

HOUSE BILL REPORT

HB 1806

As Reported by House Committee On:
Environmental Health, Select
Appropriations Subcommittee on Education

Title: An act relating to pesticide application in school facilities.

Brief Description: Limiting the use of high hazard pesticides on school facilities.

Sponsors: Representatives Pedersen, Upthegrove, Campbell, Kenney, McDermott, Morrell, Chase, Appleton, Dunshee, McIntire, Santos, Moeller, Darneille, Roberts, Hudgins, Hunt, Hasegawa, Conway, O'Brien, Green, Rolfes, Simpson, Schual-Berke, Goodman, Wood and Lantz.

Brief History:

Committee Activity:

Select Committee on Environmental Health: 1/22/08 [DP3S];
Appropriations Subcommittee on Education: 1/31/08, 2/5/08 [DP4S].

Brief Summary of Fourth Substitute Bill

- Requires the Washington State School Directors' Association to develop a model integrated pest management policy.
- Requires each school district to implement an integrated pest management program and to obtain the IPM STAR Certification by September 1, 2013.
- Provides that any appropriation for the purposes of providing technical assistance to school districts will go to the Washington State University Urban Integrated Pest Management Program.
- Requires Washington State University to prepare an annual report to the Legislature regarding the technical assistance it has provided to school districts.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 6 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Chase, Hunt, Morrell and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Sump, Ranking Minority Member and Newhouse.

Staff: Ashley Pedersen (786-7303).

Background:

Pests common in schools can harm both children and adults. Pests can spread disease, cause allergies and asthma attacks, precipitate allergy attacks from stings, contaminate food, cause painful bites, and cause structural damage. Pesticides are powerful tools for controlling these risks.

Children are more sensitive than adults to pesticides. Young children can have greater exposure to pesticides from crawling, exploring, or other hand-to-mouth activities. Since children spend much of their day at school it is important to limit children's exposure to the hazardous effects of pesticides.

The U. S. Environmental Protection Agency is responsible for regulating the use of pesticides at the national level. The Department of Agriculture, the Department of Labor and Industries, and the Department of Ecology regulate pesticides in Washington.

The IPM Institute of North America, Inc. is a non-profit organization formed in 1998 that is funded by grants from government, private foundations and industry, memberships and fees for services and programs. The IPM Institute provides services such as integrated pest management research, standards development, program management and inspector training and certification. The IPM Institute operates certification programs for integrated pest management professionals, schools and other organizations and integrated pest management products and services.

The IPM Institute's IPM STAR Certification Program is a program designed for childcare centers and schools. The program entails the organization establishing a formal schedule for integrated pest management evaluation, planning and training; receiving regular feedback on the integrated pest management program from a professional; and creating an ongoing focus on pest and pesticide risk reduction.

Summary of Third Substitute Bill:

By January 1, 2009 the Washington State School Directors' Association, in consultation with the Department of Health and the Department of Agriculture, must develop a model integrated pest management policy.

The model integrated pest management policy must incorporate the "IPM Standards for Schools: Tactics and Resources for Reducing Pest and Pesticide Risks in Schools and Other Sensitive Environments" as published by the IPM Institute of North America, Inc.

By September 1, 2009 each school district must: (1) have adopted an integrated pest management policy; and (2) begin implementation of an integrated pest management program that is based on the model integrated pest management policy.

By September 1, 2013 each school district must obtain the IPM STAR Certification pursuant to the "IPM Standards for Schools: Tactics and Resources for Reducing Pest and Pesticide Risks in Schools and Other Sensitive Environments."

Any appropriation for the purposes of providing technical assistance to school districts will go to the Washington State University Urban Integrated Pest Management Program.

Third Substitute Bill Compared to Original Bill:

The third substitute bill makes the following changes:

- removes the requirement that the State Board of Health develop a list of high hazard products;
- removes the provisions regarding a single-use waivers;
- changes the entity responsible for developing the model integrated pest management policy from the Office of the Superintendent of Public Instruction to the School Director's Association;
- adds the requirement that the model integrated pest management policy incorporate the "IPM Standards for Schools: Tactics and Resources for Reducing Pest and Pesticide Risks in Schools and Other Sensitive Environments" as published by the IPM Institute of North America, Inc.;
- requires each school district adopt an integrated pest management policy and implement an integrated pest management program;
- requires that each school district obtain the IPM STAR Certification; and
- provides that any appropriation from the General Fund for the purposes of providing technical assistance to each school district regarding implementation of each school district's integrated pest management program go to the Washington State University Urban Integrated Pest Management Program.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Third Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) We need to take care of our kids in their school environments. Children are more susceptible to the toxic effects of pesticides. Integrated pest management programs using the IPM Standards as published by the IPM Institute of North America, Inc., have already been successfully implemented in at least three Washington schools. The IPM Standards are user friendly and can be implemented at minimal cost to the school districts. The IPM Standards are not too long for the average person to read and understand. School districts can utilize their existing staff in order to implement the IPM Standards. Technical assistance to the schools from Washington State University is necessary for successful implementation of the IPM Standards. Four years is an appropriate amount of time to allow for the schools to reach the IPM STAR Certification.

