

**H. R. 121**

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**January 7, 2003**

Mr. HOLT introduced the following bill; which was referred to the Committee on Agriculture

**A BILL**

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'School Environment Protection Act of 2003'.

**SEC. 2. FINDINGS.**

Congress finds that--

- (1) in 1992, the National Parent Teacher Association passed a resolution calling for the reduced use of pesticides in schools and calling on policymakers to consider all possible alternatives before using any pesticides;
- (2) the National Education Association and many other national public interest organizations have announced support for reducing or eliminating pesticide use in schools;
- (3) childhood cancer is continuing to increase at the alarming rate of 1 percent per year;
- (4) the overall incidence of childhood cancer increased 10 percent between 1974 and 1991, making cancer the leading cause of childhood death from disease;
- (5) approximately 4,800,000 children in the United States under the age of 18 have asthma, the most common chronic illness in children, and the incidence of asthma is on the rise;
- (6) children are more susceptible to hazardous impacts from pesticides than are adults;
- (7) numerous scientific studies have linked both cancer and asthma to pesticide exposure;
- (8) the Environmental Protection Agency has recommended the use of an integrated pest management system by local educational agencies, which emphasizes nonchemical ways of reducing pests, such as sanitation and maintenance;
- (9) integrated pest management--
  - (A) promotes nonchemical methods of pest prevention and management using least toxic pesticides after all other methods have been exhausted; and
  - (B) requires a notification process by which each student, parent, guardian, staff member, and teacher shall be notified of a pesticide application;
- (10) parents and guardians have a right to know that there is an integrated pest management system in their children's schools;
- (11) an integrated pest management system provides long-term health and economic benefits; and
- (12) parents and guardians wish to and have a right to be notified in advance of any use of a pesticide in their children's schools.

**SEC. 3. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.**

The Federal Insecticide, Fungicide, and Rodenticide Act is amended--

- (1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35,

respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w-7) the following:

### **SEC. 33. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.**

(a) DEFINITIONS- In this section:

(1) BOARD- The term 'Board' means the National School Integrated Pest Management Advisory Board established under subsection (c).

(2) CONTACT PERSON- The term 'contact person' means an individual who is--

(A) knowledgeable about integrated pest management systems; and

(B) designated by a local educational agency as the contact person under subsection (f).

(3) CRACK AND CREVICE TREATMENT- The term 'crack and crevice treatment' means the application of small quantities of a pesticide in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

(4) EMERGENCY- The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

(5) FUND- The term 'Fund' means the Integrated Pest Management Trust Fund established under subsection (m).

(6) INTEGRATED PEST MANAGEMENT SYSTEM- The term 'integrated pest management system' means a managed pest control system that--

(A) eliminates or mitigates economic, health, and aesthetic damage caused by pests;

(B) uses--

(i) integrated methods;

(ii) site or pest inspections;

(iii) pest population monitoring;

(iv) an evaluation of the need for pest control; and

(v) 1 or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other nonchemical methods, and (if nontoxic options

are unreasonable and have been exhausted) least toxic pesticides; and

(C) minimizes--

(i) the use of pesticides; and

(ii) the risk to human health and the environment associated with pesticide applications.

(7) LEAST TOXIC PESTICIDES-

(A) IN GENERAL- The term 'least toxic pesticides' means--

(i) boric acid and disodium octoborate tetrahydrate;

(ii) silica gels;

(iii) diatomaceous earth;

(iv) nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice treatment only;

(v) microbe-based insecticides;

(vi) botanical insecticides (not including synthetic pyrethroids) without toxic synergists;

(vii) biological, living control agents; and

(viii) materials for which the inert ingredients are nontoxic and disclosed.

(B) EXCLUSIONS- The term 'least toxic pesticides' does not include a pesticide that is determined by the Administrator to be an acutely or moderately toxic pesticide, 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.

(8) LIST- The term 'list' means the list of least toxic pesticides established under subsection (d).

