

House Bill 1242

By: Representative Ashe of the 46<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To adopt the "Georgia Safe Schools Act"; to amend Chapter 7 of Title 2 of the Official Code  
2 of Georgia Annotated, relating to plant disease, pest control, and pesticides, so as to provide  
3 for legislative findings; to provide for a short title and definitions; to create the School  
4 Integrated Pest Management Advisory Board and to provide for its duties, membership,  
5 appointment of members, terms of appointment, meetings, expenses, chairperson, quorum,  
6 and percentage of votes required to decide motions; to provide for review of implementation  
7 of the Act; to provide for a least toxic pesticides list and procedures for review of substances  
8 listed and substances proposed for the list; to provide for review and evaluation of pesticides  
9 used by schools; to provide for public inspection of records; to provide for regulations and  
10 their required and discretionary content; to provide for regulations regarding the use of  
11 treated wood at schools; to provide for uniform standards and criteria for implementing  
12 school integrated pest management programs; to provide for evaluation and approval of pest  
13 management practices of a school or local educational agency, upon request; to amend  
14 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality  
15 Basic Education Act," so as to provide for powers and duties of the State Board of Education  
16 relating to integrated pest management programs by schools and local school systems; to  
17 provide for related matters; to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 The General Assembly finds that:

- 21 (1) In 1992, the National Parent Teacher Association passed a resolution calling for the  
22 reduced use of pesticides in schools and calling on policymakers to consider all possible  
23 alternatives before using any pesticides;
- 24 (2) The National Education Association and many other national public interest  
25 organizations have announced support for reducing or eliminating pesticide use in  
26 schools;

- 1 (3) Numerous scientific studies have linked both cancer and asthma to pesticide  
 2 exposure;
- 3 (4) The overall incidence of childhood cancer increased 10 percent between 1974 and  
 4 1991, making cancer the leading cause of childhood death from disease;
- 5 (5) Childhood cancer is continuing to increase at the alarming rate of 1 percent per year;
- 6 (6) Children are more susceptible to hazardous impacts from pesticides than are adults;
- 7 (7) The Environmental Protection Agency has recommended that local educational  
 8 agencies use an integrated pest management program, which emphasizes nonchemical  
 9 ways of reducing pests, such as sanitation and maintenance;
- 10 (8) An integrated pest management program:
- 11 (A) Promotes nonchemical methods of pest prevention and management using least  
 12 toxic pesticides after all other methods have been exhausted; and
- 13 (B) Requires a notification process by which each student, parent, guardian, staff  
 14 member, and teacher shall be notified of a pesticide application; and
- 15 (9) An integrated pest management program provides long-term health and economic  
 16 benefits.

## 17 SECTION 2.

18 Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant disease, pest  
 19 control, and pesticides, is amended by inserting a new article to be designated Article 7 to  
 20 read as follows:

### 21 "ARTICLE 7

22 2-7-180.

23 This article shall be known and may be cited as the 'Georgia Safe Schools Act.'

24 2-7-181.

25 Unless otherwise defined in this Code section, the definitions of Code Section 2-7-52 shall  
 26 apply to this article. As used in this article, the term:

27 (1) 'Board' means the School Integrated Pest Management Advisory Board established  
 28 by Code Section 2-7-182.

29 (2) 'Crack and crevice treatment' means the application of small quantities of a pesticide  
 30 in a building into openings such as those commonly found at expansion joints, between  
 31 levels of construction, and between equipment and floors.

32 (3) 'Integrated pest management program' means a managed pest control system that:

33 (A) Eliminates or mitigates economic, health, and esthetic damage caused by pests;

- 1 (B) Uses:
- 2 (i) Integrated methods;
- 3 (ii) Site or pest inspections;
- 4 (iii) Pest population monitoring;
- 5 (iv) An evaluation of the need for pest control; and
- 6 (v) One or more pest control methods, including sanitation, structural repair,
- 7 mechanical and biological controls, other nonchemical methods, and, if nontoxic
- 8 options are ineffective and have been exhausted, least toxic pesticides;
- 9 (C) Minimizes:
- 10 (i) The use of pesticides; and
- 11 (ii) The risk to human health and the environment associated with pesticide
- 12 applications; and
- 13 (D) Provides notice, not less than once a year, of the use or intended use of pesticides
- 14 in the school or on school grounds.
- 15 (4) 'Least toxic pesticides list' means the list of least toxic pesticides established by the
- 16 board in accordance with Code Section 2-7-182. Such list shall include, but not be
- 17 limited to, boric acid and disodium octoborate tetrahydrate; silica gels; diatomaceous
- 18 earth; nonvolatile insect and rodent baits in tamper resistant containers or for crack and
- 19 crevice treatment only; microbe based insecticides; botanical insecticides, not including
- 20 synthetic pyrethroids, without toxic synergists; biological, living control agents; and
- 21 materials for which the inert ingredients are nontoxic and disclosed. The list shall not
- 22 include a pesticide that is determined by the board to be an acutely or moderately toxic
- 23 pesticide, carcinogen, mutagen, teratogen, reproductive toxin, developmental neurotoxin,
- 24 endocrine disrupter, or immune system toxin.
- 25 (5) 'Local educational agency' means a local board of education, a private school
- 26 association, or a private school that is not otherwise associated.
- 27 (6) 'Pesticide' means any substance or mixture of substances, including herbicides and
- 28 bait stations, intended for preventing, destroying, repelling, or mitigating any pest; use
- 29 as a plant regulator, defoliant, or desiccant; or use as a spray adjuvant such as a wetting
- 30 agent or adhesive. The term does not include antimicrobial agents such as disinfectants
- 31 or deodorizers used for cleaning products.
- 32 (7) 'School' means any public or private elementary school, secondary school,
- 33 kindergarten or nursery school, or day-care facility.
- 34 (8) 'School grounds' means the area outside of the school buildings controlled, managed,
- 35 or owned by the school or school district, including lawns, playgrounds, sports fields, and
- 36 any other property or facilities controlled, managed, or owned by a school.

