



State of Wisconsin
1999 - 2000 LEGISLATURE

Wed.

LRB-3123/1

RCT:cmh:jf

ymr

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

DNote

refer
court

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

Analysis
attached

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

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

4 36.25 (43) PEST MANAGEMENT FOR SCHOOLS. The board shall provide, through

5 the extension, programs to ~~create~~ ^{train} employes of school districts ^{and other persons} about developing and

6 implementing pest management plans to prevent unacceptable levels of pest activity

7 and damage ^{in schools and on school grounds} while minimizing hazards to persons, property and the environment,

8 consistent with the requirements of s. 94.715.

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

10 94.715 Pest management for schools. (1) DEFINITIONS. In this section:

applying pesticides in schools and on school grounds and about

1 (a) "Active ingredient" has the meaning given in s. 94.67 (1).

2 (b) "Federal act" has the meaning given in s. 94.67 (13).

3 (c) "Inert ingredient" has the meaning given in s. 94.67 (16).

4 (d) "Pest" has the meaning given in s. 94.67 (24).

5 (e) "Pesticide" has the meaning given in s. 94.67 (25) *, except that "pesticide" does not include a germicide, sanitizer or disinfectant*

6 (2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the

7 following:

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

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

10 (c) *No later than the first day of the 13th month beginning after the effective date of this paragraph* Implement the pest management plan adopted under par. (b). *inserts [revises insert date]*

11 (d) Provide public notice and a hearing before modifying the pest management *inserts [revises insert date]* plan adopted under par. (b) and notify the department of any modifications to the plan.

Insert 2-15 16 (e) When the use of a pesticide is determined to be necessary in a school or on school grounds, use the least toxic pesticide available that is effective.

17 *Except as provided in sub. (5),* 18 (f) At least 72 hours in advance of each pesticide application in a school or on

19 school grounds, provide written notification of the name of the pesticide to be applied *Insert 2-20* and the planned time and location of the application to all of the following:

20 21 1. Each employe of the school district, or of a contractor with the school district, 22 who may be present in the area of application within 72 hours after the application.

23 22 2. Each student who may be present in the area of application within 72 hours 24 after the application.

25 23 3. The parents or guardians of the students under subd. 2.

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

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

5 1. The name and certification number ~~under 494.704~~ of the person applying
6 the pesticide.

7 2. The type of pesticide applied and its brand name, the name of the pesticide
8 as registered under the federal act, the pesticide registration number assigned to the
9 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
10 active ingredients and inert ingredients.

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

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

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

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

18 7. For an outdoor application, a description of the temperature, humidity, wind
19 and any precipitation at the time of the application.

20 8. The symptoms of acute poisoning from the pesticide.

21 (i) Make the information under par. (h) available to any person upon request
22 and provide the information about each pesticide application to the department
23 annually.

1 (j) ~~board~~ review liability and property insurance maintained by the school
 2 board to determine whether coverage is adequate for damage or loss caused by
 3 pesticides.

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

6 (b) A school district may not use pesticide ~~for~~^{fumigation} in a school or on school
 7 grounds.

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

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

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

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

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

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

Inset
 4-25 →

①

(a) ASSISTANCE AND COOPERATION.

The department shall provide assistance to school districts in complying with subs. (2) to (4). The department shall consult with the department of health and family services and the department of public instruction concerning school pest management issues. The department and the board of regents of the University of Wisconsin System shall enter into a memorandum of understanding concerning school pest management to ensure cooperation between the department and the University of Wisconsin-Extension and to avoid duplication of activities.

(END)

and the provision of training by the University of Wisconsin-Extension

Insert 5-8
→
8
9

(8) (CS)

Availability of plans. The department shall retain pest management plans submitted under sub. (2)(b) and make the plans available to any person upon request.

(9) Report. The department, in cooperation with the University of Wisconsin-Extension and the department of health and family services, shall submit a report to the legislature

On or before each January 1 of each even-numbered year,

under 5.13-172(2) evaluating the program under this section.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3123/lins
RCT:.....

Analysis

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 pest management in schools 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.

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

* The bill requires the University of Wisconsin (UW) System, through the UW-Extension, to provide programs to educate and train employees 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 bill requires DATCP to assist school districts in complying with these requirements and prohibitions.

Insert 2-15

99 (Am) Authorize pesticide application in a school or on school grounds to be conducted only by persons who have received training concerning ~~the~~ pest management for schools and ^{who are} certified under sub. (5).

(END OF
INSERT)

Insert 2-20

229

, the potential health effects of exposure to the pesticide, as indicated on its label, and the name and telephone number of a person at the school who can be called for more information or to report health effects from exposure,

(B)

Insert 4-25-p.1

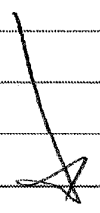
91

(5)

(CS)

Certification. The department shall provide

school pest management certification to persons who demonstrate knowledge concerning pest management for schools and ^{concerning} the requirements of this section.