(Neutral) We are sympathetic to the concerns of maintenance officials and to concerns regarding the fiscal implications of the bill. The School Directors' Association will develop model integrated pest management policies whether or not the bill passes. The appropriation in the proposed third substitute is necessary for the successful implementation of the bill.

(Opposed) The bill is an unfunded mandate. We currently have rules that are established to protect children and to allow maintenance to manage weeds and pests at schools. Limiting the use of pesticides at schools will affect the appearance of schools and the curb appeal of schools. It will cost thousands of extra dollars to maintain the sports fields without the use of herbicides. It will be too costly for many schools to obtain the IPM STAR Certification. The IPM Standards may not allow schools to use the stronger chemicals that may be required in certain situations. Integrated pest management may not effectively address problems with rodents and the re-emerging bed bugs infestation problems. The IPM Standards publication is too long for the average person to read and understand.

Persons Testifying: (In support) Representative Pedersen, prime sponsor; Nick Federici, Washington Toxics Coalition; Greg Gruenfelder, Department of Health; Rich Morrissey, Department of Health; Carrie Foss, Washington State University; Heather Hansen, Washington Friends of Farms and Forests; Larry Treleven, Washington Pest Control Association Advisory Board; Dan Coyne, Crop Life America and Responsible Industries for a Sound Environment; and George Bryant, Vancouver School District.

(Neutral) Dan Steele, Washington State School Directors' Association.

(Opposed) Mitch Denning, Washington Association of Maintenance Operator Administrators; and Larry Quarnstrom, Washington Association of Maintenance Operator Administrators.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Majority Report: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass. Signed by 13 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Barlow, Fromhold, Hunter, Jarrett, Kagi, Kenney, Ormsby, Quall, Seaquist, Springer and Wallace.

Minority Report: Do not pass. Signed by 5 members: Representatives Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Crouse, Haler and Herrera.

Staff: Ben Rarick (786-7349).

Summary of Recommendation of Committee On Appropriations Subcommittee on Education Compared to Recommendation of Committee On Select Committee on Environmental Health:

The fourth substitute by the Appropriations Committee adds the requirement that Washington State University (WSU) provide an annual report to the Legislature regarding the technical assistance it has provided to school districts in implementing integrated pest management programs. A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Fourth Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This important bill has been kicking around for many years in the Legislature. School systems need to avoid using chemicals unnecessarily near schools and children. Vancouver started the IPM process in 2002 and got help from WSU and the Department of Agriculture. The IPM STAR certification is a mechanism for developing a district policy for toxics and measure progress. The district has been practicing IPM for six years now. There has been no increase in costs, it actually costs less than before. Going through the process was not a significant challenge. The district uses treatments to get rid of fleas, mice, wasps, yellow jackets, ants, broadleaf weeds and other toxic weeds. The IPM process does not totally exclude toxic chemicals, it just helps minimize their use so that children are not put at risk unnecessarily. The WSU does not have an official position on this legislation. The WSU program is self-sustaining; all of financial support is from user fees and grant funding. If there were additional responsibilities created for WSU in the bill, it would have to come with additional appropriations. George Bryant did a good job discussing the district perspective on IPM certification. The WSU has successfully worked with three school districts: Vancouver, South Kitsap, and Bellevue.

(With concerns) The district is happy to offer support to the process of writing the policy, but 41 districts currently have IPM policies. There needs to be clear distinction between category

one and category two chemicals in the developed policy. Additionally, the policies should be permissive rather than mandated. The policies are 165 pages long and it will be difficult for small districts to implement these standards. It takes time, and therefore money. Also, why don't we follow the Washington State Department of Agriculture model policy rather than the STAR standards; that seems to be a redundant way of doing business. There is definitely a cost associated with implementation, contrary to other testimony offered today.

As the bill currently reads, it appears to have some unfunded mandates. The fiscal note includes \$5,800 per districts for implementation costs and those costs can't be passed onto school districts. Otherwise, local districts would effectively be taking money away from kids in the classroom. Please keep in mind that the original bill in the policy committee had \$145,000 for the WSU to provide technical assistance.

(Opposed) None.

Persons Testifying: (In support) Representative Pedersen, prime sponsor, Nick Federici, Washington Toxics Coalition; Carrie Foss, Urban IPM Coordinator, Washington State University; and George Bryant, Vancouver School District.

(With concerns) Larry Quarnstrom and Mitch Denning, Washington Association of Maintenance and Operations Administrators; Dan Steele, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.