

110TH CONGRESS  
1ST SESSION

# H. R. 3290

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2007

Mr. HOLT introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Environment  
5 Protection Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in 1992, the National Parent Teacher Asso-  
4 ciation passed a resolution calling for the reduced  
5 use of pesticides in schools and calling on policy-  
6 makers to consider all possible alternatives before  
7 using any pesticides;

8 (2) the National Education Association and  
9 many other national public interest organizations  
10 have announced support for reducing or eliminating  
11 pesticide use in schools;

12 (3) childhood cancer is continuing to increase at  
13 the alarming rate of 1 percent per year;

14 (4) the overall incidence of childhood cancer in-  
15 creased 27 percent between 1991 and 2002, making  
16 cancer the leading cause of childhood death from  
17 disease;

18 (5) approximately 6,500,000 (or nearly 9 per-  
19 cent of) children in the United States under the age  
20 of 18 have asthma, the most common chronic illness  
21 in children, double the percentage who were reported  
22 to have the illness in 1980, and the incidence of  
23 asthma continues to rise;

24 (6) children are more susceptible to hazardous  
25 impacts from pesticides than are adults;

1           (7) numerous scientific studies have linked both  
2 cancer and asthma to pesticide exposure;

3           (8) the Environmental Protection Agency has  
4 recommended the use of an integrated pest manage-  
5 ment system by local educational agencies, which  
6 emphasizes nonchemical ways of reducing pests,  
7 such as sanitation and maintenance;

8           (9) integrated pest management—

9           (A) promotes nonchemical methods of pest  
10 prevention and management using least toxic  
11 pesticides after all other methods have been ex-  
12 hausted; and

13           (B) requires a notification process by  
14 which each student, parent, guardian, staff  
15 member, and teacher shall be notified of a pes-  
16 ticide application;

17           (10) parents and guardians have a right to  
18 know that there is an integrated pest management  
19 system in their children’s schools;

20           (11) an integrated pest management system  
21 provides long-term health and economic benefits;  
22 and

23           (12) parents and guardians wish to and have a  
24 right to be notified in advance of any use of a pes-  
25 ticide in their children’s schools.

1 **SEC. 3. INTEGRATED PEST MANAGEMENT SYSTEMS FOR**  
2 **SCHOOLS.**

3 The Federal Insecticide, Fungicide, and Rodenticide  
4 Act is amended—

5 (1) by redesignating sections 34 and 35 (7  
6 U.S.C. 136x, 136y) as sections 35 and 36, respec-  
7 tively; and

8 (2) by inserting after section 33 (7 U.S.C.  
9 136w–8) the following:

10 **“SEC. 34. INTEGRATED PEST MANAGEMENT SYSTEMS FOR**  
11 **SCHOOLS.**

12 “(a) **DEFINITIONS.**—In this section:

13 “(1) **BOARD.**—The term ‘Board’ means the Na-  
14 tional School Integrated Pest Management Advisory  
15 Board established under subsection (c).

16 “(2) **CONTACT PERSON.**—The term ‘contact  
17 person’ means an individual who is—

18 “(A) knowledgeable about integrated pest  
19 management systems; and

20 “(B) designated by a local educational  
21 agency as the contact person under subsection  
22 (f).

23 “(3) **CRACK AND CREVICE TREATMENT.**—The  
24 term ‘crack and crevice treatment’ means the appli-  
25 cation of small quantities of a pesticide in a building  
26 into openings such as those commonly found at ex-

1       pansion joints, between levels of construction, and  
2       between equipment and floors.

3               “(4) EMERGENCY.—The term ‘emergency’  
4       means an urgent need to mitigate or eliminate a  
5       pest that threatens the health or safety of a student  
6       or staff member.

7               “(5) FUND.—The term ‘Fund’ means the Inte-  
8       grated Pest Management Trust Fund established  
9       under subsection (l).

10              “(6) INTEGRATED PEST MANAGEMENT SYS-  
11       TEM.—The term ‘integrated pest management sys-  
12       tem’ means a managed pest control system that—

13                      “(A) eliminates or mitigates economic and  
14       health damage caused by pests;

15                      “(B) uses—

16                              “(i) integrated methods;

17                              “(ii) site or pest inspections;

18                              “(iii) pest population monitoring;

19                              “(iv) an evaluation of the need for  
20       pest control; and

21                              “(v) 1 or more pest control methods,  
22       including sanitation, structural repair, me-  
23       chanical and biological controls, other non-  
24       chemical methods, and (if nontoxic options

1 have been exhausted) least toxic pesticides;

2 and

3 “(C) minimizes—

4 “(i) the use of pesticides; and

5 “(ii) the risk to human health and the  
6 environment associated with pesticide ap-  
7 plications.

8 “(7) LEAST TOXIC PESTICIDES.—

9 “(A) IN GENERAL.—The term ‘least toxic  
10 pesticides’ means—

11 “(i) boric acid and disodium  
12 octoborate tetrahydrate;

13 “(ii) silica gels;

14 “(iii) diatomaceous earth;

15 “(iv) nonvolatile insect and rodent  
16 baits in tamper resistant containers or for  
17 crack and crevice treatment only;

18 “(v) microbe-based insecticides;

19 “(vi) botanical insecticides (not in-  
20 cluding synthetic pyrethroids) without toxic  
21 synergists;

22 “(vii) biological, living control agents;

23 and

24 “(viii) materials for which the inert  
25 ingredients are nontoxic and disclosed.

1           “(B) EXCLUSIONS.—The term ‘least toxic  
2 pesticides’ does not include a pesticide that is  
3 determined by the Administrator to be an  
4 acutely or moderately toxic pesticide, car-  
5 cinogen, mutagen, teratogen, reproductive toxin,  
6 developmental neurotoxin, endocrine disrupter,  
7 or immune system toxin, and any application of  
8 the pesticide using a broadcast spray, dust,  
9 tenting, fogging, or baseboard spray applica-  
10 tion.

