

House BILL NO. 361

INTRODUCED BY Jayne Hunt

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOTICE OF THE APPLICATION OR USE OF PESTICIDES TO BE POSTED IN PUBLIC BUILDINGS; AND AMENDING SECTION 80-8-107, MCA."

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

Section 1. Section 80-8-107, MCA, is amended to read:

"80-8-107. **Notice -- Public public information.** (1) As used in this section, the following definitions apply:

(a) "Building operator" means the owner, the owner's agent, or the building manager of any public building or, in the case of a public building that is leased to a tenant who is responsible for the operation of the building, the tenant or the tenant's building manager.

(b) "Public building" means a building that is owned or leased by an agency, as defined in 2-3-102, and that is open to the public, including but not limited to:

- (i) a building that is used for educational, office, or institutional purposes; or
- (ii) a library, museum, school, hospital, auditorium, dormitory, or university building.

(2) The building operator who for indoor treatment personally applies or who contracts for or orders the application of a pesticide that is not designated for retail sale shall post a notice in a conspicuous place in the public building to notify anyone entering the building of the application of the pesticide. The notice must:

- (a) be permanently displayed if the pesticide is applied on a regular basis;
- (b) be posted 48 hours before the application and remain posted for 5 days after the application if the pesticide is not applied on a regular basis or is applied on a date other than the date written on the permanently displayed notice;
- (c) contain the date of the application of the pesticide;
- (d) contain the name of the pesticide applied;
- (e) note the location at which a person may obtain information, the label, and the material safety data sheet on the pesticide applied; and

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0361, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring notice of the application or use of pesticides to be posted in public buildings.

ASSUMPTIONS:

Department of Agriculture:

1. It is estimated that the department will mail educational material about posting requirements to all incorporated cities, counties, state, and federal agencies (250 educational mailings). It is assumed that the department will work with the Office of Public Instruction (OPI) to ensure that individual schools will be notified (approximately 350).
2. The department will provide education at training courses and through department newsletters to licensed pesticide applicators to inform them of the requirements and enable them to provide information to their customers.
3. Approximately five complaints of noncompliance per year would require investigation and possible corrective action by the department.
4. The above activities would require approximately 150 hours of staff time during fiscal year 1998 and associated operating expenses for mailing, travel, and other expenses. It is assumed that this will be accomplished within present law appropriation authority. Ongoing activities would require approximately 100 hours of staff time per year. These resources would be obtained by redirecting existing staff, activities and resources. There is no significant fiscal impact to the department.
5. Commercial and government pesticide applicators are currently required to maintain application records, as required by 4.10.207, Administrative Rules of Montana (ARM), for two years from the date of application.

Department of Administration:

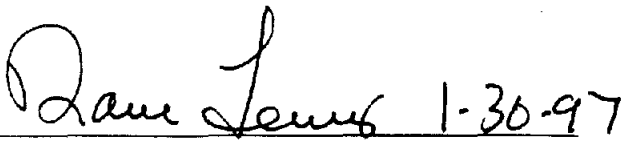
6. The General Services Division will be able to absorb the duties as part of its normal services. There is no significant fiscal impact to the department.


FISCAL IMPACT:

None.

TECHNICAL NOTES:

It is not certain if the provisions of this proposed legislation are applicable when government agencies and private businesses are tenants in the same building with separate offices and the building is owned by a private business.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


HAL HARPER, PRIMARY SPONSOR DATE
Fiscal Note for HB0361, as introduced

HB 361

1 HOUSE BILL NO. 361

2 INTRODUCED BY HARPER, AHNER, ARNOTT

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:8
9 Section 1. Section 80-8-107, MCA, is amended to read:10 "80-8-107. Notice -- Public public information. (1) As used in this section, the following
11 definitions apply:12 (a) "Building operator" means the owner, the owner's agent, or the building manager of any public
13 building or, in the case of a public building that is leased to a tenant who is responsible for the operation
14 of the building, the tenant or the tenant's building manager.15 (b) "Public building" means a building that is owned or leased by an A PUBLIC agency, as defined
16 in ~~2-3-102~~ 18-1-101, and that is open to the public, including but not limited to:17 (i) a building that is used for educational, office, or institutional purposes; or18 (ii) a library, museum, school, hospital, auditorium, dormitory, or university building.19 (2) The building operator who for indoor treatment personally applies or who contracts for or orders
20 the application of a pesticide, EXCLUDING AN ANTIMICROBIAL, DISINFECTANT, OR SANITIZER, that is
21 not designated for retail sale shall post a notice in a conspicuous place in the public building to notify
22 anyone entering the building of the application of the pesticide. The notice must:23 (a) be permanently displayed if the pesticide is applied on a ~~regular~~ WEEKLY basis;24 (b) be posted ~~48~~ 24 hours before the application and remain posted for ~~5~~ 3 days after the
25 application if the pesticide is not applied on a ~~regular~~ WEEKLY basis or is applied on a date other than the
26 date written on the permanently displayed notice;27 (c) contain the date of the application of the pesticide;28 (d) contain the name of the pesticide applied;29 (e) note the location at which a person may obtain information, the label, and the material safety
30 data sheet on the pesticide applied; and

1 (f) contain a number at which the building operator may be reached for emergency information
2 regarding the application of the pesticide.

3 (3) A building operator shall keep, for 5 years, records of the pesticide applications and the material
4 safety data sheet for each pesticide.

5 (4) Except as provided in Title 80, chapter 15, the department ~~as it deems proper~~ may, alone or in
6 cooperation with other state or federal agencies, publish information regarding aspects of the use and
7 application sections or registration sections of this chapter. This information cannot disclose operations of
8 selling, production, or use of pesticides by any person."

