

SENATE BILL NO. 393

INTRODUCED BY FRITZ, DOWELL, DOLEZAL,
WELDON, RYAN, RANEY, KADAS, BROOKE

IN THE SENATE

FEBRUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 20, 1993	COMMITTEE RECOMMEND BILL DO NOT PASS. REPORT ADOPTED.
FEBRUARY 23, 1993	ON MOTION, ADOPTION OF ADVERSE COMMITTEE REPORT RECONSIDERED. PRINTING REPORT. SECOND READING, DO PASS AS AMENDED.
FEBRUARY 24, 1993	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 47; NOES, 1. TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 13, 1993	SECOND READING, CONCURRED IN.
MARCH 16, 1993	THIRD READING, CONCURRED IN. AYES, 88; NOES, 10.
MARCH 17, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1993	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. **393**

INTRODUCED BY *Tim Durrell*
Wm. Roney Kodas
 A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE SCHOOL
 PESTICIDE USE REDUCTION ACT; AND REQUIRING THE CANCELLATION
 OF REGISTRATION AND PROHIBITING THE REGISTRATION OF CERTAIN
 PESTICIDES FOR USE WITHIN SCHOOLS AND SCHOOLGROUNDS."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of agriculture authority to adopt administrative rules concerning the cancellation and prohibition of registration of certain school-use pesticides. In implementing the provisions of [sections 1 through 5], the department shall protect the health of Montana's school children to the maximum extent possible within the limits of the law and existing agency resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "School Pesticide Use Reduction Act".

NEW SECTION. Section 2. Statement of policy. The legislature finds and declares that:

(1) the exposure of children to pesticides applied in

and around schools can pose a potentially significant long-term hazard to their health;

(2) infants and children can be especially vulnerable to pesticides with known adverse health effects, including but not limited to the risk of cancer and reproductive damage;

(3) large numbers of pesticides available for use at schools continue to lack complete and adequate studies to determine the potential for causing cancer, reproductive damage, and other long-term adverse health effects;

(4) exposing children to pesticides that are known to cause cancer or reproductive damage or that lack information concerning potential long-term adverse health effects is both unnecessary and unacceptable; and

(5) safe, effective, and affordable alternatives to pesticides that pose a threat to human health or to the environment are available for the removal of pests.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of agriculture as provided for in 2-15-3001.

(2) "Director" means the director of agriculture as provided for in 2-15-3001.

(3) "High-hazard pesticide" means:

(a) a pesticide product that contains any pesticide

1 identified by the U.S. environmental protection agency as a
 2 group C--possible human carcinogen, 53 Federal Register
 3 41118, dated October 19, 1988, or identified or classified
 4 as a group C--possible human carcinogen, pursuant to the
 5 U.S. environmental protection agency "Guidelines for
 6 Carcinogen Risk Assessment", 51 Federal Register 33992,
 7 dated September 24, 1986; or

8 (b) a pesticide product that contains any pesticide
 9 classified by the U.S. food and drug administration
 10 surveillance index as class I, demonstrated high-health
 11 hazard, or class II, potential high-health hazard.

12 (4) "Known to cause cancer" means any pesticide with an
 13 ingredient that:

14 (a) is determined by the director to fall within the
 15 classifications of group A--human carcinogen or group
 16 B--probable human carcinogen, pursuant to the U.S.
 17 environmental protection agency "Guidelines for Carcinogen
 18 Risk Assessment", 51 Federal Register 33992, 34000, dated
 19 September 24, 1986, or with ingredients with similar
 20 attributes, as determined by the director; or

21 (b) is determined by the director to fall within group
 22 A--human carcinogen, sufficient evidence of cancer causality
 23 from human epidemiological studies, or group B--probable
 24 human carcinogen, B1--limited evidence of carcinogenicity
 25 from human epidemiological studies or B2--sufficient

1 evidence of carcinogenicity from animal studies, pursuant to
 2 the U.S. environmental protection agency "Regulations of
 3 Pesticides in Food: Addressing the Delaney Paradox Policy
 4 Statement", 53 Federal Register 41104, 41118, dated October
 5 19, 1988, or with ingredients with similar attributes, as
 6 determined by the director.