11           “(8) LIST.—The term ‘list’ means the list of  
12 least toxic pesticides established under subsection  
13 (d).

14           “(9) LOCAL EDUCATIONAL AGENCY.—The term  
15 ‘local educational agency’ has the meaning given the  
16 term in section 9101 of the Elementary and Sec-  
17 ondary Education Act of 1965.

18           “(10) PERSON.—The term ‘person’ means—

19           “(A) an individual that attends, has chil-  
20 dren enrolled in, works at, or uses a school;

21           “(B) a resident of a school district; and

22           “(C) any other individual that may be af-  
23 fected by pest management activities of a  
24 school.

1           “(11) OFFICIAL.—The term ‘official’ means the  
2 official appointed by the Administrator under sub-  
3 section (e).

4           “(12) PESTICIDE.—

5           “(A) IN GENERAL.—The term ‘pesticide’  
6 means any substance or mixture of substances,  
7 including herbicides and bait stations, intended  
8 for—

9                   “(i) preventing, destroying, repelling,  
10 or mitigating any pest;

11                   “(ii) use as a plant regulator, defo-  
12 liant, or desiccant; or

13                   “(iii) use as a spray adjuvant such as  
14 a wetting agent or adhesive.

15           “(B) EXCLUSION.—The term ‘pesticide’  
16 does not include antimicrobial agents (other  
17 than triclosan) such as disinfectants or deodor-  
18 izers used for cleaning products.

19           “(13) SCHOOL.—The term ‘school’ means a  
20 school that—

21                   “(A) is a public school or is receiving Fed-  
22 eral funding; and

23                   “(B) is—

1                   “(i) an elementary school (as defined  
2                   in section 9101 of the Elementary and  
3                   Secondary Education Act of 1965);

4                   “(ii) a secondary school (as defined in  
5                   section 9101 of that Act); or

6                   “(C) a kindergarten or nursery school.

7                   “(14) SCHOOL GROUNDS.—

8                   “(A) IN GENERAL.—The term ‘school  
9                   grounds’ means the area outside of the school  
10                  buildings controlled, managed, or owned by the  
11                  school or school district.

12                  “(B) INCLUSIONS.—The term ‘school  
13                  grounds’ includes a lawn, playground, sports  
14                  field, and any other property or facility con-  
15                  trolled, managed, or owned by a school.

16                  “(15) SPACE SPRAYING.—

17                  “(A) IN GENERAL.—The term ‘space  
18                  spraying’ means application of a pesticide by  
19                  discharge into the air throughout an inside  
20                  area.

21                  “(B) INCLUSION.—The term ‘space spray-  
22                  ing’ includes the application of a pesticide using  
23                  a broadcast spray, dust, tenting, or fogging.

1           “(C) EXCLUSION.—The term ‘space spray-  
2           ing’ does not include crack and crevice treat-  
3           ment.

4           “(16) STAFF MEMBER.—

5           “(A) IN GENERAL.—The term ‘staff mem-  
6           ber’ means an employee of a school or local  
7           educational agency.

8           “(B) INCLUSIONS.—The term ‘staff mem-  
9           ber’ includes an administrator, teacher, and  
10          other person that is regularly employed by a  
11          school or local educational agency.

12          “(C) EXCLUSIONS.—The term ‘staff mem-  
13          ber’ does not include—

14                 “(i) an employee hired by a school,  
15                 local educational agency, or State to apply  
16                 a pesticide; or

17                 “(ii) a person assisting in the applica-  
18                 tion of a pesticide.

19          “(17) STATE EDUCATIONAL AGENCY.—The  
20          term ‘State educational agency’ has the meaning  
21          given the term in section 9101 of the Elementary  
22          and Secondary Education Act of 1965.

23          “(18) UNIVERSAL NOTIFICATION.—The term  
24          ‘universal notification’ means notice provided by a  
25          local educational agency or school to—

1           “(A) all parents or guardians of children  
2           attending the school; and

3           “(B) staff members of the school or local  
4           educational agency.

5           “(b) INTEGRATED PEST MANAGEMENT SYSTEMS.—

6           “(1) IN GENERAL.—The Administrator, in con-  
7           sultation with the Secretary of Education, shall es-  
8           tablish a National School Integrated Pest Manage-  
9           ment Advisory System to develop and update uni-  
10          form standards and criteria for implementing inte-  
11          grated pest management systems in schools.

12          “(2) IMPLEMENTATION.—Not later than 18  
13          months after the date of enactment of this sub-  
14          section, each local educational agency of a school  
15          district shall develop and implement in each of the  
16          schools in the school district an integrated pest man-  
17          agement system that complies with this section.

18          “(3) STATE PROGRAMS.—If, on the date of en-  
19          actment of this section, a State maintains an inte-  
20          grated pest management system that meets the  
21          standards and criteria established under paragraph  
22          (1) (as determined by the Board), a local edu-  
23          cational agency in the State may continue to imple-  
24          ment the system in a school or in the school district  
25          in accordance with paragraph (2).

1           “(4) APPLICATION TO SCHOOLS AND SCHOOL  
2            GROUNDS.—The requirements of this section that  
3            apply to a school, including the requirement to im-  
4            plement an integrated management system, apply to  
5            pesticide application in a school building and on the  
6            school grounds.

7           “(5) APPLICATION OF PESTICIDES WHEN  
8            SCHOOLS IN USE.—A school shall prohibit—

9                   “(A) the application of a pesticide when a  
10                  school or a school ground is occupied or in use;  
11                  or

12                   “(B) the use of an area or room treated by  
13                  a pesticide, other than a least toxic pesticide,  
14                  during the 24-hour period beginning at the end  
15                  of the treatment.