(B) Insert 4-25, p. 2

(A) (6.) Exemption from advance notice requirement. A

school board is not required to provide advance notice of a pesticide application if the school district administrator, as defined in s. 115.001 (8), declares

that a ^{pest} emergency exists. IF a pesticide ^{is applied} ~~application~~ _{without advance notice}

in a school or on school grounds, the school board

shall provide written notification of the name of the pesticide that was applied, the time and location

of the application ^{use insert 2-20 again} to all of the persons identified

in sub. (2) (F) 1. to 3., as soon as possible after the application.

end insert

Insert 5-8

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

(END OF INSERT)

- 3/23/16
RET: Cmt

This is a redraft of the school pest management proposal.

Please review it carefully. In particular, please review proposed s. 94.715 (2) (dm) and (5), which are new in this redraft, and proposed ss. 36.25 (43) and 94.715 (7) (a), which I have modified, concerning training and certification.

RET

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3123/1dn
RCT:cmh:jf

February 22, 2000

This is a redraft of the school pest management proposal. Please review it carefully. In particular, please review proposed s. 94.715 (2) (dm) and (5), which are new in this redraft, and proposed ss. 36.25 (43) and 94.715 (7) (a), which I have modified, concerning training and certification.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

Tradewell, Becky

From: Wenzel, Bill
Sent: Wednesday, February 23, 2000 4:29 PM
To: Tradewell, Becky
Subject: Modifications - Pesticide Use in Schools (LRB 3123/1)

Hi Becky -

I met with the folks doing the "Healthy Schools" Initiative. They have requested the following changes to the draft:

- ✓1. Page 4, lines 20-21: **Section 2 - 94.715(2)(h)7:** strike *temperature, humidity, wind and any precipitation*. In its place insert *weather conditions*. The provision should then read *For outdoor application, a description of the weather conditions at the time of the application*.
- ✓2. Page 6, lines 1-3: **Section 2 - 94.715(5) Certification:** The intent here is to develop a training and certification program that is based on the effective use of *least toxic pesticides available* list that is developed pursuant to **94.715(7)(b)**. Can you develop some language consistent with that intent?
- ✓3. Page 6, lines 14-22: **Section 2 - 94.715(7)(a) Assistance and Cooperation:** Typically all training involving school districts is done through CESAs. The intent is to have the UW-Extension staff conduct the training at the CESAs.
- ⁴
DNote ✓4. Page 6, lines 4-13: **Section 2 - 94.715(6) Exemption from Advance Notice Requirement:** Does this provision maintain the requirements for posting under **94.715(2)(g)** and recordkeeping under **94.715(2)(h)**? If not, we'd like those requirements included. (Sorry for taking this out of order).
- ✓5. Page 4, line 22: **Section 2 - 94.715(2)(h)8:** At the end of the sentence *...poisoning from the pesticide* insert *as indicated on the label*. (Sorry for taking this out of order).

I think that will do it. If you have any questions please feel free to give me a call (266-7745)

Thanks,
Bill



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3123/2

RCT:cmh:jf

vmy

Today

1999 BILL

Note

refer
cat

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 pest management in schools 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.

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.

*

using the least toxic pesticide available that is effective when it is necessary to use a pesticide

BILL*determined to be necessary*

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 employees 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 employees of school districts and other persons about

4 ~~applying~~ *using the least toxic* pesticides *available that is effective when the use of a pesticide is* in schools ~~and~~ on school grounds and about developing and

5 implementing pest management plans to prevent unacceptable levels of pest activity *based on the list under s. 94.715*

6 and damage in schools and on school grounds while minimizing hazards to persons,

7 property and the environment, consistent with the requirements of s. 94.715.

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

9 **94.715 Pest management for schools.** (1) DEFINITIONS. In this section:

10 (a) "Active ingredient" has the meaning given in s. 94.67 (1).

11 (b) "Federal act" has the meaning given in s. 94.67 (13).

12 (c) "Inert ingredient" has the meaning given in s. 94.67 (16).

13 (d) "Pest" has the meaning given in s. 94.67 (24).

14 (e) "Pesticide" has the meaning given in s. 94.67 (25), except that "pesticide"

15 does not include a germicide, sanitizer or disinfectant.

16 (2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the

17 following:

BILL

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

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

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

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

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

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

17 (f) Except as provided in sub. (6), at least 72 hours in advance of each pesticide
18 application in a school or on school grounds, provide written notification of the name
19 of the pesticide to be applied, the planned time and location of the application, the
20 potential health effects of exposure to the pesticide, as indicated on its label, and the
21 name and telephone number of a person at the school who can be called for more
22 information or to report health effects from exposure, to all of the following:

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

BILL

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

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

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

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

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

9 2. The type of pesticide applied and its brand name, the name of the pesticide
10 as registered under the federal act, the pesticide registration number assigned to the
11 pesticide under the federal act, the manufacturer of the pesticide and the pesticide's
12 active ingredients and inert ingredients.

