

## Appendix 1

### SUMMARY OF COMPLAINTS RECEIVED BY COUNTY AGRICULTURAL COMMISSIONERS THAT INVOLVED PESTICIDES AND SCHOOLS

In November 2014, the Department of Pesticide Regulation requested all County Agricultural Commissioners (CACs) complete a survey. The purpose of the survey was to characterize complaints received involving pesticide use at or near schools.

From 2011 – 2014 there were 1,779 pesticide complaints. Only 120 of these complaints were on or near school property (36 and 84 complaints, respectively).

Verified pesticide use was documented in 26 of the 36 complaints about on campus pesticide use. Several violations were cited in the 26 campus incidents, including:

- An applicator not wearing protective equipment while applying a pesticide.
- A pest control business not using service container labels on bait stations.
- Pesticides being used by untrained school personnel.
- No proper ventilation before allowing entry into the treated area.
- Pesticides not secured or stored properly.

Verified pesticide use was documented in 58 of the 84 complaints of off campus pesticide use, with one complaint reported as ‘unknown’. The unknown complaint was reported by a parent who observed a plane applying pesticides ten feet from the road. However, the CAC office was unable to verify any aerial pesticide applications in the area on the morning of the complaint. In only two of the complaints were applicators cited for violations which could have affected school sites. In one incident, an aerial application company was applying pesticides within 1 mile of a school or school/daycare while there were children present in violation of an existing county permit condition. In the other, an air blast application of pesticides was made when there was a reasonable possibility that the school could be contaminated by the pesticides.

The types of off campus pesticide use complaints included:

- 4 complaints involving possible drift of pesticides onto a school bus.
- 3 complaints of possible exposure related to drift from air blast or aerial application of pesticides.
- 28 complaints regarding concern about the use of pesticides near a school. These complaints include a helicopter noise complaint that led to a pesticide concern; aerial applications more than 2,000 feet from a school; Round Up being used on City Park property surrounding a nursery school; and herbicide application to railroad tracks adjacent to a school with no report of human exposure.
- 6 complaints regarding concern of use of pesticides near a school and complainant was not aware of the law or thought there was a problem. These complaints include proper aerial or ground application with no drift; tarps from a field fumigation ripping on field near an elementary school; and a maintenance person spot spraying residential landscaping adjacent to a preschool yard.

- 14 complaints of odor. In some cases, the pesticide was applied before or after school or on the weekend.
- 1 complaint of the notification process not being followed.
- 1 grower complaint in which cross country students were running through his orchard while he was applying Glufosinate-ammonium.
- 2 calls from school administrators asking for information about pesticide use near schools. Permit conditions were followed and there was no report of drift or exposure.

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CALIFORNIA COUNTY RESTRICTIONS FOR PESTICIDE APPLICATIONS NEAR SCHOOLS

The following table lists current restrictions for applications near or adjacent to schools for the 15 counties identified in the April 2014 CDPH report entitled Agricultural Pesticide Use Near Public Schools in California.

