

13:1F-19

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 117
NJSA: 13:1F-19 ("School Integrated Pest Management Act")
BILL NO: S137 (Substituted for A2841)

SPONSOR(S): Buono and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Environment and Solid Waste

SENATE: Environment

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** October 28, 2002

SENATE: September 30, 2002

DATE OF APPROVAL: December 12, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)
(Amendments during passage denoted by superscript numbers)

S137

[SPONSORS STATEMENT:](#) (Begins on page 14 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

[LEGISLATIVE FISCAL ESTIMATE \(12/11/2002\):](#) [Yes](#)

[LEGISLATIVE FISCAL ESTIMATE \(01/06/2003\):](#) [Yes](#)

A2841

[SPONSORS STATEMENT:](#) (Begins on page 10 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)
 Identical to Assembly Statement to S137

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Law requires schools to reduce pesticide use," 12-13-2002 Atlantic City Press, p.D1

"Pesticides must be less toxic," 12-13-2002 The Times, p. A6

"New law requires schools to reduce pesticide use," 12-13-2002 Courier Post, pB8

"School pesticide bill signed," 12-13-2002 Asbury Park Press, p.B3

P.L. 2002, CHAPTER 117, *approved December 12, 2002*
Senate Committee Substitute for
Senate, No. 137

1 **AN ACT** concerning the implementation of integrated pest
2 management policies in public and private schools, and
3 supplementing Title 13 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the "School
9 Integrated Pest Management Act."

10

11 2. The Legislature finds and declares that in 1992, the National
12 Parent Teacher Association passed a resolution calling for the reduced
13 use of pesticides in schools and calling on policy makers to consider
14 all possible alternatives before using any pesticides; that the National
15 Education Association and many national public interest organizations
16 have announced support for reducing or eliminating pesticide use in
17 schools; that the State, as well as 87 local government entities
18 throughout the State, have adopted integrated pest management
19 policies for their buildings and grounds; that childhood cancer is
20 continuing to increase at the alarming rate of one percent per year;
21 that the overall incidence of childhood cancer increased 10 percent
22 between 1974 and 1991, making cancer the leading cause of childhood
23 death from disease; and that approximately 4,800,000 children in the
24 United States under the age of 18 have asthma, the most common
25 chronic illness in children, and the incidence of asthma is on the rise.

26

27 The Legislature further finds and declares that children are more
28 susceptible to hazardous impacts from pesticides than are adults; that
29 numerous scientific studies have linked both cancer and asthma to
30 pesticide exposure; that the United States Environmental Protection
31 Agency has recommended the use of an integrated pest management
32 system by local educational agencies, which emphasizes nonchemical
33 ways of reducing pests, such as sanitation and maintenance; that
34 integrated pest management is an effective and environmentally
35 sensitive approach to pest management that relies on common sense
36 practices; that integrated pest management programs use current,
37 comprehensive information on the life cycles of pests and their
38 interaction with the environment, and that this information, in
39 combination with available pest control methods is used to manage
40 pest damage with the least hazard to people, property and the
41 environment and by economical means; and that integrated pest
management programs take advantage of all pest management options

1 possibly including, but not limited to, the judicious use of pesticides;
2 that a notification process should be established for schools under
3 which each student, parent, guardian, staff member, and teacher shall
4 be notified of a pesticide application; that parents and guardians have
5 a right to know that there is an integrated pest management system in
6 their children's schools; that an integrated pest management system
7 provides long-term health and economic benefits; and that parents and
8 guardians should have a right to be notified in advance of any use of
9 a pesticide in their children's schools.

10 The Legislature therefore determines that it is in the public interest
11 of all of the people of New Jersey that the schools in this State
12 establish an integrated pest management policy.

13

14 3. As used in this act:

15 "Charter school" means a school established pursuant to P.L.1995,
16 c.426 (C.18A:36A-1 et seq.).

17 "Commissioner" means the Commissioner of Environmental
18 Protection.

19 "Department" means the Department of Environmental Protection.

20 "Integrated pest management coordinator" or "coordinator" means
21 an individual who is knowledgeable about integrated pest management
22 systems and has been designated by a local school board, the board of
23 trustees of a charter school, or the principal or chief administrator of
24 a private school, as appropriate, as the integrated pest management
25 coordinator pursuant to section 5 of this act.

26 "Low Impact Pesticide" means any pesticide or pesticidal active
27 ingredient alone, or in combination with inert ingredients, that the
28 United States Environmental Protection Agency has determined is not
29 of a character necessary to be regulated pursuant to the "Federal
30 Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C. s.136 et seq.
31 and that has been exempted from the registration and reporting
32 requirements adopted pursuant to that act; any gel; paste; bait;
33 antimicrobial agent such as a disinfectant used as a cleaning product;
34 boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous
35 earth; microbe-based insecticides such as bacillus thuringiensis;
36 botanical insecticides, not including synthetic pyrethroids, without
37 toxic synergists; and biological, living control agents.

38 "Pesticide" means any substance or mixture of substances labeled,
39 designed, intended for or capable of use in preventing, destroying,
40 repelling, sterilizing or mitigating any insects, rodents, nematodes,
41 predatory animals, fungi, weeds and other forms of plant or animal life
42 or viruses, except viruses on or in living man or other animals.
43 "Pesticide" shall also include any substance or mixture of substances
44 labeled, designed or intended for use as a defoliant, desiccant or plant
45 regulator.

46 "School" means any public or private school as defined in

1 N.J.S.18A:1-1.

2 "School integrated pest management policy" means a managed
3 pest control policy that eliminates or mitigates economic, health, and
4 aesthetic damage caused by pests in schools; that delivers effective
5 pest management, reduces the volume of pesticides used to minimize
6 the potential hazards posed by pesticides to human health and the
7 environment in schools; that uses integrated methods, site or pest
8 inspections, pest population monitoring, an evaluation of the need for
9 pest control, and one or more pest control methods, including
10 sanitation, structural repair, mechanical and biological controls, other
11 nonchemical methods, and when nonchemical options are ineffective
12 or unreasonable, allows the use of a pesticide, with a preference
13 toward first considering the use of a low impact pesticide for schools.

14 "School pest emergency" means an urgent need to mitigate or
15 eliminate a pest that threatens the health or safety of a student or staff
16 member.

17 "School property" means any area inside and outside of the school
18 buildings controlled, managed, or owned by the school or school
19 district.

20 "Staff member" means an employee of a school or school district,
21 including administrators, teachers, and other persons regularly
22 employed by a school or school district, but shall not include an
23 employee hired by a school, school district or the State to apply a
24 pesticide or a person assisting in the application of a pesticide.

25 "Universal notification" means notice provided by a local school
26 board, a board of trustees of a charter school, or the principal or chief
27 administrator of a private school, as appropriate, to all parents or
28 guardians of children attending a school, and staff members of a school
29 or school district.

30

31 4. a. No later than 12 months after the effective date of this act,
32 the commissioner, in consultation with the Commissioner of
33 Education, the New Jersey School Boards Association, and the New
34 Jersey Cooperative Extension of Rutgers, The State University shall
35 develop a model school integrated pest management policy that is
36 based upon recommended integrated pest management plans for
37 schools disseminated by the United States Environmental Protection
38 Agency and that conforms to the rules adopted by the department
39 pursuant to the "Pesticide Control Act of 1971," P.L.1971, c.176
40 (C.13:1F-1 et seq.).

41 b. No later than 18 months after the effective date of this act, the
42 superintendent of the school district, for each school in the district, the
43 board of trustees of a charter school, and the principal or chief
44 administrator of a private school, shall adopt and implement a school
45 integrated pest management policy for the school property consistent
46 with the model policy developed pursuant to subsection a. of this

1 section and that complies with the provisions of this act.

2

3 5. a. Each local school board of a school district, each board of
4 trustees of a charter school, and each principal or chief administrator
5 of a private school, as appropriate, shall designate an integrated pest
6 management coordinator to carry out the school integrated pest
7 management policy required pursuant to section 4 of this act.

8 b. The integrated pest management coordinator for a school or
9 school district shall:

10 (1) maintain information about the school or school district's
11 school integrated pest management policy and about pesticide
12 applications on the school property of the school or the schools within
13 the school district;

14 (2) act as a contact for inquiries about the school integrated pest
15 management policy; and

16 (3) maintain material safety data sheets, when available, and labels
17 for all pesticides that are used on the school property of the school or
18 of the schools in the school district.

19

20 6. a. The local school board of a school district, the board of
21 trustees of a charter school, or the principal or chief administrator of
22 a private school, as appropriate, shall request from the pesticide
23 applicator and shall maintain records of pesticide applications used on
24 school property at each school or for each school in the school district
25 for three years after the application, and for five years after the
26 application of a pesticide designed to control termites, and on request,
27 shall make the data available to the public for review.

28 b. Annually, each local school board, each board of trustees of a
29 charter school, or each principal or chief administrator of a private
30 school, as appropriate, shall include a notice of the school integrated
31 pest management policy of the school or school district in school
32 calendars or other forms of universal notification.

33 c. The notice shall include:

34 (1) the school integrated pest management policy of the school or
35 school district;

36 (2) a list of any pesticide that is in use or that has been used in the
37 last 12 months on school property;

38 (3) the name, address, and telephone number of the integrated pest
39 management coordinator of the school or school district;

40 (4) a statement that: (a) the integrated pest management
41 coordinator maintains the product label and material safety data sheet,
42 when available, of each pesticide that may be used on school property;
43 (b) the label and data sheet is available for review by a parent,
44 guardian, staff member, or student attending the school; and (c) the
45 integrated pest management coordinator is available to parents,
46 guardians, and staff members for information and comment;

1 (5) the time and place of any meetings that will be held to adopt
2 the school integrated pest management policy; and

3 (6) the following statement:

4 "As part of a school pest management plan, (insert school name)
5 may use pesticides to control pests. The United States Environmental
6 Protection Agency (EPA) and the New Jersey Department of
7 Environmental Protection (DEP) register pesticides to determine that
8 the use of a pesticide in accordance with instructions printed on the
9 label does not pose an unreasonable risk to human health and the
10 environment. Nevertheless, the EPA and DEP cannot guarantee that
11 registered pesticides do not pose any risk to human health, thus
12 unnecessary exposure to pesticides should be avoided. The EPA has
13 issued the statement that where possible, persons who are potentially
14 sensitive, such as pregnant women, infants and children, should avoid
15 unnecessary pesticide exposure."

16 d. After the beginning of each school year, each local school
17 board, each board of trustees of a charter school, or each principal or
18 chief administrator of a private school, as appropriate, shall provide
19 the notice required pursuant to subsection b. of this section to: (1)
20 each new staff member who is employed during the school year; and
21 (2) the parent or guardian of each new student enrolled during the
22 school year.

23
24 7. a. If a local school board, board of trustees of a charter school
25 or principal or chief administrator of a private school, as appropriate,
26 determines that a pesticide, other than a low impact pesticide, must be
27 used on school property, a pesticide may be used only in accordance
28 with this section.

29 b. At least 72 hours before a pesticide, other than a low impact
30 pesticide, is used on school property, the local school board, the board
31 of trustees of a charter school, or the principal or chief administrator
32 of a private school, as appropriate, shall provide to a parent or
33 guardian of each student enrolled at the school and each staff member
34 of the school, notice that includes:

35 (1) the common name, trade name, and federal Environmental
36 Protection Agency registration number of the pesticide;

37 (2) a description of the location of the application of the pesticide;

38 (3) a description of the date and time of application, except that,
39 in the case of outdoor pesticide applications, one notice shall include
40 three dates, in chronological order, on which the outdoor pesticide
41 applications may take place if the preceding date is canceled;

42 (4) a statement that The Office of Pesticide Programs of the
43 United States Environmental Protection Agency has stated: "Where
44 possible, persons who potentially are sensitive, such as pregnant
45 women, infants, and children, should avoid any unnecessary pesticide
46 exposure";

1 (5) a description of potential adverse effects of the pesticide based
2 on the material safety data sheet, if available, for the pesticide;

3 (6) a description of the reasons for the application of the pesticide;

4 (7) the name and telephone number of the integrated pest
5 management coordinator for the school or the school district; and

6 (8) any additional label instruction and precautions related to
7 public safety.

8 c. The local school board of a school district, the board of trustees
9 of a charter school, or the principal or chief administrator of a private
10 school, as appropriate, may provide the notice required by subsection
11 b. of this section by:

12 (1) written notice sent home with the student and provided to each
13 staff member;

14 (2) a telephone call;

15 (3) direct contact;

16 (4) written notice mailed at least one week before the application;

17 or

18 (5) electronic mail.

19 d. If the date of the application of the pesticide must be extended
20 beyond the period required for notice under this section, the local
21 school board, the board of trustees of a charter school, or the principal
22 or chief administrator of a private school, as appropriate, shall reissue
23 the notice required under this section for the new date of application.
24

25 8. a. At least 72 hours before a pesticide, other than a low impact
26 pesticide, is used on school property, the local school board, the board
27 of trustees of a charter school, or the principal or chief administrator
28 of a private school, as appropriate, shall post a sign that provides
29 notice of the application of the pesticide (1) in a prominent place that
30 is in or adjacent to the location to be treated; and (2) at each entrance
31 to the building or school ground to be treated.

32 b. A sign required pursuant to subsection a. of this section for the
33 application of a pesticide shall (1) remain posted for at least 72 hours
34 after the end of the treatment; (2) be at least 8 ½ inches by 11 inches;
35 and (3) state the same information as that required for prior
36 notification of the pesticide application pursuant to section 7 of this
37 act.

38 c. In the case of outdoor pesticide applications, each sign shall
39 include three dates, in chronological order, on which the outdoor
40 pesticide application may take place if the preceding date is canceled
41 due to weather. A sign shall be posted after an outdoor pesticide
42 application in accordance with subsection b. of this section.

43 d. The requirement imposed pursuant to this section shall be in
44 addition to any requirements imposed pursuant to the "Pesticide
45 Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.), and any
46 rules or regulations adopted pursuant thereto.