1 (9) 'Space spraying' means the application of a pesticide by discharge into the air  
2 throughout an inside area using a broadcast spray, dust, tenting, or fogging but does not  
3 include crack and crevice treatment.

4 (10) 'Staff member' means an employee of a school or local educational agency,  
5 including an administrator, teacher, and other person who is regularly employed by a  
6 school or local educational agency, but does not include an employee hired by a school,  
7 local educational agency, or the state to apply a pesticide or a person assisting in the  
8 application of a pesticide.

9 (11) 'Treated wood' means any and all wood or wooden products treated with any or all  
10 of the following, regardless of the concentration of the application:

11 (A) Pentachlorophenol;

12 (B) Creosote; or

13 (C) Arsenic, elemental arsenic, or any arsenic, copper, and chromium combination,  
14 commonly used as chromated copper arsenate or CCA.

15 2-7-182.

16 (a) There shall be a School Integrated Pest Management Advisory Board, which shall be  
17 authorized and directed to:

18 (1) In accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
19 Act,' promulgate rules and regulations establishing uniform standards and criteria for  
20 developing integrated pest management programs and policies in schools and standards  
21 for the use of least toxic pesticides in schools; and

22 (2) Advise the Commissioner on any other aspects of the implementation of this article.

23 (b) The board shall be composed of 12 members appointed by the Governor and shall  
24 include one representative from each of the following groups:

25 (1) Parents;

26 (2) Public health care professionals;

27 (3) Medical professionals;

28 (4) State integrated pest management program coordinators;

29 (5) Independent integrated pest management specialists who have implemented  
30 integrated pest management programs in schools;

31 (6) Environmental advocacy groups;

32 (7) Children's health advocacy groups;

33 (8) Trade organizations for pest control operators;

34 (9) Teachers and staff members;

35 (10) School maintenance staff members;

36 (11) School administrators; and

- 1 (12) Members of local boards of education.
- 2 (c) Not later than 180 days after the effective date of this article, the Governor shall  
3 appoint members of the board from nominations received from parent teacher associations,  
4 school districts, state agencies, and other interested persons and organizations.
- 5 (d) The Governor shall designate the initial term of appointment for each member of the  
6 board, appointing three members for terms of five years, three members for terms of four  
7 years, three members for terms of three years, and three members for terms of two years.  
8 Subsequent to their initial terms, each member shall be appointed for a term of five years.  
9 Members whose initial terms of appointment are for three years or less may be appointed  
10 for a second consecutive term; otherwise, no member shall be reappointed to a consecutive  
11 term.
- 12 (e) The Commissioner shall convene an initial meeting of the board not later than 60 days  
13 after the appointment of the members, and the chairperson of the board shall convene  
14 subsequent meetings on a periodic basis, but not less often than twice annually.
- 15 (f) Members of the board shall serve without compensation but may be reimbursed for  
16 reasonable expenses incurred in performing official duties.
- 17 (g) The board shall select a chairperson.
- 18 (h) A majority of the members of the board shall constitute a quorum for the purpose of  
19 conducting business. Two-thirds of the votes cast at a meeting of the board at which a  
20 quorum is present shall be decisive for any motion.
- 21 (i) The board shall be assigned to the department for administrative purposes only, as  
22 specified in Code Section 50-4-3. The Commissioner is authorized to provide staff to the  
23 board.
- 24 (j) The board shall promulgate rules and regulations establishing a list of least toxic  
25 pesticides for use in schools after:
- 26 (1) Reviewing available information from the Environmental Protection Agency, the  
27 National Institute of Environmental Health Studies, medical and scientific literature, and  
28 other sources concerning the potential for adverse human and environmental effects of  
29 the substances considered for inclusion in the proposed least toxic pesticides list; and
- 30 (2) Cooperating with manufacturers of substances considered for inclusion in the  
31 proposed least toxic pesticides list to obtain a complete list of ingredients and determine  
32 that such substances contain inert ingredients that are generally recognized as safe.
- 33 (k) The board shall establish procedures under which individuals may petition the board  
34 for the purpose of evaluating substances for inclusion on the least toxic pesticides list.
- 35 (l) The board shall review each substance included on the least toxic pesticides list at least  
36 once during each five-year period beginning on the date that the substance was initially  
37 included on the list or the date of the last review of the substance under this subsection.