16           “(c) NATIONAL SCHOOL INTEGRATED PEST MAN-  
17            AGEMENT ADVISORY BOARD.—

18                   “(1) IN GENERAL.—The Administrator, in con-  
19                  sultation with the Secretary of Education, shall es-  
20                  tablish a National School Integrated Pest Manage-  
21                  ment Advisory Board to—

22                   “(A) establish uniform standards and cri-  
23                  teria for developing integrated pest manage-  
24                  ment systems and policies in schools;

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

3           “(C) advise the Administrator on any other  
4           aspects of the implementation of this section.

5           “(2) COMPOSITION OF BOARD.—The Board  
6           shall be composed of 12 members and include 1 rep-  
7           resentative from at least 8 of the following groups:

8           “(A) Parents.

9           “(B) Public health care professionals.

10          “(C) Medical professionals.

11          “(D) State integrated pest management  
12          system coordinators.

13          “(E) Independent integrated pest manage-  
14          ment specialists that have carried out school in-  
15          tegrated pest management programs.

16          “(F) Environmental advocacy groups.

17          “(G) Children’s health advocacy groups.

18          “(H) Trade organization for pest control  
19          operators.

20          “(I) Teachers and staff members.

21          “(J) School maintenance staff.

22          “(K) School administrators.

23          “(L) School board members.

24          “(3) APPOINTMENT.—Not later than 180 days  
25          after the date of enactment of this section, the Ad-

1 administrator shall appoint members of the Board  
2 from nominations received from Parent Teacher As-  
3 sociations, school districts, States, and other inter-  
4 ested persons and organizations.

5 “(4) TERM.—

6 “(A) IN GENERAL.—A member of the  
7 Board shall serve for a term of 5 years, except  
8 that the Administrator may shorten the terms  
9 of the original members of the Board in order  
10 to provide for a staggered term of appointment  
11 for all members of the Board.

12 “(B) CONSECUTIVE TERMS.—Subject to  
13 subparagraph (C), a member of the Board shall  
14 not serve consecutive terms unless the term of  
15 the member has been reduced by the Adminis-  
16 trator.

17 “(C) MAXIMUM TERM.—In no event may a  
18 member of the Board serve for more than 6  
19 consecutive years.

20 “(5) MEETINGS.—The Administrator shall con-  
21 vene—

22 “(A) an initial meeting of the Board not  
23 later than 60 days after the appointment of the  
24 members; and

1           “(B) subsequent meetings on a periodic  
2           basis, but not less often than 2 times each year.

3           “(6) COMPENSATION.—A member of the Board  
4           shall serve without compensation, but may be reim-  
5           bursed by the Administrator for expenses (in accord-  
6           ance with section 5703 of title 5, United States  
7           Code) incurred in performing duties as a member of  
8           the Board.

9           “(7) CHAIRPERSON.—The Board shall select a  
10          Chairperson for the Board.

11          “(8) QUORUM.—A majority of the members of  
12          the Board shall constitute a quorum for the purpose  
13          of conducting business.

14          “(9) DECISIVE VOTES.—Two-thirds of the votes  
15          cast at a meeting of the Board at which a quorum  
16          is present shall be decisive for any motion.

17          “(10) ADMINISTRATION.—The Administrator—

18                 “(A) shall—

19                         “(i) authorize the Board to hire a  
20                         staff director; and

21                         “(ii) detail staff of the Environmental  
22                         Protection Agency, or allow for the hiring  
23                         of staff for the Board; and

24                         “(B) subject to the availability of appro-  
25                         priations, may pay necessary expenses incurred

1 by the Board in carrying out this subtitle, as  
2 determined appropriate by the Administrator.

3 “(11) RESPONSIBILITIES OF THE BOARD.—

4 “(A) IN GENERAL.—The Board shall pro-  
5 vide recommendations to the Administrator re-  
6 garding the implementation of this section.

7 “(B) LIST OF LEAST TOXIC PESTICIDES.—  
8 Not later than 1 year after the initial meeting  
9 of the Board, the Board shall—

10 “(i) review implementation of this sec-  
11 tion (including use of least toxic pes-  
12 ticides); and

13 “(ii) review and make recommenda-  
14 tions to the Administrator with respect to  
15 new proposed active and inert ingredients  
16 or proposed amendments to the list in ac-  
17 cordance with subsection (d).

18 “(C) TECHNICAL ADVISORY PANELS.—

19 “(i) IN GENERAL.—The Board shall  
20 convene technical advisory panels to pro-  
21 vide scientific evaluations of the materials  
22 considered for inclusion on the list.

23 “(ii) COMPOSITION.—A panel de-  
24 scribed in clause (i) shall include experts  
25 on integrated pest management, children’s

1 health, entomology, health sciences, and  
2 other relevant disciplines.

3 “(D) SPECIAL REVIEW.—

4 “(i) IN GENERAL.—Not later than 2  
5 years after the initial meeting of the  
6 Board, the Board shall review, with the as-  
7 sistance of a technical advisory panel, pes-  
8 ticides used in school buildings and on  
9 school grounds for their acute toxicity and  
10 chronic effects, including cancer,  
11 mutations, birth defects, reproductive dys-  
12 function, neurological and immune system  
13 effects, and endocrine system disruption.

14 “(ii) DETERMINATION.—The Board—

15 “(I) shall determine whether the  
16 use of pesticides described in clause  
17 (i) may cause adverse effects to the  
18 health of children, such as asthma,  
19 childhood cancer, learning disabilities,  
20 and other ailments; and

21 “(II) may recommend to the Ad-  
22 ministrator restrictions on pesticide  
23 use in school buildings and on school  
24 grounds.

1           “(12) REQUIREMENTS.—In establishing the  
2 proposed list, the Board shall—

3           “(A) review available information from the  
4 Environmental Protection Agency, the National  
5 Institute of Environmental Health Studies,  
6 medical and scientific literature, and such other  
7 sources as appropriate, concerning the potential  
8 for adverse human and environmental effects of  
9 substances considered for inclusion in the pro-  
10 posed list; and

11           “(B) cooperate with manufacturers of sub-  
12 stances considered for inclusion in the proposed  
13 list to obtain a complete list of ingredients and  
14 determine that such substances contain inert  
15 ingredients that are generally recognized as  
16 safe.