7 (5) "Known to cause reproductive harm" means any
 8 pesticide with an active ingredient that is a chemical known
 9 to the director to cause reproductive toxicity.

10 (6) "School-use pesticides" means any pesticide
 11 registered by the director, pursuant to Title 80, chapter 8,
 12 part 2, for use in homes, household gardens, structural pest
 13 control, and turf areas, unless the label specifically
 14 proscribes that use.

15 NEW SECTION. **Section 4. Cancellation and prohibition**
 16 **of registration of certain school-use pesticides --**
 17 **exception.** (1) The director shall, under the authority
 18 provided in Title 80, chapter 8, cancel the registration of
 19 any school-use pesticide for use within schools or
 20 schoolgrounds within 1 year of the date on which an active
 21 ingredient of that pesticide becomes known to cause cancer
 22 or reproductive harm.

23 (2) The director shall, under the authority provided in
 24 Title 80, chapter 8, refuse to register any school-use
 25 pesticide that contains an inert ingredient known to cause

1 cancer or reproductive harm for use within schools or
2 schoolgrounds.

3 (3) The director shall, under the authority provided in
4 Title 80, chapter 8, cancel the existing registration of any
5 school-use pesticide for use within schools or schoolgrounds
6 within 1 year of the date on which an inert ingredient of
7 that pesticide becomes known to cause cancer or reproductive
8 harm.

9 (4) Beginning March 1, 1995, the director shall cancel
10 the existing registration and refuse to register any
11 school-use pesticide for use within schools or schoolgrounds
12 that contains an inert or active ingredient identified as a
13 high-hazard pesticide.

14 (5) Nothing in this section limits the use within
15 schools or schoolgrounds of a school-use pesticide approved
16 by the director for use in controlling contagious human
17 diseases borne by insects, rodents, or other pests.

18 NEW SECTION. **Section 5. Rulemaking authority.** The
19 department may adopt rules to implement [sections 1 through
20 4].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0393, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act adopting the School Pesticide Use Reduction Act; and requiring the cancellation of registration and prohibiting the registration of certain pesticides for use within schools and schoolgrounds.

ASSUMPTIONS:

1. The statement of intent indicates the Department of Agriculture is to carry out the responsibilities of the proposed legislation with existing resources.
2. FY94 and FY95 expenditures are based on the Natural Resource Joint Appropriations Subcommittee action as of 02/19/93.
3. The Department of Agriculture registers over 5,200 pesticide products per year, involving less than 600 active ingredients and an unknown number of inert ingredients.
4. 2,500 to 2,800 pesticide products could be used in schools and school yards.
5. The legislation requires the Department of Agriculture to cancel or refuse the registration of pesticides with labeled uses in and around schools if the active or inert ingredient causes or may cause cancer, reproductive harm or is listed on the Food and Drug Administration (FDA) surveillance index as Class I or II products.
6. Cancellation will be accomplished by: (a) using EPA or FDA lists of products that are suspected carcinogens or from the FDA list; and (b) by reviewing chemical epidemiological studies and studies on reproductive harm that determine if the chemical is a carcinogen or causes reproductive harm.
7. Cancellation or refusal to cancel will result in the total loss of a pesticide product label-cancellation actions are taken against the total product label not parts of a label. (The department may prohibit a use by rule which retains the labeled product but prevents the use of a specific labeled use.)

Result of cancellation:

FY94 - 500 product labels canceled
FY95 - 1,500 product labels canceled
FY96 and future fiscal years additional products could be canceled.

Revenue lost:

FY94 - 500 products x \$150 per product = \$ 75,000
FY95 - 1,000 additional products x \$150 per product = \$150,000 + \$75,000 = \$225,000.