(9) LOCAL EDUCATIONAL AGENCY- The term 'local educational agency' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(10) PERSON- The term 'person' means--

- `(A) an individual that attends, has children enrolled in, works at, or uses a school;
  - `(B) a resident of a school district; and
  - `(C) any other individual that may be affected by pest management activities of a school.
- `(11) OFFICIAL- The term `official' means the official appointed by the Administrator under subsection (e).
- `(12) PESTICIDE-
  - `(A) IN GENERAL- The term `pesticide' means any substance or mixture of substances, including herbicides and bait stations, intended for--
    - `(i) preventing, destroying, repelling, or mitigating any pest;
    - `(ii) use as a plant regulator, defoliant, or desiccant; or
    - `(iii) use as a spray adjuvant such as a wetting agent or adhesive.
  - `(B) EXCLUSION- The term `pesticide' does not include antimicrobial agents such as disinfectants or deodorizers used for cleaning products.
- `(13) SCHOOL- The term `school' means a public--
  - `(A) elementary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801));
  - `(B) secondary school (as defined in section 14101 of that Act); or
  - `(C) kindergarten or nursery school.
- `(14) SCHOOL GROUNDS-
  - `(A) IN GENERAL- The term `school grounds' means the area outside of the school buildings controlled, managed, or owned by the school or school district.
  - `(B) INCLUSIONS- The term `school grounds' includes a lawn, playground, sports field, and any other property or facility controlled, managed, or owned by a school.
- `(15) SPACE SPRAYING-
  - `(A) IN GENERAL- The term `space spraying' means application of a pesticide by discharge into the air throughout an inside area.
  - `(B) INCLUSION- The term `space spraying' includes the application of a pesticide using a broadcast spray, dust, tenting, or fogging.
  - `(C) EXCLUSION- The term `space spraying' does not include crack and crevice treatment.
- `(16) STAFF MEMBER-
  - `(A) IN GENERAL- The term `staff member' means an employee of a school or local educational agency.
  - `(B) INCLUSIONS- The term `staff member' includes an administrator, teacher, and other person that is regularly employed by a school or local educational agency.
  - `(C) EXCLUSIONS- The term `staff member' does not include--
    - `(i) an employee hired by a school, local educational agency, or State to apply a pesticide; or
    - `(ii) a person assisting in the application of a pesticide.
- `(17) STATE EDUCATIONAL AGENCY- The term `State educational agency' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).
- `(18) UNIVERSAL NOTIFICATION- The term `universal notification' means notice provided by a local educational agency or school to--
  - `(A) all parents or guardians of children attending the school; and
  - `(B) staff members of the school or local educational agency.
- `(b) INTEGRATED PEST MANAGEMENT SYSTEMS-
  - `(1) IN GENERAL- The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory System to develop and update uniform standards and criteria for implementing integrated pest management systems in schools.
  - `(2) IMPLEMENTATION- Not later than 18 months after the date of enactment of this subsection, each local educational agency of a school district shall develop and implement in each of the schools in the school district an integrated pest management system that complies with this section.
  - `(3) STATE PROGRAMS- If, on the date of enactment of this section, a State maintains an integrated pest management system that meets the standards and criteria established under

paragraph (1) (as determined by the Board), a local educational agency in the State may continue to implement the system in a school or in the school district in accordance with paragraph (2).

`(4) APPLICATION TO SCHOOLS AND SCHOOL GROUNDS- The requirements of this section that apply to a school, including the requirement to implement an integrated management system, apply to pesticide application in a school building and on the school grounds.

`(5) APPLICATION OF PESTICIDES WHEN SCHOOLS IN USE- A school shall prohibit--

`(A) the application of a pesticide when a school or a school ground is occupied or in use; or

`(B) the use of an area or room treated by a pesticide, other than a least toxic pesticide, during the 24-hour period beginning at the end of the treatment.

`(c) NATIONAL SCHOOL INTEGRATED PEST MANAGEMENT ADVISORY BOARD-

`(1) IN GENERAL- The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory Board to--

`(A) establish uniform standards and criteria for developing integrated pest management systems and policies in schools;

`(B) develop standards for the use of least toxic pesticides in schools; and

`(C) advise the Administrator on any other aspects of the implementation of this section.

`(2) COMPOSITION OF BOARD- The Board shall be composed of 12 members and include 1 representative from each of the following groups:

`(A) Parents.

`(B) Public health care professionals.

`(C) Medical professionals.

`(D) State integrated pest management system coordinators.

`(E) Independent integrated pest management specialists that have carried out school integrated pest management programs.

`(F) Environmental advocacy groups.

`(G) Children's health advocacy groups.

`(H) Trade organization for pest control operators.

