

# The School Environment Protection Act Introduced

## SEPA Unveiled at Jammed Press Conference in U.S. Senate

A press conference announcing the introduction of the School Environment Protection Act (SEPA) was held in the U.S. Senate on October 13, 1999, with the following speakers: Senator Robert Torricelli; Senator Patty Murray; Jay Feldman, Beyond Pesticides/NCAMP executive director; Philip Landrigan, M.D., M.Sc., Mt. Sinai Medical Center; Vicki Rafel, National PTA vice president of legislation; Jesse Rifkin (age 13); Katharina (age 11); and Alexandra (age 7).

### Statement by Senator Robert Torricelli, Sponsor SEPA, S. 1716

**T**hank you for joining us today for the introduction of our legislation on pesticides and their environmental dangers in our nation's schools. For most of us, the most dangerous thing any of us remember facing in school was a surprise test. I know personally I found this to be a very daunting experience. That is no longer the case. The worst part and the most damaging part of a student's life may be in their own school because of environmental health dangers.

It is not surprising that as we learn more about the dangers of pesticides and other environmental problems, we find that they disproportionately affect children. Because of the early stage of their development and the growth of their organs and because of their small body size and weight, children are disproportionately impacted by pesticide exposures. Indeed, studies have shown that children exposed to pesticides have elevated rates of childhood brain cancers. Pesticides have been linked to respiratory problems. According to the National Academy of Sciences (NAS), children in homes that regularly use pesticides, are at a four-fold higher risk of leukemia and a six-fold risk if there are pesticides used in their family's garden. This is no longer a theoretical problem.

This isn't simply a question of a group of parents or teachers who are wondering whether there might be some connection. If these pesticides, based on studies by the NAS, are causing real and lasting health impacts because of their use in homes and gardens, then they almost certainly are having that impact on playgrounds and in schools, where children spend much or most of their waking hours.

Thirty states have taken the leadership in having some form of protection for children from pesticides, though they are almost all different, sometimes contradictory and without any uniformity. Many school districts, including 20 in my own state of New Jersey, have adopted integrated pest management programs, which require the need for pesticides

through non-chemical means — sealing cracks, fixing leaks — finding other means of keeping pests out of schools, other than using pesticides. And many report that they have virtually eliminated problems with cockroaches or other pests without using pesticides. It may take more time and require more leadership, but it is safer.

The fact is, most schools in America still do not have comprehensive plans, or do not address the problem, or do not know it exists. That is why Senator Murray and I are introducing S.1716, the *School Environment Protection Act*. To state simply: children should not be exposed to toxic pesticides, and if they are, their parents have a right to know, and immediately. Under the provisions of our legislation, each school district would be required to develop a plan to deal with pests and bug problems through the use of the least toxic method possible. All pesticides are not the same. School districts would be required to

inquire which is the least potentially damaging. Second, schools would be barred from using pesticides that the EPA has determined cause cancer, birth defects or neurological impairments — a prohibition. Until EPA takes action, however, if a school determines that all non-toxic pesticides are ineffective, and toxic pesticides are required, the school can use them, but only if all school staff and parents are notified 72 hours in advance. So anyone who works in the school, any parent with a child in the school, will know that pesticides are used and that there is a real and present danger. In an emergency, when the immediate health and safety of the child is threatened, conventional pesticides still could be used, but only if the entire school community is notified within 24 hours of use, giving parents and staff toxic information. And finally, the legislation creates a 12-member board, made up of educators, health professionals and industry representatives, to monitor the implementation of the bill and then to consider what else could be done and might be required to ensure the highest level of safety.

There are, for America, two ways to go with this problem. We can allow another generation of American children to pass through our schools exposed to pesticides, theorizing on the rates of cancer or neurological problems that might develop and wait for conclusive studies that will tell us precisely how many lives will be lost and how children will be



SEPA Press Conference: (Left to right) Robert Torricelli, Philip Landrigan, Jay Feldman, Jesse Rifkin, and Patty Murray.