9 -END-

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(a) "Building operator" means the owner, the owner's agent, or the building manager of any public building or, in the case of a public building that is leased to a tenant who is responsible for the operation of the building, the tenant or the tenant's building manager.

(b) "Public building" means a building that is owned or leased by an A PUBLIC agency, as defined in ~~2-3-102~~ 18-1-101, and that is open to the public, including but not limited to:

(i) a building that is used for educational, office, or institutional purposes; or

(ii) a library, museum, school, hospital, auditorium, dormitory, or university building.

(2) The building operator who for indoor treatment personally applies or who contracts for or orders the application of a pesticide, EXCLUDING AN ANTIMICROBIAL, DISINFECTANT, OR SANITIZER, that is not designated for retail sale shall post a notice in a conspicuous place in the public building to notify anyone entering the building of the application of the pesticide. The notice must:

(a) be permanently displayed if the pesticide is applied on a regular WEEKLY basis;

(b) be posted ~~48~~ 24 hours before the application and remain posted for ~~5~~ 3 days after the application if the pesticide is not applied on a regular WEEKLY basis or is applied on a date other than the date written on the permanently displayed notice;

(c) contain the date of the application of the pesticide;

(d) contain the name of the pesticide applied;

(e) note the location at which a person may obtain information, the label, and the material safety data sheet on the pesticide applied; and

1 (f) contain a number at which the building operator may be reached for emergency information
2 regarding the application of the pesticide.

3 (3) A building operator shall keep, for 5 years, records of the pesticide applications and the material
4 safety data sheet for each pesticide.

5 (4) A LOCAL GOVERNMENT MAY NOT ADOPT STANDARDS THAT ARE MORE STRINGENT THAN
6 THE STANDARDS ESTABLISHED IN SUBSECTIONS (2) AND (3).

7 (4)(5) Except as provided in Title 80, chapter 15, the department ~~as it deems proper~~ may, alone
8 or in cooperation with other state or federal agencies, publish information regarding aspects of the use and
9 application sections or registration sections of this chapter. This information cannot disclose operations of
10 selling, production, or use of pesticides by any person."

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(ii) a library, museum, school, hospital, auditorium, dormitory, or university building.

(2) The building operator who for indoor treatment personally applies or who contracts for or orders the application of a pesticide, EXCLUDING AN ANTIMICROBIAL, A DISINFECTANT, OR A SANITIZER, A PEST BAIT, PASTE, OR GEL, OR OTHER PESTICIDE that is ~~not~~ designated BY THE DEPARTMENT PURSUANT TO 80-8-212 for retail sale, shall post a notice in ~~a conspicuous place in the public building to notify anyone entering the building of the application of the pesticide~~ AT EACH ACCESS TO THE PUBLIC BUILDING OR, IF ONLY A ROOM HAS BEEN TREATED, AT EACH ACCESS TO THE ROOM IN A MANNER THAT ALLOWS THE NOTICE TO BE READ BEFORE ENTERING THE BUILDING OR ROOM. HOWEVER, IF A ROOM FROM WHICH A HEATING OR AIR CONDITIONING SYSTEM DRAWS AIR HAS BEEN TREATED, THE NOTICE REQUIRED BY THIS SECTION MUST BE POSTED AT EACH ACCESS TO THE PUBLIC BUILDING. The notice must:

(a) be permanently displayed if the pesticide is applied on a ~~regular~~ WEEKLY REGULAR basis;

(b) be posted ~~48 24 hours before~~ AT THE TIME OF the application and remain posted for ~~5 3 days~~

1 ~~after the application if the pesticide is not applied on a regular WEEKLY REGULAR basis or is applied on a~~
 2 ~~date other than the date written on the permanently displayed notice;~~

3 ~~(c) contain the date of the application of the pesticide;~~

4 ~~(d)(C) contain the name of the pesticide applied; AND~~

5 ~~(e)(D) note the location~~ CONTAIN THE PHONE NUMBER at which a person may obtain information,
 6 the label, and the material safety data sheet on the pesticide applied; ~~and~~

7 ~~(f) contain a number at which the building operator may be reached for emergency information~~
 8 ~~regarding the application of the pesticide.~~

9 (3) THE APPLICATOR OR BUILDING OPERATOR MAY NOT REMOVE A NOTICE POSTED
 10 PURSUANT TO THIS SECTION UNTIL THE PESTICIDE IS DRY OR THE REENTRY INTERVAL STATED ON
 11 THE PESTICIDE LABEL HAS EXPIRED, WHICHEVER IS LATER.

12 ~~(3)(4)~~ A building operator shall keep, for 5 2 years, records of the pesticide applications and the
 13 material safety data sheet for each pesticide.

14 ~~(4)(5)~~ A LOCAL GOVERNMENT MAY NOT ADOPT STANDARDS THAT ARE MORE STRINGENT
 15 THAN THE STANDARDS ESTABLISHED IN SUBSECTIONS (2) AND (3) THROUGH (4).

16 ~~(4)(5)(6)~~ Except as provided in Title 80, chapter 15, the department as it deems proper may, alone
 17 or in cooperation with other state or federal agencies, publish information regarding aspects of the use and
 18 application sections or registration sections of this chapter. This information cannot disclose operations of
 19 selling, production, or use of pesticides by any person."

20

21 NEW SECTION. SECTION 2. LOCAL IMPLEMENTATION. AN ORDINANCE ADOPTED BY A LOCAL
 22 GOVERNMENT PURSUANT TO 80-8-120 BEFORE OCTOBER 1, 1997, MUST COMPLY WITH [THIS ACT]
 23 BY JANUARY 1, 1998.

24

-END-

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