1 9. The provisions of sections 7 and 8 of this act shall apply if any
2 person applies a pesticide, other than a low impact pesticide, on school
3 property, including a custodian, staff member, or commercial
4 applicator. These provisions shall apply to a school during the school
5 year, and during holidays and the summer months, only if the school
6 is in use by children during those periods. During those periods,
7 notices shall be provided to all staff members and the parents or
8 guardians of the students that are using the school in an authorized
9 manner.

10

11 10. a. A pesticide, other than a low impact pesticide, may be
12 applied on school property in response to an emergency, without
13 complying with the provisions of sections 7 and 8 of this act, provided
14 the requirements of subsection b. of this section are met.

15 b. Within 24 hours after the application of a pesticide pursuant to
16 this section, or on the morning of the next school day, whichever is
17 earlier, the local school board, the board of trustees of a charter
18 school, or the principal or chief administrator of a private school, as
19 appropriate, shall provide to each parent or guardian of a student
20 enrolled at the school, and staff member of the school, notice of the
21 application of the pesticide for emergency pest control that includes:
22 (1) the information required for a notice under section 7 of this act; (2)
23 a description of the problem and the factors that qualified the problem
24 as an emergency that threatened the health or safety of a student or
25 staff member; and (3) if necessary, a description of the steps that will
26 be taken in the future to avoid emergency application of a pesticide
27 pursuant to this section.

28 c. The local school board, the board of trustees of a charter
29 school, or the principal or chief administrator of a private school, as
30 appropriate, may provide the notice required by subsection b. of this
31 section by: (1) written notice sent home with the student and provided
32 to the staff member; (2) a telephone call; (3) direct contact; or (4)
33 electronic mail.

34 d. When a pesticide is applied pursuant to this section, the local
35 school board, the board of trustees of a charter school, or the principal
36 or chief administrator of a private school, as appropriate, shall post a
37 sign warning of the pesticide application at the time of the application
38 of the pesticide, in accordance with the provisions of section 8 of this
39 act.

40 e. If there is an application of a pesticide pursuant to this section,
41 the local school board, the board of trustees of a charter school, or the
42 principal or chief administrator of a private school, as appropriate,
43 shall modify the school integrated pest management policy of the
44 school or school district if necessary, to minimize the future
45 emergency applications of pesticides under this section.

1 11. a. A pesticide, other than a low impact pesticide, shall not be
2 applied on school property where students are expected to be present
3 for academic instruction or for organized extra-curricular activities
4 prior to the time prescribed for re-entry to the application site by the
5 United State Environmental Protection Agency on the pesticide label,
6 except that if no specific numerical re-entry time is prescribed on a
7 pesticide label, such a pesticide, other than a low impact pesticide,
8 shall not be applied on school property where students are expected
9 to be present for academic instruction or for organized extra-curricular
10 activities within seven hours of the application.

11 b. A pesticide, other than a low impact pesticide, shall not be
12 applied in a school building when students are present. Students may
13 not be present in an untreated portion of a school building unless the
14 area being treated with a pesticide, other than a low impact pesticide,
15 is served by a separate ventilation system and is separated from the
16 untreated area by smoke or fire doors.

17 c. A low impact pesticide may be applied in areas of a school
18 building where students will not contact treated areas until sufficient
19 time is allowed for the substance to dry or settle, or after the period
20 of time prescribed for re-entry or for ventilation requirements on the
21 pesticide label has elapsed.

22 d. This section shall not apply when pesticides are applied on
23 school property for student instructional purposes or by public health
24 officials during the normal course of their duties.

25

26 12. A commercial pesticide applicator shall not be liable to any
27 person for damages resulting from the application of a pesticide at a
28 school if the damages are solely due to the failure of the local school
29 board, the board of trustees of a charter school, or the principal or
30 chief administrator of a private school, as appropriate, to provide the
31 notice required prior to the application of a pesticide pursuant to the
32 provisions of sections 7, 8, 9, or 10 of P.L. , c. (C.) (now in the
33 Legislature as this bill).

34

35 13. The department shall develop and make available to
36 commercial pesticide applicators a form which a commercial pesticide
37 applicator may request an integrated pest management coordinator to
38 sign prior to the application of a pesticide, other than a low impact
39 pesticide, on school property. The form developed pursuant to this
40 section shall set forth a certification by the integrated pest
41 management coordinator that the notice and posting requirements for
42 the application of a pesticide established pursuant to section 7 and
43 section 8 of this act, or the posting requirement established pursuant
44 to section 10 of this act, as appropriate, have been complied with.
45 Upon being presented by a commercial pesticide applicator with a
46 form pursuant to this section, the signature of the integrated pest

1 management coordinator shall be required as a condition for the
2 application of the pesticide.

3
4 14. a. The Department of Environmental Protection may issue an
5 administrative order against a local school board, the board of trustees
6 of a charter school, or a principal or chief administrator of a private
7 school that fails to adopt and implement a pesticide use and school
8 integrated pest management policy in compliance with the provisions
9 of this act. Upon identification of a violation of this act, the
10 department shall issue a notice of violation by certified mail or
11 personal service to the person responsible for the violation that
12 identifies the violation and states that an administrative order may be
13 issued requiring compliance with the act. Any notice of violation or
14 administrative order shall (1) specify the provision or provisions of
15 this act, or the rule or regulation adopted pursuant thereto, of which
16 the person is in violation; (2) cite the action that caused the violation;
17 and (3) require compliance with the provision of this act or the rule or
18 regulation adopted pursuant thereto of which the person is in
19 violation. In addition, any administrative order issued pursuant to this
20 section shall give notice to the person of his right to a hearing on the
21 matters contained in the order. The person shall have 20 days from
22 receipt of the order within which to deliver to the commissioner a
23 written request for a hearing. Subsequent to the hearing and upon
24 finding that a violation has occurred, the commissioner may issue a
25 final order. If no hearing is requested, the order shall become a final
26 order upon the expiration of the 20-day period.

27 b. The provisions of section 10 of P.L.1971, c.176 (C.13:1F-10)
28 shall not apply to this act.

29
30 15. The commissioner shall adopt, pursuant to the provisions of
31 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), such rules or regulations as are necessary to implement the
33 provisions of sections this act.

34
35 16. This act shall take effect immediately.

36
37
38
39
40 The "School Integrated Pest Management Act".

SENATE, No. 137

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator Furnari

SYNOPSIS

The "School Environment Protection Act of 2000".

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/10/2002)

1 AN ACT to require local educational agencies and schools to
2 implement integrated pest management systems to minimize the use
3 of pesticides in schools and to provide parents, guardians, and
4 employees with notice of the use of pesticides in schools, and for
5 other purposes; and making an appropriation.

6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*

9

10 1. This act shall be known and may be cited as the "School
11 Environment Protection Act of 2000".

12

13 2. The Legislature finds and declares that: (1) in 1992, the National
14 Parent Teacher Association passed a resolution calling for the reduced
15 use of pesticides in schools and calling on policy makers to consider
16 all possible alternatives before using any pesticides; (2) the National
17 Education Association and many other national public interest
18 organizations have announced support for reducing or eliminating
19 pesticide use in schools; (3) childhood cancer is continuing to increase
20 at the alarming rate of one percent per year; (4) the overall incidence
21 of childhood cancer increased 10 percent between 1974 and 1991,
22 making cancer the leading cause of childhood death from disease; (5)
23 approximately 4,800,000 children in the United States under the age
24 of 18 have asthma, the most common chronic illness in children, and
25 the incidence of asthma is on the rise; (6) children are more susceptible
26 to hazardous impacts from pesticides than are adults; (7) numerous
27 scientific studies have linked both cancer and asthma to pesticide
28 exposure; (8) the federal Environmental Protection Agency has
29 recommended the use of an integrated pest management system by
30 local educational agencies, which emphasizes nonchemical ways of
31 reducing pests, such as sanitation and maintenance; (9) integrated pest
32 management: (a) promotes nonchemical methods of pest prevention
33 and management using least toxic pesticides after all other methods
34 have been exhausted; and (b) requires a notification process by which
35 each student, parent, guardian, staff member, and teacher shall be
36 notified of a pesticide application; (10) parents and guardians have a
37 right to know that there is an integrated pest management system in
38 their children's schools; (11) an integrated pest management system
39 provides long-term health and economic benefits; and (12) parents and
40 guardians wish to and have a right to be notified in advance of any use
41 of a pesticide in their children's schools.

42 The Legislative therefore determines that it is in the public interest
43 of all of the people of New Jersey that there is established an
44 integrated pest management system in this State.

1 3. As used in this act:

2 "Board" means the New Jersey School Integrated Pest Management
3 Advisory Board established under section 5 of this act.

4 "Commissioner" means the Commissioner of Environmental
5 Protection.

6 "Contact person" means an individual who is knowledgeable about
7 integrated pest management systems and has been designated by a
8 local school board as the contact person under section 16 of this act.

9 "Crack and crevice treatment" means the application of small
10 quantities of a pesticide in a building into openings such as those
11 commonly found at expansion joints, between levels of construction,
12 and between equipment and floors.

13 "Department" means the Department of Environmental Protection.

14 "Emergency" means an urgent need to mitigate or eliminate a pest
15 that threatens the health or safety of a student or staff member.

16 "Fund" means the Integrated Pest Management Trust Fund
17 established under section 28 of this act.

18 "Integrated pest management system" means a managed pest
19 control system that eliminates or mitigates economic, health, and
20 aesthetic damage caused by pests; uses integrated methods, site or pest
21 inspections, pest population monitoring, an evaluation of the need for
22 pest control, and one or more pest control methods, including
23 sanitation, structural repair, mechanical and biological controls, other
24 nonchemical methods, and (if nontoxic options are unreasonable and
25 have been exhausted) least toxic pesticides; and minimizes the use of
26 pesticides and the risk to human health and the environment associated
27 with pesticide applications.

28 "Least toxic pesticides" means and includes boric acid and disodium
29 octoborate tetrahydrate; silica gels; diatomaceous earth; nonvolatile
30 insect and rodent baits in tamper resistant containers or for crack and
31 crevice treatment only; microbe-based insecticides; botanical
32 insecticides (not including synthetic pyrethroids) without toxic
33 synergists; or biological, living control agents; and materials for which
34 the inert ingredients are nontoxic and disclosed. The term "least toxic
35 pesticides" does not include a pesticide that is determined by the
36 department to be an acutely or moderately toxic pesticide, carcinogen,
37 mutagen, teratogen, reproductive toxin, developmental neurotoxin,
38 endocrine disrupter, or immune system toxin, and any application of
39 the pesticide using a broadcast spray, dust, tenting, fogging, or
40 baseboard spray application.

41 "Pesticide" means any substance or mixture of substances, including
42 herbicides and bait stations, intended for: preventing, destroying,
43 repelling, or mitigating any pest; use as a plant regulator, defoliant, or
44 desiccant; or use as a spray adjuvant such as a wetting agent or
45 adhesive. The term "pesticide" does not include antimicrobial agents
46 such as disinfectants or deodorizers used for cleaning products.

1 "School" means any public elementary school, secondary school,
2 kindergarten or nursery school.

3 "School grounds" means the area outside of the school buildings
4 controlled, managed, or owned by the school or school district. The
5 term "school grounds" includes a lawn, playground, sports field, and
6 any other property or facility controlled, managed, or owned by a
7 school.

8 "Space spraying" means application of a pesticide by discharge into
9 the air throughout an inside area. The term "space spraying" includes
10 the application of a pesticide using a broadcast spray, dust, tenting, or
11 fogging. The term "space spraying" does not include crack and
12 crevice treatment.

13 "Staff member" means an employee of a school or school district.
14 The term "staff member" includes an administrator, teacher, and other
15 person that is regularly employed by a school or school district. The
16 term "staff member" does not include an employee hired by a school,
17 school district or the State to apply a pesticide; or a person assisting
18 in the application of a pesticide.

19 "Universal notification" means notice provided by a school district
20 or school to all parents or guardians of children attending the school;
21 and staff members of the school or school district.

22

23 4. The commissioner, in consultation with the Commissioner of
24 Education, shall establish a New Jersey School Integrated Pest
25 Management Advisory System to develop and update uniform
26 standards and criteria for implementing integrated pest management
27 systems in schools.

28 a. Not later than 18 months after the effective date of this act, each
29 school district shall develop and implement in each of the schools in
30 the school district an integrated pest management system that complies
31 with this section.

32 b. The requirements of this section that apply to a school, including
33 the requirement to implement an integrated management system, apply
34 to pesticide application in a school building and on the school grounds.

35 c. A school shall prohibit:

36 (1) the application of a pesticide when a school or a school ground
37 is occupied or in use; or

38 (2) the use of an area or room treated by a pesticide, other than a
39 least toxic pesticide, during the 24-hour period beginning at the end of
40 the treatment.

41

42 5. a. The commissioner, in consultation with the Commissioner of
43 Education, shall establish a New Jersey School Integrated Pest
44 Management Advisory Board. It shall be the duty of the board to:

45 (1) establish uniform standards and criteria for developing
46 integrated pest management systems and policies in schools;

1 (2) develop standards for the use of least toxic pesticides in
2 schools; and

3 (3) advise the commissioner on any other aspects of the
4 implementation of this section.

5 b. The board shall be composed of 12 members and include one
6 representative from each of the following groups:

7 (1) Parents.

8 (2) Public health care professionals.

9 (3) Medical professionals.

10 (4) State integrated pest management system coordinators.

11 (5) Independent integrated pest management specialists that have
12 carried out school integrated pest management programs.

13 (6) Environmental advocacy groups.

14 (7) Children's health advocacy groups.

15 (8) Trade organization for pest control operators.

16 (9) Teachers.

17 (10) School maintenance staff or buildings and grounds
18 supervisors.

19 (11) School administrators.

20 (12) School board members.

21 c. Not later than 180 days after the effective date of this act, the
22 commissioner shall appoint members of the board from nominations
23 received from Parent Teacher Associations, school districts, counties,
24 and other interested persons and organizations.

25 d. A member of the board shall serve for a term of 5 years, except
26 that the commissioner may shorten the terms of the original members
27 of the board in order to provide for a staggered term of appointment
28 for all members of the board. A member of the board shall not serve
29 consecutive terms unless the term of the member has been reduced by
30 the commissioner. In no event may a member of the board serve for
31 more than six consecutive years.