Senator Robert Torricelli

further impaired. Or we can act now based on the best scientific evidence available, which is overwhelming in the conclusion that we recognize that there are cancer risks, neurological problems, risks of asthma, and other developmental problems -- and act to prevent further impact on America's children. This is the route that Senator Murray and I have chosen. It is to some, I suspect, an unnecessary federal involvement. I couldn't disagree more. What is a more appropriate role for the federal government than to deal with exposure to what are federally registered products that are put in to this environment, requiring some uniformity based on federally-held knowledge for all of our children, asking districts simply to develop plans, use good judgement, or when necessary provide notification and the best and safest alternatives. It's an appropriate federal role. It's the right thing to do.

The only thing wrong with this program, this legislation, is that it wasn't done 20 years ago when we first had some of this knowledge. There is nothing we can do for so many of those who suffered unnecessarily while this knowledge was held and never used to protect children, but there's a lot we can do to ensure this never happens again. I'm enormously proud that my partner in this effort, is the senator from Washington, Patty Murray. She has so often been the leader in all children's issues all over the country, the most recognized voice on the floor of the United States Senate on the issues of family and children.

### **Statement by Senator Patty Murray, Co-sponsor SEPA, S. 1716**

**T**hank you so much to Senator Torricelli for his tremendous leadership on this issue that I think is so extremely important and so common-sense. This bill should be passed overwhelmingly by both houses and put into effect today so that no child unintentionally is exposed to pesticides in any of our schools in the United States. I came to understand this issue quite personally in my own family some time ago. When my own son was about four years old, I was a mom at home. My son was out playing in my own backyard when I happened to glance out the window to see a commercial pesticide company spraying my neighbor's yard. My son was playing underneath a tree that hung over our fence and I watched in horrified astonishment as they sprayed him underneath that tree. I spent the next two weeks trying to find out what he was sprayed with, panicked because I didn't know if he was going to have an asthma attack, stop breathing or get cancer. I didn't know what to do. I didn't know whom to call and I couldn't believe that no one had the courtesy to let me know so that I could bring him in before that happened. I worked for a long time in my own state to get some common-sense laws to post notification in neighborhoods so that this wouldn't happen to any other child in my state. To know now that children go to school, where you can't see them as a parent, and play in a playground, and you as a parent never know



Senator Patty Murray

that they may have been exposed to a pesticide and they come home without your knowing is simply wrong. Whether it's your own backyard or your school, you have the right to know as a parent and you have a right to have the knowledge of what your child is exposed to so that you can take care of them and prevent them from being exposed, if you so choose. This legislation is so common sense it should be passed immediately. And I am really pleased to be here with Senator Torricelli to do all we can to protect our children in this country from being exposed to pesticides.

A good integrated pest management (IPM) plan must have a strong definition of IPM and least toxic pesticides. IPM and least toxic pesticides, as defined by SEPA, follow.

### **Integrated Pest Management**

is a managed pest management system that:

- A. eliminates or mitigates economic, health, and aesthetic damage caused by pests;
- B. uses
  1. integrated methods,
  2. site or pest inspections,
  3. pest population monitoring,
  4. an evaluation of the need for pest control, and
5. one or more pest control methods, including sanitation, structural repairs, mechanical and biological controls, other non-chemical methods, and (if nontoxic options are unreasonable and have been exhausted) least toxic pesticides; and
- C. minimizes the use of pesticides and the risk to human health and the environment associated with pesticide applications.

### **Least Toxic Pesticides include:**

- A. boric acid and disodium octoborate tetrahydrate,
- B. silica gels,
- C. diatomaceous earth,
- D. nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice treatment only,
- E. microbe-based insecticides,
- F. botanical insecticides (not including synthetic pyrethroids) without toxic synergists,
- G. biological, living control agents, and
- H. materials for which the inert ingredients are nontoxic and disclosed.
- I. The term 'least toxic pesticides' does not include a pesticide that is determined by the Administrator to be acutely or moderately toxic pesticides, carcinogen, mutagen, teratogen, reproductive toxin, developmental neurotoxin, endocrine disrupter, or immune system toxin, and any application of the pesticide using a broadcast spray, dust, tenting, fogging, or baseboard spray application