County	Pesticide Applications Restrictions	Restrictions Apply to	Application type	Buffer Zone (BZ)	Additional Criteria	School Notified	
Fresno	School in session or school grounds occupied	CA Restricted Materials	All methods	1/4 mile			
Imperial	No application within 12 hours of when school or daycare in session	CA Restricted Materials only	Aerial	1/4 mile			
	No application when school or daycare is in session or grounds are occupied	CA Restricted Materials only	Ground	1/2 mile			
		CA Restricted Materials only	Aerial	1 mile			
	School or daycares either in session or otherwise conducting organized activities within 24 hours of the completion of an application	MITC	Sprinklers	prohibited			Notification of use are based on label requirements. Notification for uses outside label requirements and County Conditions of Use Restrictions is voluntary and arranged between the school and grower or applicator.
			Soil injection or broadcast	1 mile			
			Flood irrigation or drip	1/2 mile			
Kern	School in session or during school sponsored activities when children are present.	CA Restricted Materials only	All applications	1/4 mile		NOI to the CAC must document who at the school the applicator spoke with to determine no activities will be taking place at the school during the proposed application.	
		Metam Sodium & Metam Potassium	Fumigation	1/2 mile	Applications are prohibited within 1/2 mile of schools in session or due to be in session	NOI to the CAC must document who at the school the applicator spoke with to	
		Chloropicrin	Fumigation	1/2 mile	Applications are prohibited within 1/2 mile of schools in session or due to be in session within 36 hours after the application.	NOI to the CAC must document who at the school the applicator spoke with to determine no activities will be taking place at the school during the proposed application and 36 hours following the application.	
		CA Restricted Materials only	Applications on school grounds		No applications allowed	NOI to the CAC must document no activities will be taking place at the school during the proposed application.	
		Non- CA Restricted Materials - No Permit Required		None except as may be required by pesticide label.	Agricultural Commissioner discourages applications at locations around schools when schools are in session or during school sponsored activities when children are present.	Agricultural Commissioner encourages voluntary communication between growers, applicators and schools for all applications to share information and discuss preferred application timing.	
Kings	School in session or due to be in session within 24 hrs.	Restricted Materials	Aerial	1/4 mile	No pesticide application by ground or air shall be made or continued if: - There is any reasonable hazard of drift to nontarget property. -There is any reasonable hazard of drift to persons not involved with the application.		
	School in session	Restricted cotton defoliant materials	Aerial	1/4 to 1/2 mile			
			Ground	1/8 to 1/2 mile			
School out for 24 hours	Restricted cotton defoliant materials	Aerial and ground	1/8 mile				

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Madera	School in session or children present.	CA Restricted Materials only	Ground	500 ft.	Some exception for spot spraying and vertebrate control (below ground) - Confirmed approval of NOI	Grower/applicator voluntarily work with individual school on application timing.
			Aerial	1/4 mile	Confirmed approval of NOI	Grower/applicator voluntarily work with individual school on application timing.
		CA restricted fumigants	Fumigation	- Minimum 1/8 mile if label buffer zone is < 300 ft. - Minimum 1/4 mile if label buffer zone is > 300ft	Applications of straight Chloropicrin or in combination with 1, 3 D (>2%): - 96 hour NOI; - maximum rate 175 lbs.ac within 1/4 mile; - 10 acre maximum /24 hours within 1/4 mile; - tarp required if within 1/4 mile (except for replants < 1 acre) - Fumigants per label and more restrictive permit conditions on a case-by-case basis - Confirmed approval of NOI	Grower/applicator voluntarily work with individual school on application timing.
	School not in session or children not present.	CA Restricted Materials only	Ground	label restrictions (if present) apply	More restrictive permit conditions on a case-by case basis - Confirmed approval of NOI	N/A
			Air	label restrictions (if present) apply	More restrictive permit conditions on a case-by case basis - Confirmed approval of NOI	N/A
	School not in session or children not present for minimum 36 hours following fumigant	CA restricted fumigants	Fumigation	Based on label and determined by application method, tarp type (if applicable) and rate per acre.	- Fumigants containing only 1, 3-D cannot be applied within minimum 100 ft. of a structure that will be occupied within 7 days following the application - Application of straight Chloropicrin or in combination with 1,3-D (>2%) with TIF tarp minimum 60 ft. buffer; minimum 100ft buffer for all other applications (except for replants & raised tarp nursery both < 1 acre, other specific sites on a case-by-case basis) - Confirmed approval of NOI	N/A

