To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management programs 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.

IN THE HOUSE OF REPRESENTATIVES

March 20, 2012

Mr. Holt (for himself, Mr. Blumenauer, Mr. Caraher, Mrs. Christensen, Ms. DeGette, Mr. Ellison, Mr. Grijalva, Mr. Honda, Mr. Israel, Mr. Jackson of Illinois, Mr. Kucinich, Ms. McCollum, Mr. Meeks, Mr. Polis, Mr. Rangel, Mr. Rothman of New Jersey, Ms. Roybal-Allard, Ms. Schakowsky, and Ms. Slaughter) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management programs 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “School Environment Protection Act”.

SEC. 2. FINDINGS.

Congress finds that—

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

(2) the Centers for Disease Control and Prevention, the National Education Association, and many other national public interest organizations have announced support for reducing or eliminating pesticide use in schools;

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

(4) the overall incidence of childhood cancer has increased over the past 30 years, making cancer the leading cause of childhood death from disease;

(5) approximately 6,500,000 (or nearly 9 percent of) children in the United States under the age of 18 have asthma, the most common chronic illness in children, double the percentage who were reported to have the illness in 1980, and the incidence of asthma continues to rise;
(6) children are more susceptible to hazardous impacts from pesticides than are adults due to their physiological and behavioral characteristics;

(7) numerous scientific studies have linked cancer, neurological problems, and asthma to pesticide exposure;

(8) the Department of Agriculture states that current pest management practices in schools are in need of improvement and full implementation of integrated pest management practices is affordable and cost effective;

(9) the Environmental Protection Agency and the Centers for Disease Control and Prevention recommend the use of an integrated pest management program by local educational agencies, which emphasizes nonchemical ways of reducing pests, such as sanitation and maintenance and good soil health;

(10) integrated pest management—

(A) promotes nonchemical methods of pest prevention and management using least toxic pesticides only after all other nontoxic methods have been exhausted; and

(B) will eliminate or significantly reduce the use of and exposure to pesticides in the
management of buildings, playing fields, landscapes;

(11) an integrated pest management program provides long-term health and economic benefits as well as complements other important goals of school maintenance and administration, including energy conservation, food safety, and security; and

(12) parents and guardians wish to and have a right to be notified of any use of a pesticide in their children’s schools.

SEC. 3. INTEGRATED PEST MANAGEMENT PROGRAM FOR SCHOOLS.

(a) System Required.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 34 and 35 (7 U.S.C. 136x, 136y) as sections 35 and 36, respectively; and

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

“SEC. 34. INTEGRATED PEST MANAGEMENT PROGRAM FOR SCHOOLS.

“(a) Definitions.—In this section:

“(1) Administrator.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.
“(2) BOARD.—The term ‘Board’ means the National School Integrated Pest Management Advisory Board established under subsection (c).

“(3) CRACK AND CREVICE TREATMENT.—The term ‘crack and crevice treatment’ means the application of small quantities of a pesticide into openings in a building such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

“(4) EPA.—The term ‘EPA’ means the Environmental Protection Agency.

“(5) FUND.—The term ‘Fund’ means the Integrated Pest Management Trust Fund established under subsection (i).

“(6) INTEGRATED PEST MANAGEMENT.—The term ‘integrated pest management’ means a managed pest control program that—

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

“(B) uses—

“(i) integrated methods;

“(ii) site or pest inspections;

“(iii) pest population monitoring and prevention strategies;
“(iv) an evaluation of the need for
pest control; and

“(v) 1 or more pest prevention and
management methods that incorporate ex-
clusion techniques, such as habitat modi-
fications, sanitation practices, entryway
closures, structural repair, mechanical and
biological controls, other nonchemical
methods, and (if nontoxic options have
been exhausted) least toxic pesticides; and

“(C) minimizes—

“(i) the use of pesticides; and

“(ii) the hazards to human health and
the environment associated with pesticide
applications.

“(7) IPM COORDINATOR.—The term ‘IPM co-
ordinator’ means an individual who is designated by
a local educational agency to carry out implementa-
tion of the school integrated pest management plan
of a school district.

“(8) LEAST TOXIC LIST.—The term ‘least toxic
list’ means the list of least toxic pesticides estab-
lished under subsection (e)(12)(B).

