

House Bill 1042

By: Representatives Ashe of the 42<sup>nd</sup>, Post 2 and Teilhet of the 34<sup>th</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To adopt the "Georgia School Pesticide Act"; to amend Article 11 of Chapter 2 of Title 20  
2 of the Official Code of Georgia Annotated, relating to public school property and facilities,  
3 so as to provide for definitions; to provide for an integrated pest management program at  
4 each school; to provide for a contact person at each school system; to provide for annual  
5 notice of a school system's integrated pest management program; to provide for a school  
6 pesticide notification list; to provide for the maintenance of historical records of pesticide  
7 applications in schools; to prohibit pesticide applications during certain hours; to provide for  
8 emergency pesticide applications; to provide for the establishment of rules and regulations  
9 relating to uniform standards and criteria for implementing integrated pest management  
10 programs, a least toxic pesticides list, and approval of integrated pest management plans; to  
11 amend Chapter 7 of Title 2 of the Official Code of Georgia Annotated, relating to plant  
12 disease, pest control, and pesticides, so as to provide for regulations regarding the use of  
13 pesticides in public schools; to provide for related matters; to provide for an effective date;  
14 to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
18 public school property and facilities, is amended by inserting at the end thereof a new Part  
19 4 to read as follows:

20 "Part 4

21 20-2-585.

22 This part shall be known and may be cited as the 'Georgia School Pesticide Act.'

1 20-2-586.

2 As used in this part, the term:

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

6 (2) 'Integrated pest management program' means a managed pest control system that:

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

8 (B) Uses:

9 (i) Integrated methods;

10 (ii) Site or pest inspections;

11 (iii) Pest population monitoring;

12 (iv) An evaluation of the need for pest control; and

13 (v) One or more pest control methods, including sanitation, structural repair,  
14 mechanical and biological controls, other nonchemical methods, and, if nontoxic  
15 options are ineffective and have been exhausted, least toxic pesticides;

16 (C) Minimizes:

17 (i) The use of pesticides; and

18 (ii) The risk to human health and the environment associated with pesticide  
19 applications; and

20 (D) Provides notice, not less than once a year, of the use or intended use of pesticides  
21 in the school or on school grounds.

22 (3) 'Least toxic pesticides list' means the list of least toxic pesticides established in  
23 accordance with Code Section 20-2-589. Such list shall include, but not be limited to,  
24 boric acid and disodium octoborate tetrahydrate; silica gels; diatomaceous earth;  
25 nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice  
26 treatment only; microbe based insecticides; botanical insecticides, not including synthetic  
27 pyrethroids, without toxic synergists; biological, living control agents; and materials for  
28 which the inert ingredients are nontoxic and disclosed. The list shall not include a  
29 pesticide that is determined to be an acutely or moderately toxic pesticide, carcinogen,  
30 mutagen, teratogen, reproductive toxin, developmental neurotoxin, endocrine disrupter,  
31 or immune system toxin.

32 (4) 'Local school system' means a local board of education or charter school.

33 (5) 'Pesticide' means any substance or mixture of substances, including herbicides and  
34 bait stations, intended for preventing, destroying, repelling, or mitigating any pest; use  
35 as a plant regulator, defoliant, or desiccant; or use as a spray adjuvant such as a wetting  
36 agent or adhesive. The term does not include antimicrobial agents such as disinfectants  
37 or deodorizers used for cleaning products.

1 (6) 'School' means any public kindergarten, elementary school, or secondary school  
2 within a local school system.

3 (7) 'School grounds' means the area outside of the school buildings controlled, managed,  
4 or owned by the local school system, including lawns, playgrounds, sports fields, and any  
5 other property or facilities controlled, managed, or owned by a local school system.

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

10 20-2-587.