17           “(13) PETITIONS.—The Board shall establish  
18 procedures under which individuals may petition the  
19 Board for the purpose of evaluating substances for  
20 inclusion on the list.

21           “(14) PERIODIC REVIEW.—

22           “(A) IN GENERAL.—The Board shall re-  
23 view each substance included on the list at least  
24 once during each 5-year period beginning on—

1                   “(i) the date that the substance was  
2                   initially included on the list; or

3                   “(ii) the date of the last review of the  
4                   substance under this subsection.

5                   “(B) SUBMISSION TO ADMINISTRATOR.—

6                   The Board shall submit the results of a review  
7                   under subparagraph (A) to the Administrator  
8                   with a recommendation as to whether the sub-  
9                   stance should continue to be included on the  
10                  list.

11                  “(15) CONFIDENTIALITY.—Any business sen-  
12                  sitive material obtained by the Board in carrying out  
13                  this section shall be treated as confidential business  
14                  information by the Board and shall not be released  
15                  to the public.

16                  “(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE  
17                  REVIEW.—

18                  “(1) IN GENERAL.—The Board shall rec-  
19                  ommend to the Administrator a list of least toxic  
20                  pesticides (including the pesticides described in sub-  
21                  section (a)(7)) that may be used as least toxic pes-  
22                  ticides, any restrictions on the use of the listed pes-  
23                  ticides, and any recommendations regarding restric-  
24                  tions on all other pesticides, in accordance with this  
25                  section.

1           “(2) PROCEDURE FOR EVALUATING PESTICIDE  
2           USE.—

3           “(A) LIST OF LEAST TOXIC PESTICIDES.—

4                   “(i) IN GENERAL.—The Administrator  
5                   shall establish a list of least toxic pes-  
6                   ticides that may be used in school build-  
7                   ings and on school grounds, including any  
8                   restrictions on the use of the pesticides,  
9                   that is based on the list prepared by the  
10                  Board.

11                   “(ii) REGULATORY REVIEW.—The Ad-  
12                   ministrator shall initiate regulatory review  
13                   of all other pesticides recommended for re-  
14                   striction by the Board.

15                  “(B) RECOMMENDATIONS.—Not later than  
16                  1 year after receiving the proposed list and re-  
17                  strictions, and recommended restrictions on all  
18                  other pesticides from the Board, the Adminis-  
19                  trator shall—

20                   “(i) publish the proposed list and re-  
21                   strictions and all other proposed pesticide  
22                   restrictions in the Federal Register and  
23                   seek public comment on the proposed pro-  
24                   posals; and

1           “(ii) after evaluating all comments re-  
2           ceived concerning the proposed list and re-  
3           strictions, but not later than 1 year after  
4           the close of the period during which public  
5           comments are accepted, publish the final  
6           list and restrictions in the Federal Reg-  
7           ister, together with a discussion of com-  
8           ments received.

9           “(C) FINDINGS.—Not later than 2 years  
10          after publication of the final list and restric-  
11          tions, the Administrator shall make a deter-  
12          mination and issue findings on whether use of  
13          registered pesticides in school buildings and on  
14          school grounds may cause adverse effects to the  
15          health of children.

16          “(D) NOTICE AND COMMENT.—

17                 “(i) IN GENERAL.—Prior to estab-  
18                 lishing or making amendments to the list,  
19                 the Administrator shall publish the pro-  
20                 posed list or any proposed amendments to  
21                 the list in the Federal Register and seek  
22                 public comment on the proposals.

23                 “(ii) RECOMMENDATIONS.—The Ad-  
24                 ministrator shall include in any publication  
25                 described in clause (i) any changes or

1 amendments to the proposed list that are  
2 recommended to and by the Administrator.

3 “(E) PUBLICATION OF LIST.—After evalu-  
4 ating all comments received concerning the pro-  
5 posed list or proposed amendments to the list,  
6 the Administrator shall publish the final list in  
7 the Federal Register, together with a descrip-  
8 tion of comments received.

9 “(e) OFFICE OF PESTICIDE PROGRAMS.—

10 “(1) ESTABLISHMENT.—The Administrator  
11 shall appoint an official for school pest management  
12 within the Office of Pesticide Programs of the Envi-  
13 ronmental Protection Agency to coordinate the de-  
14 velopment and implementation of integrated pest  
15 management systems in schools.

16 “(2) DUTIES.—The official shall—

17 “(A) coordinate the development of school  
18 integrated pest management systems and poli-  
19 cies;

20 “(B) consult with schools concerning—

21 “(i) issues related to the integrated  
22 pest management systems of schools;

23 “(ii) the use of least toxic pesticides;  
24 and

1           “(iii) the registration of pesticides,  
2           and amendments to the registrations, as  
3           the registrations and amendments relate to  
4           the use of integrated pest management  
5           systems in schools; and

6           “(C) support and provide technical assist-  
7           ance to the Board.

8           “(f) CONTACT PERSON.—

9           “(1) IN GENERAL.—Each local educational  
10          agency of a school district shall designate a contact  
11          person for carrying out an integrated pest manage-  
12          ment system in schools in the school district.

13          “(2) DUTIES.—The contact person of a school  
14          district shall—

15               “(A) maintain information about pesticide  
16               applications inside and outside schools within  
17               the school district, in school buildings, and on  
18               school grounds;

19               “(B) act as a contact for inquiries about  
20               the integrated pest management system;

21               “(C) maintain material safety data sheets  
22               and labels for all pesticides that may be used in  
23               the school district;

1           “(D) be informed of Federal and State  
2 chemical health and safety information and con-  
3 tact information;

4           “(E) maintain scheduling of all pesticide  
5 usage for schools in the school district;

6           “(F) maintain contact with Federal and  
7 State integrated pest management system ex-  
8 perts; and

9           “(G) obtain periodic updates and training  
10 from State integrated pest management system  
11 experts.