“(9) LEAST TOXIC PESTICIDE.—
“(A) IN GENERAL.—The term ‘least toxic pesticide’ means any pesticide product or ingredient that, at a minimum, has not been classified as, or found to have, any of the following characteristics or ingredients:

“(i) Toxicity Category I or II by the EPA (pesticides identified by the words ‘DANGER’ or ‘WARNING’ on the label).

“(ii) A developmental or reproductive toxicant as defined by the State of California Proposition 65 Chemicals Known to Cause Developmental or Reproductive Harm.

“(iii) A carcinogen, as designated by—

“(I) EPA’s List of Chemicals Evaluated for Carcinogenic Potential (chemicals classified as a human carcinogen, likely to be carcinogenic to humans, a known or likely carcinogen, a probable human carcinogen, suggestive evidence or a possible human carcinogen);

“(II) the International Agency for Research on Cancer (IARC)
(chemicals classified as carcinogenic
to humans or probably or possibly
carcinogenic to humans);

“(III) the United States National
Toxicology Program (NTP) (chemi-
cals classified as known or reasonably
anticipated to be human carcinogens);
or

“(IV) the State of California’s
Proposition 65.

“(iv) Neurologic cholinesterase inhibi-
tors, as designated by California Depart-
ment of Pesticide Regulation or the Mate-
rials Safety Data Sheet (MSDS) for the
particular chemical.

“(v) Known groundwater contami-
nants, as designated by the State of Cali-
ifornia (for actively registered pesticides).

“(vi) Pesticides formulated or applied
as dusts, powder or aerosols, unless used
in a way that virtually eliminates inhalation
hazard, such as when applied to
cracks or crevices and sealed after the ap-
plication, or used as a directed spray into
the entrance of an insect nest.
“(vii) Nervous system toxicants, including chemicals such as cholinesterase inhibitors or chemicals associated with neurotoxicity by a mechanism other than cholinesterase inhibition, or listed or identified in or on any of the following lists:

“(I) Toxics Release Inventory (TRI), EPA EPCRA section 313.

“(II) EPA Reregistration Eligibility Decisions (RED).

“(III) Insecticide Resistance Action Committee (IRAC) Mode of Action Classification: Acetylcholine esterase inhibitors; GABA-gated chloride channel antagonists; Sodium channel modulators; Nicotinic Acetylcholine receptor agonists or antagonists; Nicotinic Acetylcholine receptor agonists; Chloride channel activators; Octopaminergic agonists; Voltage-dependent sodium channel blockers; or Neuronal inhibitors (unknown mode of action).

“(viii) Endocrine disruptors, which include chemicals that are known to or likely to interfere with the endocrine system in
humans or wildlife, based on the European Commission (EC) List of 146 substances with endocrine disruption classifications, Annex 13 (and any subsequent lists issued as follow-up, revisions, or extensions or based on any list created by the EPA that identifies endocrine disruptors).

“(ix) Regarding outdoor use: Adversely affects the environment or wildlife, based on any of the following:

“(I) Label precautionary statements including ‘toxic’ or ‘extremely toxic’ to bees, birds, fish, aquatic invertebrates, wildlife or other nontarget organisms, unless environmental exposure can be virtually eliminated.

“(II) Pesticides with ingredients with moderate or high mobility in soil, or with a soil half-life of 30 days or more (except for mineral products).

“(x) Has data gaps or missing information in EPA registration documents, including pesticide fact sheets, or EPA re-registration eligibility decisions, which EPA is requiring the registrant to provide.
“(xi) Contaminants and metabolites recognized by EPA that violate any of the above criteria.

“(B) AUTHORIZED CONTENTS.—A least toxic pesticide may include—

“(i) containerized boric acid and disodium octaborate tetrahydrate;

“(ii) silica gels;

“(iii) diatomaceous earth;

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

“(v) microbe-based insecticides;

“(vi) botanical insecticides (not including synthetic pyrethroids) without toxic synergists; and

“(vii) biological, living control agents.

“(10) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(11) NATURAL ORGANIC FERTILIZER.—

“(A) IN GENERAL.—The term ‘natural organic fertilizer’ means fertilizers that contain
nutrients naturally derived solely from the re-

mains or a by-product of an organism, or from 
a mineral.

“(B) INCLUSIONS.—The term includes cot-
tonseed meal, fish emulsion, compost, and 
composted manure.