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

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

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

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

20 7. For an outdoor application, a description of the ^{weather conditions} ~~temperature, humidity, wind~~
21 ~~and any precipitation~~ at the time of the application. _{as indicated on its label}

22 8. The symptoms of acute poisoning from the pesticide _{as indicated on its label}

23 (i) Make the information under par. (h) available to any person upon request
24 and provide the information about each pesticide application to the department
25 annually.

BILL

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

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

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

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

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

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

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

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

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

BILL

SECTION 2

is added to the list when the use of a pesticide is determined to be necessary in a school or on school grounds, based on the list under sub. (7)(b) the use of the available least toxic pesticides that

1 (5) CERTIFICATION. The department shall provide school pest management
 2 certification to persons who demonstrate knowledge concerning pest management
 3 for schools and concerning the requirements of this section.

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

14 (7) ASSISTANCE AND COOPERATION. (a) The department shall provide assistance
 15 to school districts in complying with subs. (2) to (4). The department shall consult
 16 with the department of health and family services and the department of public
 17 instruction concerning school pest management issues. The department and the
 18 board of regents of the University of Wisconsin System shall enter into a
 19 memorandum of understanding concerning school pest management and the
 20 provision of training by the University of Wisconsin-Extension to ensure cooperation
 21 between the department and the University of Wisconsin-Extension and to avoid
 22 duplication of activities. *The University of Wisconsin-Extension and the*

23 (b) The department and the department of health and family services shall
 24 jointly develop a list identifying the least toxic pesticides available that are effective

cooperative educational service agencies shall cooperate in providing the training ~~agencies~~ under s. 36.25(43).

BILL

1 for use against pests that may be found in schools or on school grounds when use of
2 a pesticide is determined to be necessary, as provided under sub. (2) (e).

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

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

10

(END)

- 3/23/2011

RET:
cmH

Proposed s. 94.715 (6) (only) exempts schools from
the requirement to provide advance notice. All
of the other requirements continue to apply,
including posting and recordkeeping.

RET

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3123/2dn
RCT:cmh:kjf

February 24, 2000

Proposed s. 94.715 (6) exempts schools only from the requirement to provide advance notice. All of the other requirements continue to apply, including posting and record keeping.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

Tradewell, Becky

From: Wenzel, Bill
Sent: Friday, February 25, 2000 4:05 PM
To: Tradewell, Becky
Subject: Healthy Schools (LRB 3123/2)

Hi Becky - -

I received a couple of "late" comments on this bill which, by the way, I was less than entranced about. Those frustrations were passed along together with a clear message that any other modifications would need to be done after Committee Hearings and in the form of amendments.

Having said that here are the "last" couple of requests for modification:

1. Page 5, line 4: **Section 2 - 94.715(2)(i)**. ~~Delete annually~~ and insert quarterly.
2. Page 6, line 12: **Section 2 - 94.715(6) Exemption From Advance Notice Requirement**. That section allows school district administrators to declare a pest emergency. Please also provide that authority to school principals and certified pest management contractors.
3. This is an open question and I'm looking to you for advice. The School Administrators Alliance requested a **hold harmless clause exempting school districts from liability for injury caused by contractors acting outside the scope of their contract with the district**. My response was that the written agreement between the school district and the contractor together with provisions in insurance policies should cover this contingency but I'd check with you regarding the appropriateness of including it in the bill.

That's all I have. Let me know whether you need anything else from me or have any questions. FYI - Intend to put /3 on for hearing on Wednesday (1st) but decided not to Notice it until I was sure that I would have it back from you.

Thanks for everything. Have nice weekend.

Bill



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3123#3
RCT:cmh:kjf

Monday

rmy

1999 BILL

see pp. 5 & 6

regen cat

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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.

BILL

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

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3 the extension, programs to train employees 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
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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 ~~annually~~ ^{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) (e) 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 emergency exists. If
13 a pesticide is applied in a school or on school grounds without advance notice, the
14 school board shall provide written notification of the name of the pesticide that was
15 applied, the time and location of the application, the potential health effects of
16 exposure to the pesticide, as indicated on its label, and the name and telephone
17 number of a person at the school who can be called for more information or to report
18 health effects from exposure, to all of the persons identified in sub. (2) (f) 1. to 3., as
19 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)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/28/2000

To: Senator Clausing

Relating to LRB drafting number: LRB-3123

Topic

Pesticide use in schools

Subject(s)

Agriculture - pesticides, Education - miscellaneous

1. **JACKET** the draft for introduction Oliver Clausing
in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290