12           “(3) PESTICIDE USE DATA.—A local edu-  
13 cational agency of a school district shall—

14           “(A) maintain all pesticide use data for  
15 each school in the school district; and

16           “(B) on request, make the data available  
17 to the public for review.

18           “(g) NOTICE OF INTEGRATED PEST MANAGEMENT  
19 SYSTEM.—

20           “(1) IN GENERAL.—At the beginning of each  
21 school year, each local educational agency or school  
22 of a school district shall include a notice of the inte-  
23 grated pest management system of the school dis-  
24 trict in school calendars or other forms of universal  
25 notification.

1           “(2) CONTENTS.—The notice shall include a de-  
2       scription of—

3           “(A) the integrated pest management sys-  
4       tem of the school district;

5           “(B) any pesticide (including any least  
6       toxic pesticide) or bait station that may be used  
7       in a school building or on a school ground as  
8       part of the integrated pest management system;

9           “(C) the name, address, and telephone  
10       number of the contact person of the school dis-  
11       trict;

12          “(D) a statement that—

13           “(i) the contact person maintains the  
14       product label and material safety data  
15       sheet of each pesticide (including each  
16       least toxic pesticide) and bait station that  
17       may be used by a school in buildings or on  
18       school grounds;

19           “(ii) the label and data sheet is avail-  
20       able for review by a parent, guardian, staff  
21       member, or student attending the school;  
22       and

23           “(iii) the contact person is available to  
24       parents, guardians, and staff members for  
25       information and comment; and

1           “(E) the time and place of any meetings  
2           that will be held under subsection (i)(1).

3           “(3) USE OF PESTICIDES.—A local educational  
4           agency or school may use a pesticide during a school  
5           year only if the use of the pesticide has been dis-  
6           closed in the notice required under paragraph (1) at  
7           the beginning of the school year.

8           “(4) NEW EMPLOYEES AND STUDENTS.—After  
9           the beginning of each school year, a local educational  
10          agency or school of a school district shall provide the  
11          notice required under this subsection to—

12                 “(A) each new staff member who is em-  
13                 ployed during the school year; and

14                 “(B) the parent or guardian of each new  
15                 student enrolled during the school year.

16          “(h) USE OF PESTICIDES.—

17                 “(1) IN GENERAL.—If a local educational agen-  
18                 cy or school determines that a pest in the school or  
19                 on school grounds cannot be controlled after having  
20                 used the integrated pest management system of the  
21                 school or school district and least toxic pesticides,  
22                 the school may use a pesticide (other than space  
23                 spraying of the pesticide) to control the pest in ac-  
24                 cordance with this subsection.

1           “(2) PRIOR NOTIFICATION OF PARENTS,  
2           GUARDIANS, AND STAFF MEMBERS.—

3           “(A) IN GENERAL.—Subject to paragraphs  
4           (4) and (5), not less than 72 hours before a  
5           pesticide (other than a least toxic pesticide) is  
6           used by a school, the school shall provide to a  
7           parent or guardian of each student enrolled at  
8           the school and each staff member of the school,  
9           notice that includes—

10           “(i) the common name, trade name,  
11           and Environmental Protection Agency reg-  
12           istration number of the pesticide;

13           “(ii) a description of the location of  
14           the application of the pesticide;

15           “(iii) a description of the date and  
16           time of application, except that, in the case  
17           of outdoor pesticide applications, 1 notice  
18           shall include 3 dates, in chronological  
19           order, that the outdoor pesticide applica-  
20           tions may take place if the preceding date  
21           is canceled;

22           “(iv) a statement that The Office of  
23           Pesticide Programs of the United States  
24           Environmental Protection Agency has stat-  
25           ed: ‘Where possible, persons who poten-

1 tially are sensitive, such as pregnant  
2 women and infants (less than 2 years old),  
3 should avoid any unnecessary pesticide ex-  
4 posure.’;

5 “(v) a description of potential adverse  
6 effects of the pesticide based on the mate-  
7 rial safety data sheet of the pesticide;

8 “(vi) a description of the reasons for  
9 the application of the pesticide;

10 “(vii) the name and telephone number  
11 of the contact person of the school district;  
12 and

13 “(viii) any additional warning infor-  
14 mation related to the pesticide.

15 “(B) METHOD OF NOTIFICATION.—The  
16 school may provide the notice required by sub-  
17 paragraph (A) by—

18 “(i) written notice sent home with the  
19 student and provided to the staff member;

20 “(ii) a telephone call;

21 “(iii) direct contact; or

22 “(iv) written notice mailed at least 1  
23 week before the application.

24 “(C) REISSUANCE.—If the date of the ap-  
25 plication of the pesticide needs to be extended

1 beyond the period required for notice under this  
2 paragraph, the school shall reissue the notice  
3 under this paragraph for the new date of appli-  
4 cation.

5 “(3) POSTING OF SIGNS.—

6 “(A) IN GENERAL.—Subject to paragraphs  
7 (4) and (5), at least 72 hours before a pesticide  
8 (other than a least toxic pesticide) is used by a  
9 school, the school shall post a sign that provides  
10 notice of the application of the pesticide—

11 “(i) in a prominent place that is in or  
12 adjacent to the location to be treated; and

13 “(ii) at each entrance to the building  
14 or school ground to be treated.

15 “(B) ADMINISTRATION.—A sign required  
16 under subparagraph (A) for the application of  
17 a pesticide shall—

18 “(i) remain posted for at least 72  
19 hours after the end of the treatment;

20 “(ii) be at least 8½ inches by 11  
21 inches; and

22 “(iii) state the same information as  
23 that required for prior notification of the  
24 application under paragraph (2).

1                   “(C) OUTDOOR PESTICIDE APPLICA-  
2 TIONS.—

3                   “(i) IN GENERAL.—In the case of out-  
4 door pesticide applications, each sign shall  
5 include 3 dates, in chronological order,  
6 that the outdoor pesticide application may  
7 take place if the preceding date is canceled  
8 due to weather.

