The Schooling of State Pesticide Laws — A Petition To The Federal Government and a Response

When Beyond Pesticides/NCAMP completed its study, *The Schooling of State Pesticide Laws*, earlier this year (see *Pesticides and You,* Vol. 18, No. 3), it shipped the results off to the Administrator of the U.S. Environmental Protection Agency (EPA) and the Secretary of Education, with a petition asking the federal government to address the serious deficiency in the protection of children from pesticides used in our nation's schools. The report shows a patchwork of standards across the states which neglect to fully protect children in five areas: (i) buffer zones to address drift, (ii) posting signs for indoor and outdoor pesticide applications, (iii) prior written notification for pesticide use, (iv) prohibitions on when and where pesticides may be applied, and (v) requirements for integrated pest management plans. What follows is the Beyond Pesticides/NCAMP petition to the federal agencies and a response from the EPA. At the time of printing we are still awaiting an initial response from the U.S. Department of Education.

PETITION TO EPA ADMINISTRATOR BROWNER AND SECRETARY OF EDUCATION RILEY, JANUARY 28, 1999

Dear Administrator Browner and Secretary Riley,

We are writing to urge the Environmental Protection Agency and Department of Education to begin rulemaking to protect children from the use of pesticides at schools across the country. Our formal request to initiate rulemaking in this regard is borne out of the data collected by the National Coalition Against the Misuse of Pesticides (NCAMP), to be released today in a study which documents uneven and inadequate protection of children from school pesticide use in the 50 states. Given your and the administration's interest in protecting children, we know that you do not want to see this situation continue unabated. We are filing this request with both the Environmental Protection Agency and the Department of Education in the hope that the two can work together to make our children's schools a safer place to learn.

NCAMP's study, *The Schooling of State Pesticide Laws*, reveals a striking lack of protection in five basic areas that together would constitute an adequate standard for protecting children from pesticides at school. While 30 states offer some limited degree of protection in these areas, the federal government has been silent in these areas, allowing children to go off to school each morning facing an unnecessary threat of pesticide exposure in their classrooms and on school grounds. When you break down the number of states that institute some protections in the key areas of exposure and right-to-know, as cited below, the totals shrink considerably. For example, only six states establish buffer or restricted spray zones around schools to try to protect against chemicals drifting into the classroom and school yard. Only five states require that measures are instituted to use less toxic pest management methods in schools through integrated pest management, although the definitions vary considerably.

NCAMP's study evaluates five categories covering critical areas of protection, including: (i) restricted spray (buffer) zones around schools to prevent drifting of chemicals on to school property; (ii) posting warning signs for indoor and outdoor pesticide applications; (iii) prior written notification of pesticide use to parents and school staff; (iv) prohibiting when and where pesticides can be applied at schools; and, (v) use of integrated pest management (IPM) in deciding appropriate pest management approaches. Of the 30 states that offer protection in one or more of these categories, only 16 states address indoor use of pesticides. Overall the level of protection varies widely across the states.

The five categories of protection evaluated in the study are essential ingredients in a program to protect children from pesticides at school. No state has acted in every category and where steps have been taken, they are often much too limited.

The study signals a tremendous need for improved regulatory standards for protecting children from pesticides at their schools. While states need to take stronger action, it is time for the federal government to step up to the plate and institute national standards. The study identifies a patchwork of laws that provide uneven and inadequate protection of children. Our children deserve more than this.

Study Findings

- Only six states recognize the importance of controlling drift by restricting pesticide applications in areas neighboring a school. These restricted spray zones range from 300 feet to 2 ½ miles. Only Arizona and New Jersey require buffer zones for both ground and aerial pesticide applications.
- Ten states require posting of signs for indoor school pesticide applications. Posted notification signs warn those in the school when and where pesticides have been or are being applied. Texas is exemplary in requiring posting indoor notification signs 48 hours before the application is to begin.
- Twenty-two states require posting of signs for pesticide applications made on school grounds. Rhode Island is exemplary in requiring signs to remain posted for 72 hours after the application commences. Seven states require posting for both indoor and outdoor pesticide applications at schools.
- Nine states have requirements to notify students, parents, and/or employees of the school *before* a pesticide application occurs. Arizona and Maryland require that the schools provide prior notification to each parent, guardian and staff member.
- Eight states require schools to inform parents or guardians of their right to be listed on a registry. Registries are viewed by the authors as a less effective notification method because they may eliminate individuals who do not know about toxic exposure. Two of the eight states, Louisiana and Pennsylvania, create the extra barrier of requiring medical verification to be listed

on a registry. This is even more limiting since it does not allow people to avoid exposure.

- Seven states restrict when and what pesticides may be applied in schools. These prohibitions on use are important in reducing pesticide exposure.
- A strong integrated pest management (IPM) program can eliminate the unnecessary use of toxic pesticides, thereby protecting children. Thirteen states define, recommend or require IPM in their state pesticide laws. Of these, only five states (Connecticut[1], Maryland, Oregon, Texas and West Virginia) require IPM[2], and only four states (Illinois, Louisiana, Maine and Montana) recommend it. Three states (Florida, Massachusetts and Pennsylvania) simply define IPM in their law.

