

1999 SENATE BILL 479

March 16, 2000 – Introduced by Senators CLAUSING, DARLING, BURKE, RISSER, SCHULTZ, ROSENZWEIG, PLACHE, MOORE, GROBSCHMIDT, ROBSON and WIRCH, cosponsored by Representatives RILEY, BOCK, WASSERMAN, LA FAVE and BLACK. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT to create** 36.25 (43) and 94.715 of the statutes; **relating to:** pest
2 management by school districts.

Analysis by the Legislative Reference Bureau

Under current law, the department of agriculture, trade and consumer protection (DATCP) regulates the sale and use of pesticides.

This bill places requirements on school boards concerning the use of pesticides in schools and on school grounds. The bill requires a school board to do all of the following:

1. Implement a pest management plan that satisfies requirements set forth in the bill. The plan must be designed to prevent unacceptable levels of pest activity while minimizing hazards to persons, property and the environment.

2. Authorize pesticide application to be conducted only by persons who have received training concerning using the least toxic pesticide available that is effective when it is necessary to use a pesticide in a school and who are certified in school pest management by DATCP.

3. When the use of a pesticide is determined to be necessary, use the least toxic pesticide available that is effective.

4. Provide advance written notice of a pesticide application, except in case of an emergency.

5. Post notice of each pesticide application.

6. Maintain records of pesticide applications and make those records available upon request.

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The bill prohibits a school district from routinely using pesticides in schools or on school grounds, from using pesticide fumigation and from using a pesticide unless nonchemical methods of pest control have failed.

The bill requires DATCP to assist school districts in complying with these requirements and prohibitions. The bill requires the University of Wisconsin (UW) System, through the UW-Extension, to provide programs to educate and train employes of school districts and others about developing and implementing school pest management plans. The bill also requires DATCP and the department of health and family services to develop a list identifying the least toxic pesticides available that are effective against pests that may be found in schools or on school grounds.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.25 (43) of the statutes is created to read:

2 **36.25 (43) PEST MANAGEMENT FOR SCHOOLS.** The board shall provide, through
3 the extension, programs to train employes of school districts and other persons about
4 using the least toxic pesticide available that is effective when the use of a pesticide
5 is determined to be necessary in a school or on school grounds based on the list under
6 s. 94.715 (7) (b) and about developing and implementing pest management plans to
7 prevent unacceptable levels of pest activity and damage in schools and on school
8 grounds while minimizing hazards to persons, property and the environment,
9 consistent with the requirements of s. 94.715.

10 **SECTION 2.** 94.715 of the statutes is created to read:

11 **94.715 Pest management for schools. (1) DEFINITIONS.** In this section:

12 (a) “Active ingredient” has the meaning given in s. 94.67 (1).

13 (b) “Federal act” has the meaning given in s. 94.67 (13).

14 (c) “Inert ingredient” has the meaning given in s. 94.67 (16).

15 (d) “Pest” has the meaning given in s. 94.67 (24).

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1 (e) “Pesticide” has the meaning given in s. 94.67 (25), except that “pesticide”
2 does not include a germicide, sanitizer or disinfectant.

3 **(2) REQUIREMENTS FOR SCHOOL BOARDS.** A school board shall do all of the
4 following:

5 (a) Propose a pest management plan that complies with sub. (4).

6 (b) After public notice and a hearing on the proposed plan under par. (a) and
7 no later than the first day of the 7th month beginning after the effective date of this
8 paragraph [revisor inserts date], adopt a pest management plan that complies
9 with sub. (4) and submit a copy of the plan to the department.

10 (c) No later than the first day of the 13th month beginning after the effective
11 date of this paragraph [revisor inserts date], implement the pest management
12 plan adopted under par. (b).

13 (d) Provide public notice and a hearing before modifying the pest management
14 plan adopted under par. (b) and notify the department of any modifications to the
15 plan.

16 (dm) Authorize pesticide application in a school or on school grounds to be
17 conducted only by persons who have received training concerning pest management
18 for schools and who are certified under sub. (5).

19 (e) When the use of a pesticide is determined to be necessary in a school or on
20 school grounds, use the least toxic pesticide available that is effective.

21 (f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide
22 application in a school or on school grounds, provide written notification of the name
23 of the pesticide to be applied, the planned time and location of the application, the
24 potential health effects of exposure to the pesticide, as indicated on its label, and the

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1 name and telephone number of a person at the school who can be called for more
2 information or to report health effects from exposure, to all of the following:

3 1. Each employe of the school district, or of a contractor with the school district,
4 who may be present in the area of application within 72 hours after the application.

5 2. Each student who may be present in the area of application within 72 hours
6 after the application.

7 3. The parents or guardians of the students under subd. 2.