“(C) EXCLUSIONS.—The terms does not 
include any fertilizer containing biosolids or 
synthetic ingredients, natural minerals, or sub-
stances that are reacted with acids or produced 
in a petro-chemical process.

“(12) OFFICIAL.—The term ‘official’ means the 
official for school pest management appointed by the 
Administrator within the Office of Pesticide Pro-
grams of the EPA to coordinate the development 
and implementation of integrated pest management 
systems in schools.

“(13) PESTICIDE.—

“(A) IN GENERAL.—The term ‘pesticide’ 
means any substance or mixture of substances 
intended for—

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

“(ii) use as a plant regulator, defo-

liant, or desiccant; or
“(iii) use as a spray adjuvant such as a wetting agent or adhesive.

“(B) EXCLUSION.—The term ‘pesticide’ does not include cleaning products, other than those that contain pesticidal agents.

“(14) PUBLIC HEALTH EMERGENCY.—The term ‘public health emergency’ means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

“(15) SCHOOL.—The term ‘school’ means a school that—

“(A) is a public school or is receiving Federal funding; and

“(B) is—

“(i) an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(ii) a secondary school (as defined in such section); or

“(iii) a kindergarten or nursery school.

“(16) SCHOOL GROUNDS.—

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

“(B) INCLUSIONS.—The term ‘school grounds’ includes a lawn, playground, sports field, and any other property or facility controlled, managed, leased, or owned by a school.

“(17) STAFF MEMBER.—

“(A) IN GENERAL.—The term ‘staff member’ means an employee of a school or local educational agency.

“(B) INCLUSIONS.—The term ‘staff member’ includes an administrator, teacher, and other person that is regularly employed by a school or local educational agency.

“(C) EXCLUSIONS.—The term ‘staff member’ does not include—

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

“(ii) a person assisting in the application of a pesticide.

“(18) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ has the meaning given the term in section 9101 of the Elementary

“(19) STATE AGENCY.—The term ‘State agency’ means an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 16450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

“(20) SYNTHETIC FERTILIZER.—

“(A) IN GENERAL.—The term ‘synthetic fertilizer’ means a substance containing a plant nutrient created by a synthetic, chemical process, including triple super phosphate made by treating rock phosphate with phosphoric acid, potassium chloride, urea quick release synthetic fertilizers, and petroleum-based fertilizers.

“(B) EXCLUSIONS.—The term does not include natural organic fertilizers that are made from naturally occurring materials, such as blood meal, fish or kelp, or manure-based organic compost.

“(21) UNIVERSAL NOTIFICATION.—The term ‘universal notification’ means notice provided by a local educational agency or school to—
“(A) all parents or guardians of children attending the school; and

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

“(b) INTEGRATED PEST MANAGEMENT COMPONENTS.—

“(1) IN GENERAL.—Each local educational agency of a school district shall implement an integrated pest management program, that at a minimum—

“(A) applies to school buildings and school grounds;

“(B) establishes an IPM coordinator within the local education agency responsible for carrying out the integrated pest management plan in schools in the school district; and

“(C) follows an integrated pest management plan for addressing school pest problems.

“(2) DUTIES OF IPM COORDINATOR.—The IPM coordinator of a school district shall—

“(A) oversee the implementation of the integrated pest management plan;

“(B) act as a contact for inquiries about the integrated pest management plan;
“(C) maintain and make available to parents, guardians, school staff, and any person upon request material safety data sheets, labels, and fact sheets or other official information related to the pesticides (including least toxic pesticides), as approved by the Administrator for all pesticides that may be used in the school district;

“(D) be informed of Federal and State chemical health and safety information and contact information;

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

“(F) maintain contact with Federal and State integrated pest management system experts;

“(G) obtain periodic updates and training from State integrated pest management system experts;

“(H) pre-approve any public health emergency pesticide applications; and

“(I) maintain all pesticide use data for each pesticide used at the school for at least 3 years after the date on which the pesticide is applied.
“(3) USE OF PESTICIDES.—Except as set forth in paragraph (6), a local educational agency or school—

“(A) may not use pesticides other than nontoxic or least toxic pesticides as provided in subparagraph (B); and

“(B) may only use a least toxic pesticide as part of the integrated pest management program, under which the least toxic pesticide is only used as a last resort and only if the area or room treated is unoccupied or not in use by students or staff members.

