

SENATE BILL REPORT

SB 6479

As Reported By Senate Committee On:
Education, January 26, 2000

Title: An act relating to addressing concerns about pesticide use in schools.

Brief Description: Addressing concerns about pesticide use in schools.

Sponsors: Senators Eide, McAuliffe, Goings, Brown, Patterson, Costa, Fraser, Jacobsen, Kline, Rasmussen and Kohl-Welles.

Brief History:

Committee Activity: Education: 1/20/2000, 1/26/2000 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Finkbeiner, Goings, Kohl-Welles, Rasmussen and Swecker.

Staff: Vanessa Power (786-7448)

Background: Current law requires that a certified applicator (an individual licensed to apply pesticides) making a landscape or right-of-way pesticide application provide notice. Notice includes displaying the name and telephone number of the applicator on any application machinery. Notice also includes carrying a material safety data sheet that describes each pesticide being applied.

Summary of Substitute Bill: Pesticide applications to preschool, day care, or public elementary or secondary school grounds or facilities require posted and written notice. Written notice to students, parents or guardians, and employees must be given at least 48 hours before application. Notice must also be posted at the treatment site, at a central area at the school, and at entrances to the school at least 48 hours before application. Notice requirements do not apply to the use of antimicrobial pesticides, or contained bait stations that are out of the reach of children.

Notice includes the following information: the name of the pesticide, the pesticide's active ingredient, the date and time of application, the area and rate of application, and the name and phone number of a contact person. Posted signs must be at least 8 « by 11 inches and remain posted for one week after the pesticide application. The applicator must display the applicator's name and telephone number on application equipment, and carry a material safety data sheet for each pesticide being applied.

An applicator making a landscape application at a school must place a marker at each point of entry to the school grounds at the time of application. The marker must state that the landscape has been treated, and include the company name and telephone number.

Schools must provide annual notice about the school's pest control policy, methods, and the pesticides that may be used at the school.

When there is a pesticide application to a school landscape, athletic field, or structure over a school break, posted notice requirements still apply. When there is an indoor or outdoor application over an extended school break, written notice must be sent at the beginning of the break.

Substitute Bill Compared to Original Bill: The bill is amended to create a new section dealing with pesticide applications to preschool, day care, and public elementary or secondary school grounds or facilities. Private schools are not subject to notice requirements under the new section.

Notice provisions applicable to certified applicators making landscape applications are incorporated into the new section. The landscape application notice section is amended to reflect this change.

Notice requirements are amended. An annual notice requirement is added. Posted and written notice must be "at least" 48 hours before application. Posted notice is also required at the treatment site. Notice posted at "building entrances" now reads "points of entry," and notice posted at a "central area at treatment site" now reads "central area at school." The name and phone number of a contact person are added to the information required on notices. The word "herbicide" is added to information required on notices following the pesticide's signal word.

The bill is amended to remove a waiver of criminal and civil damages liability against schools. An exception is added for the use of antimicrobial pesticides and contained bait stations. The bill is amended to include a section on notice requirements during school breaks. When there is an extended school break, written notice must be sent at the beginning of the break, and posted notice requirements for outdoor applications continue.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Notice is important because parents have the right to know what pesticides are used at their children's schools. Notice will allow parents to make the causal connection between pesticides and children's health problems. There was concern about the responsibility being placed on certified applicators. Responsibility for providing notice should fall on whoever is applying pesticide. There was concern about the need for training for people applying pesticides.

Testimony Against: None.

Testified: PRO: Erika Schreder, Washington Toxics Coalition; Maria Mason, parent; Barbara Casey, Washington State Parent Teacher Association; Johnny Burrow, Seattle School District; Heather Hansen, Washington Friends of Farms and Forests (with concerns); Jack Marlowe, Washington State Pest Control Association (with concerns); Karen Davis, Washington Education Association; Mary Beth Lang, Department of Agriculture (with concerns); Glen Gordon, Public School Employees; David Westberg, Stationary Engineers; Jill Albinger, parent; Therese Cushing, parent.