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Merced	May be prohibited when school is in Session or due to be in session or when grounds will be occupied.	Restricted Materials	Aerial	1/4 mile		Applications may not commence until the notice of intent is verbally authorized by the CAC
			Ground air-blast	1/8 mile		Applications may not commence until the notice of intent is verbally authorized by the CAC
		Fumigants	Ground	buffer restrictions for all fumigant labels apply	All label restrictions apply for hard to evacuate facilities	Notification requirements for all fumigant label restrictions apply for hard to evacuate facilities
		Chloropicrin	Ground	1/4 mile	Rate per acre cannot exceed 175 lbs. active ingredient within 1/4 mile.	Maximum of 10 acres per 24 hours may be treated and tarped except for tree and vine replants less than 1 contiguous acre.
Monterey	During school hours (days and hours when school is open or when sports or other after school events are scheduled)	CA restricted materials	All	500 feet		At least once in the spring and fall, prior to applying any restricted materials, the property operator must contact the principal of the adjacent school and exchange contact information and determine school hours for that location
	One hour before or after school hours		All		Applications adjacent to schools shall not be made during this time	
Sacramento	While children are present.	Restricted materials only			No applications adjacent to schools	Permits are restricted by case by case conditions
		Non-restricted materials only	Ground or air	Buffers recommended	Recommended to be applied when children are not present.	
	When school is not in session.	Non-restricted materials only	Aerial	Buffers recommended	Applications are flown in a pattern parallel to the school property and none are allowed adjacent to the school.	
			Ground	Buffers recommended		
	Fumigants	Ground		All label restrictions apply for hard to evacuate facilities	Notification requirements for all fumigant label restrictions apply for hard to evacuate facilities.	

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San Joaquin	School is in session or school sponsored event.	Restricted Use Pesticides only	Ground	660 ft.	Does not apply to: vertebrate pest control, back pack applications, equipment where nozzles pointing down and wind direction is measured moving away from school site	Notification is voluntary
			Aerial	660 ft.		Notification is voluntary
		CA restricted fumigants	Fumigation	No application within 1/8 mile if label BZ is < 300 ft. No application within 1/4 mile if label BZ is >300 ft.	Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size - Grower is required to contact and work with the individual schools on application timing.	
	School not in session, no school sponsored event	CA restricted materials only	Ground	Label restrictions apply		
			Aerial	Label restrictions apply		
School not in session or children not present for at least 36 hours following the fumigation	CA restricted fumigants	Fumigation	Based on label and determined by application method, tarp type and rate per acre	Fumigants containing 1,3 D cannot be applied within 100 ft. of a structure that will be occupied within 7 days following the application.	Label requires notification at least 7 days in advance of schools that fall within a sliding scale on the fumigant label based upon the BZ size.	
San Luis Obispo	School or daycare is in session or children present.	CA restricted materials only	Spray and dust by ground	500 ft.	Exceptions may be made for spot treatments.	Notification may be required between the school and the adjacent grower
			Spray and dust by air	1/2 mile (2640 ft.)		Notification may be required between the school and the adjacent grower
		CA restricted fumigants	Fumigation	- No application within 1/8 mile if label BZ is < 300 ft. - No application within 1/4 mile if label BZ is >300 ft.	During application and buffer zone duration	The Certified Applicator is required to contact and work with the individual schools on application timing.
		General use non-restricted pesticides	All		Additional mitigations may be recommended including BZ, air flow away, timing, etc.	Grower may voluntarily notify the adjacent school.

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Santa Barbara	School in session or children present.	CA restricted materials only	Ground	500 ft.		Notification is voluntary and arranged between the school and the grower
			Aerial	750 ft.		Notification is voluntary and arranged between the school and the grower
		CA restricted fumigants	Fumigation	- No application within 1/8 mile if label BZ is < 300 ft. - No application within 1/4 mile if label BZ is >300 ft.		Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size - Grower is required to contact and work with the individual schools on application timing.
	School <u>not</u> in session or children <u>not</u> present.	Ca restricted materials only	Ground	Label restriction (if present ) apply		N/A
			Aerial	200 ft.		N/A
School not in session or children not present for at least 36 hours following the fumigation	CA restricted fumigants	Fumigation	Based on label and determined by application method, tarp type and rate per acre	Fumigants containing 1,3 D cannot be applied within 100 ft. of a structure that will be occupied within 7 days following the application. - Sprinkler application of Metam products are prohibited countywide	Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size	
Stanislaus	School in session or during school sponsored activities when children are present.	Restricted materials	All applications	1/4 mile		24 hour NOI to CAC.
	School not in session or children not present for at least 36 hours following the fumigation	CA restricted fumigants	Fumigants	Based on label and determined by application method, tarp type and rate per acre	Fumigants containing 1,3 -D cannot be applied within 100 ft. of a structure that will be occupied within 7 days following the application. Chloropicrin over 2% applications: rate cannot exceed 200 lbs. active ingredient per acre. A maximum of 10 acres per 24 hours may be treated within 1/4 mile of sensitive areas and difficult to evacuate areas. Applications within ¼ mile of a Sensitive area or Difficult to Evacuate area must be tarped, except individual tree and vine replants, less than 1 contiguous acre.	Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size.
Tulare	School is session	Restricted materials	Aerial	1/4 mile		24 hour NOI to the CAC

