

Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 05 PESTICIDE USE CONTROL

Chapter 02 Integrated Pest Management and Notification of Pesticide Use in a Public School Building or on School Grounds

Authority: Agriculture Article, §§5-204 and 5-208.1, Annotated Code of Maryland

.01 Scope of Regulations.

This chapter sets forth the procedure for a county board of education to:

A. Develop and implement in its schools and on school grounds an integrated pest management system; and

B. Notify a parent or guardian of a student attending a public school, a student, or a school staff member before a pesticide is applied in a school building or on school grounds during the school year.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Bait" means an insecticide or rodenticide mixed with a food material that attracts a pest.

(2) "Bait station" means a container enclosing an insecticide or rodenticide bait.

(3) "Contact person" means an individual:

(a) Knowledgeable about integrated pest management; and

(b) Designated by a county board to act as a contact for inquiries about the integrated pest management system.

(4) "Crack and crevice treatment" means the application of small amounts of a pesticide in a building into openings such as those commonly found:

(a) At expansion joints;

(b) Between levels of construction; and

(c) Between equipment and floors.

(5) "Department" means the Maryland Department of Agriculture or its designee.

(6) "Emergency" means a sudden need to mitigate or eliminate a pest which threatens the health or safety of a student or staff member.

(7) "Integrated pest management" means a managed pest control program in which methods are integrated and used to keep pests from causing economic, health-related, or aesthetic injury through the utilization of site or pest inspections, pest population monitoring, evaluating the need for control, and the use of one or more pest control methods, including sanitation, structural repair, nonchemical methods, and, when nontoxic options are unreasonable or have been exhausted, pesticides, in order to:

- (a) Minimize the use of pesticides; and
- (b) Minimize the risk to human health and the environment associated with pesticide applications.

(8) Pesticide.

(a) "Pesticide" means a substance or mixture of substances intended for:

- (i) Preventing, destroying, repelling, or mitigating a 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) "Pesticide" does not include:

- (i) An antimicrobial agent, such as a disinfectant, sanitizer, or deodorizer, used for cleaning purposes; or
- (ii) A bait station.

(9) "School" means a public school in the public elementary and secondary system of the State.

(10) "School year" means that period during the year defined by each county board of education when public schools are regularly open for students.

(11) Space Spraying.

(a) "Space spraying" means an application of pesticide by discharge into the air throughout an entire room or area by a fogger or aerosol device.

(b) "Space spraying" does not include crack and crevice treatment.

(12) Staff Member.

(a) "Staff member" means an employee of a school system.

(b) "Staff member" includes an administrator, teacher, or other support personnel.

(c) "Staff member" does not include:

- (i) A registered employee or pest control applicator certified by the Department; or
- (ii) An individual assisting in the application of a pesticide.

(13) "Universal notification" means written notice by a school to all parents, guardians, and staff members.

.03 Integrated Pest Management System.

A. County Board of Education Requirements.

(1) Each county board of education shall:

(a) Develop and implement for its schools an integrated pest management system approved by the Department; and

(b) File a written integrated pest management plan with the Department for approval.

(2) When any change is made to the integrated pest management system, the county board of education shall submit the revised integrated pest management plan to the Department for approval before the initiation of the new plan.

B. The integrated pest management system of a county board of education shall meet the following minimum requirements:

(1) Have an integrated pest management policy;

(2) Have a policy on pest management roles and responsibilities of decision makers, including the name, address, and telephone number of the contact person;

(3) Have procedures for conducting the pest control program, including pest management objectives;

(4) Have procedures for regular inspection and monitoring activities to determine the presence and distribution of pests;

(5) Have standards to determine the:

(a) Severity of pest infestation; and

(b) Need for corrective action;

(6) Require each school:

(a) To make records documenting:

(i) Pest sightings;

(ii) Pest control procedures; and

(iii) Any communications to students and staff members regarding integrated pest management or pesticide use; and

(b) To maintain these records for 2 years and make these records immediately available, on request, to the Department.

(7) Have pest management strategies, including sanitation, structural repair, physical, cultural, and biological control, nonchemical methods and pesticide application, when nontoxic options are unreasonable or have been exhausted;

(8) Provide education and training of staff members, students and parents or guardians in integrated pest management procedures;

(9) Require an annual evaluation of:

(a) Integrated pest management strategies; and

(b) Program quality assurance; and

(10) Have procedures for notification of a parent or guardian of a student attending the school and of a staff member at the school before a pesticide is applied in a school building or on school grounds.