32

33 6. The commissioner shall convene an initial meeting of the board
34 not later than 60 days after the appointment of the members, and
35 subsequent meetings on a periodic basis, but not less often than two
36 times each year.

37

38 7. a. A member of the board shall serve without compensation, but
39 may be reimbursed by the department for expenses, subject to the
40 availability of appropriations therefor, incurred in performing duties as
41 a member of the board.

42 b. The board shall select a chairperson for the board.

43 c. A majority of the members of the board shall constitute a
44 quorum for the purpose of conducting business. Two-thirds of the
45 votes cast at a meeting of the board at which a quorum is present shall
46 be decisive for any motion.

1 8. The commissioner shall authorize the board to hire a staff
2 director, and detail staff of the department, or allow for the hiring of
3 staff for the board. Subject to the availability of appropriations
4 therefor, the department may pay necessary expenses incurred by the
5 board in carrying out its duties, as determined appropriate by the
6 commissioner.

7
8 9. The board shall provide recommendations to the commissioner
9 regarding the implementation of this act.

10 a. Not later than one year after the initial meeting of the board, the
11 board shall:

12 (1) review implementation of this act (including use of least toxic
13 pesticides); and

14 (2) review and make recommendations to the commissioner with
15 respect to new proposed active and inert ingredients or proposed
16 amendments to the list of least toxic pesticides in accordance with
17 section 13 of this act.

18
19 10. The board shall convene technical advisory panels to provide
20 scientific evaluations of the materials considered for inclusion on the
21 list of least toxic pesticides.

22 A technical advisory panel shall include experts on integrated pest
23 management, children's health, entomology, health sciences, and other
24 relevant disciplines.

25
26 11. a. Not later than two years after the initial meeting of the
27 board, the board shall review, with the assistance of a technical
28 advisory panel, pesticides used in school buildings and on school
29 grounds for their acute toxicity and chronic effects, including cancer,
30 mutations, birth defects, reproductive dysfunction, neurological and
31 immune system effects, and endocrine system disruption.

32 b. The board shall determine whether the use of pesticides
33 described in subsection a. of this section may endanger the health of
34 children, and may recommend to the commissioner restrictions on
35 pesticide use in school buildings and on school grounds.

36
37 12. a. In establishing the proposed list of least toxic pesticides, the
38 board shall:

39 (1) review available information from the department, the federal
40 Environmental Protection Agency, the National Institute of
41 Environmental Health Studies, medical and scientific literature, and
42 such other sources as appropriate, concerning the potential for adverse
43 human and environmental effects of substances considered for
44 inclusion in the proposed list; and

45 (2) cooperate with manufacturers of substances considered for
46 inclusion in the proposed list to obtain a complete list of ingredients

1 and determine that such substances contain inert ingredients that are
2 generally recognized as safe.

3 b. The board shall establish procedures under which individuals
4 may petition the board for the purpose of evaluating substances for
5 inclusion on the list.

6 c. The board shall review each substance included on the list at
7 least once during each five year period beginning on the date that the
8 substance was initially included on the list, or the date of the last
9 review of the substance under this subsection.

10 d. The board shall submit the results of a review under subsection
11 a. of this section to the commissioner with a recommendation as to
12 whether the substance should continue to be included on the list.

13 e. Any business sensitive material obtained by the board in carrying
14 out this section shall be treated as confidential business information by
15 the board and shall not be released to the public.

16

17 13. The board shall recommend to the commissioner a list of least
18 toxic pesticides (including the pesticides defined in section 3 of this act
19 as least toxic pesticides) that may be used as least toxic pesticides, any
20 restrictions on the use of the listed pesticides, and any
21 recommendations regarding restrictions on all other pesticides, in
22 accordance with section 14 of this act.

23

24 14. The commissioner shall establish a list of least toxic pesticides
25 that may be used in school buildings and on school grounds, including
26 any restrictions on the use of the pesticides, that is based on the list
27 prepared by the board.

28 a. The commissioner shall initiate regulatory review of all other
29 pesticides recommended for restriction by the board.

30 Not later than one year after receiving the proposed list and
31 restrictions, and recommended restrictions on all other pesticides from
32 the board, the commissioner shall:

33 (1) publish the proposed list and restrictions and all other proposed
34 pesticide restrictions in the New Jersey Register and seek public
35 comment on the proposed proposals; and

36 (2) after evaluating all comments received concerning the proposed
37 list and restrictions, but not later than one year after the close of the
38 period during which public comments are accepted, publish the final
39 list and restrictions in the New Jersey Register, together with a
40 discussion of comments received.

41 b. Not later than two years after publication of the final list and
42 restrictions, the commissioner shall make a determination and issue
43 findings on whether use of registered pesticides in school buildings and
44 on school grounds may endanger the health of children.

45 c. Prior to establishing or making amendments to the list, the
46 commissioner shall publish the proposed list or any proposed

1 amendments to the list in the New Jersey Register and seek public
2 comment on the proposals. The commissioner shall include any
3 changes or amendments to the proposed list that are recommended to
4 and by the commissioner.

5 d. After evaluating all comments received concerning the proposed
6 list or proposed amendments to the list, the commissioner shall publish
7 the final list in the New Jersey Register, together with a description of
8 comments received.

9 e. The provisions of this section shall be governed in all respects
10 by the provisions of the "Administrative Procedure Act," P.L.1968,
11 c.410 (C.52:14B-1 et seq.), including any rules and regulations
12 necessary to implement the provisions of this section.

13
14 15. a. The commissioner shall appoint an official for school pest
15 management within the department to coordinate the development and
16 implementation of integrated pest management systems in schools.

17 b. The official shall:

18 (1) coordinate the development of school integrated pest
19 management systems and policies;

20 (2) consult with schools concerning (a) issues related to the
21 integrated pest management systems of schools; (b) the use of least
22 toxic pesticides; and (c) the registration of pesticides, and amendments
23 to the registrations, as the registrations and amendments relate to the
24 use of integrated pest management systems in schools; and

25 (3) support and provide technical assistance to the board.
26

27 16. a. Each local school board of a school district shall designate
28 a contact person for carrying out an integrated pest management
29 system in schools in the school district.

30 b. The contact person of a school district shall:

31 (1) maintain information about pesticide applications inside and
32 outside schools within the school district, in school buildings, and on
33 school grounds;

34 (2) act as a contact for inquiries about the integrated pest
35 management system;

36 (3) maintain material safety data sheets and labels for all pesticides
37 that may be used in the school district;

38 (4) be informed of Federal and State chemical health and safety
39 information and contact information;

40 (5) maintain scheduling of all pesticide usage for schools in the
41 school district;

42 (6) maintain contact with Federal and State integrated pest
43 management system experts; and

44 (7) obtain periodic updates and training from State integrated pest
45 management system experts.

1 17. A local school board of a school district shall maintain all
2 pesticide use data for each school in the school district, and on
3 request, make the data available to the public for review.

4 a. At the beginning of each school year, each local school board or
5 school of a school district shall include a notice of the integrated pest
6 management system of the school district in school calendars or other
7 forms of universal notification.

8 b. The notice shall include a description of:

9 (1) the integrated pest management system of the school district;

10 (2) any pesticide (including any least toxic pesticide) or bait station
11 that may be used in a school building or on a school ground as part of
12 the integrated pest management system;

13 (3) the name, address, and telephone number of the contact person
14 of the school district;

15 (4) a statement that: (a) the contact person maintains the product
16 label and material safety data sheet of each pesticide (including each
17 least toxic pesticide) and bait station that may be used by a school in
18 buildings or on school grounds; (b) the label and data sheet is available
19 for review by a parent, guardian, staff member, or student attending
20 the school; and (c) the contact person is available to parents,
21 guardians, and staff members for information and comment; and

22 (5) the time and place of any meetings that will be held under this
23 section.

24 c. A local school board or school may use a pesticide during a
25 school year only if the use of the pesticide has been disclosed in the
26 notice required under subsection a. at the beginning of the school year.

27 d. After the beginning of each school year, a local school board or
28 school of a school district shall provide the notice required under
29 subsection a. of this section to: (1) each new staff member who is
30 employed during the school year; and (2) the parent or guardian of
31 each new student enrolled during the school year.

32
33 18. If a local school board or school determines that a pest in the
34 school or on school grounds cannot be controlled after having used the
35 integrated pest management system of the school or school district and
36 least toxic pesticides, the school may use a pesticide (other than space
37 spraying of the pesticide) to control the pest in accordance with this
38 section.

39 a. Not less than 72 hours before a pesticide (other than a least
40 toxic pesticide) is used by a school, the school shall provide to a
41 parent or guardian of each student enrolled at the school and each staff
42 member of the school, notice that includes:

43 (1) the common name, trade name, and federal Environmental
44 Protection Agency registration number of the pesticide;

45 (2) a description of the location of the application of the pesticide;

46 (3) a description of the date and time of application, except that,

1 in the case of outdoor pesticide applications, one notice shall include
2 three dates, in chronological order, that the outdoor pesticide
3 applications may take place if the preceding date is canceled;

4 (4) a statement that The Office of Pesticide Programs of the United
5 States Environmental Protection Agency has stated: 'Where possible,
6 persons who potentially are sensitive, such as pregnant women and
7 infants (less than 2 years old), should avoid any unnecessary pesticide
8 exposure.';

9 (5) a description of potential adverse effects of the pesticide based
10 on the material safety data sheet of the pesticide;

11 (6) a description of the reasons for the application of the pesticide;

12 (7) the name and telephone number of the contact person of the
13 school district; and

14 (8) any additional warning information related to the pesticide.

15 b. The school may provide the notice required by subsection a. of
16 this section by:

17 (1) written notice sent home with the student and provided to the
18 staff member;

19 (2) a telephone call;

20 (3) direct contact; or

21 (4) written notice mailed at least one week before the application.

22 c. If the date of the application of the pesticide needs to be
23 extended beyond the period required for notice under this section, the
24 school shall reissue the notice required under this section for the new
25 date of application.

26

27 19. a. At least 72 hours before a pesticide (other than a least toxic
28 pesticide) is used by a school, the school shall post a sign that provides
29 notice of the application of the pesticide (1) in a prominent place that
30 is in or adjacent to the location to be treated; and (2) at each entrance
31 to the building or school ground to be treated.

32 b. A sign required under subsection a. of this section for the
33 application of a pesticide shall (1) remain posted for at least 72 hours
34 after the end of the treatment; (2) be at least 8 1/2 inches by 11 inches;
35 and (3) state the same information as that required for prior
36 notification of the application under section 18 of this act.

37 c. In the case of outdoor pesticide applications, each sign shall
38 include three dates, in chronological order, that the outdoor pesticide
39 application may take place if the preceding date is canceled due to
40 weather. A sign shall be posted after an outdoor pesticide application
41 in accordance with subsection b. of this section.

42

43 20. The provisions of sections 18 and 19 of this act shall apply to
44 any person that applies a pesticide in a school or on a school ground,
45 including a custodian, staff member, or commercial applicator. These
46 provisions shall apply to a school during the school year, and during

1 holidays and the summer months, if the school is in use, with notice
2 provided to all staff members and the parents or guardians of the
3 students that are using the school in an authorized manner.

4
5 21. a. A school may apply a pesticide (other than a least toxic
6 pesticide) in the school or on school grounds without complying with
7 the provisions of sections 18 and 19 of this act, subject only to the
8 requirements of subsection b. of this section.

9 b. Not later than the earlier of the time that is 24 hours after a
10 school applies a pesticide under this section or on the morning of the
11 next school day, the school shall provide to each parent or guardian of
12 a student enrolled at the school, and staff member of the school, notice
13 of the application of the pesticide for emergency pest control that
14 includes: (1) the information required for a notice under section 18 of
15 this act; (2) a description of the problem and the factors that qualified
16 the problem as an emergency that threatened the health or safety of a
17 student or staff member; and (3) a description of the steps the school
18 will take in the future to avoid emergency application of a pesticide
19 under this section.

20 c. The school may provide the notice required by subsection b. of
21 this section by: (1) written notice sent home with the student and
22 provided to the staff member; (2) a telephone call; or (3) direct
23 contact.

24 d. A school applying a pesticide pursuant to this section shall post
25 a sign warning of the pesticide application in accordance with the
26 provisions of section 19 of this act.

27 e. If a school in a school district applies a pesticide under this
28 section, the local school board of the school district shall modify the
29 integrated pest management plan of the school district to minimize the
30 future emergency applications of pesticides under this section.

31
32 22. Each local school board and the Commissioner are encouraged
33 to identify sources of pesticides that drift from treated land to school
34 grounds of the educational agency, and take steps necessary to create
35 an indoor and outdoor school environment that are protected from
36 these pesticides.

37
38 23. a. Before the beginning of a school year, at the beginning of
39 each new calendar year, and at a regularly scheduled meeting of a
40 school board, each local school board shall provide an opportunity for
41 the contact person designated under section 16 of this act to receive
42 and address public comments regarding the integrated pest
43 management system of the school district.

44 b. An emergency meeting of a local school board to address a
45 pesticide application may be called under locally appropriate
46 procedures for convening emergency meetings.

1 24. a. Not later than 60 days after receiving a complaint of a
2 violation of this act, the commissioner shall:

3 (1) conduct an investigation of the complaint;

4 (2) determine whether it is reasonable to believe the complaint has
5 merit; and

6 (3) notify the complainant and the person alleged to have
7 committed the violation of the findings of the commissioner.

8 b. If the commissioner determines it is reasonable to believe a
9 violation occurred, the commissioner shall issue a preliminary order
10 (that includes findings) to impose the penalty described in section 25
11 of this act.

12 c. Not later than 30 days after the preliminary order is issued under
13 subsection b. of this section, the complainant and the person alleged
14 to have committed the violation may (1) file objections to the
15 preliminary order (including findings); and (2) request a hearing on the
16 record.

17 If a hearing is not requested within 30 days after the preliminary
18 order is issued, the preliminary order shall be final and not subject to
19 judicial review.