“(4) USE OF FERTILIZERS.—A local educational agency or school may only use natural organic fertilizers. The use of a synthetic fertilizer is prohibited.

“(5) NOTICE OF INTEGRATED PEST MANAGEMENT PROGRAM.—

“(A) IN GENERAL.—At the beginning of each school year, each local educational agency or school of a school district shall include a notice of the integrated pest management plan of the school district in school calendars, handbooks, or other forms of universal notification.
“(B) CONTENTS.—The notice shall include a description of—

“(i) the integrated pest management plan of the school district;

“(ii) the name, address, and telephone number of the IPM coordinator of the school district;

“(iii) a statement that—

“(I) the IPM coordinator maintains the product label and material safety data sheet of each pesticide (including each least toxic pesticide) that may be used by a school in buildings or on school grounds;

“(II) the label and data sheet is available for review by a parent, guardian, staff member, student or any other interested person upon request; and

“(III) the IPM coordinator is available to parents, guardians, and staff members for information and comment; and

“(iv) the time and place of any meetings that will be held under paragraph (7).
“(C) NEW EMPLOYEES AND STUDENTS.—

After the beginning of each school year, a local educational agency or school of a school district shall provide the notice required under this subsection to—

“(i) each new staff member who is employed during the school year; and

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

“(6) PUBLIC HEALTH EMERGENCY.—

“(A) IN GENERAL.—If a local educational agency or school determines that a pest in the school or on school grounds cannot be controlled after having used the integrated pest management program and least toxic pesticides and it is a public health emergency, the school may use a pesticide in accordance with this subsection.

“(B) IPM COORDINATOR APPROVAL REQUIRED.—The IPM Coordinator shall approve, after identifying the pesticide product ingredients and acute and chronic adverse health effects, the pesticide product before any public health emergency application can be made.
“(C) Area Use Limitation.—The use of an area or room treated by a pesticide (other than a least toxic pesticide) in response to a public health emergency shall not be occupied or used at the time of application or during the 24-hour period beginning at the end of the application.

“(D) Authorized Applicator.—The pesticide application shall only be made by a State certified pesticide applicator.

“(E) Notification of Parents, Guardians, and Staff Members.—The school shall provide to a parent or guardian of each student enrolled at the school and each staff member of the school notice of the application of the pesticide in response to a public health emergency. Notification shall be provided at least 24 hours prior to the application. The notification shall include the following:

“(i) The common name, trade name, and EPA registration number of the pesticide.

“(ii) A description of the location of the application of the pesticide.
“(iii) A description of the date and time of application.

“(iv) The statement ‘The EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided’.

“(v) A description of potential adverse effects of the pesticide based on the material safety data sheet of the pesticide any additional warning information related to the pesticide.

“(vi) The name and telephone number of the IPM coordinator of the school district.

“(vii) A description of the problem and the factors that qualified the problem as a public health emergency.

“(viii) A description of the steps the school will take in the future to avoid application of a pesticide in response to a public health emergency.

“(F) Method of universal notification.—The school may provide the notice by—

“(i) written notice sent home with the student and provided to staff members;
“(ii) a notice delivered electronically (such as through electronic mail or facsimile);

“(iii) a telephone call; or

“(iv) direct contact.

“(G) POSTING OF SIGNS.—

“(i) IN GENERAL.—A school applying a pesticide under this paragraph shall post a sign warning of the application of the pesticide—

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

“(II) at each entrance to the building or school ground to be treated.

“(ii) ADMINISTRATION.—A sign required under clause (i) for the application of a pesticide shall—

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

“(II) be at least 8 1/2 inches by 11 inches; and
“(III) state the same information as that required for prior notification of the application under subparagraph (E).

“(H) TIME OF YEAR.—Subparagraphs (E) and (G) shall apply—

“(i) during the school year; and

“(ii) during holidays and the summer months, if the school is in use, with notice provided to all staff members and the parents and guardians of the students that are using the school in an authorized manner.

“(I) MODIFICATION OF INTEGRATED PEST MANAGEMENT PLANS.—If a school in a school district applies a pesticide under this paragraph, the local educational agency of the school district shall modify the integrated pest management plan of the school district to minimize the future applications of pesticides under this paragraph.