`(I) Teachers and staff members.

`(J) School maintenance staff.

`(K) School administrators.

`(L) School board members.

`(3) APPOINTMENT- Not later than 180 days after the date of enactment of this section, the Administrator shall appoint members of the Board from nominations received from Parent Teacher Associations, school districts, States, and other interested persons and organizations.

`(4) TERM-

`(A) IN GENERAL- A member of the Board shall serve for a term of 5 years, except that the Administrator may shorten the terms of the original members of the Board in order to provide for a staggered term of appointment for all members of the Board.

`(B) CONSECUTIVE TERMS- Subject to subparagraph (C), a member of the Board shall not serve consecutive terms unless the term of the member has been reduced by the Administrator.

`(C) MAXIMUM TERM- In no event may a member of the Board serve for more than 6 consecutive years.

`(5) MEETINGS- The Administrator shall convene--

`(A) an initial meeting of the Board not later than 60 days after the appointment of the members; and

`(B) subsequent meetings on a periodic basis, but not less often than 2 times each year.

`(6) COMPENSATION- A member of the Board shall serve without compensation, but may be reimbursed by the Administrator for expenses (in accordance with section 5703 of title 5, United States Code) incurred in performing duties as a member of the Board.

`(7) CHAIRPERSON- The Board shall select a Chairperson for the Board.

`(8) QUORUM- A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

`(9) DECISIVE VOTES- Two-thirds of the votes cast at a meeting of the Board at which a

quorum is present shall be decisive for any motion.

`(10) ADMINISTRATION- The Administrator--

`(A) shall--

`(i) authorize the Board to hire a staff director; and

`(ii) detail staff of the Environmental Protection Agency, or allow for the hiring of staff for the Board; and

`(B) subject to the availability of appropriations, may pay necessary expenses incurred by the Board in carrying out this subtitle, as determined appropriate by the Administrator.

`(11) RESPONSIBILITIES OF THE BOARD-

`(A) IN GENERAL- The Board shall provide recommendations to the Administrator regarding the implementation of this section.

`(B) LIST OF LEAST TOXIC PESTICIDES- Not later than 1 year after the initial meeting of the Board, the Board shall--

`(i) review implementation of this section (including use of least toxic pesticides); and

`(ii) review and make recommendations to the Administrator with respect to new proposed active and inert ingredients or proposed amendments to the list in accordance with subsection (d).

`(C) TECHNICAL ADVISORY PANELS-

`(i) IN GENERAL- The Board shall convene technical advisory panels to provide scientific evaluations of the materials considered for inclusion on the list.

`(ii) COMPOSITION- A panel described in clause (i) shall include experts on integrated pest management, children's health, entomology, health sciences, and other relevant disciplines.

`(D) SPECIAL REVIEW-

`(i) IN GENERAL- Not later than 2 years after the initial meeting of the Board, the Board shall review, with the assistance of a technical advisory panel, pesticides used in school buildings and on school grounds for their acute toxicity and chronic effects, including cancer, mutations, birth defects, reproductive dysfunction, neurological and immune system effects, and endocrine system disruption.

`(ii) DETERMINATION- The Board--

`(I) shall determine whether the use of pesticides described in clause (i) may endanger the health of children; and

`(II) may recommend to the Administrator restrictions on pesticide use in school buildings and on school grounds.

`(12) REQUIREMENTS- In establishing the proposed list, the Board shall--

`(A) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, medical and scientific literature, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed list; and

`(B) cooperate with manufacturers of substances considered for inclusion in the proposed list to obtain a complete list of ingredients and determine that such substances contain inert ingredients that are generally recognized as safe.

`(13) PETITIONS- The Board shall establish procedures under which individuals may petition the Board for the purpose of evaluating substances for inclusion on the list.

`(14) PERIODIC REVIEW-

`(A) IN GENERAL- The Board shall review each substance included on the list at least once during each 5-year period beginning on--

`(i) the date that the substance was initially included on the list; or

`(ii) the date of the last review of the substance under this subsection.

`(B) SUBMISSION TO ADMINISTRATOR- The Board shall submit the results of a review under subparagraph (A) to the Administrator with a recommendation as to whether the substance should continue to be included on the list.

`(15) CONFIDENTIALITY- Any business sensitive material obtained by the Board in carrying out this section shall be treated as confidential business information by the Board and shall not be released to the public.