9                   “(ii) DURATION OF POSTING.—A sign  
10 described in clause (i) shall be posted after  
11 an outdoor pesticide application in accord-  
12 ance with subparagraph (B).

13                   “(4) ADMINISTRATION.—

14                   “(A) APPLICATORS.—Paragraphs (2) and  
15 (3) shall apply to any person that applies a pes-  
16 ticide in a school or on a school ground, includ-  
17 ing a custodian, staff member, or commercial  
18 applicator.

19                   “(B) TIME OF YEAR.—Paragraphs (2) and  
20 (3) shall apply to a school—

21                   “(i) during the school year; and

22                   “(ii) during holidays and the summer  
23 months, if the school is in use, with notice  
24 provided to all staff members and the par-

1           ents or guardians of the students that are  
2           using the school in an authorized manner.

3           “(5) EMERGENCIES.—

4           “(A) IN GENERAL.—A school may apply a  
5           pesticide (other than a least toxic pesticide) in  
6           the school or on school grounds without com-  
7           plying with paragraphs (2) and (3) in an emer-  
8           gency, subject to subparagraph (B).

9           “(B) SUBSEQUENT NOTIFICATION OF PAR-  
10          ENTS, GUARDIANS, AND STAFF MEMBERS.—Not  
11          later than the earlier of the time that is 24  
12          hours after a school applies a pesticide under  
13          this paragraph or on the morning of the next  
14          school day, the school shall provide to each par-  
15          ent or guardian of a student enrolled at the  
16          school, and staff member of the school, notice  
17          of the application of the pesticide for emergency  
18          pest control that includes—

19                 “(i) the information required for a no-  
20                 tice under paragraph (2)(A);

21                 “(ii) a description of the problem and  
22                 the factors that qualified the problem as  
23                 an emergency that threatened the health or  
24                 safety of a student or staff member; and

1           “(iii) a description of the steps the  
2           school will take in the future to avoid  
3           emergency application of a pesticide under  
4           this paragraph.

5           “(C) METHOD OF NOTIFICATION.—The  
6           school may provide the notice required by sub-  
7           paragraph (B) by—

8                   “(i) written notice sent home with the  
9                   student and provided to the staff member;

10                   “(ii) a telephone call; or

11                   “(iii) direct contact.

12           “(D) POSTING OF SIGNS.—A school apply-  
13           ing a pesticide under this paragraph shall post  
14           a sign warning of the pesticide application in  
15           accordance with paragraph (3).

16           “(E) MODIFICATION OF INTEGRATED PEST  
17           MANAGEMENT PLANS.—If a school in a school  
18           district applies a pesticide under this para-  
19           graph, the local educational agency of the  
20           school district shall modify the integrated pest  
21           management plan of the school district to mini-  
22           mize the future applications of pesticides under  
23           this paragraph.

1           “(6) DRIFT OF PESTICIDES ONTO SCHOOL  
2 GROUND.—Each local educational agency, State pes-  
3 ticide lead agency, and the Administrator shall—

4           “(A) identify sources of pesticides that  
5 drift from treated land to school grounds of the  
6 educational agency; and

7           “(B) take steps necessary to create an in-  
8 door and outdoor school environment that are  
9 protected from pesticides described in subpara-  
10 graph (A).

11       “(i) MEETINGS.—

12           “(1) IN GENERAL.—Before the beginning of a  
13 school year, at the beginning of each new calendar  
14 year, and at a regularly scheduled meeting of a  
15 school board, each local educational agency shall  
16 provide an opportunity for the contact person des-  
17 ignated under subsection (f) to receive and address  
18 public comments regarding the integrated pest man-  
19 agement system of the school district.

20           “(2) EMERGENCY MEETINGS.—An emergency  
21 meeting of a school board to address a pesticide ap-  
22 plication may be called under locally appropriate  
23 procedures for convening emergency meetings.

24       “(j) INVESTIGATIONS AND ORDERS.—

1           “(1) IN GENERAL.—Not later than 60 days  
2 after receiving a complaint of a violation of this sec-  
3 tion, the Administrator shall—

4           “(A) conduct an investigation of the com-  
5 plaint;

6           “(B) determine whether it is reasonable to  
7 believe the complaint has merit; and

8           “(C) notify the complainant and the per-  
9 son alleged to have committed the violation of  
10 the findings of the Administrator.

11           “(2) PRELIMINARY ORDER.—If the Adminis-  
12 trator determines it is reasonable to believe a viola-  
13 tion occurred, the Administrator shall issue a pre-  
14 liminary order (that includes findings) to impose the  
15 penalty described in subsection (k).

16           “(3) OBJECTIONS TO PRELIMINARY ORDER.—

17           “(A) IN GENERAL.—Not later than 30  
18 days after the preliminary order is issued under  
19 paragraph (2), the complainant and the person  
20 alleged to have committed the violation may—

21           “(i) file objections to the preliminary  
22 order (including findings); and

23           “(ii) request a hearing on the record.

24           “(B) FINAL ORDER.—If a hearing is not  
25 requested within 30 days after the preliminary

1 order is issued, the preliminary order shall be  
2 final and not subject to judicial review.

3 “(4) HEARING.—A hearing under this sub-  
4 section shall be conducted expeditiously.

5 “(5) FINAL ORDER.—Not later than 120 days  
6 after the end of the hearing, the Administrator shall  
7 issue a final order.

8 “(6) SETTLEMENT AGREEMENT.—Before the  
9 final order is issued, the proceeding may be termi-  
10 nated by a settlement agreement, which shall remain  
11 open, entered into by the Administrator, the com-  
12 plainant, and the person alleged to have committed  
13 the violation.

14 “(7) COSTS.—

15 “(A) IN GENERAL.—If the Administrator  
16 issues a final order against a school or school  
17 district for violation of this section and the  
18 complainant requests, the Administrator may  
19 assess against the person against whom the  
20 order is issued the costs (including attorney’s  
21 fees) reasonably incurred by the complainant in  
22 bringing the complaint.