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Ventura	School in session.	CA restricted materials		1/4 mile 300 feet (fed. restricted chlorpyrifos)	Prohibits all aerial applications around schools.	
		Chlorpyrifos	Foliar applications only	use within 300 ft.	Requires a permit. Cannot be used in any portion of the block adjacent to a school between 6 am- 6 pm. (Adjacent means:	48 hours NOI
	School not in session	CA restricted materials	all application	use within 300 ft.	Follow recommendations contained in the "Farming Near Schools: A Community-based Approach to Protecting Children" publication.	Contact school to determine appropriate time of application to avoid school activities . This information shall be included in the NOI. This does not apply to vertebrate pest control.
		Chlorpyrifos	Foliar applications only	No use between 6 am and 6 pm	Requires a permit. Applicators must be certified.	48 hour NOI to CAC
Yolo	At any time.	Restricted Use Pesticides	Aerial	1/4 mile	Only registered materials that are least toxic to humans, fish and wildlife, effective for the control of a given pest, may be allowed in close proximity to environmentally sensitive areas such as: residential areas (cities, towns, rural neighborhoods), schools, playgrounds, bus stops (when in use), parks, hospitals, shopping centers, occupied labor camps, organic crops*, estuaries, reservoirs, lakes, waterways, livestock, state wildlife management areas, and critical habitats of rare, endangered or threatened species  (County requests growers follow the restricted materials conditions for all applications near schools)	
	School in session.	Restricted Use Pesticides	All Ground	1/4 mile		
	School not in session	Restricted Use Pesticides	Air Blast	300 feet (Danger) 50 feet (Caution)		
			Ground Rigs (does not apply to Methyl Bromide of Telone II)	100 feet (Danger) 50 feet (Caution)		

Monterey	During school hours and 1 hour before or after school hours.	CA restricted materials only	Ground	500 feet	Individual permits may contain more restrictive conditions.	Notification is voluntary and arranged between the school and the adjacent grower
		All pesticides	Ground	500 ft	Long-established practice (20+ years) for growers and applicators to leave a 500 ft buffer zone between target field and school property whenever any pesticide is applied	Notification is voluntary and arranged between the school and the adjacent grower
	At all times	CA restricted materials only	Aerial-fixed wing	1000 ft	Individual permits may contain conditions that are more restrictive.	Notification is voluntary and arranged between the school and the adjacent grower
			Aerial-helicopter	120 ft	When application is between 120 ft and 600 ft of a school, pest control business must have a person stationed on the ground between the treatment site and school in two-way radio communication with pilot. - Individual permits may contain conditions that are more restrictive.	Notification is voluntary and arranged between the school and the adjacent grower
	During school hours or when children are present or when either will occur within 36 hours following the end of the application	CA restricted fumigants	Fumigation	no application within 1/8 mile if label BZ is < 300ft - No application within 1/4 mile if label BZ is >300ft.	Individual permits may contain conditions that are more restrictive.	Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size. If field is within 1/4 mile of school, must notify Pajaro Valley School District or North Monterey County School District 5 days prior to fumigation.
	School not in session or children not present	CA restricted materials only	Ground	Label restrictions (if present) apply		Label requires notification at least 7 days in advance of schools that fall within sliding scale on the fumigant label based upon the BZ size.
School not in session or children not present for at least 36 hours following the fumigation	CA restricted fumigants	Fumigants	Based on label and determined by application method, tarp type and rate per acre	Fumigants containing 1,3 -D cannot be applied within 100 ft of a structure that will be occupied within 7 days following the application.		

