicator and include all of the following:
  - The site address and date of service.
  - The target pest or pests.
  - The inspection report, including the number of pests found or reported, and the conditions conducive to pest infestation.
  - The pest management recommendations made by the applicator, such as structural or habitat modification.
  - The structural or habitat modification, or other measures initiated as a part of the program.
  - The name and quantity of each pesticide used.
  - The location of the area or room or rooms where pesticides were applied.
  - The name of the applicator.
  - The name of the pest control firm, if a firm were employed, and the emergency telephone number.
3. With respect to a commercial applicator, provision of the following information to the building manager: the integrated pest management program and initial service inspection record, which would have to be provided at the time of initial service; and the required record-keeping information, described above.
4. The acceptance of responsibility by the building manager to post signs provided by the pesticide applicator in compliance with rules promulgated under Section 8325 of the Act (which requires, in part, that a building manager post signs provided by a commercial pesticide applicator).

Model Policy. Within one year after the bill's effective date, the Department of Agriculture would have to develop a model integrated pest management policy for schools, in consultation with the Department of Education, and make the policy available to all school districts, intermediate school districts, public school academies, and private schools. The MDA would have to encourage local and intermediate school boards and boards of directors of public school academies to do both of the following: adopt and follow the model integrated pest management policy; and require appropriate staff to obtain periodic updates and training on integrated pest management from experts on the subject.

#### Annual Notification to Parents

The administrator of a primary school or day care center, or his or her designee, annually would have to notify the parents or guardians of children attending that school, or cared for at that center, that the parents or guardians would receive advance notice of a pesticide application at the school or day care center. A school administrator would have to give the annual notification within 30 days after the beginning of the school year; a day care administrator would have to give the annual notification in September.

(Currently, Part 83 defines "school" as a public and private school, grades kindergarten through 12th grade. The bill specifies that "school" would not include a home school. The bill would define "day care center" as a facility, other than a private residence, that receives one or more preschool or school-age children for care for periods of less than 24 hours a day, at which the parents or guardians are not immediately available to the child, and that is licensed as a child care organization by the Family Independence Agency under Public Act 116 of 1973.)

The annual notification would have to be in writing, and would have to contain a statement that parents or guardians were entitled to receive advance notice of a pesticide application by first-class United States mail postmarked at least three days before the application, if they so

requested. The notification from a school would have to inform parents and guardians that they could review the school's integrated pest management program, if any, and records on any pesticide application. Schools also would have to provide the name, telephone number, and, if applicable, the e-mail address of the person at the school building responsible for pesticide application procedures.

In addition, the notification from a school or day care center would have to specify two methods by which advance notice of a pesticide application would be given. The first method would be by posting at the entrances to the school or center at least 48 hours before the application. The second method would have to be one of the following:

- Posting in a public, common area of the school or day care center, other than an entrance, at least 48 hours before the application.
- An e-mail sent at least 48 hours before the application.
- A telephone call, by which direct contact was made with a parent or guardian of a student of the school or a child under the care of the center, or a message was recorded on an answering machine.
- Giving the students or children a written notice to be delivered to their parents or guardians.

#### Advance Notice of Pesticide Application

An advance notice would have to contain all of the following information:

- A statement that a pesticide was expected to be applied.
- The target pest or pests.
- The approximate location of the application.
- The date of the application.
- The name, telephone number, and, if available, e-mail address of a contact person at the school or day care center responsible for maintaining records with specific information on pest infestation and actual pesticide application, as required by rules.
- A toll-free telephone number for the National Pesticide Information Center, and a telephone number for pesticide information from the MDA.

Before applying a pesticide, a school or day care center would have to give advance notice to parents and guardians consistent with the provisions described above. In an emergency, however, a school or day care center could apply a pesticide without providing advance notice to parents or guardians. Promptly after the pesticide application, the school or center would have to give parents or guardians notice of the application by mail, telephone contact, or other method as required for an advance notice. The notice would have to contain a statement that a pesticide was applied, and the same information about a pesticide application as required for an advance notice.

#### Children's Proximity to Pesticides

A person would be prohibited from applying liquid or aerosol pesticides in a room at a school or day care center if children were present in the room. After pesticides were applied in the room, the school or center would have to prohibit children from entering the room for four hours, or for the re-entry period specified on the pesticide label, whichever was longer.

MCL 324.8303 et al.

Legislative Analyst: Claire Layman

#### **FISCAL IMPACT**

The bill would increase Department of Agriculture administrative costs by requiring the MDA to develop and distribute a model integrated pest management policy within one year of the bill's

effective date. The Department also would experience additional costs associated with the requirement to encourage staff to obtain training on integrated pest management from experts in the field.

Local school districts likely would experience increased costs associated with this legislation. These costs would stem from stricter and more comprehensive notification requirements. Currently, schools annually must notify parents of pesticide applications, but the law does not specify how the notification must occur. The proposed legislation is much more specific, and states the annual notification would have to be in writing, and also would require two methods of advance notice of an application of a pesticide. Also, parents could request U.S. mail notification of upcoming applications. These broadened and increased notification procedures likely would lead to increased costs to schools that have pesticides applied.

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