“(7) MEETINGS.—

“(A) IN GENERAL.—Before the beginning of a school year, at the beginning of each new calendar year, and at a regularly scheduled
meeting of a school board, each local edu-
cational agency shall provide an opportunity for
the IPM coordinator designated this subsection
to receive and address public comments regard-
ing the integrated pest management program of
the school district.

“(B) EMERGENCY MEETINGS.—An emer-
gency meeting of a school board to address a
pesticide application may be called under locally
appropriate procedures for convening emer-
gency meetings.

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

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

“(A) establish uniform standards and cri-
teria for developing integrated pest manage-
ment;

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

“(C) advise the Administrator on any other
aspects of the implementation of this section.
“(2) COMPOSITION OF BOARD.—The Board shall be composed of 12 members and include 1 representative from each of the following groups:

“(A) Parents.

“(B) Public health care professionals.

“(C) Medical professionals.

“(D) State integrated pest management program coordinators.

“(E) Independent integrated pest management specialists that have carried out school integrated pest management programs.

“(F) Environmental and children’s health advocacy groups.

“(G) Organic lawn care professionals.

“(H) Trade organizations for pest management.

“(I) Teachers and staff members.

“(J) School maintenance staff.

“(K) School administrators.

“(L) School board members.

“(3) APPOINTMENT.—Not later than 90 days after the date of enactment of this section, the Administrator shall appoint members of the Board from nominations received from Parent Teacher As-
associations, school districts, States, and other interested persons and organizations.

“(4) CONFLICT OF INTEREST.—Board members shall not have a conflict of interest or have an affiliation with or a financial interest in the sale or use of a pesticide.

“(5) TERM.—

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

“(B) CONSECUTIVE TERMS.—Subject to subparagraph (C), a member of the Board shall not serve consecutive terms unless the term of the member has been reduced by the Administrator.

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

“(6) MEETINGS.—The Administrator shall convene—
“(A) an initial meeting of the Board not later than 90 days after the appointment of the members; and

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

“(7) COMPENSATION.—A member of the Board shall serve without compensation, but may be reimbursted by the Administrator for expenses (in accordance with section 5703 of title 5, United States Code) incurred in performing duties as a member of the Board.

“(8) CHAIRPERSON.—The Board shall select a Chairperson for the Board.

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

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

“(11) ADMINISTRATION.—The Administrator—

“(A) shall—

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

“(ii) detail EPA staff or allow for the hiring of staff for the Board; and
“(B) subject to the availability of appropriations, may pay necessary expenses incurred by the Board in carrying out this subtitle, as determined appropriate by the Administrator.

“(12) RESPONSIBILITIES OF THE BOARD.—

“(A) INTEGRATED PEST MANAGEMENT PLANS.—Not later than one year after the initial meeting of the Board, the Board shall develop uniform standards and criteria for integrated pest management in schools and provide them to each State Agency.

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

“(i) submit to the Administrator an initial list of products containing least toxic pesticides and any restrictions on the use of the listed pesticides, beginning with the list provided in subsection (a)(8)(B);

“(ii) screen additional products to be included in the least toxic list on a bi-annual basis; and

“(iii) evaluate all public comments received concerning the proposed least toxic list and restrictions, but not later than 90
days after the close of the period during which public comments are accepted, and establish a final least toxic list for the Administrator to publish in the Federal Register.

“(C) TECHNICAL ADVISORY PANELS.—

“(i) IN GENERAL.—The Board shall convene technical advisory panels to provide scientific evaluations of the materials considered for inclusion on the least toxic list.

“(ii) COMPOSITION.—A panel described in clause (i) shall include experts on integrated pest management, children’s health, entomology, health sciences, and other relevant disciplines.

“(13) REQUIREMENTS.—In establishing the proposed least toxic list, the Board shall—

“(A) review available information from the EPA, the National Institute of Environmental Health Sciences, medical and scientific literature, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed least toxic list; and
“(B) cooperate with manufacturers of substances considered for inclusion in the proposed least toxic list to obtain a complete list of ingredients and determine that such substances contain inert ingredients that are included on the EPA’s List 4 (Inerts of Minimal Concern).

“(14) PETITIONS.—The Board shall establish procedures under which individuals may petition the Board for the purpose of evaluating substances for inclusion on, or rescission from, the least toxic list.