`(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE REVIEW-

`(1) IN GENERAL- The Board shall recommend to the Administrator a list of least toxic pesticides (including the pesticides described in subsection (a)(7)) that may be used as least toxic pesticides, any restrictions on the use of the listed pesticides, and any recommendations regarding restrictions on all other pesticides, in accordance with this section.

`(2) PROCEDURE FOR EVALUATING PESTICIDE USE-

`(A) LIST OF LEAST TOXIC PESTICIDES-

`(i) IN GENERAL- The Administrator shall establish a list of least toxic pesticides that may be used in school buildings and on school grounds, including any restrictions on the use of the pesticides, that is based on the list prepared by the Board.

`(ii) REGULATORY REVIEW- The Administrator shall initiate regulatory review of all other pesticides recommended for restriction by the Board.

`(B) RECOMMENDATIONS- Not later than 1 year after receiving the proposed list and restrictions, and recommended restrictions on all other pesticides from the Board, the Administrator shall--

`(i) publish the proposed list and restrictions and all other proposed pesticide restrictions in the Federal Register and

seek public comment on the proposed proposals; and

`(ii) after evaluating all comments received concerning the proposed list and restrictions, but not later than 1 year after the close of the period during which public comments are accepted, publish the final list and restrictions in the Federal Register, together with a discussion of comments received.

`(C) FINDINGS- Not later than 2 years after publication of the final list and restrictions, the Administrator shall make a determination and issue findings on whether use of registered pesticides in school buildings and on school grounds may endanger the health of children.

`(D) NOTICE AND COMMENT-

`(i) IN GENERAL- Prior to establishing or making amendments to the list, the Administrator shall publish the proposed list or any proposed amendments to the list in the Federal Register and seek public comment on the proposals.

`(ii) RECOMMENDATIONS- The Administrator shall include in any publication described in clause (i) any changes or amendments to the proposed list that are recommended to and by the Administrator.

`(E) PUBLICATION OF LIST- After evaluating all comments received concerning the proposed list or proposed amendments to the list, the Administrator shall publish the final list in the Federal Register, together with a description of comments received.

`(e) OFFICE OF PESTICIDE PROGRAMS-

`(1) ESTABLISHMENT- The Administrator shall appoint an official for school pest management within the Office of Pesticide Programs of the Environmental Protection Agency to coordinate the development and implementation of integrated pest management systems in schools.

`(2) DUTIES- The official shall--

`(A) coordinate the development of school integrated pest management systems and policies;

`(B) consult with schools concerning--

`(i) issues related to the integrated pest management systems of schools;

`(ii) the use of least toxic pesticides; and

`(iii) the registration of pesticides, and amendments to the registrations, as the registrations and amendments relate to the use of integrated pest management systems in schools; and

`(C) support and provide technical assistance to the Board.

`(f) CONTACT PERSON-

`(1) IN GENERAL- Each local educational agency of a school district shall designate a contact person for carrying out an integrated pest management system in schools in the school district.

`(2) DUTIES- The contact person of a school district shall--

`(A) maintain information about pesticide applications inside and outside schools within the school district, in school buildings, and on school grounds;

`(B) act as a contact for inquiries about the integrated pest management system;

`(C) maintain material safety data sheets and labels for all pesticides that may be used in