20 d. A hearing under this section shall be conducted expeditiously.
21 Not later than 120 days after the end of the hearing, the commissioner
22 shall issue a final order.

23 e. Before the final order is issued, the proceeding may be
24 terminated by a settlement agreement, which shall remain open,
25 entered into by the commissioner, the complainant, and the person
26 alleged to have committed the violation.

27

28 25. a. If the commissioner issues a final order against a school or
29 school district for violation of this act and the complainant requests,
30 the commissioner may assess against the person against whom the
31 order is issued the costs (including attorney's fees) reasonably incurred
32 by the complainant in bringing the complaint.

33 b. The commissioner shall determine the amount of the costs that
34 were reasonably incurred by the complainant.

35

36 26. a. A person adversely affected by an order issued after a
37 hearing under section 24 of this act may file a petition for review not
38 later than 60 days after the date that the order is issued, in the
39 Superior Court or the municipal court for any school district in which
40 a local school board or school is found, resides, or transacts business.

41 b. The review shall be heard and decided expeditiously.

42 c. An order of the commissioner subject to review under this
43 section shall not be subject to judicial review in a criminal or other
44 civil proceeding.

1 27. a. Any local school board, school, or person that violates the
2 provisions of this act may be assessed a civil administrative penalty by
3 the commissioner of not more than \$10,000 for each offense.

4 b. Civil penalties collected under this section shall be deposited in
5 the Integrated Pest Management Trust Fund established under section
6 28 of this act.

7
8 28. The Integrated Pest Management Trust Fund is established as
9 a nonlapsing, revolving fund in the Department of the Treasury. The
10 fund shall administered by the department and credited, in addition to
11 any appropriations made thereto, with all penalties imposed under this
12 act, and any sums received as voluntary contributions from private
13 sources. The interest on, and the proceeds from the sale or
14 redemption of, any obligations held in the fund shall be credited to and
15 form a part of the fund. An amount not to exceed 6% of the estimated
16 annual balance of the fund shall be available to the department for each
17 fiscal year to pay the administrative expenses necessary to carry out
18 this section.

19
20 29. a. No local school board, school, or person may harass,
21 prosecute, hold liable, or discriminate against any employee or other
22 person because the employee or other person:

23 (1) is assisting or demonstrating an intent to assist in achieving
24 compliance with the provisions of this act, including any rule or
25 regulation adopted pursuant thereto;

26 (2) is refusing to violate or assist in the violation of this act,
27 including any rule or regulation adopted pursuant thereto; or

28 (3) has commenced, caused to be commenced, or is about to
29 commence a proceeding, has testified or is about to testify at a
30 proceeding, or has assisted or participated or is about to participate in
31 any manner in such a proceeding or in any other action to carry out the
32 provisions of this act.

33 b. Not later than one year after an alleged violation occurred, an
34 employee or other person alleging a violation of this section, or
35 another person at the request of the employee, may file a complaint
36 with the commissioner.

37 c. If the commissioner decides, on the basis of a complaint, that a
38 local school board, school, or person violated subsection a. of this
39 section, the commissioner shall order the local school board, school,
40 or person to: (1) take affirmative action to abate the violation; (2)
41 reinstate the complainant to the former position with the same pay and
42 terms and privileges of employment; and (3) pay compensatory
43 damages, including back pay.

44
45 30. a. The commissioner, in consultation with the Commissioner
46 of Education, shall provide grants to local school boards to develop

1 and implement integrated pest management systems in schools in the
2 school district of the local school board.

3 b. The amount of a grant provided to a local school board of a
4 school district under subsection a. of this section shall be based on the
5 ratio that the number of students enrolled in schools in the school
6 district bears to the total number of students enrolled in schools in all
7 school districts in this State.

8

9 31. The commissioner shall adopt, pursuant to the provisions of the
10 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.), such rules or regulations as are necessary to implement the
12 provisions of this act.

13

14 32. Not later than six years after the effective date of this act, no
15 pesticide, other than a pesticide that is defined as a least toxic
16 pesticide under section 3 of this act, shall be used in a school or on
17 school grounds unless the commissioner has met the deadlines and
18 requirements of this act.

19

20 33. There is appropriated from the General Fund to the Integrated
21 Pest Management Trust Fund established under section 28 of this act
22 the sum of \$500,000 to implement the provisions of this act.

23

24 34. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill would establish an integrated pest management system in
30 this State. The Commissioner of Environmental Protection (DEP), in
31 consultation with the Commissioner of Education, would establish a
32 New Jersey School Integrated Pest Management Advisory System to
33 develop and update uniform standards and criteria for implementing
34 integrated pest management systems in schools.

35 Within 18 months of the bill's effective date, each school district
36 must develop and implement in each of the schools in the school
37 district an integrated pest management system. The system would
38 apply to pesticide application in a school building and on the school
39 grounds. A school must prohibit: (1) the application of a pesticide
40 when a school or a school ground is occupied or in use; or (2) the
41 use of an area or room treated by a pesticide, other than a "least toxic
42 pesticide" as defined in the bill during the 24-hour period beginning at
43 the end of the treatment.

44 The Commissioner of DEP, in consultation with the Commissioner
45 of Education, must establish a New Jersey School Integrated Pest
46 Management Advisory Board. The Board would: (1) establish

1 uniform standards and criteria for developing integrated pest
2 management systems and policies in schools; (2) develop standards
3 for the use of least toxic pesticides in schools; and (3) advise the
4 Commissioner on any other aspects of the implementation of this
5 program.

6 The 12-member Board would be composed of one representative
7 from each of the following groups:

- 8 (1) Parents.
- 9 (2) Public health care professionals.
- 10 (3) Medical professionals.
- 11 (4) State integrated pest management system coordinators.
- 12 (5) Independent integrated pest management specialists that have
13 carried out school integrated pest management programs.
- 14 (6) Environmental advocacy groups.
- 15 (7) Children's health advocacy groups.
- 16 (8) Trade organization for pest control operators.
- 17 (9) Teachers.
- 18 (10) School maintenance staff or buildings and grounds
19 supervisors.
- 20 (11) School administrators.
- 21 (12) School board members.

22 Not later than 180 days after the bill's effective date, the
23 Commissioner would appoint members of the Board from nominations
24 received from Parent Teacher Associations, school districts, counties,
25 and other interested persons and organizations.

26 A member of the Board would serve for a term of 5 years, except
27 that the Commissioner may shorten the terms of the original members
28 of the Board in order to provide for staggered terms for all members
29 of the Board. A member of the Board may not serve consecutive
30 terms unless the member's term has been reduced by the
31 Commissioner, and in no event may a member serve for more than six
32 consecutive years.

33 The Commissioner would convene an initial meeting of the Board
34 within 60 days of the appointment of the members, and subsequent
35 meetings on a periodic basis, but not less often than twice a year.

36 A member of the Board would serve without compensation, but
37 may be reimbursed by the DEP for expenses, subject to the availability
38 of appropriations therefor, incurred in performing duties as a member
39 of the Board.

40 The Board would select a chairperson for the Board. A majority of
41 the members of the Board would constitute a quorum for the purpose
42 of conducting business, and two-thirds of the votes cast at a meeting
43 of the Board at which a quorum is present would be decisive for any
44 motion. The Commissioner would authorize the Board to hire a staff
45 director, and detail staff of the DEP, or allow for the hiring of outside
46 staff. Subject to the availability of appropriations therefor, the DEP

1 may pay necessary expenses incurred by the Board in carrying out its
2 duties, as determined appropriate by the Commissioner.

3 The Board would provide recommendations to the Commissioner
4 regarding the implementation of this act.

5 Within one year after the its initial meeting, the Board must: (1)
6 review implementation of this act (including use of least toxic
7 pesticides); and (2) review and make recommendations to the
8 Commissioner with respect to new proposed active and inert
9 ingredients or proposed amendments to the list of least toxic pesticides
10 set forth in section 13 of the bill.

11 The Board must convene technical advisory panels to provide
12 scientific evaluations of the materials considered for inclusion on the
13 list of least toxic pesticides. A technical advisory panel must include
14 experts on integrated pest management, children's health, entomology,
15 health sciences, and other relevant disciplines.

16 Within two years of its initial meeting, the Board must review, with
17 the assistance of a technical advisory panel, pesticides used in school
18 buildings and on school grounds for their acute toxicity and chronic
19 effects, including cancer, mutations, birth defects, reproductive
20 dysfunction, neurological and immune system effects, and endocrine
21 system disruption. The Board would determine whether the use of
22 these pesticides may endanger the health of children, and may
23 recommend to the Commissioner restrictions on pesticide use in school
24 buildings and on school grounds.

25 In establishing the proposed list of least toxic pesticides, the Board
26 must: (1) review available information from the DEP, the federal
27 Environmental Protection Agency (EPA), the National Institute of
28 Environmental Health Studies, medical and scientific literature, and
29 such other sources as appropriate, concerning the potential for adverse
30 human and environmental effects of substances considered for
31 inclusion in the proposed list; and (2) cooperate with manufacturers
32 of substances considered for inclusion in the proposed list to obtain a
33 complete list of ingredients and determine that such substances contain
34 inert ingredients that are generally recognized as safe.

35 The Board would establish procedures under which individuals may
36 petition the Board for the purpose of evaluating substances for
37 inclusion on the list. The Board would review each substance included
38 on the list at least once during each five year period beginning on the
39 date that the substance was initially included on the list, or the date of
40 the last review of the substance. The Board must submit the results of
41 the review to the Commissioner with a recommendation as to whether
42 the substance should continue to be included on the list. Any business
43 sensitive material obtained by the Board must be treated as
44 confidential business information by the Board and cannot be released
45 to the public.

1 The Board would recommend to the Commissioner a list of least
2 toxic pesticides (including the pesticides defined in section 3 of the bill
3 as least toxic pesticides) that may be used as least toxic pesticides, any
4 restrictions on the use of the listed pesticides, and any
5 recommendations regarding restrictions on all other pesticides.

6 The Commissioner would establish a list of least toxic pesticides
7 that may be used in school buildings and on school grounds, including
8 any restrictions on the use of the pesticides, that is based on the list
9 prepared by the Board.

10 The Commissioner would initiate regulatory review of all other
11 pesticides recommended for restriction by the Board. Within one year
12 after receiving the proposed list and restrictions, and recommended
13 restrictions on all other pesticides from the Board, the Commissioner
14 must: (1) publish the proposed list and restrictions and all other
15 proposed pesticide restrictions in the New Jersey Register and seek
16 public comment on the proposed proposals; and (2) after evaluating
17 all comments received concerning the proposed list and restrictions,
18 but not later than one year after the close of the public comment
19 period, publish the final list and restrictions in the New Jersey
20 Register, together with a discussion of comments received. Within
21 two years after publication of the final list and restrictions, the
22 Commissioner must make a determination and issue findings on
23 whether use of registered pesticides in school buildings and on school
24 grounds may endanger the health of children.

25 Prior to establishing or making amendments to the list, the
26 Commissioner must publish the proposed list or any proposed
27 amendments to the list in the New Jersey Register and seek public
28 comment on the proposals. The Commissioner must include any
29 changes or amendments to the proposed list that are recommended to
30 and by the Commissioner. After evaluating all comments received
31 concerning the proposed list or proposed amendments to the list, the
32 Commissioner would publish the final list in the New Jersey Register,
33 together with a description of comments received.

34 The commissioner must appoint an official for school pest
35 management within the DEP to coordinate the development and
36 implementation of integrated pest management systems in schools.
37 This official would: (1) coordinate the development of school
38 integrated pest management systems and policies; (2) consult with
39 schools concerning (a) issues related to the integrated pest
40 management systems of schools; (b) the use of least toxic pesticides;
41 and (c) the registration of pesticides, and amendments to the
42 registrations, as the registrations and amendments relate to the use of
43 integrated pest management systems in schools; and (3) support and
44 provide technical assistance to the Board.

45 Every local school board of a school district must designate a
46 contact person for carrying out an integrated pest management system

1 in schools in the school district. The contact person of a school district
2 would: (1) maintain information about pesticide applications inside
3 and outside schools within the school district, in school buildings, and
4 on school grounds; (2) act as a contact for inquiries about the
5 integrated pest management system; (3) maintain material safety data
6 sheets and labels for all pesticides that may be used in the school
7 district; (4) be informed of Federal and State chemical health and
8 safety information and contact information; (5) maintain scheduling
9 of all pesticide usage for schools in the school district; (6) maintain
10 contact with Federal and State integrated pest management system
11 experts; and (7) obtain periodic updates and training from State
12 integrated pest management system experts.

13 A local school board of a school district must maintain all pesticide
14 use data for each school in the school district, and on request, make
15 the data available to the public for review. At the beginning of each
16 school year, each local school board or school of a school district must
17 include a notice of the integrated pest management system of the
18 school district in school calendars or other forms of universal
19 notification. The notice must include a description of: (1) the
20 integrated pest management system of the school district; (2) any
21 pesticide (including any least toxic pesticide) or bait station that may
22 be used in a school building or on a school ground as part of the
23 integrated pest management system; (3) the name, address, and
24 telephone number of the contact person of the school district; (4) a
25 statement that: (a) the contact person maintains the product label and
26 material safety data sheet of each pesticide (including each least toxic
27 pesticide) and bait station that may be used by a school in buildings or
28 on school grounds; (b) the label and data sheet is available for review
29 by a parent, guardian, staff member, or student attending the school;
30 and (c) the contact person is available to parents, guardians, and staff
31 members for information and comment; and (5) the time and place of
32 any meetings that will be held.

33 A local school board or school may use a pesticide during a school
34 year only if the use of the pesticide has been disclosed in the notice
35 required at the beginning of the school year.

36 After the beginning of each school year, a local school board or
37 school of a school district shall provide the notice to: (1) each new
38 staff member who is employed during the school year; and (2) the
39 parent or guardian of each new student enrolled during the school
40 year.