## Appendix 3

### STATE LAWS AND REGULATIONS RESTRICTING PESTICIDE APPLICATIONS IN AND AROUND SCHOOL PREMISES

Thirty-seven U.S. states have or are considering pesticide laws and regulations relating to pesticide use in, around, or near schools. State pesticide laws were evaluated for language specific to schools and pesticide application buffer zones, prior written notification for pesticide use, and prohibiting when and where pesticides can be applied.

#### **Buffer Zones Around School Property**

Nine states restrict pesticide applications within 50 feet to a ¼ mile of schools. At least two states specifically prohibit aircraft involved in pesticide applications from turning over school property. Restrictions in individual states vary depending on application type, material applied, and time of day.

**Alabama** prohibits aerial applications of any pesticide within 400 feet of school premises (Ala. Code §80-1-14-.07[8]). The buffer zone for aerial applications around schools is in effect at all times of day. Other application methods around school premises are not limited by this regulation.

**Arizona** prohibits ground and aerial applications of odoriferous pesticides (i.e. profenofos, tribufos, and “other pesticides with similar odiferous characteristics”) within a ¼ mile of the property boundary of a school, unless the products are injected into the soil (Ariz. Rev. Stat. §3-365A). “Highly toxic pesticides” (signal word Danger) and paraquat can be applied within a ¼ mile of a school’s property boundary only if the restricted entry period expires before authorized school activities resume (Ariz. Rev. Stat §3-365.E). These buffer zone restrictions are in effect at all times of day.

**Idaho** prohibits aircraft involved in aerial applications from turning or low-flying over specific areas including schools, unless the pilot has a written authorization from an authorized agent of the school (IDAPA 02.03.03.310.01).

**Louisiana** prohibits commercial aerial applications within 1,000 feet of school grounds during normal school hours. Aerial mosquito control applications are the only exceptions allowed (La. Admin. Code tit. 7, §13142).

**Massachusetts** restricts aerial applications of pesticides for the purpose of producing an agricultural commodity around “protected areas,” which includes schools and school bus stops. Protected areas also include the land within a 100 foot radius around structures, but cannot extend past the property line. Unless written permission is obtained from the owner or manager of the protected area, aerial agricultural applications of liquid formulations are prohibited within 150 feet of protected areas and granular products cannot be aerial applied within 50 feet of these protected areas. Aircraft involved in pesticide applications are not allowed to turn over adjacent protected areas (333 Mass. Code Regs. 13.04).

**New Hampshire** requires a special permit for any aerial application. In residential areas, aerial applications cannot be conducted when children are going to and from school or waiting for transportation. Aerial applications cannot be made at any time to sensitive areas which includes school property (N.H. Rev. Stat. Ann. § 506.07).

**New Jersey** prohibits any aerial application of a pesticide within 300 feet of occupied school premises (N.J. Admin Code § 7: 30-10.5[q]).

**North Carolina** prohibits aerial application of pesticides within 300 feet of occupied school premises (02 N.C. Admin Code 09L.1005). Public agencies can be exempted from this restriction, provided they submit a complete description of the application for approval by the Department of Agriculture, Pesticide Section, at least 30 days prior to the planned application (02 N.C. Admin Code 09L.1006).

**Hawaii** legislature is considering SB800 Relating to the Health Impact of Pesticides. SB800 would restrict outdoor applications of all pesticides around schools. The specific application set back distance has not been specified in the bill.

### **Prior Written Notification**

Written notification ensures that parents, children, and staff are informed prior to pesticide applications. There are two forms of notification systems – notification based registries and universal notification. Notification registries require individuals to place themselves on a list if they want to be informed about pesticide use in a school. Universal systems notify every parent, and in some cases employees, about upcoming pesticide use in a school. The timing of the notification can be as late as the day of the application or up to 72 hours prior to the application.

A few states have adopted school specific notification requirements for applications made near schools.

**Maine** allows owners or other legal occupants of sensitive areas, including schools, to request notification from surrounding growers of pending outdoor agricultural pesticide applications. Notification requests can be made for ground applications within 500 feet of sensitive areas and for aerial applications within 1,000 feet of sensitive areas. The requests are made directly to the landowners. The school should be notified at least one day prior to a pesticide application if a request has been made to a surrounding landowner (Me. Code R. 28 § 1).

