
**Select Committee on
Environmental Health**

HB 1806

Brief Description: Limiting the use of high hazard pesticides on school facilities.

Sponsors: Representatives Pedersen, Upthegrove, Campbell, Kenney, McDermott, Morrell, Chase, Appleton, Dunshee, McIntire, Santos, Moeller, Darneille, Roberts, Hudgins, Hunt, Hasegawa, Conway, O'Brien, Green, Rolfes, Simpson, Schual-Berke, Goodman, Wood and Lantz.

Brief Summary of Bill

- Prohibits application of high hazard pesticides at school facilities with certain exceptions.
- Requires the State Board of Health to adopt by rule a list of products that the board considers to pose a high hazard to the health of children or staff if applied in or on school facilities.

Hearing Date: 2/6/07

Staff: Brad Avy (786-7289).

Background:

Pests common in schools can harm both children and adults. Pests can spread disease, cause allergies and asthma attacks, precipitate allergy attacks from stings, contaminate food, cause painful bites, and cause structural damage. Pesticides are powerful tools for controlling these risks.

Children are more sensitive than adults to pesticides. Young children can have greater exposure to pesticides from crawling, exploring, or other hand-to-mouth activities. Since children spend much of their day at school it is important to limit children's exposure to the hazardous effects of pesticides.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The legislature finds that children are more vulnerable than adults to the hazardous effects of pesticides. The intent of the bill is to limit, for the protection of students and staff, the use of high hazard pesticides in and on school facilities.

No person may apply a high hazard pesticide at a school facility except when authorized under a single-use waiver. The waiver may be authorized only if the following conditions are met:

- an immediate human health or safety hazard exists that warrants the use of a high hazard pesticide;
- nonchemical or least-toxic pest prevention and control measures have been used unsuccessfully;
- the underlying causes of the pest outbreak will also be addressed by other actions to prevent future outbreaks; and
- students or staff other than those making the application are not in the area at the time of application or for forty-eight hours following the application.

The bill does not limit the authority of a county health officer, state agency, mosquito control district, or noxious weed control board that is responsible for pest management decisions regarding school facilities to make decisions and take actions regarding school facilities.

The bill does not limit the authority of the director of a licensed day care center or the officers of a school district to establish pesticide application policies that are more restrictive.

The State Board of Health must adopt by rule a list of products that the board considers to pose a high hazard to the health of children or staff if applied in or on school facilities. The list must at least include products that fall in each of the following categories, including products that:

- meet the criteria of toxicity category I or toxicity category II for pesticides as defined by the Environmental Protection Agency in 40 C.F.R. Sec. 156.62 as it exists on the effective date of the bill;
- are classified as known, likely, probable, or possible carcinogens by the Environmental Protection Agency on the effective date of the bill; listed as causing cancer under the state of California's Proposition 65 on the effective date of the bill; or classified by the international agency for research on cancer as a known, probable, or possible carcinogen on the effective date of the bill;
- are determined to be known, probable, or suspected endocrine disruptors by the state of Illinois's Environmental Protection Agency on the effective date of the bill;
- are identified by the United States Toxics Release Inventory on the effective date of the bill as having chronic neurologic effects or contain N-methyl-carbamate, neuro-toxic organophosphorus compounds, or pyrethroids;
- are identified on the effective date of the bill by the United States Toxics Release Inventory or listed on the effective date of the bill under the state of California's Proposition 65 as causing birth defects, reproductive harm, or developmental harm;
- are labeled as part of its state or federal registration as being toxic to fish, birds, bees, wildlife, or domestic animals; and
- are persistent in soil, as defined by a half-life in soil of more than sixty days, except for minerals, i.e., nonorganic chemicals.

The State Board of Health must review and update this list every five years.

Application of a pesticide in violation of the bill is in violation of and subject to penalties under the Washington Pesticide Application Act, chapter 17.21 RCW.

Appropriation: None.

Fiscal Note: Requested January 30, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.