41 If a local school board or school determines that a pest in the
42 school or on school grounds cannot be controlled after having used the
43 integrated pest management system of the school or school district and
44 least toxic pesticides, the school may use a pesticide (other than space
45 spraying of the pesticide) to control the pest in accordance with the
46 following provisions. Not less than 72 hours before a pesticide (other

1 than a least toxic pesticide) is used by a school, the school must
2 provide to a parent or guardian of each student enrolled at the school
3 and each staff member of the school, notice that includes: (1) the
4 common name, trade name, and federal EPA registration number of
5 the pesticide; (2) a description of the location of the application of the
6 pesticide; (3) a description of the date and time of application, except
7 that, in the case of outdoor pesticide applications, one notice shall
8 include three dates, in chronological order, that the outdoor pesticide
9 applications may take place if the preceding date is canceled; (4) a
10 statement that The Office of Pesticide Programs of the federal EPA
11 has stated: 'Where possible, persons who potentially are sensitive, such
12 as pregnant women and infants (less than 2 years old), should avoid
13 any unnecessary pesticide exposure.'; (5) a description of potential
14 adverse effects of the pesticide based on the material safety data sheet
15 of the pesticide; (6) a description of the reasons for the application of
16 the pesticide; (7) the name and telephone number of the contact person
17 of the school district; and (8) any additional warning information
18 related to the pesticide.

19 The school may provide the notice by: (1) written notice sent home
20 with the student and provided to the staff member; (2) a telephone
21 call; (3) direct contact; or (4) written notice mailed at least one week
22 before the application. If the date of the application of the pesticide
23 needs to be extended beyond the period required for notice, the school
24 must reissue the notice for the new date of application.

25 At least 72 hours before a pesticide (other than a least toxic
26 pesticide) is used by a school, the school must post a sign that
27 provides notice of the application of the pesticide (1) in a prominent
28 place that is in or adjacent to the location to be treated; and (2) at each
29 entrance to the building or school ground to be treated.

30 The sign advising the application of a pesticide must (1) remain
31 posted for at least 72 hours after the end of the treatment; (2) be at
32 least 8 1/2 inches by 11 inches; and (3) state the same information as
33 that required for prior notification of the application under section 18
34 of the bill. In the case of outdoor pesticide applications, each sign
35 must include three dates, in chronological order, that the outdoor
36 pesticide application may take place if the preceding date is canceled
37 due to weather. A sign must be posted after an outdoor pesticide
38 application in accordance with the aforementioned requirements.

39 The foregoing provisions would apply to any person that applies a
40 pesticide in a school or on a school ground, including a custodian,
41 staff member, or commercial applicator. These provisions would
42 apply to a school during the school year, and during holidays and the
43 summer months, if the school is in use, with notice provided to all staff
44 members and the parents or guardians of the students that are using
45 the school in an authorized manner.

1 A school may apply a pesticide (other than a least toxic pesticide)
2 in the school or on school grounds without complying with these
3 provisions under certain emergency circumstances. Not later than the
4 earlier of the time that is 24 hours after a school applies a pesticide on
5 or on the morning of the next school day, the school must provide to
6 each parent or guardian of a student enrolled at the school, and staff
7 member of the school, notice of the application of the pesticide for
8 emergency pest control that includes: (1) the information required for
9 a notice under section 18 of this bill; (2) a description of the problem
10 and the factors that qualified the problem as an emergency that
11 threatened the health or safety of a student or staff member; and (3)
12 a description of the steps the school will take in the future to avoid
13 emergency application of a pesticide. The school may provide the
14 notice by: (1) written notice sent home with the student and provided
15 to the staff member; (2) a telephone call; or (3) direct contact. A
16 school applying a pesticide on an emergency basis must post a sign
17 warning of the pesticide application in accordance with the provisions
18 of section 19 of the bill. If a school in a school district applies a
19 pesticide under an emergency situation, the local school board of the
20 school district must modify the integrated pest management plan of the
21 school district to minimize the future emergency applications of
22 pesticides.

23 Each local school board and the Commissioner are encouraged to
24 identify sources of pesticides that drift from treated land to school
25 grounds of the educational agency, and take steps necessary to create
26 an indoor and outdoor school environment that are protected from
27 these pesticides.

28 Before the beginning of a school year, at the beginning of each new
29 calendar year, and at a regularly scheduled meeting of a school board,
30 each local school board must provide an opportunity for the
31 designated contact person to receive and address public comments
32 regarding the integrated pest management system of the school
33 district. An emergency meeting of a local school board to address a
34 pesticide application may be called under locally appropriate
35 procedures for convening emergency meetings.

36 Within 60 days after receiving a complaint of a violation of this act,
37 the Commissioner must: (1) conduct an investigation of the complaint;
38 (2) determine whether it is reasonable to believe the complaint has
39 merit; and (3) notify the complainant and the person alleged to have
40 committed the violation of the findings of the Commissioner.

41 If the Commissioner determines it is reasonable to believe a
42 violation occurred, the Commissioner shall issue a preliminary order
43 (that includes findings) to impose the penalty as described in section
44 25 of the bill. Not later than 30 days after the preliminary order is
45 issued, the complainant and the person alleged to have committed the
46 violation may (1) file objections to the preliminary order (including

1 findings); and (2) request a hearing on the record. If a hearing is not
2 requested within 30 days after the preliminary order is issued, the
3 preliminary order shall be final and not subject to judicial review.

4 A hearing must be conducted expeditiously. Not later than 120
5 days after the end of the hearing, the Commissioner must issue a final
6 order. Before the final order is issued, the proceeding may be
7 terminated by a settlement agreement, which would remain open,
8 entered into by the Commissioner, the complainant, and the person
9 alleged to have committed the violation.

10 If the Commissioner issues a final order against a school or school
11 district for violation of this act and the complainant requests, the
12 Commissioner may assess against the person against whom the order
13 is issued the costs (including attorney's fees) reasonably incurred by
14 the complainant in bringing the complaint. The commissioner would
15 determine the amount of the costs that were reasonably incurred by the
16 complainant.

17 A person adversely affected by an order issued after a hearing may
18 file a petition for review not later than 60 days after the date that the
19 order is issued, in the Superior Court or the municipal court for any
20 school district in which a local school board or school is found,
21 resides, or transacts business. The review would be heard and decided
22 expeditiously. An order of the Commissioner subject to review would
23 not be subject to judicial review in a criminal or other civil proceeding.

24 Any local school board, school, or person that violates the
25 provisions of this act may be assessed a civil administrative penalty by
26 the Commissioner of not more than \$10,000 for each offense. Any
27 civil penalties collected would be deposited in the Integrated Pest
28 Management Trust Fund established under section 28 of the bill.

29 The bill would establish the Integrated Pest Management Trust
30 Fund as a nonlapsing, revolving fund in the Department of the
31 Treasury. The fund would be administered by the DEP and credited,
32 in addition to any appropriations made thereto, with all penalties
33 imposed under this act, and any sums received as voluntary
34 contributions from private sources. The interest on, and the proceeds
35 from the sale or redemption of, any obligations held in the fund would
36 be credited to and form a part of the fund. An amount not to exceed
37 6% of the estimated annual balance of the fund would be available to
38 the DEP for each fiscal year to pay the administrative expenses
39 necessary to administer the fund.

40 No local school board, school, or person may harass, prosecute,
41 hold liable, or discriminate against any employee or other person
42 because the employee or other person: (1) is assisting or
43 demonstrating an intent to assist in achieving compliance with the
44 provisions of the bill, including any rule or regulation adopted by the
45 DEP pursuant thereto; (2) is refusing to violate or assist in the
46 violation of the bill, including any rule or regulation adopted pursuant

1 thereto; or (3) has commenced, caused to be commenced, or is about
2 to commence a proceeding, has testified or is about to testify at a
3 proceeding, or has assisted or participated or is about to participate in
4 any manner in such a proceeding or in any other action to carry out the
5 provisions of the bill.

6 Not later than one year after an alleged violation occurred, an
7 employee or other person alleging a violation, or another person at the
8 request of the employee, may file a complaint with the Commissioner.
9 If the Commissioner decides, on the basis of a complaint, that a local
10 school board, school, or person has committed a violation, the
11 Commissioner would order the local school board, school, or person
12 to: (1) take affirmative action to abate the violation; (2) reinstate the
13 complainant to the former position with the same pay and terms and
14 privileges of employment; and (3) pay compensatory damages,
15 including back pay.

16 The Commissioner, in consultation with the Commissioner of
17 Education, would provide grants to local school boards to develop and
18 implement integrated pest management systems in schools in the
19 school district of the local school board. The amount of a grant
20 provided to a local school board of a school district would be based on
21 the ratio that the number of students enrolled in schools in the school
22 district bears to the total number of students enrolled in schools in all
23 school districts in this State.

24 Not later than six years after the bill's effective date, no pesticide,
25 other than a pesticide defined as a least toxic pesticide under section
26 3 of the bill, may be used in a school or on school grounds unless the
27 Commissioner has met the bill's deadlines and requirements.

28 The bill would appropriate from the General Fund to the Integrated
29 Pest Management Trust Fund the sum of \$500,000 to implement the
30 provisions of this act.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 137

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 137 (SCS).

The Senate Committee Substitute for Senate Bill No. 137 would require the superintendent of the school district, for each school in the district, the board of trustees of a charter school, and the principal or chief administrator of a private school, to adopt and implement a school integrated pest management policy for the school property consistent with a model policy developed by the Department of Environmental Protection in consultation with the Commissioner of Education, the New Jersey School Boards Association, and the New Jersey Cooperative Extension of Rutgers, The State University. The model policy must be based upon integrated pest management plans for schools disseminated by the United States Environmental Protection Agency.

Each local school board of a school district, each board of trustees of a charter school, and each principal or chief administrator of a private school, as appropriate, would be required to designate an integrated pest management coordinator to carry out the school integrated pest management policy. The integrated pest management coordinator for a school or school district would be required to maintain information about the school's integrated pest management policy and about pesticide applications on the school property of the school or the schools within the school district, act as a contact for inquiries about the school integrated pest management policy, and maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property of the school or of the schools in the school district.

The committee substitute would require that records of pesticide applications used on school property at each school or for each school in the school district be maintained for three years after the application, and for five years after the application of a pesticide designed to control termites. The committee substitute would require that annually, each local school board, each board of trustees of a

charter school, or each principal or chief administrator of a private school, as appropriate, include a notice of the school integrated pest management policy of the school or school district in school calendars or other forms of universal notification. That notice must include the school integrated pest management policy of the school or school district, a list of any pesticide that is in use or that has been used in the last 12 months on school property, the name, address, and telephone number of the integrated pest management coordinator of the school or school district, a statement that: (a) the integrated pest management coordinator maintains the product label and material safety data sheet, when available, for each pesticide that may be used on school property; (b) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and (c) the integrated pest management coordinator is available to parents, guardians, and staff members for information and comment, the time and place of any meetings that will be held to adopt the school integrated pest management policy; and the following statement:

"As part of a school pest management plan, (insert school name) may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

The committee substitute requires that at least 72 hours prior to the use of pesticides on school property, school authorities post signs and provide notice to a parent or guardian of each student enrolled at the school and each staff member of the school. The notice must include the common name, trade name, and federal Environmental Protection Agency registration number of the pesticide, a description of the location of the application of the pesticide, a description of the date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled, a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: 'Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure', a description of potential adverse effects of the pesticide based on the material safety data sheet, if available, of the pesticide, a description of the reasons for the application of the pesticide, the name and telephone number of the integrated pest management coordinator for

the school or the school district, and any additional label instruction and precautions related to public safety.

If an application of a pesticide is required in response to an emergency, the proposed committee substitute requires that a sign be posted at the time of the pesticide application, and within 24 hours after the application of a pesticide, or on the morning of the next school day, whichever is earlier, notice be provided of the application of the pesticide for emergency pest control that includes the same information listed above, a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member, and if necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide. In addition, the school would be required to modify the integrated pest management policy to minimize future emergency applications of a pesticide.

The committee substitute would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are present. Students may not be present in an untreated portion of a school building unless the area being treated with a pesticide is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors. The bill would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are expected to be present prior to the time prescribed for re-entry on the pesticide label. If no time is prescribed for re-entry, then a pesticide may not be applied less than seven hours prior to the time students are expected to be present.

The committee substitute would authorize the application of a low impact pesticide in areas of a school building where students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

The committee substitute would provide liability protection to commercial pesticide applicators for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, to provide the notice required prior to the application of a pesticide pursuant to the act.

The committee substitute would require the Department of Environmental Protection to develop and make available to commercial pesticide applicators a form which a commercial pesticide applicator may request an integrated pest management coordinator to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form must set forth a certification by the integrated pest management coordinator that the notice and posting requirements for the application of a pesticide established pursuant to sections 7 and 8 of the act, or the posting requirement established pursuant to section 10 of the act, as appropriate, have been

complied with. The signature of the integrated pest management coordinator shall be required as a condition for the application of the pesticide.

The committee substitute authorizes the Department of Environmental Protection to issue an administrative order against a local school board, the board of trustees of a charter school, or a principal or chief administrator of a private school that fails to adopt and implement a pesticide use and school integrated pest management policy in compliance with the provisions of the act.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 137**

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Environment Committee reports favorably a committee substitute for Senate Bill No. 137.

This committee substitute would require the superintendent of the school district, for each school in the district, the board of trustees of a charter school, and the principal or chief administrator of a private school, to adopt and implement a school integrated pest management policy for the school property consistent with a model policy developed by the Department of Environmental Protection in consultation with the Commissioner of Education, the New Jersey School Boards Association, and the New Jersey Cooperative Extension of Rutgers, The State University. The model policy must be based upon integrated pest management plans for schools disseminated by the United States Environmental Protection Agency.

Each local school board of a school district, each board of trustees of a charter school, and each principal or chief administrator of a private school, as appropriate, would be required to designate an integrated pest management coordinator to carry out the school integrated pest management policy. The integrated pest management coordinator for a school or school district would be required to maintain information about the school's integrated pest management policy and about pesticide applications on the school property of the school or the schools within the school district, act as a contact for inquiries about the school integrated pest management policy, and maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property of the school or of the schools in the school district.

