
SUBSTITUTE HOUSE BILL 2726

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Cooper, Campbell, Linville, Barlean, Dickerson, Stensen, Schual-Berke, Reardon, Romero, Sullivan, Lovick, Gombosky, Santos, Regala, Fisher, Scott, Keiser, Conway, Voloria, Dunshee, Anderson, Ruderman, O'Brien, Hurst, Constantine, Haigh, Edmonds, Wood, Kagi, Kenney and Rockefeller)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to minimizing the use of pesticides in and around
2 certain facilities; amending RCW 17.21.410; adding a new section to
3 chapter 17.21 RCW; adding a new section to chapter 28A.320 RCW; adding
4 a new section to chapter 74.15 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 improve student safety by providing parents and guardians with
8 information concerning pesticides that pose risks to children. The
9 metabolism, physiology, and diet of children puts them at higher risk
10 than adults to pesticide exposure. Children spend much of their time
11 in schools and day care centers, and parents and guardians have a right
12 to be informed about potential health threats to their children.

13 **Sec. 2.** RCW 17.21.410 and 1994 c 283 s 33 are each amended to read
14 as follows:

15 (1) A certified applicator making a landscape application to:

16 (a) Residential property shall at the time of the application place
17 a marker at the usual point of entry to the property. If the
18 application is made to an isolated spot that is not a substantial

1 portion of the property, the applicator shall only be required to place
2 a marker at the application site. If the application is in a fenced or
3 otherwise isolated backyard, no marker is required.

4 (b) Commercial properties such as apartments or shopping centers
5 shall at the time of application place a marker in a conspicuous
6 location at or near each site being treated.

7 (c) A golf course shall at the time of the application place a
8 marker at the first tee and tenth tee or post the information in a
9 conspicuous location such as on a central message board.

10 (d) A school(~~(-)~~) or nursery school, (~~(or licensed day care)~~) other
11 than a school as defined in section 3 of this act, shall at the time of
12 the application place a marker at each primary point of entry to the
13 school grounds.

14 (e) A park, cemetery, rest stop, or similar property as may be
15 defined in rule shall at the time of the application place a marker at
16 each primary point of entry.

17 (2) An individual making such a landscape application to a school
18 grounds, nursery school, or licensed day care, and not otherwise
19 covered by subsection (1) of this section or section 3 of this act,
20 shall be required to comply with the posting requirements in subsection
21 (1)(d) of this section.

22 (3) The marker shall be a minimum of four inches by five inches.
23 It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the
24 headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger
25 size requirements for markers may be established in rule for specific
26 applications. The company name and service mark with the applicator's
27 telephone number where information can be obtained shall be included
28 between the headline and the footer on the marker. The letters and
29 service marks shall be printed in colors contrasting to the background.

30 (4) The property owner or tenant shall remove the marker according
31 to the schedule established in rule. A commercial applicator is not
32 liable for the removal of markers by unauthorized persons or removal
33 outside the designated removal time.

34 (5) A certified applicator who complies with this section cannot be
35 held liable for personal property damage or bodily injury resulting
36 from markers that are placed as required.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 17.21 RCW
38 to read as follows:

1 (1) If a school intends to make a school facility application in
2 the form of a spray or granular application of a pesticide during the
3 school year, the school shall annually notify students, parents or
4 guardians of students, and employees about the school's pest control
5 policies and methods and identify where they may gain access to a list
6 of the pesticides that may be used by the school and material safety
7 data sheets for those pesticides. If the school maintains a registry
8 of the students, parents or guardians of students, and employees who
9 wish to receive such a notice, providing such an annual notification to
10 the persons on the registry satisfies the requirements of this
11 subsection.

12 (2) A school shall provide posted and written notice to students,
13 parents or guardians of students, and employees at least forty-eight
14 hours before a school facility application.

15 (3) At least forty-eight hours before a pesticide is applied to a
16 school facility, the school shall post notification signs at the
17 treatment site, in a central area at the school, and at points of
18 entry. For pesticides meeting the EPA's criteria of toxicity category
19 I or toxicity category II, the signs shall remain in place for at least
20 five calendar days following pesticide application to a school
21 facility. For other pesticides, the signs shall remain in place
22 following pesticide application to a school facility for at least
23 forty-eight hours or until the next regularly scheduled school day,
24 whichever is longer. Notification signs shall be at least eight and
25 one-half by eleven inches. Each sign shall have the words: "THIS AREA
26 WILL BE OR HAS BEEN TREATED" as the headline and "FOR MORE INFORMATION
27 PLEASE CALL" as the footer. The letters shall be printed in colors
28 contrasting to the background.

29 (4) An individual making a school facility application shall
30 display the name and telephone number of the applicator on any
31 application apparatus, and shall carry a material safety data sheet for
32 each pesticide being applied.

33 (5) All notices and notification signs required under this section
34 shall include the signal word from the pesticide label alongside the
35 words "Pesticide/Herbicide Application"; for example, "WARNING:
36 PESTICIDE/HERBICIDE APPLICATION." Notices shall include:

- 37 (a) The name of the pesticide;
- 38 (b) The proposed date and time of application;
- 39 (c) The area and rate of application; and

1 (d) The name and phone number of a contact person.
2 The active ingredient for any pesticide named in (a) of this subsection
3 shall be included in the information the contact person shall be
4 prepared to provide upon being contacted.

5 (6) A school facility application does not include:

6 (a) The application of antimicrobial pesticides as defined by 7
7 U.S.C. Sec. 136(mm);

8 (b) The placement of rodent or insect bait stations that are not
9 accessible to children; or

10 (c) A pesticide application conducted for emergency purposes, such
11 as, but not limited to, an application to control venomous spiders or
12 stinging insects.

13 (7) If the school facility application is made during an extended
14 break when children are not present, and when the treatment ends no
15 less than ninety-six hours before the end of the break, the school
16 shall send written notice before to the beginning of the break. Any
17 school application to a landscape, athletic field, or outdoor structure
18 during the break is subject to posted notice requirements of this
19 subsection.

20 (8) Neither the school nor the applicator is liable for the removal
21 of signs by unauthorized persons or removal outside the designated
22 removal time. A school or an applicator who complies with this section
23 may not be held liable for personal property damage or bodily injury
24 resulting from signs that are placed as required.

25 (9) As used in this section:

26 (a) "School" means a licensed day care, preschool, kindergarden, or
27 elementary or secondary school. "School" does not include a private
28 school approved under chapter 28A.195 RCW or any postsecondary
29 educational facility attended by secondary school students.

30 (b) "School facility" means any facility used for school purposes
31 that is visited or used by children attending the school and includes
32 the buildings or structures, playgrounds, landscape areas, athletic
33 fields, school vehicles, or any other area of school property visited
34 or used by children attending the school.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320
36 RCW to read as follows:

1 Schools as defined in section 3 of this act shall provide notice of
2 pesticide applications to students, parents or guardians of students,
3 and employees pursuant to chapter 17.21 RCW.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.15 RCW
5 to read as follows:

6 Day care centers shall provide notice of pesticide applications to
7 children, parents or guardians of children, and employees pursuant to
8 chapter 17.21 RCW.

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