23 “(B) AMOUNT.—The Administrator shall  
24 determine the amount of the costs that were  
25 reasonably incurred by the complainant.

1           “(8) JUDICIAL REVIEW AND VENUE.—

2                   “(A) IN GENERAL.—A person adversely af-  
3           fected by an order issued after a hearing under  
4           this subsection may file a petition for review  
5           not later than 60 days after the date that the  
6           order is issued, in a district court of the United  
7           States or other United States court for any dis-  
8           trict in which a local educational agency or  
9           school is found, resides, or transacts business.

10                   “(B) TIMING.—The review shall be heard  
11           and decided expeditiously.

12                   “(C) COLLATERAL REVIEW.—An order of  
13           the Administrator subject to review under this  
14           paragraph shall not be subject to judicial review  
15           in a criminal or other civil proceeding.

16           “(k) CIVIL PENALTY.—

17                   “(1) IN GENERAL.—Any local educational agen-  
18           cy, school, or person that violates this section may  
19           be assessed a civil penalty by the Administrator  
20           under subsections (h) and (i), respectively, of not  
21           more than \$10,000 for each offense.

22                   “(2) TRANSFER TO TRUST FUND.—Except as  
23           provided in subsection (i)(4)(B), civil penalties col-  
24           lected under paragraph (1) shall be deposited in the  
25           Fund.

1       “(1) INTEGRATED PEST MANAGEMENT TRUST  
2 FUND.—

3           “(1) ESTABLISHMENT.—There is established in  
4 the Treasury of the United States a trust fund to  
5 be known as the ‘Integrated Pest Management  
6 Trust Fund’, consisting of—

7           “(A) amounts deposited in the Fund under  
8 subsection (k)(2);

9           “(B) amounts transferred to the Secretary  
10 of the Treasury for deposit into the Fund under  
11 paragraph (5); and

12           “(C) any interest earned on investment of  
13 amounts in the Fund under paragraph (3).

14       “(2) EXPENDITURES FROM FUND.—

15           “(A) IN GENERAL.—Subject to subpara-  
16 graph (B), on request by the Administrator, the  
17 Secretary of the Treasury shall transfer from  
18 the Fund to the Administrator, without further  
19 appropriation, such amounts as the Secretary  
20 determines are necessary to provide funds to  
21 each State educational agency of a State, in  
22 proportion to the amount of civil penalties col-  
23 lected in the State under subsection (k)(1), to  
24 carry out education, training, propagation, and  
25 development activities under integrated pest

1 management systems of schools in the State to  
2 remedy the harmful effects of actions taken by  
3 the persons that paid the civil penalties.

4 “(B) ADMINISTRATIVE EXPENSES.—An  
5 amount not to exceed 6 percent of the amounts  
6 in the Fund shall be available for each fiscal  
7 year to pay the administrative expenses nec-  
8 essary to carry out this subsection.

9 “(3) INVESTMENT OF AMOUNTS.—

10 “(A) IN GENERAL.—The Secretary of the  
11 Treasury shall invest such portion of the Fund  
12 as is not, in the judgment of the Secretary of  
13 the Treasury, required to meet current with-  
14 drawals. Investments may be made only in in-  
15 terest-bearing obligations of the United States.

16 “(B) ACQUISITION OF OBLIGATIONS.—For  
17 the purpose of investments under subparagraph  
18 (A), obligations may be acquired—

19 “(i) on original issue at the issue  
20 price; or

21 “(ii) by purchase of outstanding obli-  
22 gations at the market price.

23 “(C) SALE OF OBLIGATIONS.—Any obliga-  
24 tion acquired by the Fund may be sold by the  
25 Secretary of the Treasury at the market price.

1           “(D) CREDITS TO FUND.—The interest on,  
2           and the proceeds from the sale or redemption  
3           of, any obligations held in the Fund shall be  
4           credited to and form a part of the Fund.

5           “(4) TRANSFERS OF AMOUNTS.—

6           “(A) IN GENERAL.—The amounts required  
7           to be transferred to the Fund under this sub-  
8           section shall be transferred at least monthly  
9           from the general fund of the Treasury to the  
10          Fund on the basis of estimates made by the  
11          Secretary of the Treasury.

12          “(B) ADJUSTMENTS.—Proper adjustment  
13          shall be made in amounts subsequently trans-  
14          ferred to the extent prior estimates were in ex-  
15          cess of or less than the amounts required to be  
16          transferred.

17          “(5) ACCEPTANCE AND USE OF DONATIONS.—

18          The Secretary may accept and use donations to  
19          carry out paragraph (2)(A). Amounts received by  
20          the Secretary in the form of donations shall be  
21          transferred to the Secretary of the Treasury for de-  
22          posit into the Fund.

23          “(m) EMPLOYEE PROTECTION.—

24          “(1) IN GENERAL.—No local educational agen-  
25          cy, school, or person may harass, prosecute, hold lia-

1 ble, or discriminate against any employee or other  
2 person because the employee or other person—

3 “(A) is assisting or demonstrating an in-  
4 tent to assist in achieving compliance with this  
5 section (including any regulation);

6 “(B) is refusing to violate or assist in the  
7 violation of this section (including any regula-  
8 tion); or

9 “(C) has commenced, caused to be com-  
10 menced, or is about to commence a proceeding,  
11 has testified or is about to testify at a pro-  
12 ceeding, or has assisted or participated or is  
13 about to participate in any manner in such a  
14 proceeding or in any other action to carry out  
15 this section.

16 “(2) COMPLAINTS.—Not later than 1 year after  
17 an alleged violation occurred, an employee or other  
18 person alleging a violation of this section, or another  
19 person at the request of the employee, may file a  
20 complaint with the Administrator.