The committee substitute would require that records of pesticide applications used on school property at each school or for each school in the school district be maintained for three years after the application, and for five years after the application of a pesticide designed to control termites. The committee substitute would require that annually, each local school board, each board of trustees of a charter school, or each principal or chief administrator of a private school, as appropriate include a notice of the school integrated pest management policy of the school or school district in school calendars

or other forms of universal notification. That notice must include the school integrated pest management policy of the school or school district, a list of any pesticide that is in use or that has been used in the last 12 months on school property, the name, address, and telephone number of the integrated pest management coordinator of the school or school district, a statement that: (a) the integrated pest management coordinator maintains the product label and material safety data sheet, when available, for each pesticide that may be used on school property; (b) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and (c) the integrated pest management coordinator is available to parents, guardians, and staff members for information and comment, the time and place of any meetings that will be held to adopt the school integrated pest management policy; and the following statement:

"As part of a school pest management plan, (insert school name) may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

The committee substitute requires that at least 72 hours prior to the use of pesticides on school property, school authorities post signs and provide notice to a parent or guardian of each student enrolled at the school and each staff member of the school. The notice must include the common name, trade name, and federal Environmental Protection Agency registration number of the pesticide, a description of the location of the application of the pesticide, a description of the date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled, a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: 'Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure', a description of potential adverse effects of the pesticide based on the material safety data sheet, if available, of the pesticide, a description of the reasons for the application of the pesticide, the name and telephone number of the integrated pest management coordinator for the school or the school district, and any additional label instruction and precautions related to public safety.

If an application of a pesticide is required in response to an emergency, the proposed committee substitute requires that a sign be posted at the time of the pesticide application, and within 24 hours after the application of a pesticide, or on the morning of the next school day, whichever is earlier, notice be provided of the application of the pesticide for emergency pest control that includes the same information listed above, a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member, and if necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide. In addition, the school would be required to modify the integrated pest management policy to minimize future emergency applications of a pesticide.

The committee substitute would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are present. Students may not be present in an untreated portion of a school building unless the area being treated with a pesticide is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors. The bill would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are expected to be present prior to the time prescribed for re-entry on the pesticide label. If no time is prescribed for re-entry, then a pesticide may not be applied less than seven hours prior to the time students are expected to be present.

The committee substitute would authorize the application of a low impact pesticide in areas of a school building where students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

The committee substitute would provide liability protection to commercial pesticide applicators for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, to provide the notice required prior to the application of a pesticide pursuant to the act.

The committee substitute would require the Department of Environmental Protection to develop and make available to commercial pesticide applicators a form which a commercial pesticide applicator may request an integrated pest management coordinator to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form must set forth a certification by the integrated pest management coordinator that the notice and posting requirements for the application of a pesticide established pursuant to sections 7 and 8 of the act, or the posting requirement established pursuant to section 10 of the act, as appropriate, have been complied with. The signature of the integrated pest management

coordinator shall be required as a condition for the application of the pesticide.

The committee substitute authorizes the Department of Environmental Protection to issue an administrative order against a local school board, the board of trustees of a charter school, or a principal or chief administrator of a private school that fails to adopt and implement a pesticide use and school integrated pest management policy in compliance with the provisions of the act.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 137
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: DECEMBER 11, 2002

SUMMARY

Synopsis: The "School Environment Protection Act of 2000".
Type of Impact: Expenditure increase from the General Fund.
Agencies Affected: Department of Environmental Protection and local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$100,000	\$300,000	\$100,000
Local Cost	Indeterminate	Indeterminate	Indeterminate

- ! The bill establishes a statewide integrated pest management system to be implemented in and by the State's public school systems. State grants are made available for this purpose.
- ! A New Jersey School Integrated Pest Management Advisory Board is created to develop uniform standards and implementation procedures.
- ! The Department of Environmental Protection (DEP) is responsible for staffing and administering the provisions under the bill, which appropriates \$500,000 for this purpose.
- ! The Office of Legislative Services (OLS) estimates that \$300,000 of the bill's appropriation could be used for administrative costs while the balance could be used for grants. More grant funds would be needed to fully support the local costs of every local school district.

BILL DESCRIPTION

Senate Bill No. 137 of 2002 establishes a New Jersey School Integrated Pest Management Advisory System to develop and update uniform standards and criteria for implementing integrated pest management systems (IPMS) in the State's public schools. The bill establishes a New Jersey School Integrated Pest Management Advisory Board to provide recommendations to the Commissioner of the Department of Environmental Protection (DEP) regarding the bill's implementation. Within 18 months of the bill's effective date, each school district is required to develop and implement an IPMS, which is generally defined as a pest control system that uses a variety of nontoxic and least toxic methods to control and eliminate pests.

The bill directs the DEP Commissioner to authorize the Board to hire a staff director, to make DEP or outside staff available to the Board, and to hire a staff person to coordinate the development and implementation of IPMSs under the bill. The DEP is also responsible for paying Board expenses, subject to the availability of appropriations. An Integrated Pest Management Trust Fund is established under the bill as a nonlapsing, revolving fund in the Department of the Treasury and administered by the DEP. It would be credited with civil penalties created under the bill, any appropriations made thereto, and any contributions received from private sources.

The bill directs the DEP Commissioner to provide grants to local school boards to develop and implement IPMSs, with grant amounts based on a student enrollment formula. The bill appropriates \$500,000 from the General Fund to the Integrated Pest Management Trust Fund to implement the provisions therein.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that, of the \$500,000 appropriation provided in the bill, \$100,000 per year should be sufficient to cover salary and Board costs during the first three years of the program, while the remaining \$200,000 could be used in the second year for grants to school districts to help support IPMS implementation costs. The OLS cannot estimate the bill's fiscal impact on local school districts but, given the number of potential applicants for grant funding (over 600 school districts statewide), additional State funding would have to be made available to avoid local financing of IPMS implementation plans.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 137
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: JANUARY 6, 2003

SUMMARY

Synopsis: The "School Integrated Pest Management Act".
Type of Impact: Expenditure increase from local school district budgets.
Agencies Affected: Department of Environmental Protection and local school districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Minimal	
Local Cost		Indeterminate - See Comments Below	

- ! The bill requires local school districts and private schools to adopt and implement an integrated pest management system that is based on a model policy developed by State and federal agencies.
- ! The bill sets forth uniform standards, criteria and implementation procedures for school districts to follow in managing their integrated pest management systems.
- ! The Department of Environmental Protection (DEP) is given certain monitoring and enforcement responsibilities under the bill.
- ! The Office of Legislative Services (OLS) does not have sufficient data to provide an estimate of local school district costs under the bill, but contends that State costs will be minimal.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 137 of 2002 requires public school districts and private schools to adopt and implement a school integrated pest management policy for school property consistent with a model policy developed by the Department of Environmental Protection (DEP), in consultation with the Commissioner of Education, the New Jersey School Boards Association, and the New Jersey Cooperative Extension of Rutgers. The model policy must be based upon integrated pest management plans for schools disseminated by the United States Environmental Protection Agency. Each school district would be required to designate

an integrated pest management coordinator to implement the school integrated pest management policy according to detailed criteria set forth in the bill.

The bill also gives the DEP certain monitoring responsibilities, such as the authority to issue an administrative order against a local school board, the board of trustees of a charter school, or a principal or chief administrator of a private school that fails to adopt and implement a pesticide use and school integrated pest management policy in compliance with the provisions of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) does not have sufficient information from which to estimate the bill's fiscal impact on local school districts or private schools. The OLS estimates that the DEP should be able to fulfill its obligations under the bill without requiring additional State funding or personnel.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*
Senior Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2841

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 3, 2002

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman ALBIO SIRES

District 33 (Hudson)

Co-Sponsored by:

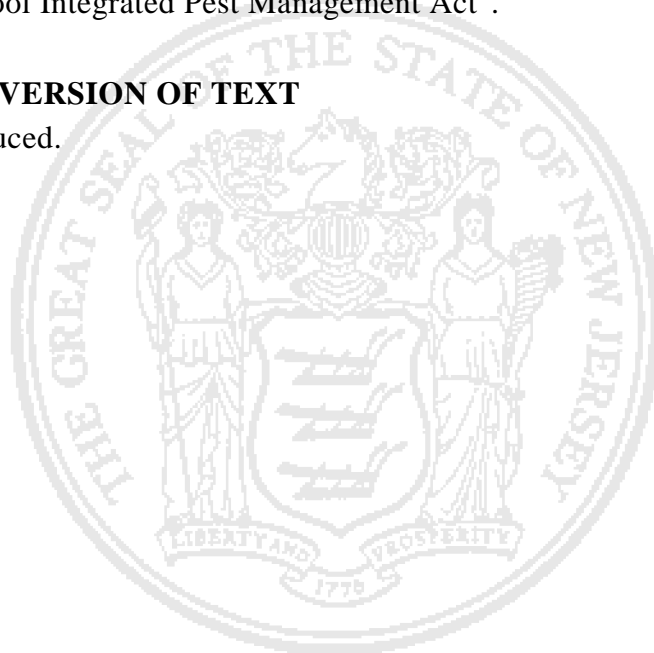
**Assemblyman Chatzidakis, Assemblywoman Greenstein, Assemblymen
Gusciora and Van Drew**

SYNOPSIS

The "School Integrated Pest Management Act".

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2002)

1 AN ACT concerning the implementation of integrated pest
2 management policies in public and private schools, and
3 supplementing Title 13 of the Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the "School
9 Integrated Pest Management Act."

10

11 2. The Legislature finds and declares that in 1992, the National
12 Parent Teacher Association passed a resolution calling for the reduced
13 use of pesticides in schools and calling on policy makers to consider
14 all possible alternatives before using any pesticides; that the National
15 Education Association and many national public interest organizations
16 have announced support for reducing or eliminating pesticide use in
17 schools; that the State, as well as 87 local government entities
18 throughout the State, have adopted integrated pest management
19 policies for their buildings and grounds; that childhood cancer is
20 continuing to increase at the alarming rate of one percent per year;
21 that the overall incidence of childhood cancer increased 10 percent
22 between 1974 and 1991, making cancer the leading cause of childhood
23 death from disease; and that approximately 4,800,000 children in the
24 United States under the age of 18 have asthma, the most common
25 chronic illness in children, and the incidence of asthma is on the rise.

26

27 The Legislature further finds and declares that children are more
28 susceptible to hazardous impacts from pesticides than are adults; that
29 numerous scientific studies have linked both cancer and asthma to
30 pesticide exposure; that the United States Environmental Protection
31 Agency has recommended the use of an integrated pest management
32 system by local educational agencies, which emphasizes nonchemical
33 ways of reducing pests, such as sanitation and maintenance; that
34 integrated pest management is an effective and environmentally
35 sensitive approach to pest management that relies on common sense
36 practices; that integrated pest management programs use current,
37 comprehensive information on the life cycles of pests and their
38 interaction with the environment, and that this information, in
39 combination with available pest control methods is used to manage
40 pest damage with the least hazard to people, property and the
41 environment and by economical means; and that integrated pest
42 management programs take advantage of all pest management options
43 possibly including, but not limited to, the judicious use of pesticides;
44 that a notification process should be established for schools under
45 which each student, parent, guardian, staff member, and teacher shall
46 be notified of a pesticide application; that parents and guardians have
a right to know that there is an integrated pest management system in

1 their children's schools; that an integrated pest management system
2 provides long-term health and economic benefits; and that parents and
3 guardians should have a right to be notified in advance of any use of
4 a pesticide in their children's schools.

5 The Legislature therefore determines that it is in the public interest
6 of all of the people of New Jersey that the schools in this State
7 establish an integrated pest management policy.

8

9 3. As used in this act:

10 "Charter school" means a school established pursuant to P.L.1995,
11 c.426 (C.18A:36A-1 et seq.).

12 "Commissioner" means the Commissioner of Environmental
13 Protection.

14 "Department" means the Department of Environmental Protection.

15 "Integrated pest management coordinator" or "coordinator" means
16 an individual who is knowledgeable about integrated pest management
17 systems and has been designated by a local school board, the board of
18 trustees of a charter school, or the principal or chief administrator of
19 a private school, as appropriate, as the integrated pest management
20 coordinator pursuant to section 5 of this act.

21 "Low Impact Pesticide" means any pesticide or pesticidal active
22 ingredient alone, or in combination with inert ingredients, that the
23 United States Environmental Protection Agency has determined is not
24 of a character necessary to be regulated pursuant to the "Federal
25 Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C. s.136 et seq.
26 and that has been exempted from the registration and reporting
27 requirements adopted pursuant to that act; any gel; paste; bait;
28 antimicrobial agent such as a disinfectant used as a cleaning product;
29 boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous
30 earth; microbe-based insecticides such as bacillus thuringiensis;
31 botanical insecticides, not including synthetic pyrethroids, without
32 toxic synergists; and biological, living control agents.

33 "Pesticide" means any substance or mixture of substances labeled,
34 designed, intended for or capable of use in preventing, destroying,
35 repelling, sterilizing or mitigating any insects, rodents, nematodes,
36 predatory animals, fungi, weeds and other forms of plant or animal life
37 or viruses, except viruses on or in living man or other animals.

38 "Pesticide" shall also include any substance or mixture of substances
39 labeled, designed or intended for use as a defoliant, desiccant or plant
40 regulator.

41 "School" means any public or private school as defined in
42 N.J.S.18A:1-1.

43 "School integrated pest management policy" means a managed pest
44 control policy that eliminates or mitigates economic, health, and
45 aesthetic damage caused by pests in schools; that delivers effective
46 pest management, reduces the volume of pesticides used to minimize

1 the potential hazards posed by pesticides to human health and the
2 environment in schools; that uses integrated methods, site or pest
3 inspections, pest population monitoring, an evaluation of the need for
4 pest control, and one or more pest control methods, including
5 sanitation, structural repair, mechanical and biological controls, other
6 nonchemical methods, and when nonchemical options are ineffective
7 or unreasonable, allows the use of a pesticide, with a preference
8 toward first considering the use of a low impact pesticide for schools.

9 "School pest emergency" means an urgent need to mitigate or
10 eliminate a pest that threatens the health or safety of a student or staff
11 member.

12 "School property" means any area inside and outside of the school
13 buildings controlled, managed, or owned by the school or school
14 district.