8 (g) Post notice of each pesticide application in a school or on school grounds at
9 the time of the application and for at least 72 hours following the application.

10 (h) Maintain a record of all of the following for each application of pesticide in
11 a school or on school grounds:

12 1. The name and certification number of the person applying the pesticide.

13 2. The type of pesticide applied and its brand name, the name of the pesticide
14 as registered under the federal act, the pesticide registration number assigned to the
15 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
16 active ingredients and inert ingredients.

17 3. The date and time of the application and the amount of pesticide applied.

18 4. How the pesticide was applied, including any additives used and the type of
19 application device used.

20 5. The street address of the place at which the pesticide was applied and a
21 description of the area to which the pesticide was applied.

22 6. The purpose of the application, including the target pest and whether the
23 application was preventive or reactive.

24 7. For an outdoor application, a description of the weather conditions at the
25 time of the application.

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1 8. The symptoms of acute poisoning from the pesticide, as indicated on its label.

2 (i) Make the information under par. (h) available to any person upon request
3 and provide the information about each pesticide application to the department
4 quarterly.

5 (j) Review liability and property insurance maintained by the school board to
6 determine whether coverage is adequate for damage or loss caused by pesticides.

7 **(3) PROHIBITIONS.** (a) A school district may not routinely use pesticides on a
8 regularly scheduled basis in a school or on school grounds.

9 (b) A school district may not use pesticide fumigation in a school or on school
10 grounds.

11 (c) A school district may not use a pesticide in a school or on school grounds
12 unless nonchemical methods of pest control have failed to prevent unacceptable
13 levels of pest activity and damage.

14 **(4) PEST MANAGEMENT PLAN.** A school board shall design its pest management
15 plan required under sub. (2) (b) to prevent unacceptable levels of pest activity and
16 damage while minimizing hazards to persons, property and the environment. In the
17 plan required under sub. (2) (b), a school board shall specify the pest management
18 practices that will be used by the school district and shall include all of the following:

19 (a) A description of the methods that will be used to identify pest problems,
20 including monitoring to determine whether pests are present in sufficient numbers
21 to require treatment with pesticides.

22 (b) A description of the nonchemical methods that the school district will use
23 to seek to prevent unacceptable levels of pest activity and damage.

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1 (c) A description of the pesticides and methods of application that the school
2 district will use if the methods under par. (b) fail to prevent unacceptable levels of
3 pest activity and damage.

4 (d) A description of the other means that the school district will use to ensure
5 compliance with subs. (2) (c) to (j) and (3).

6 **(5) CERTIFICATION.** The department shall provide school pest management
7 certification to persons who demonstrate knowledge concerning the use of the least
8 toxic pesticide available that is effective when the use of a pesticide is determined
9 to be necessary in a school or on school grounds, based on the list under sub. (7) (b).

10 **(6) EXEMPTION FROM ADVANCE NOTICE REQUIREMENT.** A school board is not
11 required to provide advance notice of a pesticide application if the school district
12 administrator, as defined in s. 115.001 (8), or the school principal declares that a pest
13 emergency exists. If a pesticide is applied in a school or on school grounds without
14 advance notice, the school board shall provide written notification of the name of the
15 pesticide that was applied, the time and location of the application, the potential
16 health effects of exposure to the pesticide, as indicated on its label, and the name and
17 telephone number of a person at the school who can be called for more information
18 or to report health effects from exposure, to all of the persons identified in sub. (2)
19 (f) 1. to 3., as soon as possible after the application.

20 **(7) ASSISTANCE AND COOPERATION.** (a) The department shall provide assistance
21 to school districts in complying with subs. (2) to (4). The department shall consult
22 with the department of health and family services and the department of public
23 instruction concerning school pest management issues. The department and the
24 board of regents of the University of Wisconsin System shall enter into a
25 memorandum of understanding concerning school pest management and the

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1 provision of training by the University of Wisconsin–Extension to ensure cooperation
2 between the department and the University of Wisconsin–Extension and to avoid
3 duplication of activities. The University of Wisconsin–Extension and the cooperative
4 educational service agencies shall cooperate in providing the training under s. 36.25
5 (43).

6 (b) The department and the department of health and family services shall
7 jointly develop a list identifying the least toxic pesticides available that are effective
8 for use against pests that may be found in schools or on school grounds when use of
9 a pesticide is determined to be necessary, as provided under sub. (2) (e).

10 **(8) AVAILABILITY OF PLANS.** The department shall retain pest management plans
11 submitted under sub. (2) (b) and make the plans available to any person upon
12 request.

13 **(9) REPORT.** On or before January 1 of each even-numbered year, the
14 department, in cooperation with the University of Wisconsin–Extension and the
15 department of health and family services, shall submit a report evaluating the
16 program under this section to the legislature under s. 13.172 (2).

17 **(END)**