

# House Bill Analysis

## HB 2726

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February 2, 2000

- Requires the Department of Health to prepare a list of pesticides commonly used by school districts and day cares and determine which meet certain specified standards as being high-hazards and which are least toxic.
- Requires persons designated by school districts to prepare annual plans to achieve significant reductions in the use of pesticides other than the least toxic and prohibits the use of any other than the least toxic pesticides at school facilities for the control of pests that do not present a human health risk.

### BACKGROUND:

The registration and use of pesticides is regulated at the national level by the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA. In general, a pesticide cannot be sold or distributed within the United States unless it has been registered with the U.S. Environmental Protection Agency (EPA). The "pesticides" regulated in this manner encompass herbicides, insecticides, and similar chemicals that control pests. (7 U.S.C. Sec. 136 et seq.) At the state level, pesticides sold or distributed within the state must be registered under the Washington Pesticide Control Act. (Chapter 15.58 RCW.) Use of pesticides in the state is regulated under the Washington Pesticide Application Act (Chapter 17.21 RCW.) These acts are administered by the state's Department of Agriculture.

The label for pesticides is also regulated and controls the use of the products. The EPA's regulations for these labels require *signal words* to the consumer to appear on the front panel of the label regarding toxicity. (40 C.F.R. Sec. 156.10.) With the exception of a child hazard warning statement, the signal word that must appear on a label is determined by the toxicity category of the pesticide. The labels of pesticides meeting the criteria of Toxicity Category I must contain a Danger— front panel signal, unless they meet that criteria based on oral, inhalation or dermal toxicity, in which case they must be labeled Poison.— All pesticides meeting the criteria of Toxicity Category II must contain the Warning— signal word. (50 C.F.R. 156.10(i).)

### SUMMARY:

The Department of Health must prepare a list of pesticides commonly used by school

districts and day cares and determine which of these meet the criteria for high-hazard pesticides and which meet the criteria for least-toxic pesticides. This list must be made available to school districts and daycare operators. For this purpose, a high-hazard pesticide– is one that: is classified as hazard category I or hazard category II by the EPA; is classified as a known, likely, probable, or possible carcinogen by the EPA; contains a known, probable, or suspected endocrine disruptor; is a nervous system or reproductive toxicant; persists in the environment, containing a soil half-life greater than 100 days or contains an active ingredient that is highly or very highly mobile in soils; or is labeled as toxic to fish, birds, bees, wildlife, or domestic animals. A least-toxic pesticide" is one that satisfies all of the following: the disclosed ingredients have been evaluated by the EPA and found to include no possible, probable, known, or likely carcinogens; the disclosed ingredients include no reproductive toxicants nor any known, probable, or suspected endocrine disruptors; the active ingredient of which has soil half-life of 30 days or less unless the active ingredient is a mineral; the active ingredient has extremely low or very low mobility in soil; and the product is not labeled as toxic to fish, birds, bees, wildlife, or domestic animals.

Each individual identified by a school district as being responsible for these duties at a school facility must prepare annual plans to achieve significant reductions in the use of pesticides other than those that are least toxic. These facilities include the district's buildings and grounds. The plans must include: documentation regarding the pests in school facilities within the jurisdiction of the district, including those that are known to present a human health risk; documentation regarding the application of pesticides and other methods of pest control in school facilities within the jurisdiction of the district; and quantitative measures for reducing or eliminating the application of high-hazard pesticides, while effectively controlling pests that present a human health risk. The plans must be adopted and monitored by school districts as part of general operations plans.

For the control of pests that do not present a human health risk, school districts may use only least-toxic pesticides in their school facilities.

**FISCAL NOTE:** Requested