**New Jersey** requires applicators to notify school officials prior to commercial or outdoor applications when the application is within 250 feet of school property, if equipment operating at greater than 60 psi is used. Notification, whether verbal or written, must include the proposed application dates, names and EPA registration numbers of products, names of active ingredients, and contact and license information for the pesticide applicator. Applications of certain minimum risk pesticides and county mosquito control applications are exempt from notification requirements (N.J. Admin Code § 7: 30-9.14).

**Texas** allows schools to request prior notification from individual farm operators of future airblast and mistblown applications within a ¼ mile of the school (4 Tex. Admin. Code § 7.37).

**Hawaii** legislature is considering SB 797. The bill requires applicators to provide nearby persons and entities written 24 hour pre-application notification of any outdoor pesticide applications.

Many states have notification requirements for pesticide applications on school grounds. Twenty-four states have requirements to notify parents or school staff in writing prior to pesticide applications.

**Connecticut** has separate notification requirements based on whether the Boards of Education employ Integrated Pest Management Policies. All public schools must annually inform staff, parents, and guardians of notification registries. Schools not covered by an Integrated Pest Management Policy are required to mail the pre-application notices to parents and guardians with arrival of the notification occurring least 24 hours prior to the application. School staff can be notified through any practical means. Schools with an Integrated Pest Management Policy can send notifications to staff, parents, and guardians through any practical means as long as the notification arrives on or before the application date. Pre-application notifications must include the name of the active ingredient being applied, the location and date of application, and contact information of a school administrator or designee (Conn. Gen. Stat. § 170-10-231d).

**Oregon** requires the integrated pest management coordinator for a school to give written notice to parents, adult students, faculty, and school staff at least 24 hours prior to the application of a pesticide. The notification must include the product name and EPA registration number, area and date of application, and reason for the application.

**Pennsylvania** requires the school district to provide notice to parents or guardians of students at least 72 hours prior to a planned pesticide application. The notice must include the treatment date, applicator contact information, and pesticide name. The notice can be provided either to all parents or only to a list of interested parents who have requested notification of pesticide applications (22 Pa. Code § 772.1).

**West Virginia** requires school contracted licensed pest control businesses to provide at least 48 hours in advance notification when applying level 3 or 4 pesticides (W. Va. CSR. §61-12-J-8). Level 3 pesticides are crack and crevice labeled pesticides with the signal word Caution containing specific active ingredients. Level 4 pesticides are any broadcasted pesticides with the signal word Caution and all signal word Warning or Danger pesticides (W. Va. CSR. §61-12-J-7). School officials are required to notify their employees at least 24 hours prior to any applications of level 3 or 4 pesticides. At the beginning of each school year, school administrators must notify parents of their right to be notified of application of level 3 and 4 pesticides. Parents electing to be notified are notified by the school at least 24 hours in advance of pesticide applications (W. Va. CSR. §61-12-J-8). The regulation does not specify the notification method.

**Wyoming** requires school districts provide written notification of pesticide applications on school property to students, teachers, and staff at least 72 hours prior to application. Notification must include notification date, date of application, pest controlled, pesticide information, and applicator contact information (WY Stat §35-7-375).

**Hawaii** legislature is currently considering SB 793, requiring applicators to provide parents and guardians written 24 hour pre-application notification of any outdoor pesticide applications to school grounds.

### **Use Restrictions on School Grounds**

States have adopted a variety of methods to restrict the type and timing of pesticide applications to school grounds. These restrictions take many forms ranging from prohibiting the application of specific types of pesticides to more comprehensive systems which restrict applications based on the product's active ingredient and signal word. Sixteen states either restrict the type or timing of pesticide applications in schools or have specific school reentry periods after applications.

**Alaska** requires school administrator to keep children out of pesticide treated school areas for at least 24 hours after application. Certified applicators must apply all pesticides in schools except antimicrobials and sanitizers, (18 AAC 90.300 and 625).