11 Each local school system shall:

12 (1) Develop and implement in all of its schools an integrated pest management program  
13 for school buildings and for school grounds approved by the Department of Agriculture,  
14 pursuant to Code Section 20-2-589;

15 (2) Designate at least one employee to coordinate its efforts to comply with and carry out  
16 its responsibilities under this part, including serving as a contact for inquiries about the  
17 integrated pest management program and maintaining the product label or material safety  
18 data sheet of each pesticide used in the school system and the historical records of  
19 pesticide applications, as required in paragraph (5) of this Code section;

20 (3) Provide written notice at the beginning of the school year and upon enrollment or  
21 employment, if after the beginning of the school year, to the parents and guardians of all  
22 students and to staff members. The notice shall include:

23 (A) A statement that explains the school system's integrated pest management program  
24 and lists any pesticide or bait station that may be used in a school building or on school  
25 grounds as part of the integrated pest management program;

26 (B) The name, address, and telephone number of the contact person or persons  
27 designated as required by paragraph (2) of this Code section;

28 (C) A statement that the contact person maintains the product label or material safety  
29 data sheet of each pesticide that may be used by the school in buildings or on school  
30 grounds and that such labels and data sheets are available for review; and

31 (D) Instructions for including a parent, guardian, or staff member on a pesticide  
32 notification list under paragraph (4) of this Code section;

33 (4)(A) Develop, at the beginning of each school year, a school pesticide notification  
34 list for each school, containing the name of each parent, guardian, or staff member who  
35 has requested in writing to be on the pesticide notification list. The school pesticide

1 notification list at each school shall be kept current and shall allow the adding of names  
2 upon written request by a parent, guardian, or staff member.

3 (B) Except as otherwise provided for in subparagraph (C) of this paragraph, notify all  
4 individuals on the school pesticide notification list at least 24 hours prior to a pesticide  
5 application in a school building or on school grounds. Such notification shall include:

- 6 (i) The common name of the pesticide to be applied;
- 7 (ii) The location of the application;
- 8 (iii) The planned date and time of application; and
- 9 (iv) A statement of the United States Environmental Protection Agency's warning  
10 that pregnant women should reduce or eliminate exposure to all pesticides.

11 (C) In the event of an emergency pesticide application pursuant to subsection (b) of  
12 Code Section 20-2-588, notify all individuals on the school pesticide notification list  
13 within 24 hours following such application. Such notification shall include:

- 14 (i) The common name of the pesticide applied;
- 15 (ii) The location of the application;
- 16 (iii) The date and time of application; and
- 17 (iv) The reason for the emergency application.

18 (D) Provide notification under this paragraph by either a written notice sent home with  
19 the student or provided to the staff member, a telephone call, direct contact, or a written  
20 notice that is mailed at least three days prior to the application, except for notification  
21 provided pursuant to subparagraph (C) of this paragraph; and

22 (5) Maintain a written or electronic historical record of all pesticide applications made  
23 at each school for a period of not less than seven years and make such record available  
24 for public inspection upon request.

25 20-2-588.

26 (a) Except as provided for in subsection (b) of this Code section, pesticides may not be  
27 applied within a school building or on school grounds where students are present for  
28 normal academic instruction or organized extracurricular activities or within seven hours  
29 prior to normal academic instruction or organized extracurricular activities.

30 (b) A local school system may authorize an emergency pesticide application where pests  
31 pose an immediate threat to the health and safety of students or staff. In the case of an  
32 emergency pesticide application, the school shall provide notification to those individuals  
33 on the school pesticide notification list in accordance with subparagraph (D) of  
34 paragraph (4) of Code Section 20-2-587.

1 20-2-589.

2 The Department of Agriculture is authorized and directed, in cooperation with the State  
3 Board of Education, to promulgate rules and regulations to establish the following:

4 (1) Uniform standards and criteria for implementing integrated pest management  
5 programs in school buildings and on school grounds;

6 (2) A least toxic pesticides list which shall include procedures under which individuals  
7 may petition the Department of Agriculture for the purpose of evaluating substances for  
8 inclusion on the least toxic pesticides list and shall include a provision for periodic review  
9 of the list; and

10 (3) Requirements and procedures for approving a local school system's integrated pest  
11 management program."

12 **SECTION 2.**

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

16 "ARTICLE 7

17 2-7-180.

18 The Department of Agriculture is authorized and directed, pursuant to Code Section  
19 20-2-589, to promulgate rules and regulations related to pesticide use in public schools."

20 **SECTION 3.**

21 This Act shall become effective on July 1, 2003.

22 **SECTION 4.**

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