1 The board shall determine whether the substance should continue to be included on the list  
2 and revise the list as necessary.

3 (m)(1) Not later than one year after the initial meeting of the board, the board shall  
4 review implementation of this article, including use of least toxic pesticides, review new  
5 proposed active and inert ingredients or proposed amendments to the least toxic  
6 pesticides list, and revise the list as necessary.

7 (2) The board shall convene technical advisory panels to provide scientific evaluations  
8 of the materials considered for inclusion on the least toxic pesticides list. A panel shall  
9 include experts on integrated pest management, children's health, entomology, health  
10 sciences, and other relevant disciplines.

11 (3) Not later than two years after the initial meeting of the board, the board shall review,  
12 with the assistance of a technical advisory panel, pesticides used in school buildings and  
13 on school grounds for their acute toxicity and chronic effects, including cancer,  
14 mutations, birth defects, reproductive dysfunction, neurological and immune system  
15 effects, and endocrine system disruption. The board shall determine whether the use of  
16 such pesticides may endanger the health of children.

17 (n) Any records, reports, or information obtained from any person by the Commissioner  
18 or the board under this article or the rules and regulations promulgated under this article  
19 shall be subject to the provisions of Article 4 of Chapter 18 of Title 50, relating to  
20 inspection of public records.

21 2-7-183.

22 (a) This article shall be administered by the Commissioner. In the administration of this  
23 article, the Commissioner shall consult with the School Integrated Pest Management  
24 Advisory Board for advice on all matters relating to pesticides and their use and  
25 application.

26 (b) Regulations promulgated by the board shall:

27 (1) Establish the list of least toxic pesticides, as described in Code Section 2-7-182; and

28 (2) Establish uniform standards and criteria for developing integrated pest management  
29 programs and policies in schools.

30 (c) Regulations promulgated by the board may include a description of certain practices  
31 required for approval of a school's or local educational agency's integrated pest  
32 management program, encompassing all reasonable factors which the board deems  
33 necessary to prevent unnecessary exposure of children to pesticides at schools and on  
34 school grounds, including without limitation:

1 (1) Restrictions on the time, place, manner, methods, materials, and amounts and  
 2 concentrations in connection with the application of pesticides at schools and on school  
 3 grounds;

4 (2) Restrictions on or prohibitions of the use of pesticides in designated areas during  
 5 specified periods of time;

6 (3) Requirements for safe handling, transportation, storage, display, distribution,  
 7 disposal, and use of pesticides in schools and on school grounds; and

8 (4) Prohibiting the use of treated wood as playground or recreational equipment or  
 9 elsewhere at a school or on school grounds where there is likely or intended use of the  
 10 equipment by children unless:

11 (A) The installer seals the treated wood structure with a nontoxic and nonslippery  
 12 sealant before or at the time of installation;

13 (B) The owner of the equipment reseals the treated wood structure not less than every  
 14 two years after installation; and

15 (C) The sealant used to seal the treated wood is either:

16 (i) A polyurethane deck and porch enamel;

17 (ii) A latex acrylic solid color stain; or

18 (iii) A spar varnish.

19 2-7-184.

20 (a) The board shall develop and update uniform standards and criteria for implementing  
 21 school integrated pest management programs.

22 (b) Schools and local educational agencies may request evaluation of their pest  
 23 management practices by the Commissioner or the Commissioner's designee. Evaluation  
 24 of the pest management practices of a school or local educational agency shall include  
 25 examination of compliance with the board's rules establishing uniform standards and  
 26 criteria for implementing integrated pest management programs at schools and local  
 27 educational agencies and use of pesticides not included on the board's least toxic pesticides  
 28 list.

29 (c) Any integrated pest management program that meets the standards established by the  
 30 board shall be approved."

### 31 **SECTION 3.**

32 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality  
 33 Basic Education Act," is amended by inserting a new Code section to be designated Code  
 34 Section 20-2-323 to read as follows:

1 "20-2-323.  
2 The State Board of Education shall cooperate with the Commissioner of Agriculture in  
3 encouraging the use of approved integrated pest management programs by schools and  
4 local school systems. The state board is authorized to promulgate rules and regulations to  
5 provide incentives for the adoption and implementation of such programs and disincentives  
6 for failure to adopt and implement such programs. Disincentives may include without  
7 limitation withholding a portion of state funds for a local school system, not to exceed 10  
8 percent of state funds allocated to a local school system."

9 **SECTION 4.**

10 All laws and parts of laws in conflict with this Act are repealed.