**Connecticut** only allows pesticide applicators with supervisory certification or operational certification plus direct supervision of a supervisory pesticide applicator to apply pesticides to school buildings and grounds. Pesticide applications cannot be made to any building or on school grounds during regular school hours or during planned activities at schools. The state prohibits the use of all U.S. EPA registered pesticides labelled for use on lawn, garden, or ornamental sites on any Pre K - 8th school grounds (Conn. Gen. Stat. § 170-10-231b). Currently, the Connecticut legislature is considering S.B. 366 which would extend the lawn care pesticides ban to high schools.

**Louisiana** limits federally restricted use pesticide applications to school buildings and grounds. These applications can only occur when students are not expected to be present for at least 8 hours after the application (La. Rev. Stat. Ann. § 3:3384). Certified applicators must either apply or supervise the application of herbicides, rodenticides, insecticides, and restricted use pesticides to school grounds and structures (La. Rev. Stat. Ann. § 3:3386).

**Massachusetts** prohibits indoor pesticide applications on school property while children are present. Antimicrobial pesticides, pesticides in tamper resistant bait stations, ready-to-use gels and powders applied in inaccessible areas, U.S. EPA exempt, and certain termite applications are exempt from the indoor prohibition. Outdoor applications cannot be made while children are either in or adjacent to the application area. Products used outdoors are limited to pesticides that are not carcinogenic and do not have any inert ingredients of toxicological concern. Outdoor pesticide applications made purely for aesthetic purposes must be first approved by the governing municipality. Only licensed certified applicators, or the handlers they supervise, can apply pesticides on school property (Mass. Gen. Laws Ch. 132B, § 6C-G).

**Michigan** prohibits all outdoor ornamental and turf applications of liquid products on school grounds within 100 feet of occupied classrooms during school class hours or when people are using the treatment area (Mich. Admin. Code. R.285.637.15). Indoor liquid and aerosol insecticide applications cannot be made to school rooms unless the rooms will be unoccupied by students for at least 4 hours after the application. The applicator is

responsible for notifying the building manager of the reentry restrictions (Mich. Admin. Code. R.285.637.15).

**New York** prohibits applications of pesticides on school playgrounds, turf, and fields, except for an emergency determined by the county health department. Antimicrobials, minimal risk pesticides, and aerosol sprays less than 18 ounces used to protect from imminent danger are exempted (NY Educ L § 409-K). Pesticides applied indoors or to structures are not restricted by this prohibition.

**Texas** requires licensed applicators to apply pesticides in public schools. Pesticides are classified in three categories based on label signal word and active ingredient (Green, Yellow, and Red). The category controls when and where the product can be applied and whether a restricted reentry interval is required (4 Tex. Admin. Code Section 7.150[d]).

“Green” products have the signal word Caution and are limited to specific active ingredients (e.g. insect growth regulators, botanical insecticides, and microbial insecticides). Green pesticides can be applied indoors when students are not present in the room and outdoors when students are not within 10 feet of the application site. For indoor and outdoor applications, reentry is allowed after the application is complete, the spray has dried, or label specified reentry period has lapsed, whichever is longer.

“Yellow” pesticides have the signal word Caution and are not included in the Green category active ingredients. Yellow pesticides require written approval of the certified applicator before use. Indoor applications of Yellow pesticides are allowed only if students are not present or expected to be present in the room during and for the four hours after the application. Outdoor applications of Yellow pesticides can only be applied if students will be at least ten feet from the application site. Application sites must be secured to prevent access during the entry restriction interval.

“Red” pesticides have the signal word Warning or Danger and are either restricted use pesticides, state-limited pesticides, or regulated herbicides. Applications of Red pesticides require a written use justification from the certified applicator that has been approved by the school district’s Integrated Pest Management Coordinator. Indoor applications of Red pesticides are allowed only if students are not present or expected to be present in the room during and for eight hours following the application. Outdoor applications of Red pesticides can only be applied if students will be at least 25 feet from the application site and the site must be secured to prevent access for at least eight hours after the application.

**West Virginia** prohibits the application of Level 3 and Level 4 pesticides in the presence of any student and school employees not certified as pesticide applicators. Only certified pesticide applicators can apply any pesticide in a school (W. Va. CSR. §61-12-J-9).

The **Hawaii** legislature is considering SB 793, which would set maximum allowable wind speed conditions for outdoor pesticide applications at schools.