(continued on next page)

David Lewis 2-23-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

H. Fritz 2/23/93
HARRY FRITZ, PRIMARY SPONSOR DATE

Fiscal Note for SB0393, as introduced

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8. Impacts:

- (a) The lost revenue would mandate reduced operational expenditures in FY94 and FY95 and possibly require termination of 1 or 2 FTEs to ensure expenditures do not exceed revenues.
- (b) Pesticide program revenues are reduced:
FY94 \$ 35,000
FY95 \$105,000
- (c) Agricultural Chemical Groundwater program revenue are reduced:
FY94 \$ 40,000
FY95 \$120,000
- (d) A conservative estimate is that 2.00 FTE would be needed to manage this program in FY94 and FY95. This would require reassignment of duties modifying current staff responsibilities in the areas of pesticide registration, licensing, education and training, implementation of the new EPA worker protection standards, the agricultural chemical ground water monitoring and enforcement and other pesticide program responsibilities.
- (e) Compliance activities would require field agricultural specialists to inspect sales outlets and schools to ensure canceled products are not used. Five inspectors spending 5% of their time would result in 0.25 FTE per year impact.
- (f) The Department of Agriculture would have to request pesticide registrants to submit complete product formulas to determine the active and inert ingredients in each product in order to determine if cancellation is required.

9. The Department of Agriculture will be required to conduct scientific literature searches and reviews for pesticide product active and inert ingredients to determine if epidemiological studies determine if ingredients cause cancer or if scientific studies show that ingredients cause reproductive harm.

10. Registrants may request administrative hearings when the Department of Agriculture proposes and implements cancellation of a pesticide product. Some hearings are anticipated.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	707,000	707,000	-0-	714,177	717,177	-0-
Operating Expenses	328,349	328,349	-0-	334,766	334,766	-0-
MSU Funding	15,000	15,000	-0-	15,000	15,000	-0-
DHES Funding	<u>15,000</u>	<u>15,000</u>	<u>-0-</u>	<u>15,000</u>	<u>15,000</u>	<u>-0-</u>
	1,065,349	1,065,349	-0-	1,078,943	1,078,943	-0-
<u>Funding:</u>						
State Special Fund	1,065,349	1,065,349	-0-	1,078,943	1,078,943	-0-

(continued on next page)

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	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
Pesticide Licenses	107,000	107,000	-0-	107,000	107,000	-0-
Pesticide Registrations	378,000	343,000	(35,000)	378,000	273,000	(105,000)
Ground Water Registrations	408,350	368,350	(40,000)	408,350	288,350	(120,000)
Pesticide STIP Interest	10,000	10,000	-0-	6,399	6,399	-0-
Ground Water STIP Interest	<u>10,000</u>	<u>10,000</u>	<u>-0-</u>	<u>6,399</u>	<u>6,399</u>	<u>-0</u>
	913,350	838,350	(75,000)	906,148	681,148	(225,000)
<u>Fund Allocation:</u>						
State Special Funding	913,350	838,350	(75,000)	906,148	681,148	(225,000)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

As the Department of Agriculture continues to cancel pesticide product labels in future fiscal years, revenues to support the state pesticide and agricultural chemical groundwater laws will decrease. This loss will cause the department to terminate personnel and decrease operational funds. Actual revenues cannot be estimated because cancellation actions depend upon scientific literature reviews to determine if an active or inert ingredient causes cancer or reproductive harm.

TECHNICAL NOTES:

The bill does not define "schools" and a definition could not be found in other state statutes. Does the term "school" include private and public schools, colleges, universities, nursery or headstart schools, etc.?

Scientific criteria providing guidance for evaluations of epidemiological cancer or reproductive harm studies are absent from the bill. The bill requires cancellation whether or not studies reviewed have been subject to scientific peer review and are generally accepted by the scientific community or by EPA. All natural and synthetic chemicals, including the active and inert ingredients in pesticides may cause or appear to cause cancer or reproductive harm in humans or other animal species. If the study uses doses and exposure protocols at the maximum tolerated levels, cancer or reproductive effects may result in any chemical. Even though studies or scientific evaluations of the same chemical at greatly reduced doses or exposure rates (one time or multiple exposures) will not or will have a low probability (1 in a million) chance of causing cancer or reproductive effects. Whether a physician prescribes a drug, over the counter drugs are used, or a pesticide is used following the label directions, the "dose or rate of application" and exposure are limited which prevents or significantly reduces any acute and chronic health problems.