- the school district;
  - `(D) be informed of Federal and State chemical health and safety information and contact information;
  - `(E) maintain scheduling of all pesticide usage for schools in the school district;
  - `(F) maintain contact with Federal and State integrated pest management system experts; and
  - `(G) obtain periodic updates and training from State integrated pest management system experts.
- `(3) PESTICIDE USE DATA- A local educational agency of a school district shall--
- `(A) maintain all pesticide use data for each school in the school district; and
  - `(B) on request, make the data available to the public for review.
- `(g) NOTICE OF INTEGRATED PEST MANAGEMENT SYSTEM-
- `(1) IN GENERAL- At the beginning of each school year, each local educational agency or school of a school district shall include a notice of the integrated pest management system of the school district in school calendars or other forms of universal notification.
- `(2) CONTENTS- The notice shall include a description of--
- `(A) the integrated pest management system of the school district;
  - `(B) any pesticide (including any least toxic pesticide) or bait station that may be used in a school building or on a school ground as part of the integrated pest management system;
  - `(C) the name, address, and telephone number of the contact person of the school district;
  - `(D) a statement that--
    - `(i) the contact person maintains the product label and material safety data sheet of each pesticide (including each least toxic pesticide) and bait station that may be used by a school in buildings or on school grounds;
    - `(ii) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and
    - `(iii) the contact person is available to parents, guardians, and staff members for information and comment; and
  - `(E) the time and place of any meetings that will be held under subsection (g)(1).
- `(3) USE OF PESTICIDES- A local educational agency or school may use a pesticide during a school year only if the use of the pesticide has been disclosed in the notice required under paragraph (1) at the beginning of the school year.
- `(4) NEW EMPLOYEES AND STUDENTS- After the beginning of each school year, a local educational agency or school of a school district shall provide the notice required under this subsection to--
- `(A) each new staff member who is employed during the school year; and
  - `(B) the parent or guardian of each new student enrolled during the school year.
- `(h) USE OF PESTICIDES-
- `(1) IN GENERAL- If a local educational agency or school determines that a pest in the school or on school grounds cannot be controlled after having used the integrated pest management system of the school or school district and least toxic pesticides, the school may use a pesticide (other than space spraying of the pesticide) to control the pest in accordance with this subsection.
- `(2) PRIOR NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS-
- `(A) IN GENERAL- Subject to paragraphs (4) and (5), not less than 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall provide to a parent or guardian of each student enrolled at the school and each staff member of the school, notice that includes--
    - `(i) the common name, trade name, and Environmental Protection Agency registration number of the pesticide;
    - `(ii) a description of the location of the application of the pesticide;
    - `(iii) a description of the date and time of application, except that, in the case of outdoor pesticide applications, 1 notice shall include 3 dates, in chronological order, that the outdoor pesticide applications may take place if the preceding date is canceled;
    - `(iv) a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: "Where possible, persons who potentially

are sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure.;

`(v) a description of potential adverse effects of the pesticide based on the material safety data sheet of the pesticide;

`(vi) a description of the reasons for the application of the pesticide;

`(vii) the name and telephone number of the contact person of the school district; and

`(viii) any additional warning information related to the pesticide.

`(B) METHOD OF NOTIFICATION- The school may provide the notice required by subparagraph (A) by--

`(i) written notice sent home with the student and provided to the staff member;

`(ii) a telephone call;

`(iii) direct contact; or

`(iv) written notice mailed at least 1 week before the application.

`(C) REISSUANCE- If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall reissue the notice under this paragraph for the new date of application.

`(3) POSTING OF SIGNS-

`(A) IN GENERAL- Subject to paragraphs (4) and (5), at least 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall post a sign that provides notice of the application of the pesticide--

`(i) in a prominent place that is in or adjacent to the location to be treated; and

`(ii) at each entrance to the building or school ground to be treated.

`(B) ADMINISTRATION- A sign required under subparagraph (A) for the application of a pesticide shall--

`(i) remain posted for at least 72 hours after the end of the treatment;

`(ii) be at least 8 1/2 inches by 11 inches; and

`(iii) state the same information as that required for prior notification of the application under paragraph (2).

`(C) OUTDOOR PESTICIDE APPLICATIONS-

`(i) IN GENERAL- In the case of outdoor pesticide applications, each sign shall include 3 dates, in chronological order, that the outdoor pesticide application may take place if the preceding date is canceled due to weather.

`(ii) DURATION OF POSTING- A sign described in clause (i) shall be posted after an outdoor pesticide application in accordance with subparagraph (B).

`(4) ADMINISTRATION-

`(A) APPLICATORS- Paragraphs (2) and (3) shall apply to any person that applies a pesticide in a school or on a school ground, including a custodian, staff member, or commercial applicator.

`(B) TIME OF YEAR- Paragraphs (2) and (3) shall apply to a school--

`(i) during the school year; and

`(ii) during holidays and the summer months, if the school is in use, with notice provided to all staff members and the parents or guardians of the students that are using the school in an authorized manner.

`(5) EMERGENCIES-

`(A) IN GENERAL- A school may apply a pesticide (other than a least toxic pesticide) in the school or on school grounds without complying with paragraphs (2) and (3) in an emergency, subject to subparagraph (B).