15 "Staff member" means an employee of a school or school district,
16 including administrators, teachers, and other persons regularly
17 employed by a school or school district, but shall not include an
18 employee hired by a school, school district or the State to apply a
19 pesticide or a person assisting in the application of a pesticide.

20 "Universal notification" means notice provided by a local school
21 board, a board of trustees of a charter school, or the principal or chief
22 administrator of a private school, as appropriate, to all parents or
23 guardians of children attending a school, and staff members of a school
24 or school district.

25

26 4. a. No later than 12 months after the effective date of this act,
27 the commissioner, in consultation with the Commissioner of
28 Education, the New Jersey School Boards Association, and the New
29 Jersey Cooperative Extension of Rutgers, The State University shall
30 develop a model school integrated pest management policy that is
31 based upon recommended integrated pest management plans for
32 schools disseminated by the United States Environmental Protection
33 Agency and that conforms to the rules adopted by the department
34 pursuant to the "Pesticide Control Act of 1971," P.L.1971, c.176
35 (C.13:1F-1 et seq.).

36 b. No later than 18 months after the effective date of this act, the
37 superintendent of the school district, for each school in the district, the
38 board of trustees of a charter school, and the principal or chief
39 administrator of a private school, shall adopt and implement a school
40 integrated pest management policy for the school property consistent
41 with the model policy developed pursuant to subsection a. of this
42 section and that complies with the provisions of this act.

43

44 5. a. Each local school board of a school district, each board of
45 trustees of a charter school, and each principal or chief administrator
46 of a private school, as appropriate, shall designate an integrated pest

1 management coordinator to carry out the school integrated pest
2 management policy required pursuant to section 4 of this act.

3 b. The integrated pest management coordinator for a school or
4 school district shall:

5 (1) maintain information about the school or school district's
6 school integrated pest management policy and about pesticide
7 applications on the school property of the school or the schools within
8 the school district;

9 (2) act as a contact for inquiries about the school integrated pest
10 management policy; and

11 (3) maintain material safety data sheets, when available, and labels
12 for all pesticides that are used on the school property of the school or
13 of the schools in the school district.

14

15 6. a. The local school board of a school district, the board of
16 trustees of a charter school, or the principal or chief administrator of
17 a private school, as appropriate, shall request from the pesticide
18 applicator and shall maintain records of pesticide applications used on
19 school property at each school or for each school in the school district
20 for three years after the application, and for five years after the
21 application of a pesticide designed to control termites, and on request,
22 shall make the data available to the public for review.

23 b. Annually, each local school board, each board of trustees of a
24 charter school, or each principal or chief administrator of a private
25 school, as appropriate, shall include a notice of the school integrated
26 pest management policy of the school or school district in school
27 calendars or other forms of universal notification.

28 c. The notice shall include:

29 (1) the school integrated pest management policy of the school or
30 school district;

31 (2) a list of any pesticide that is in use or that has been used in the
32 last 12 months on school property;

33 (3) the name, address, and telephone number of the integrated pest
34 management coordinator of the school or school district;

35 (4) a statement that: (a) the integrated pest management
36 coordinator maintains the product label and material safety data sheet,
37 when available, of each pesticide that may be used on school property;

38 (b) the label and data sheet is available for review by a parent,
39 guardian, staff member, or student attending the school; and (c) the
40 integrated pest management coordinator is available to parents,
41 guardians, and staff members for information and comment;

42 (5) the time and place of any meetings that will be held to adopt
43 the school integrated pest management policy; and

44 (6) the following statement:

45 "As part of a school pest management plan, (insert school name)
46 may use pesticides to control pests. The United States Environmental

1 Protection Agency (EPA) and the New Jersey Department of
2 Environmental Protection (DEP) register pesticides to determine that
3 the use of a pesticide in accordance with instructions printed on the
4 label does not pose an unreasonable risk to human health and the
5 environment. Nevertheless, the EPA and DEP cannot guarantee that
6 registered pesticides do not pose any risk to human health, thus
7 unnecessary exposure to pesticides should be avoided. The EPA has
8 issued the statement that where possible, persons who are potentially
9 sensitive, such as pregnant women, infants and children, should avoid
10 unnecessary pesticide exposure."

11 d. After the beginning of each school year, each local school board,
12 each board of trustees of a charter school, or each principal or chief
13 administrator of a private school, as appropriate, shall provide the
14 notice required pursuant to subsection b. of this section to: (1) each
15 new staff member who is employed during the school year; and (2) the
16 parent or guardian of each new student enrolled during the school
17 year.

18

19 7. a. If a local school board, board of trustees of a charter school
20 or principal or chief administrator of a private school, as appropriate,
21 determines that a pesticide, other than a low impact pesticide, must be
22 used on school property, a pesticide may be used only in accordance
23 with this section.

24 b. At least 72 hours before a pesticide, other than a low impact
25 pesticide, is used on school property, the local school board, the board
26 of trustees of a charter school, or the principal or chief administrator
27 of a private school, as appropriate, shall provide to a parent or
28 guardian of each student enrolled at the school and each staff member
29 of the school, notice that includes:

30 (1) the common name, trade name, and federal Environmental
31 Protection Agency registration number of the pesticide;

32 (2) a description of the location of the application of the pesticide;

33 (3) a description of the date and time of application, except that,
34 in the case of outdoor pesticide applications, one notice shall include
35 three dates, in chronological order, on which the outdoor pesticide
36 applications may take place if the preceding date is canceled;

37 (4) a statement that The Office of Pesticide Programs of the United
38 States Environmental Protection Agency has stated: "Where possible,
39 persons who potentially are sensitive, such as pregnant women,
40 infants, and children, should avoid any unnecessary pesticide
41 exposure";

42 (5) a description of potential adverse effects of the pesticide based
43 on the material safety data sheet, if available, for the pesticide;

44 (6) a description of the reasons for the application of the pesticide;

45 (7) the name and telephone number of the integrated pest
46 management coordinator for the school or the school district; and

1 (8) any additional label instruction and precautions related to
2 public safety.

3 c. The local school board of a school district, the board of trustees
4 of a charter school, or the principal or chief administrator of a private
5 school, as appropriate, may provide the notice required by subsection
6 b. of this section by:

7 (1) written notice sent home with the student and provided to each
8 staff member;

9 (2) a telephone call;

10 (3) direct contact;

11 (4) written notice mailed at least one week before the application;

12 or

13 (5) electronic mail.

14 d. If the date of the application of the pesticide must be extended
15 beyond the period required for notice under this section, the local
16 school board, the board of trustees of a charter school, or the principal
17 or chief administrator of a private school, as appropriate, shall reissue
18 the notice required under this section for the new date of application.

19

20 8. a. At least 72 hours before a pesticide, other than a low impact
21 pesticide, is used on school property, the local school board, the board
22 of trustees of a charter school, or the principal or chief administrator
23 of a private school, as appropriate, shall post a sign that provides
24 notice of the application of the pesticide (1) in a prominent place that
25 is in or adjacent to the location to be treated; and (2) at each entrance
26 to the building or school ground to be treated.

27 b. A sign required pursuant to subsection a. of this section for the
28 application of a pesticide shall (1) remain posted for at least 72 hours
29 after the end of the treatment; (2) be at least 8 ½ inches by 11 inches;
30 and (3) state the same information as that required for prior
31 notification of the pesticide application pursuant to section 7 of this
32 act.

33 c. In the case of outdoor pesticide applications, each sign shall
34 include three dates, in chronological order, on which the outdoor
35 pesticide application may take place if the preceding date is canceled
36 due to weather. A sign shall be posted after an outdoor pesticide
37 application in accordance with subsection b. of this section.

38 d. The requirement imposed pursuant to this section shall be in
39 addition to any requirements imposed pursuant to the "Pesticide
40 Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.), and any
41 rules or regulations adopted pursuant thereto.

42

43 9. The provisions of sections 7 and 8 of this act shall apply if any
44 person applies a pesticide, other than a low impact pesticide, on school
45 property, including a custodian, staff member, or commercial
46 applicator. These provisions shall apply to a school during the school

1 year, and during holidays and the summer months, only if the school
2 is in use by children during those periods. During those periods,
3 notices shall be provided to all staff members and the parents or
4 guardians of the students that are using the school in an authorized
5 manner.

6

7 10. a. A pesticide, other than a low impact pesticide, may be
8 applied on school property in response to an emergency, without
9 complying with the provisions of sections 7 and 8 of this act, provided
10 the requirements of subsection b. of this section are met.

11 b. Within 24 hours after the application of a pesticide pursuant to
12 this section, or on the morning of the next school day, whichever is
13 earlier, the local school board, the board of trustees of a charter
14 school, or the principal or chief administrator of a private school, as
15 appropriate, shall provide to each parent or guardian of a student
16 enrolled at the school, and staff member of the school, notice of the
17 application of the pesticide for emergency pest control that includes:
18 (1) the information required for a notice under section 7 of this act; (2)
19 a description of the problem and the factors that qualified the problem
20 as an emergency that threatened the health or safety of a student or
21 staff member; and (3) if necessary, a description of the steps that will
22 be taken in the future to avoid emergency application of a pesticide
23 pursuant to this section.

24 c. The local school board, the board of trustees of a charter school,
25 or the principal or chief administrator of a private school, as
26 appropriate, may provide the notice required by subsection b. of this
27 section by: (1) written notice sent home with the student and provided
28 to the staff member; (2) a telephone call; (3) direct contact; or (4)
29 electronic mail.

30 d. When a pesticide is applied pursuant to this section, the local
31 school board, the board of trustees of a charter school, or the principal
32 or chief administrator of a private school, as appropriate, shall post a
33 sign warning of the pesticide application at the time of the application
34 of the pesticide, in accordance with the provisions of section 8 of this
35 act.

36 e. If there is an application of a pesticide pursuant to this section,
37 the local school board, the board of trustees of a charter school, or the
38 principal or chief administrator of a private school, as appropriate,
39 shall modify the school integrated pest management policy of the
40 school or school district if necessary, to minimize the future
41 emergency applications of pesticides under this section.

42

43 11. a. A pesticide, other than a low impact pesticide, shall not be
44 applied on school property where students are expected to be present
45 for academic instruction or for organized extra-curricular activities
46 prior to the time prescribed for re-entry to the application site by the

1 United State Environmental Protection Agency on the pesticide label,
2 except that if no specific numerical re-entry time is prescribed on a
3 pesticide label, such a pesticide, other than a low impact pesticide,
4 shall not be applied on school property where students are expected
5 to be present for academic instruction or for organized extra-curricular
6 activities within seven hours of the application.

7 b. A pesticide, other than a low impact pesticide, shall not be
8 applied in a school building when students are present. Students may
9 not be present in an untreated portion of a school building unless the
10 area being treated with a pesticide, other than a low impact pesticide,
11 is served by a separate ventilation system and is separated from the
12 untreated area by smoke or fire doors.

13 c. A low impact pesticide may be applied in areas of a school
14 building where students will not contact treated areas until sufficient
15 time is allowed for the substance to dry or settle, or after the period
16 of time prescribed for re-entry or for ventilation requirements on the
17 pesticide label has elapsed.

18 d. This section shall not apply when pesticides are applied on school
19 property for student instructional purposes or by public health officials
20 during the normal course of their duties.

21

22 12. A commercial pesticide applicator shall not be liable to any
23 person for damages resulting from the application of a pesticide at a
24 school if the damages are solely due to the failure of the local school
25 board, the board of trustees of a charter school, or the principal or
26 chief administrator of a private school, as appropriate, to provide the
27 notice required prior to the application of a pesticide pursuant to the
28 provisions of sections 7, 8, 9, or 10 of P.L. , c. (C.) (now in the
29 Legislature as this bill).

30

31 13. The department shall develop and make available to
32 commercial pesticide applicators a form which a commercial pesticide
33 applicator may request an integrated pest management coordinator to
34 sign prior to the application of a pesticide, other than a low impact
35 pesticide, on school property. The form developed pursuant to this
36 section shall set forth a certification by the integrated pest
37 management coordinator that the notice and posting requirements for
38 the application of a pesticide established pursuant to section 7 and
39 section 8 of this act, or the posting requirement established pursuant
40 to section 10 of this act, as appropriate, have been complied with.
41 Upon being presented by a commercial pesticide applicator with a
42 form pursuant to this section, the signature of the integrated pest
43 management coordinator shall be required as a condition for the
44 application of the pesticide.

45

46 14. a. The Department of Environmental Protection may issue an

1 administrative order against a local school board, the board of trustees
2 of a charter school, or a principal or chief administrator of a private
3 school that fails to adopt and implement a pesticide use and school
4 integrated pest management policy in compliance with the provisions
5 of this act. Upon identification of a violation of this act, the
6 department shall issue a notice of violation by certified mail or
7 personal service to the person responsible for the violation that
8 identifies the violation and states that an administrative order may be
9 issued requiring compliance with the act. Any notice of violation or
10 administrative order shall (1) specify the provision or provisions of
11 this act, or the rule or regulation adopted pursuant thereto, of which
12 the person is in violation; (2) cite the action that caused the violation;
13 and (3) require compliance with the provision of this act or the rule or
14 regulation adopted pursuant thereto of which the person is in
15 violation. In addition, any administrative order issued pursuant to this
16 section shall give notice to the person of his right to a hearing on the
17 matters contained in the order. The person shall have 20 days from
18 receipt of the order within which to deliver to the commissioner a
19 written request for a hearing. Subsequent to the hearing and upon
20 finding that a violation has occurred, the commissioner may issue a
21 final order. If no hearing is requested, the order shall become a final
22 order upon the expiration of the 20-day period.

23 b. The provisions of section 10 of P.L.1971, c.176 (C.13:1F-10)
24 shall not apply to this act.

25
26 15. The commissioner shall adopt, pursuant to the provisions of the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), such rules or regulations as are necessary to implement the
29 provisions of sections this act.

30
31 16. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill would require the superintendent of the school district, for
37 each school in the district, the board of trustees of a charter school,
38 and the principal or chief administrator of a private school, to adopt
39 and implement a school integrated pest management policy for the
40 school property consistent with a model policy developed by the
41 Department of Environmental Protection in consultation with the
42 Commissioner of Education, the New Jersey School Boards
43 Association, and the New Jersey Cooperative Extension of Rutgers,
44 The State University. The model policy must be based upon integrated
45 pest management plans for schools disseminated by the United States
46 Environmental Protection Agency.