21 “(3) REMEDIAL ACTION.—If the Administrator  
22 decides, on the basis of a complaint, that a local  
23 educational agency, school, or person violated para-  
24 graph (1), the Administrator shall order the local  
25 educational agency, school, or person to—

1           “(A) take affirmative action to abate the  
2 violation;

3           “(B) reinstate the complainant to the  
4 former position with the same pay and terms  
5 and privileges of employment; and

6           “(C) pay compensatory damages, including  
7 back pay.

8           “(n) GRANTS.—

9           “(1) IN GENERAL.—The Administrator, in con-  
10 sultation with the Secretary of Education, shall pro-  
11 vide grants to local educational agencies to develop  
12 and implement integrated pest management systems  
13 in schools in the school district of the local edu-  
14 cational agencies.

15           “(2) AMOUNT.—The amount of a grant pro-  
16 vided to a local educational agency of a school dis-  
17 trict under paragraph (1) shall be based on the ratio  
18 that the number of students enrolled in schools in  
19 the school district bears to the total number of stu-  
20 dents enrolled in schools in all school districts in the  
21 United States.

22           “(o) RELATIONSHIP TO STATE AND LOCAL REQUIRE-  
23 MENTS.—This section (including regulations promulgated  
24 under this section) shall not preempt requirements im-  
25 posed on local educational agencies and schools related to

1 the use of integrated pest management by State or local  
2 law (including regulations) that are more stringent than  
3 the requirements imposed under this section.

4 “(p) REGULATIONS.—Subject to subsection (o), the  
5 Administrator shall promulgate such regulations as are  
6 necessary to carry out this section.

7 “(q) RESTRICTION ON PESTICIDE USE.—Not later  
8 than 6 years after the date of enactment of this section,  
9 no pesticide, other than a pesticide that is defined as a  
10 least toxic pesticide under this subsection, shall be used  
11 in a school or on school grounds unless the Administrator  
12 has met the deadlines and requirements of this section.

13 “(r) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to carry out this section  
15 \$7,000,000 for each of fiscal years 2008 through 2012.”.

16 **SEC. 4. RULE OF CONSTRUCTION.**

17 The Administrator of the Environmental Protection  
18 Agency may not remove any pesticide that is included on  
19 the list of pesticides that the Administrator has exempted  
20 from regulation under section 25(b) of the Federal Insecti-  
21 cide, Fungicide, and Rodenticide Act or refuse to add a  
22 pesticide to such list solely on the grounds that the pes-  
23 ticide is claimed to be able to be used to control a public  
24 health pest.

1 **SEC. 5. CONFORMING AMENDMENT.**

2       The table of contents in section 1(b) of the Federal  
 3 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
 4 prec. 121) is amended by striking the items relating to  
 5 sections 34 and 35 and inserting the following:

“Sec. 34. Integrated pest management systems for schools.

“(a) Definitions.

“(1) Board.

“(2) Contact person.

“(3) Crack and crevice treatment.

“(4) Emergency.

“(5) Fund.

“(6) Integrated pest management system.

“(7) Least toxic pesticides.

“(8) List.

“(9) Local educational agency.

“(10) Person.

“(11) Official.

“(12) Pesticide.

“(13) School.

“(14) School ground.

“(15) Space spraying.

“(16) Staff member.

“(17) State educational agency.

“(18) Universal notification.

“(b) Integrated pest management systems.

“(1) In general.

“(2) Implementation.

“(3) State programs.

“(4) Application to schools and school grounds.

“(5) Application of pesticides when schools in use.

“(c) National School Integrated Pest Management Advisory Board.

“(1) In general.

“(2) Composition of Board.

“(3) Appointment.

“(4) Term.

“(5) Meetings.

“(6) Compensation.

“(7) Chairperson.

“(8) Quorum.

“(9) Decisive votes.

“(10) Administration.

“(11) Responsibilities of the Board.

“(12) Requirements.

“(13) Petitions.

“(14) Periodic review.

“(15) Confidentiality.

“(d) List of Least Toxic Pesticides; Pesticide Review.

“(1) In general.

- “(2) Procedure for evaluating pesticide use.
  - “(e) Office of Pesticide Programs.
    - “(1) Establishment.
    - “(2) Duties.
  - “(f) Contact person.
    - “(1) In general.
    - “(2) Duties.
    - “(3) Pesticide use data.
  - “(g) Notice of Integrated Pest Management System.
    - “(1) In general.
    - “(2) Contents.
    - “(3) Use of pesticides.
    - “(4) New employees and students.
  - “(h) Use of pesticides.
    - “(1) In general.
    - “(2) Prior notification of parents, guardians, and staff members.
    - “(3) Posting of signs.
    - “(4) Administration.
    - “(5) Emergencies.
    - “(6) Drift of pesticides onto school ground.
  - “(i) Meetings.
    - “(1) In general.
    - “(2) Emergency meetings.
  - “(j) Investigations and orders.
    - “(1) In general.
    - “(2) Preliminary order.
    - “(3) Objections to preliminary order.
    - “(4) Hearing.
    - “(5) Final order.
    - “(6) Settlement agreement.
    - “(7) Costs.
    - “(8) Judicial review and venue.
  - “(k) Civil penalty.
    - “(1) In general.
    - “(2) Transfer to Trust Fund.
  - “(l) Integrated Pest Management Trust Fund.
    - “(1) Establishment.
    - “(2) Expenditures from Fund.
    - “(3) Investment of amounts.
    - “(4) Transfers of amounts.
    - “(5) Acceptance and use of donations.
  - “(m) Employee protection.
    - “(1) In general.
    - “(2) Complaints.
    - “(3) Remedial action.
  - “(n) Grants.
    - “(1) In general.
    - “(2) Amount.
  - “(o) Relationship to State and local requirements.
  - “(p) Regulations.
  - “(q) Restriction on pesticide use.
  - “(r) Authorization of appropriations.
- “Sec. 35. Severability.
- “Sec. 36. Authorization of appropriations.”.

1 **SEC. 6. EFFECTIVE DATE.**

2       This Act and the amendments made by this Act take  
3 effect on October 1, 2007.

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