“(15) PERIODIC REVIEW.—

“(A) IN GENERAL.—The Board shall review each substance included on the least toxic list at least once during each 5-year period beginning on—

“(i) the date that the substance was initially included on the least toxic list; or

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

“(B) SUBMISSION TO ADMINISTRATOR.—

The Board shall submit the results of a review under subparagraph (A) to the Administrator regarding the issue of whether the substance should continue to be included on the least toxic list.
“(16) CONFIDENTIALITY.—Any information regarding the formulation of the pesticides obtained by
the Board in carrying out this section shall be treated as public information by the Board and shall be
made available to the public.

“(d) OFFICE OF PESTICIDE PROGRAMS.—

“(1) ESTABLISHMENT.—The Administrator shall appoint an official for school pest management
within the Office of Pesticide Programs of the EPA to coordinate the development and implementation of
integrated pest management programs in schools.

“(2) DUTIES.—The official shall—

“(A) coordinate the development of school integrated pest management plans;

“(B) consult with schools concerning—

“(i) issues related to school integrated pest management programs;

“(ii) the use of least toxic pesticides;

and

“(iii) the registration of pesticides, and amendments to the registrations, as the registrations and amendments relate to
the use of integrated pest management programs in schools;
“(C) support and provide technical assistance to the Board; and

“(D) work in consultation with the Secretary of Education.

“(3) PUBLICATION IN FEDERAL REGISTER.—

After receiving the integrated pest management plan and the least toxic list and any restrictions from the Board, the Administrator shall—

“(A) publish the proposed plan and least toxic list and any restrictions in the Federal Register with a 90-day public comment period on the proposals; and

“(B) publish the final plan and least toxic list and restrictions developed by the Board in subsection (c)(12)(B) in the Federal Register, together with a discussion of comments received.

“(4) AMENDMENTS.—

“(A) IN GENERAL.—The Administrator shall publish any proposed amendments to the plan or least toxic list in the Federal Register and seek public comment on the proposals.

“(B) RECOMMENDATIONS.—The Administrator shall include in any publication described in subparagraph (A) any changes or amend-
ments to the proposed plan or least toxic list that are recommended to the Administrator.

“(C) Publication of plan and list.—After evaluating all comments received concerning the proposed least toxic list or proposed amendments to the list, the Administrator shall publish the final least toxic list in the Federal Register, together with a description of comments received no later than 24 months after the date of enactment of this section.

“(e) School Integrated Pest Management Plans.—Each local educational agency shall have an integrated pest management plan that guides the school district’s integrated pest management program in accordance with this subsection.

“(1) State plans.—Not later than 30 months after the date of enactment of this subsection, each State Agency shall—

“(A) develop an integrated pest management plan for local educational agencies in the State; and

“(B) submit the plan to the Administrator for approval as part of the State cooperative agreement under section 23.
“(2) APPROVAL BY ADMINISTRATOR.—Not later than 3 months after receiving the integrated pest management plan submitted by a State agency under paragraph (1), the Administrator shall—

“(A) determine whether the integrated pest management plan, at a minimum, meets the requirements of subsection (b); and

“(B) if the Administrator determines that—

“(i) the integrated pest management plan meets the requirements, approve the integrated pest management plan as part of the State cooperative agreement under section 23; or

“(ii) the integrated pest management plan does not meet the requirements—

“(I) disapprove the integrated pest management plan; 

“(II) provide the State Agency with recommendations for and assistance in revising the integrated pest management plan to meet the requirements; and

“(III) provide a 3-month deadline by which the State Agency shall re-
submit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement under section 23.

“(3) Distribution of state plan to schools.—On approval of the integrated pest management plan of a State Agency, the State Agency shall make the school integrated pest management plan available to each local educational agency in the State.

“(4) Implementation.—Not later than 42 months after the date of enactment of this section, each local educational agency of a school district shall develop and implement in each of the schools in the school district an integrated pest management plan that meets the standards and requirements under the integrated pest management plan of the State agency.

“(5) State programs.—If, on the date of enactment of this section, a State maintains an integrated pest management plan that, at a minimum, meets the standards and criteria established under subsection (b) (as determined by the Board), a local educational agency in the State may continue to im-
implement the system in a school or in the school dis-

trict.