1 Each local school board of a school district, each board of trustees
2 of a charter school, and each principal or chief administrator of a
3 private school, as appropriate, would be required to designate an
4 integrated pest management coordinator to carry out the school
5 integrated pest management policy. The integrated pest management
6 coordinator for a school or school district would be required to
7 maintain information about the school's integrated pest management
8 policy and about pesticide applications on the school property of the
9 school or the schools within the school district, act as a contact for
10 inquiries about the school integrated pest management policy, and
11 maintain material safety data sheets, when available, and labels for all
12 pesticides that are used on the school property of the school or of the
13 schools in the school district.

14 The bill would require that records of pesticide applications used on
15 school property at each school or for each school in the school district
16 be maintained for three years after the application, and for five years
17 after the application of a pesticide designed to control termites. The
18 bill would require that annually, each local school board, each board
19 of trustees of a charter school, or each principal or chief administrator
20 of a private school, as appropriate include a notice of the school
21 integrated pest management policy of the school or school district in
22 school calendars or other forms of universal notification. That notice
23 must include the school integrated pest management policy of the
24 school or school district, a list of any pesticide that is in use or that has
25 been used in the last 12 months on school property, the name, address,
26 and telephone number of the integrated pest management coordinator
27 of the school or school district, a statement that: (a) the integrated
28 pest management coordinator maintains the product label and material
29 safety data sheet, when available, for each pesticide that may be used
30 on school property; (b) the label and data sheet is available for review
31 by a parent, guardian, staff member, or student attending the school;
32 and (c) the integrated pest management coordinator is available to
33 parents, guardians, and staff members for information and comment,
34 the time and place of any meetings that will be held to adopt the
35 school integrated pest management policy; and the following
36 statement:

37 "As part of a school pest management plan, (insert school name)
38 may use pesticides to control pests. The United States Environmental
39 Protection Agency (EPA) and the New Jersey Department of
40 Environmental Protection (DEP) register pesticides to determine that
41 the use of a pesticide in accordance with instructions printed on the
42 label does not pose an unreasonable risk to human health and the
43 environment. Nevertheless, the EPA and DEP cannot guarantee that
44 registered pesticides do not pose any risk to human health, thus
45 unnecessary exposure to pesticides should be avoided. The EPA has
46 issued the statement that where possible, persons who are potentially

1 sensitive, such as pregnant women, infants and children, should avoid
2 unnecessary pesticide exposure."

3 This bill requires that at least 72 hours prior to the use of pesticides
4 on school property, school authorities post signs and provide notice
5 to a parent or guardian of each student enrolled at the school and each
6 staff member of the school. The notice must include the common
7 name, trade name, and federal Environmental Protection Agency
8 registration number of the pesticide, a description of the location of
9 the application of the pesticide, a description of the date and time of
10 application, except that, in the case of outdoor pesticide applications,
11 one notice shall include three dates, in chronological order, on which
12 the outdoor pesticide application may take place if the preceding date
13 is canceled, a statement that The Office of Pesticide Programs of the
14 United States Environmental Protection Agency has stated: 'Where
15 possible, persons who potentially are sensitive, such as pregnant
16 women, infants, and children, should avoid any unnecessary pesticide
17 exposure', a description of potential adverse effects of the pesticide
18 based on the material safety data sheet, if available, of the pesticide,
19 a description of the reasons for the application of the pesticide, the
20 name and telephone number of the integrated pest management
21 coordinator for the school or the school district, and any additional
22 label instruction and precautions related to public safety.

23 If an application of a pesticide is required in response to an
24 emergency, this bill requires that a sign be posted at the time of the
25 pesticide application, and within 24 hours after the application of a
26 pesticide, or on the morning of the next school day, whichever is
27 earlier, notice be provided of the application of the pesticide for
28 emergency pest control that includes the same information listed
29 above, a description of the problem and the factors that qualified the
30 problem as an emergency that threatened the health or safety of a
31 student or staff member, and if necessary, a description of the steps
32 that will be taken in the future to avoid emergency application of a
33 pesticide. In addition, the school would be required to modify the
34 integrated pest management policy to minimize future emergency
35 applications of a pesticide.

36 This bill would prohibit the application of a pesticide, other than a
37 low impact pesticide, in a school building when students are present.
38 Students may not be present in an untreated portion of a school
39 building unless the area being treated with a pesticide is served by a
40 separate ventilation system and is separated from the untreated area by
41 smoke or fire doors. The bill would prohibit the application of a
42 pesticide, other than a low impact pesticide, in a school building when
43 students are expected to be present prior to the time prescribed for re-
44 entry on the pesticide label. If no time is prescribed for re-entry, then
45 a pesticide may not be applied less than seven hours prior to the time
46 students are expected to be present.

1 This bill would authorize the application of a low impact pesticide
2 in areas of a school building where students will not contact treated
3 areas until sufficient time is allowed for the substance to dry or settle,
4 or after the period of time prescribed for re-entry or for ventilation
5 requirements on the pesticide label has elapsed.

6 This bill would provide liability protection to commercial pesticide
7 applicators for damages resulting from the application of a pesticide
8 at a school if the damages are solely due to the failure of the local
9 school board, the board of trustees of a charter school, or the principal
10 or chief administrator of a private school, as appropriate, to provide
11 the notice required prior to the application of a pesticide pursuant to
12 the act.

13 This bill would require the Department of Environmental Protection
14 to develop and make available to commercial pesticide applicators a
15 form which a commercial pesticide applicator may request an
16 integrated pest management coordinator to sign prior to the
17 application of a pesticide, other than a low impact pesticide, on school
18 property. The form must set forth a certification by the integrated pest
19 management coordinator that the notice and posting requirements for
20 the application of a pesticide established pursuant to sections 7 and
21 8 of the act, or the posting requirement established pursuant to section
22 10 of the act, as appropriate, have been complied with. The signature
23 of the integrated pest management coordinator shall be required as a
24 condition for the application of the pesticide.

25 This bill authorizes the Department of Environmental Protection to
26 issue an administrative order against a local school board, the board
27 of trustees of a charter school, or a principal or chief administrator of
28 a private school that fails to adopt and implement a pesticide use and
29 school integrated pest management policy in compliance with the
30 provisions of the act.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2841

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2841.

This bill would require the superintendent of the school district, for each school in the district, the board of trustees of a charter school, and the principal or chief administrator of a private school, to adopt and implement a school integrated pest management policy for the school property consistent with a model policy developed by the Department of Environmental Protection in consultation with the Commissioner of Education, the New Jersey School Boards Association, and the New Jersey Cooperative Extension of Rutgers, The State University. The model policy must be based upon integrated pest management plans for schools disseminated by the United States Environmental Protection Agency.

Each local school board of a school district, each board of trustees of a charter school, and each principal or chief administrator of a private school, as appropriate, would be required to designate an integrated pest management coordinator to carry out the school integrated pest management policy. The integrated pest management coordinator for a school or school district would be required to maintain information about the school's integrated pest management policy and about pesticide applications on the school property of the school or the schools within the school district, act as a contact for inquiries about the school integrated pest management policy, and maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property of the school or of the schools in the school district.

The bill would require that records of pesticide applications used on school property at each school or for each school in the school district be maintained for three years after the application, and for five years after the application of a pesticide designed to control termites. The bill would require that annually, each local school board, each board of trustees of a charter school, or each principal or chief administrator of a private school, as appropriate, include a notice of the school integrated pest management policy of the school or school district in school calendars or other forms of universal notification.

That notice must include the school integrated pest management policy of the school or school district, a list of any pesticide that is in use or that has been used in the last 12 months on school property, the name, address, and telephone number of the integrated pest management coordinator of the school or school district, a statement that: (a) the integrated pest management coordinator maintains the product label and material safety data sheet, when available, for each pesticide that may be used on school property; (b) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and (c) the integrated pest management coordinator is available to parents, guardians, and staff members for information and comment, the time and place of any meetings that will be held to adopt the school integrated pest management policy; and the following statement:

"As part of a school pest management plan, (insert school name) may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

This bill requires that at least 72 hours prior to the use of pesticides on school property, school authorities post signs and provide notice to a parent or guardian of each student enrolled at the school and each staff member of the school. The notice must include the common name, trade name, and federal Environmental Protection Agency registration number of the pesticide, a description of the location of the application of the pesticide, a description of the date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled, a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: 'Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure', a description of potential adverse effects of the pesticide based on the material safety data sheet, if available, of the pesticide, a description of the reasons for the application of the pesticide, the name and telephone number of the integrated pest management coordinator for the school or the school district, and any additional label instruction and precautions related to public safety.

If an application of a pesticide is required in response to an emergency, this bill requires that a sign be posted at the time of the

pesticide application, and within 24 hours after the application of a pesticide, or on the morning of the next school day, whichever is earlier, notice be provided of the application of the pesticide for emergency pest control that includes the same information listed above, a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member, and if necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide. In addition, the school would be required to modify the integrated pest management policy to minimize future emergency applications of a pesticide.

This bill would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are present. Students may not be present in an untreated portion of a school building unless the area being treated with a pesticide is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors. The bill would prohibit the application of a pesticide, other than a low impact pesticide, in a school building when students are expected to be present prior to the time prescribed for re-entry on the pesticide label. If no time is prescribed for re-entry, then a pesticide may not be applied less than seven hours prior to the time students are expected to be present.

This bill would authorize the application of a low impact pesticide in areas of a school building where students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

This bill would provide liability protection to commercial pesticide applicators for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the local school board, the board of trustees of a charter school, or the principal or chief administrator of a private school, as appropriate, to provide the notice required prior to the application of a pesticide pursuant to the act.

This bill would require the Department of Environmental Protection to develop and make available to commercial pesticide applicators a form which a commercial pesticide applicator may request an integrated pest management coordinator to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form must set forth a certification by the integrated pest management coordinator that the notice and posting requirements for the application of a pesticide established pursuant to sections 7 and 8 of the act, or the posting requirement established pursuant to section 10 of the act, as appropriate, have been complied with. The signature of the integrated pest management coordinator shall be required as a condition for the application of the pesticide.

This bill authorizes the Department of Environmental Protection to issue an administrative order against a local school board, the board

of trustees of a charter school, or a principal or chief administrator of a private school that fails to adopt and implement a pesticide use and school integrated pest management policy in compliance with the provisions of the act.

As reported by the committee, this bill is identical to Senate Bill No. 137 (SCS) as also reported by the committee.

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Press Releases

PO BOX 004
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Contact: Kevin Davitt
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RELEASE: December 12, 2002

[Previous Screen](#)

Governor McGreevey Signs Bill to Improve Public Health in Schools

Signs Bill Requiring the Implementation of Integrated Pest Management policies

(TRENTON) – To make New Jersey’s schools healthier and more environmentally friendly, Governor James E. McGreevey today signed legislation, Senate Bill 137, requiring the implementation of Integrated Pest Management (IPM) policies at public, private, and charter school properties throughout the State.

“Our children and our educators spend upwards of six hours every day in school,” said Governor McGreevey, “and we have a fundamental responsibility to ensure that New Jersey’s school facilities are clean and safe. Not only are we taking steps to meet that responsibility, but we are doing so in a way that is sensitive to environmental considerations.”

"Insects and pests in our schools pose a severe health hazard," said Assembly Majority Leader Joseph Roberts. "The extermination, however, is sometimes more dangerous to children than the infestation. A systematic IPM approach to ridding our schools of vermin will solve the problem while keeping kids safe."

AThis law combines education, safety and pest control to achieve a common good,@ Senator Barbara Buono said. AOur children will be kept safe under pest control programs which are fully explained to students and parents alike.Alternatives to spraying are a fundamental part of any integrated pest management program. If spraying ultimately is deemed necessary, this law provides a solid framework for informing the community and assuring that all necessary precautions are taken.@

"The majority of high-impact pesticides are highly toxic chemicals that can make kids sick if inhaled or ingested," said Assemblymember Linda Stender. "The notification of parents and staff allows for the option of avoiding harmful products."

“Chemical pesticides are often used and over-used within our schools, and throughout school property,” said Senator John Matheussen. “The dangers of long-term environmental exposure to these chemicals can have a devastating effect on our children’s health. This bill will help protect our children’s lives.”

Senate Bill 137 requires the superintendent of each school district, the board of trustees of charter schools, and the principal or chief administrator of private schools to adopt and implement a school integrated pest management (IPM) policy for each school property.

The policy developed for each school must be consistent with a model developed by the Department of Environmental Protection in consultation with the Commissioner of Education, the New Jersey School Boards Association, and the New Jersey Cooperative Extension Service of Rutgers. The model policy must be based upon integrated pest management plans for schools developed by the United States Environmental Protection Agency.

Each school will be required to designate a coordinator to maintain information about pesticide applications on the school property, act as a contact for inquiries about the school's IPM, and maintain material safety data sheets and labels for all pesticides that are used on the school property.

The bill authorizes the Department of Environmental Protection to issue an administrative order against a local school board, the board of trustees of a charter school, or a principal or chief administrator of a private school that fails to comply with the provisions of the act.

The Sponsors of Senate Bill 137 are Senators Barbara Buono (D-Middlesex) and John Matheussen (R-Camden/Gloucester). The bill's Co-Sponsors are Senators Gary Furnari (D-Bergen/Essex/Passaic), Joseph Palaia (R-Monmouth), Diane Allen (R-Burlington/Camden) and Peter Inverso (R-Mercer/Middlesex).

Senate Bill 137 was substituted for Assembly Bill 2841, which is sponsored by Assemblymembers Joseph Roberts (D-Camden/Gloucester), Linda Stender (D-Middlesex/Somerset/Union) and Albio Sires (D-Hudson). Assembly Bill 2481 is co-sponsored by Assemblymembers Larry Chatzidakis (R-Atlantic/ Burlington/Camden), Linda Greenstein (D-Mercer/ Middlesex), Reed Gusciora (D-Mercer) and Jeff Van Drew (D-Cape May/ Atlantic/Cumberland).



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