`(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS- Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next school day, the school shall provide to each parent or guardian of a student enrolled at the school, and staff member of the school, notice of the application of the pesticide for emergency pest control that includes--

`(i) the information required for a notice under paragraph (2)(A);

`(ii) a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and





reasonably incurred by the complainant in bringing the complaint.

`(B) AMOUNT- The Administrator shall determine the amount of the costs that were reasonably incurred by the complainant.

`(8) JUDICIAL REVIEW AND VENUE-

`(A) IN GENERAL- A person adversely affected by an order issued after a hearing under this subsection may file a petition for review not later than 60 days after the date that the order is issued, in a district court of the United States or other United States court for any district in which a local educational agency or school is found, resides, or transacts business.

`(B) TIMING- The review shall be heard and decided expeditiously.

`(C) COLLATERAL REVIEW- An order of the Administrator subject to review under this paragraph shall not be subject to judicial review in a criminal or other civil proceeding.

`(k) CIVIL PENALTY-

`(1) IN GENERAL- Any local educational agency, school, or person that violates this section may be assessed a civil penalty by the Administrator under subsections (h) and (i), respectively, of not more than \$10,000 for each offense.

`(2) TRANSFER TO TRUST FUND- Except as provided in subsection (i)(4)(B), civil penalties collected under paragraph (1) shall be deposited in the Fund.

`(l) INTEGRATED PEST MANAGEMENT TRUST FUND-

`(1) ESTABLISHMENT- There is established in the Treasury of the United States a trust fund to be known as the 'Integrated Pest Management Trust Fund', consisting of--

`(A) amounts deposited in the Fund under subsection (j)(2);

`(B) amounts transferred to the Secretary of the Treasury for deposit into the Fund under paragraph (5); and

`(C) any interest earned on investment of amounts in the Fund under paragraph (3).

`(2) EXPENDITURES FROM FUND-

`(A) IN GENERAL- Subject to subparagraph (B), on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator, without further appropriation, such amounts as the Secretary determines are necessary to provide funds to each State educational agency of a State, in proportion to the amount of civil penalties collected in the State under subsection (j)(1), to carry out education, training, propagation, and development activities under integrated pest management systems of schools in the State to remedy the harmful effects of actions taken by the persons that paid the civil penalties.

`(B) ADMINISTRATIVE EXPENSES- An amount not to exceed 6 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subsection.

`(3) INVESTMENT OF AMOUNTS-

`(A) IN GENERAL- The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

`(B) ACQUISITION OF OBLIGATIONS- For the purpose of investments under subparagraph (A), obligations may be acquired--

`(i) on original issue at the issue price; or

`(ii) by purchase of outstanding obligations at the market price.

`(C) SALE OF OBLIGATIONS- Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

`(D) CREDITS TO FUND- The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

`(4) TRANSFERS OF AMOUNTS-

`(A) IN GENERAL- The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

`(B) ADJUSTMENTS- Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

`(5) ACCEPTANCE AND USE OF DONATIONS- The Secretary may accept and use donations to carry out paragraph (2)(A). Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

`(m) EMPLOYEE PROTECTION-

`(1) IN GENERAL- No local educational agency, school, or person may harass, prosecute, hold liable, or discriminate against any employee or other person because the employee or other person--

`(A) is assisting or demonstrating an intent to assist in achieving compliance with this section (including any regulation);

`(B) is refusing to violate or assist in the violation of this section (including any regulation); or

`(C) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to participate in any manner in such a proceeding or in any other action to carry out this section.

`(2) COMPLAINTS- Not later than 1 year after an alleged violation occurred, an employee or other person alleging a violation of this section, or another person at the request of the employee, may file a complaint with the Administrator.

`(3) REMEDIAL ACTION- If the Administrator decides, on the basis of a complaint, that a local educational agency, school, or person violated paragraph (1), the Administrator shall order the local educational agency, school, or person to--

`(A) take affirmative action to abate the violation;

`(B) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

`(C) pay compensatory damages, including back pay.

`(n) GRANTS-

`(1) IN GENERAL- The Administrator, in consultation with the Secretary of Education, shall provide grants to local educational agencies to develop and implement integrated pest management systems in schools in the school district of the local educational agencies.

`(2) AMOUNT- The amount of a grant provided to a local educational agency of a school district under paragraph (1) shall be based on the ratio that the number of students enrolled in schools in the school district bears to the total number of students enrolled in schools in all school districts in the United States.