As you know, children are at high risk to the adverse effects associated with pesticide exposure. Studies are numerous which document that children exposed to pesticides suffer elevated rates of childhood leukemia, soft tissue sarcoma and brain cancer. Studies link pesticide exposure to the alarming childhood asthma rate and respiratory problems. Because of their affect on the central nervous system, scientists increasingly are associating learning disabilities or attention deficit disorders with low level toxic chemical exposure. The National Academy of Sciences, in its 1993 report *Pesticides in the Diets of Infants and Children*, recognized the increased vulnerability of children to pesticide exposure. The *Food Quality Protection Act*, passed in 1996, *may* result in additional restrictions on some pesticides to which children are now exposed in the schools. However, these changes are not focused on the five critical categories that are needed to stop children's involuntary exposure at school to toxic pesticides across the board. If the government were to institute these protections, it would no longer have to point to a lengthy pesticide registration and reregistration process, with often mostly incomplete data on children, as evidence of some possible future protection. This rulemaking would offer comprehensive protection for children in the near term.

The current situation cries out for federal intervention. On behalf of the children, we urge you to take immediate action to initiate rulemaking in these five areas and begin a process that can ensure that all children can have the benefit of a safe learning environment. We appreciate your commitment to the safety of children and look forward to achieving our mutual goals.

Sincerely, Jay Feldman, Executive Director; Kagan Owens, Information Coordinator

1. Note that Washington state was inadvertently omitted. Washington, like Oregon, requires IPM for state "institutions of higher education."
2. Connecticut requires IPM in "each state institution," only.

RESPONSE FROM THE ENVIRONMENTAL PROTECTION AGENCY / MARCH 5, 1999

Dear Mr. Feldman and Ms. Owens,
Thank you for your letter to Administrator Carol Browner concerning pesticides and schools. Since this office is responsible for pesticide regulation, Administrator Browner asked that I respond on her behalf.

The U.S. Environmental Protection Agency (EPA) shares your interest that pesticides be used safely in and around schools. Your letter lists several categories constituting "critical areas of protection" for which you request action to initiate rulemaking: the use of integrated pest management (IPM) in deciding appropriate pest management approaches; the creation of buffer zones to prevent spray drift of pesticides on to school property; the requirement to post warning signs and issue prior written notification of pesticide use at schools; and restricting when and where pesticides can be applied at schools. Over the next several months, the Office of Pesticide Programs (OPP) will examine this request to determine the scientific issues raised in this request.

The Agency has several projects ongoing to assess children's exposure to pesticides at schools, and also to encourage the use of integrated pest management at schools. Some of EPA's major projects concerning the use of pesticides at schools are discussed below.

EPA's major external research program, Science to Achieve Results (The "STAR program") allocated $899,264 for a three-year school-based study, beginning March 1998, to document complex environmental exposures and related health effects in children. The study will measure children's chemical exposures, including exposures to pesticides, in two elementary schools in Minneapolis. EPA expects that the results from this study will provide important information about complex multi-pathway exposure to children. Such information is critical for making more informed and reasonable decisions about comparative and cumulative risks, and can assist the Agency in determining what additional actions are needed to protect children's health from pesticides in the school setting.

EPA is also sponsoring, through a grant to Indiana University, an IPM in Schools Workshop on March 17-18. The goals of this workshop are to assess the status of IPM in schools and to encourage national coordination of efforts. Included in these goals will be discussion of the development of uniform policies and standards for schools and daycare centers, and to assess resources to foster national implementation through technical assistance, education, and training.

As you may know, EPA has created a national Directory of IPM in Schools, intended to assist individuals with finding specific information about each State program, as well as appropriate State contacts. By sharing resources and information, States can develop IPM approaches for their schools in a more efficient, coordinated approach. The National Directory is available at EPA's website at: *http://www.epa.gov/reg5foia/pest/matilla/ipm.html*. I have enclosed for your reference an Agency publication, "Pest Control in the School Environment: adopting Integrated Pest Management," which is designed to serve as a guide for schools interested in developing IPM programs.

We will keep you apprised of our work as we evaluate the issues raised in your letter. The protection of children's health from pesticide exposure, including the study of exposure to pesticides in the schools setting, is a very high priority, and I appreciate your interest in this area.

Sincerely, Susan H. Wayland, Acting Assistant Administrator

Please write to EPA and the Department of Education to support our petition. Administrator Carol Browner, U.S. EPA, 401 M Street, SW, Washington, DC 20460, phone 202-260-4700, fax 202-260-0279, email Browner.Carol@epamail.gov; Honorable Richard Riley, Secretary of Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202, phone (202) 401-3000, fax (202) 401-0596, email customerservice@inet.edu.gov.