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RECOMMEND DO NOT PASS SB 0393/02
APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION
MOTION TO MOVE FROM
COMMITTEE TO 2ND READING

SENATE BILL NO. 393

INTRODUCED BY FRITZ, DOWELL, DOLEZAL,
WELDON, RYAN, RANEY, KADAS, BROOKE

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE SCHOOL
PESTICIDE USE REDUCTION ACT; AND ~~REQUIRING THE CANCELLATION~~
~~OF REGISTRATION AND~~ PROHIBITING THE REGISTRATION USE OF
CERTAIN PESTICIDES ~~FOR~~---USE WITHIN SCHOOLS AND
SCHOOLGROUNDS."

STATEMENT OF INTENT

A statement of intent is required for this bill because
the bill gives the department of agriculture authority to
adopt administrative rules concerning the ~~cancellation--and~~
prohibition of registration USE of certain school-use
pesticides. In implementing the provisions of [sections 1
through 5], the department shall protect the health of
Montana's school children to the maximum extent possible
within the limits of the law and existing agency resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Short title. [Sections 1
through 5] may be cited as the "School Pesticide Use
Reduction Act".

NEW SECTION. **Section 2.** Statement of policy. The

legislature finds and declares that:

(1) the exposure of children to pesticides applied in
and around schools can pose a potentially significant
long-term hazard to their health;

(2) infants and children can be especially vulnerable
to pesticides with known adverse health effects, including
but not limited to the risk of cancer and reproductive
damage;

(3) large numbers of pesticides available for use at
schools continue to lack complete and adequate studies to
determine the potential for causing cancer, reproductive
damage, and other long-term adverse health effects;

(4) exposing children to pesticides that are known to
cause cancer or reproductive damage or that lack information
concerning potential long-term adverse health effects is
both unnecessary and unacceptable; and

(5) safe, effective, and affordable alternatives to
pesticides that pose a threat to human health or to the
environment are available for the removal of pests.

NEW SECTION. **Section 3.** Definitions. As used in
[sections 1 through 5], the following definitions apply:

(1) "Department" means the department of agriculture as
provided for in 2-15-3001.

(2) "Director" means the director of agriculture as
provided for in 2-15-3001.

(3) "High-hazard pesticide" means:

(a) a pesticide product that contains any pesticide identified by the U.S. environmental protection agency as a group C--possible human carcinogen, 53 Federal Register 41118, dated October 19, 1988, or identified or classified as a group C--possible human carcinogen, pursuant to the U.S. environmental protection agency "Guidelines for Carcinogen Risk Assessment", 51 Federal Register 33992, dated September 24, 1986; or

(b) a pesticide product that contains any pesticide classified by the U.S. food and drug administration surveillance index as class I, demonstrated high-health hazard, or class II, potential high-health hazard.

(4) "Known to cause cancer" means any pesticide with an ingredient that:

(a) is determined by the director to fall within the classifications of group A--human carcinogen or group B--probable human carcinogen, pursuant to the U.S. environmental protection agency "Guidelines for Carcinogen Risk Assessment", 51 Federal Register 33992, 34000, dated September 24, 1986, or with ingredients with similar attributes, as determined by the director; or

(b) is determined by the director to fall within group A--human carcinogen, sufficient evidence of cancer causality from human epidemiological studies, or group B--probable

human carcinogen, B1--limited evidence of carcinogenicity from human epidemiological studies or B2--sufficient evidence of carcinogenicity from animal studies, pursuant to the U.S. environmental protection agency "Regulations of Pesticides in Food: Addressing the Delaney Paradox Policy Statement", 53 Federal Register 41104, 41118, dated October 19, 1988, or with ingredients with similar attributes, as determined by the director.

(5) "Known to cause reproductive harm" means any pesticide with an active ingredient that is a chemical known to the director to cause reproductive toxicity.

(6) "SCHOOL" MEANS A MONTANA PUBLIC ELEMENTARY OR SECONDARY SCHOOL.

~~(6)~~ (7) "School-use pesticides" means any pesticide registered by the director, pursuant to Title 80, chapter 8, part 2, for use in homes, household gardens, structural pest control, and turf areas, unless the label specifically proscribes that use.