.04 Information for Parent, Guardian, or Staff Member.

A. School Notice Requirement.

(1) At the beginning of each school year, each school shall include notice of the school's integrated pest management system in the school calendar or other universal notification.

(2) The notice required in §A(1) of this regulation shall include the following information:

(a) A statement that explains the school's integrated pest management system;

(b) A list of the common name of any pesticide or bait station that may be used in a school building or on school grounds;

(c) The name, address, and telephone number of the contact person;

(d) A statement that the contact person maintains the product label and material safety data sheet of each pesticide or bait station used in a school building or on school grounds;

(e) A statement that the:

(i) Product label or material safety data sheet is available for review by a parent, guardian, staff member, or student attending the school; and

(ii) Contact person is available for information or comment; and

(f) Instructions for including a parent, guardian, or staff member on a pesticide notification list provided for in §B of this regulation.

(3) After the beginning of a school year, a school shall provide the written information required by this regulation to a:

(a) Parent or guardian of a newly enrolled student; and

(b) Newly employed staff member.

(4) The written notice shall be approved by the Department before distribution.

B. Pesticide Notification List.

(1) At the beginning of each school year, each middle school or high school shall develop a pesticide notification list of each staff member and of each parent or guardian of a student attending the school who requests in writing prior notification of a pesticide application made during the school year in the school building or on school grounds.

(2) The school shall:

(a) Keep the pesticide notification list current; and

(b) Add names upon written request by a:

(i) Parent or guardian of a student attending the school; or

(ii) Staff member.

(3) The school shall make the pesticide notification list available to the Department, upon request.

.05 Notification of a Pesticide Application in an Elementary School Building or on School Grounds.

A. During the school year, each school that enrolls elementary school students shall notify each parent or guardian of a student attending the school and each staff member:

(1) At least 24 hours before a pesticide is applied in a school building or on school grounds; and

(2) For emergency pest control:

(a) Within 24 hours after a pesticide is applied, or

(b) On the next school day, as provided in Regulation .09 of this chapter.

B. The following information shall be provided in the notification required by §A of this regulation:

(1) Common name of the pesticide applied;

(2) Location of the application;

(3) Date and time of the application;

(4) The following language: "The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: `Where possible, persons who potentially are more sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure'";

(5) A brief description, approved by the Department, of potential adverse effects, based upon the material safety data sheet of the pesticide applied; and

(6) Reason for the emergency application, if applicable.

C. The school shall provide notification by a written notice sent home with each student or provided to each staff member.

D. For application on school grounds, the notice of the planned date and time of application may specify that weather conditions or other extenuating circumstances may cause the actual date of application to be postponed to a later date or dates.

E. If the actual date of application is more than 14 days later than the planned date provided in the notice, notice of the application required under this regulation shall be reissued.

.06 Notification of a Pesticide Application in a Middle School Building or High School Building or on School Grounds.

A. During the school year, each middle school or high school shall notify each parent or guardian and staff member on the pesticide notification list, as provided in Regulation .04B of this chapter:

(1) At least 24 hours before a pesticide is applied in a school building or on school grounds; and

(2) For emergency pest control:

(a) Within 24 hours after a pesticide is applied, or

(b) On the next school day, as provided in Regulation .09 of this chapter.

B. The following information shall be provided in the notification required by §A of this regulation:

- (1) Common name of the pesticide applied;
- (2) Location of the application;
- (3) Date and time of the application;

(4) The following language: "The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: `Where possible, persons who potentially are more sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure";

(5) A brief description, approved by the Department, of potential adverse effects based upon the material safety data sheet of the pesticide applied; and

- (6) Reason for the emergency application, if applicable.

C. The school may provide prior notification by:

- (1) A written notice sent home with the student or provided to the staff member;
- (2) A telephone call;
- (3) Direct contact; or
- (4) A written notice mailed at least 3 days before the application.

D. For application on school grounds, the notice of the planned date and time of application may specify that weather conditions or other extenuating circumstances may cause the actual date of application to be postponed to a later date or dates.

E. If the actual date of application is more than 14 days later than the planned date provided in the notice, notice of the application required under this regulation shall be reissued.

.07 Notification of Space Spraying.

A. Except as provided by Regulation .09 of this chapter, each school that intends to use space spraying in a school building shall provide written notice to each parent or guardian and staff member at least 1 week before the application.