`(o) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS- This section (including regulations promulgated under this section) shall not preempt requirements imposed on local educational agencies and schools related to

the use of integrated pest management by State or local law (including regulations) that are more stringent than the requirements imposed under this section.

`(p) REGULATIONS- Subject to subsection (m), the Administrator shall promulgate such regulations as are necessary to carry out this section.

`(q) RESTRICTION ON PESTICIDE USE- Not later than 6 years after the date of enactment of this section, no pesticide, other than a pesticide that is defined as a least toxic pesticide under this subsection, shall be used in a school or on school grounds unless the Administrator has met the deadlines and requirements of this section.

`(r) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2003 through 2007.'

## **SEC. 4. CONFORMING AMENDMENT.**

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

`Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.

`Sec. 31. Environmental Protection Agency minor use program.

`Sec. 32. Department of Agriculture minor use program.

**`(a) In general.**

**`(b)(1) Minor use pesticide data.**

**`(2) Minor Use Pesticide Data Revolving Fund.**

`Sec. 33. Integrated pest management systems for schools.

**`(a) Definitions.**

- `(1) Board.
- `(2) Contact person.
- `(3) Crack and crevice treatment.
- `(4) Emergency.
- `(5) Fund.
- `(6) Integrated pest management system.
- `(7) Least toxic pesticides.
- `(8) List.
- `(9) Local educational agency.
- `(10) Official.
- `(11) Person.
- `(12) Pesticide.
- `(13) School.
- `(14) School ground.
- `(15) Space spraying.
- `(16) Staff member.
- `(17) State educational agency.
- `(18) Universal notification.

**`(b) Integrated pest management systems.**

- `(1) In general.
- `(2) Implementation.
- `(3) State programs.
- `(4) Application to schools and school grounds.
- `(5) Application of pesticides when schools in use.

**`(c) National School Integrated Pest Management Advisory Board**

- `(1) In general.
- `(2) Composition of Board.
- `(3) Appointment.
- `(4) Term.
- `(5) Meetings.
- `(6) Compensation.
- `(7) Chairperson.
- `(8) Quorum.
- `(9) Decisive votes.
- `(10) Administration.
- `(11) Responsibilities of the Board.
- `(12) Requirements.
- `(13) Petitions.
- `(14) Periodic review.
- `(15) Confidentiality.

**`(d) List of Least Toxic Pesticides.**

- `(1) In general.
- `(2) Procedure for evaluating pesticide use.

**`(e) Office of Pesticide Programs.**

`(1) Establishment.

`(2) Duties.

**`(f) Contact person.**

`(1) In general.

`(2) Duties.

`(3) Pesticide use data.

**`(g) Notice of Integrated Pest Management System.**

`(1) In general.

`(2) Contents.

`(3) Use of pesticides.

`(4) New employees and students.

**`(h) Use of pesticides.**

`(1) In general.

`(2) Prior notification of parents, guardians, and staff members.

`(3) Posting of signs.

`(4) Administration.

`(5) Emergencies.

`(6) Drift of pesticides onto school ground.

**`(i) Meetings.**

`(1) In general.

`(2) Emergency meetings.

**`(j) Investigations and orders.**

`(1) In general.

`(2) Preliminary order.

`(3) Objections to preliminary order.

`(4) Hearing.

`(5) Final order.

`(6) Settlement agreement.

`(7) Costs.

`(8) Judicial review and venue.

**`(k) Civil penalty.**

`(1) In general.

`(2) Transfer to Trust Fund.

**`(l) Integrated Pest Management Trust Fund.**

`(1) Establishment.

`(2) Expenditures from Fund.

`(3) Investment of amounts.

`(4) Transfers of amounts.

`(5) Acceptance and use of donations.

**`(m) Employee protection.**

`(1) In general.

`(2) Complaints.

`(3) Remedial action.

**`(n) Grants.**

`(1) In general.

`(2) Amount.

**`(o) Relationship to State and local requirements.**

**`(p) Regulations.**

**`(q) Restriction on pesticide use.**

**`(r) Authorization of appropriations.**

**`Sec. 34. Severability.**

**`Sec. 35. Authorization of appropriations.'**

## **SEC. 5. EFFECTIVE DATE.**

This Act and the amendments made by this Act take effect on October 1, 2002.

*END*