NEW SECTION. Section 4. ~~Cancellation and prohibition of registration of certain school-use pesticides~~ CERTAIN USES OF PESTICIDES IN AND AROUND SCHOOL PROHIBITED -- exception. (1) The director shall, under the authority provided in Title 80, chapter 8, ~~cancel the registration~~ PROHIBIT THE USE of any school-use pesticide ~~for use~~ within schools or schoolgrounds within 1 year of the date on which

1 an active ingredient of that pesticide becomes known to
2 cause cancer or reproductive harm.

3 (2) The director shall, under the authority provided in
4 Title 80, chapter 8, ~~refuse-to-register~~ PROHIBIT THE USE OF
5 any school-use pesticide that contains an inert ingredient
6 known to cause cancer or reproductive harm for use within
7 schools or schoolgrounds.

8 (3) The director shall, under the authority provided in
9 Title 80, chapter 8, ~~cancel--the--existing--registration~~
10 PROHIBIT THE USE of any school-use pesticide for use within
11 schools or schoolgrounds within 1 year of the date on which
12 an inert ingredient of that pesticide becomes known to cause
13 cancer or reproductive harm.

14 (4) Beginning March 1, 1995, the director shall ~~cancel~~
15 ~~the--existing--registration--and-refuse-to-register~~ PROHIBIT
16 THE USE OF any school-use pesticide for use within schools
17 or schoolgrounds that contains an inert or active ingredient
18 identified as a high-hazard pesticide.

19 (5) Nothing in this section limits the use within
20 schools or schoolgrounds of a school-use pesticide approved
21 by the director for use in controlling contagious human
22 diseases borne by insects, rodents, or other pests.

23 NEW SECTION. Section 5. Rulemaking authority. The
24 department may adopt rules to implement [sections 1 through
25 4].

-End-

SENATE BILL NO. 393

INTRODUCED BY FRITZ, DOWELL, DOLEZAL,

WELDON, RYAN, RANEY, KADAS, BROOKE

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE MODEL SCHOOL PESTICIDE--USE--REDUCTION--ACT;--AND REQUIRING--THE CANCELLATION---OF---REGISTRATION---AND---PROHIBITING---THE REGISTRATION USE OF--CERTAIN--PESTICIDES--FOR--USE--WITHIN SCHOOLS-AND-SCHOOLSGROUNDS-- INTEGRATED PEST AND PESTICIDE MANAGEMENT SAFETY PROGRAM ACT."

STATEMENT-OF-INTENT

A--statement-of-intent-is-required-for-this-bill-because the-bill-gives-the-department-of--agriculture--authority--to adopt--administrative--rules--concerning--the--cancellation-and prohibition--of--registration USE of--certain---school--use pesticides,--in--implementing--the--provisions-of--(sections-1 through-5),--the--department--shall--protect--the--health--of Montana's--school--children--to--the--maximum--extent--possible within-the-limits-of-the-law-and-existing-agency-resources--

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Second Reading Copy)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Short title. [Sections 1

through 5] may be cited as the "Model School Integrated Pest and Pesticide Management Safety Program Act".

NEW SECTION. Section 2. Statement of policy. The legislature finds and declares that:

(1) the exposure of children to pesticides applied in and around schools can pose a potentially acute or chronic toxicological hazard to their health;

(2) infants and children can be especially vulnerable to pesticides, especially if pesticides are not properly applied or used;

(3) schools need to adopt pest management programs that minimize exposure of school children to pesticides and provide for alternative pest control methods; and

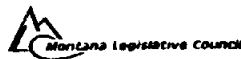
(4) the department shall prepare and distribute to each Montana school district a model integrated pest and pesticide management safety program that satisfies the provisions of this section.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of agriculture as provided for in 2-15-3001.

(2) "Director" means the director of agriculture as provided for in 2-15-3001.

(3) "School district" means a school district established according to Title 20, chapter 6.



1 NEW SECTION. **Section 4.** Model school integrated pest
2 and pesticide management safety program. (1) The department
3 shall develop a model school integrated pest and pesticide
4 management safety program and distribute the program to
5 school districts by July 1, 1994. The model program must
6 provide guidance and recommendations to school districts on
7 management of pests and pesticides and on alternatives
8 within schools and on schoolgrounds.