“(f) DRIFT OF PESTICIDES ONTO SCHOOL
GROUND.—Each local educational agency, State pesticide
lead agency, and the Administrator shall—

“(1) identify sources of pesticides that drift
from treated land to school grounds of the edu-
cational agency; and

“(2) take steps necessary to create an indoor
and outdoor school environment that are protected
from pesticides described in paragraph (1).

“(g) INVESTIGATIONS AND ORDERS.—

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

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

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

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

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

“(3) OBJECTIONS TO PRELIMINARY ORDER.—

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

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

“(ii) request a hearing on the record.

“(B) FINAL ORDER.—If a hearing is not requested within 30 days after the preliminary order is issued, the preliminary order shall be final and not subject to judicial review.

“(4) HEARING.—A hearing under this subsection shall be conducted expeditiously.

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

“(6) SETTLEMENT AGREEMENT.—Before the final order is issued, the proceeding may be terminated by a settlement agreement, which shall remain open, entered into by the Administrator, the complainant, and the person alleged to have committed the violation.
“(7) Costs.—

“(A) In general.—If the Administrator issues a final order against a school or school district for violation of this section and the complainant requests, the Administrator may assess against the person against whom the order is issued the costs (including attorney’s fees) reasonably incurred by the complainant in bringing the complaint.

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

“(8) Judicial review and venue.—

“(A) In general.—A person adversely affected by an order issued after a hearing under this subsection may file a petition for review not later than 60 days after the date that the order is issued, in a district court of the United States or other United States court for any district in which a local educational agency or school is found, resides, or transacts business.

“(B) Timing.—The review shall be heard and decided expeditiously.

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

“(h) Civil Penalty.—

“(1) In general.—Any local educational agen-
cy, school, or person that violates this section may
be assessed a civil penalty by the Administrator
under paragraph (3) or (7) of subsection (b) of not
more than $10,000 for each offense.

“(2) Transfer to trust fund.—Civil pen-
alties collected under paragraph (1) shall be depos-
itied in the Fund.

“(i) Integrated Pest Management Trust
Fund.—

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

“(A) amounts deposited in the Fund under
subsection (h)(2); and

“(B) any interest earned on investment of
amounts in the Fund.

“(2) Expenditures from fund.—

“(A) In general.—Subject to subpara-
graph (B), on request by the Administrator, the
Secretary of the Treasury shall transfer from
the Fund to the Administrator, without further
appropriation, such amounts as the Secretary
determines are necessary to provide funds to
each State educational agency of a State, in
proportion to the amount of civil penalties col-
lected in the State under subsection (h)(1), to
carry out education, training, propagation, and
development activities under integrated pest
management systems of schools in the State to
remedy the harmful effects of actions taken by
the persons that paid the civil penalties.

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

“(j) Employee Protection.—

“(1) In general.—No local educational agen-
cy, school, or person may harass, prosecute, hold lia-
ble, or discriminate against any employee or other
person because the employee or other person—

“(A) is assisting or demonstrating an in-
tent to assist in achieving compliance with this
section (including any regulation);
“(B) is refusing to violate or assist in the violation of this section (including any regulation); or

“(C) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to participate in any manner in such a proceeding or in any other action to carry out this section.

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

“(3) REMEDIAL ACTION.—If the Administrator decides, on the basis of a complaint, that a local educational agency, school, or person violated paragraph (1), the Administrator shall order the local educational agency, school, or person to—

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

“(B) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and
“(C) pay compensatory damages, including back pay.

“(k) GRANTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall provide grants to local educational agencies to develop and implement integrated pest management systems in schools in the school district of the local educational agencies.

“(2) AMOUNT.—The amount of a grant provided to a local educational agency of a school district under paragraph (1) shall be based on the ratio that the number of students enrolled in schools in the school district bears to the total number of students enrolled in schools in all school districts in the United States.

“(l) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—This section (including regulations promulgated under this section) shall not preempt requirements imposed on local educational agencies and schools related to the use of integrated pest management by State or local law (including regulations) that are more stringent than the requirements imposed under this section.
“(m) Regulations.—Subject to subsection (j), the Administrator shall promulgate such regulations as are necessary to carry out this section.

“(n) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2013 through 2017.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by striking the items relating to sections 34 and 35 and inserting the following new items:

“Sec. 34. Integrated pest management program for schools.
“Sec. 35. Severability.
“Sec. 36. Authorization for appropriations.”.

(c) Effective Date.—The amendments made by this section shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.