9 (2) The model program guidelines and recommendations
10 must include information on pests, alternative and pesticide
11 control methods and their integration, environmental
12 concerns, and protection of public health. Special
13 information and recommendations for protecting school
14 children from exposure to pesticides and the acute or
15 chronic potential adverse health effects of pesticides must
16 be emphasized. The department may periodically revise the
17 model program guidelines, policies, and recommendations as
18 new integrated pest, pesticide, or alternative management
19 techniques and methods are developed and as new information
20 on protecting school children from pesticides is developed.

21 (3) The director may consult and obtain advice from
22 pest and pesticide specialists, school personnel, and the
23 public on any aspect of the model school integrated pest and
24 pesticide management safety program.

25 NEW SECTION. **Section 5.** Policymaking authority. The

1 department may adopt policies and guidelines to implement
2 [sections 1 through 4].

-End-

SENATE BILL NO. 393
INTRODUCED BY FRITZ, DOWELL, DOLEZAL,
WELDON, RYAN, RANEY, KADAS, BROOKE

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE MODEL
SCHOOL PESTICIDE--USE--REDUCTION--ACT,--AND REQUIRING--THE
CANCELLATION---OF---REGISTRATION---AND---PROHIBITING---THE
REGISTRATION USE OF--CERTAIN--PESTICIDES--FOR--USE--WITHIN
SCHOOLS-AND-SCHOOLGROUNDS-" INTEGRATED PEST AND PESTICIDE
MANAGEMENT SAFETY PROGRAM ACT."

STATEMENT-OF-INTENT

A--statement-of-intent-is-required-for-this-bill-because
the-bill-gives-the-department-of--agriculture--authority--to
adopt--administrative--rules-concerning-the-cancellation-and
prohibition--of--registration USE of--certain---school-use
pesticides---in--implementing--the-provisions-of--{sections-1
through-5},--the--department--shall--protect--the--health--of
Montana's--school--children--to--the-maximum-extent-possible
within-the-limits-of-the-law-and-existing-agency-resources-

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Second Reading Copy)

Strike everything after the enacting clause and insert:

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through 5] may be cited as the "Model School Integrated Pest
and Pesticide Management Safety Program Act".

NEW SECTION. Section 2. Statement of policy. The
legislature finds and declares that:

(1) the exposure of children to pesticides applied in
and around schools can pose a potentially acute or chronic
toxicological hazard to their health;

(2) infants and children can be especially vulnerable
to pesticides, especially if pesticides are not properly
applied or used;

(3) schools need to adopt pest management programs that
minimize exposure of school children to pesticides and
provide for alternative pest control methods; and

(4) the department shall prepare and distribute to each
Montana school district a model integrated pest and
pesticide management safety program that satisfies the
provisions of this section.

NEW SECTION. Section 3. Definitions. As used in
[sections 1 through 5], the following definitions apply:

(1) "Department" means the department of agriculture as
provided for in 2-15-3001.

(2) "Director" means the director of agriculture as
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(3) "School district" means a school district
established according to Title 20, chapter 6.

1 NEW SECTION. **Section 4. Model school integrated pest**
 2 **and pesticide management safety program.** (1) The department
 3 shall develop a model school integrated pest and pesticide
 4 management safety program and distribute the program to
 5 school districts by July 1, 1994. The model program must
 6 provide guidance and recommendations to school districts on
 7 management of pests and pesticides and on alternatives
 8 within schools and on schoolgrounds.

9 (2) The model program guidelines and recommendations
 10 must include information on pests, alternative and pesticide
 11 control methods and their integration, environmental
 12 concerns, and protection of public health. Special
 13 information and recommendations for protecting school
 14 children from exposure to pesticides and the acute or
 15 chronic potential adverse health effects of pesticides must
 16 be emphasized. The department may periodically revise the
 17 model program guidelines, policies, and recommendations as
 18 new integrated pest, pesticide, or alternative management
 19 techniques and methods are developed and as new information
 20 on protecting school children from pesticides is developed.

21 (3) The director may consult and obtain advice from
 22 pest and pesticide specialists, school personnel, and the
 23 public on any aspect of the model school integrated pest and
 24 pesticide management safety program.

25 NEW SECTION. **Section 5. Policymaking authority.** The

1 department may adopt policies and guidelines to implement
 2 [sections 1 through 4].

-End-