B. The written notice shall be sent home with each student or provided to each staff member.

C. The notice shall:

- (1) Be on a separate paper sheet at least 8-1/2 by 11 inches in size; and
- (2) Contain:
 - (a) Common name of pesticide to be used;
 - (b) Location of space spraying;
 - (c) Planned date and time of space spraying;

(d) The following language: "The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: `Where possible, persons who potentially are more sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure";

(e) A brief description, approved by the Department, of the pesticide to be applied, if the pesticide is not addressed in the notice as provided by Regulation .04 of this chapter;

(f) A brief description of potential adverse effects based upon the material safety data sheet of the pesticide to be applied; and

(g) The name and telephone number of the contact person.

.08 In-School Notification.

A. Pesticide Application in a School Building.

(1) Each school system shall develop an appropriate means of in-school notification to students and staff before a pesticide is applied in a middle school building or high school building.

(2) The in-school notification shall include a sign or notice posted:

(a) At the room or area of the pesticide application; and

(b) Either:

(i) At the primary entrance to the school, or

(ii) In a central school location accessible to parents, guardians, students, and staff.

(3) In-school notification to students and staff may also include:

(a) Oral announcements; or

(b) Written notices.

(4) The notice or sign shall include the following information:

(a) "Caution-Pesticide Application";

(b) Common name of the pesticide applied;

(c) Location of the application;

(d) Date of the application; and

(e) Contact person for additional information, including information on potential adverse effects.

(5) The notice or sign shall remain posted for at least 48 hours after a pesticide is applied.

B. Bait Station.

(1) Each school system shall provide in-school notification to students and staff before a bait station is used in any school.

(2) The in-school notification shall include a sign or notice posted on the door of the room or primary entrance to the area in which the bait station is placed.

(3) The notice or sign shall include the following information:

(a) "Caution-Pesticide Application";

(b) Common name of the pesticide applied;

- (c) Date the bait station was placed in the room or area; and
- (d) Contact person for additional information, including information on potential adverse effects.

(4) The notice or sign shall remain posted until the bait station is removed.

C. Pesticide Application on School Grounds.

(1) Each school system shall develop an appropriate means of in-school notification to students and staff before a pesticide is applied on the school grounds of a middle school or high school.

(2) The in-school notification shall include a sign or notice posted:

- (a) At the primary entrance to the school; or
- (b) In a central location accessible to parents, guardians, students, and staff.

(3) In-school notification to students and staff may also include:

- (a) Oral announcements; or
- (b) Written notices.

(4) The notice or sign required under §C(2) of this regulation shall:

- (a) Include the following information:
 - (i) "Caution—Pesticide Application";
 - (ii) Common name of the pesticide applied;
 - (iii) Location of the application;
 - (iv) Date of the application; and
 - (v) Contact person for additional information, including information on potential adverse effects; and
- (b) Remain posted for at least 48 hours after a pesticide is applied.

.09 Emergency Pest Control.

A. A pesticide may be applied in a school building or on school grounds without prior notification only if an emergency pest situation exists.

B. Within 24 hours after an emergency pesticide application, or on the next school day, the school shall notify:

(1) The parent or guardian of each student and each staff member at an elementary school according to Regulation .05 of this chapter; or

(2) Each parent or guardian and staff member on the pesticide notification list provided by Regulation .04B of this chapter, for a middle school or high school according to Regulation .06 of this chapter.

.10 Pesticide Application in a Public School Building or on School Grounds.

A. A licensee, permittee, or certificate holder may not apply a pesticide in a school building or on school grounds until notification is provided in accordance with Regulation .05, .06, .07, or .08 of this chapter, unless provided in accordance with Regulation .09 of this chapter.

B. A person who applies a pesticide in a school building or on school grounds shall be a:

(1) Certified applicator; or

(2) Registered employee working under the supervision of a certified applicator.

C. A licensee, permittee, or certificate holder shall provide the school with a record of each pesticide application at the time of the pesticide application.

.11 Posting of Sign on School Grounds.

A licensee or permittee applying a pesticide to a school ground shall post, at the time of application, a sign which conforms to the requirements of COMAR 15.05.01.15B□G.

Administrative History

Effective date:

Regulations .01□.10 adopted as an emergency provision effective February 11, 1999 (26:5 Md. R. 388); adopted permanently effective May 3, 1999 (26:9 Md. R. 730)

Regulation .01□.06 and .08□.10 amended as an emergency provision effective April 28, 2000 (27:10 Md. R. 963); amended permanently effective July 24, 2000 (27:14 Md. R. 1343)

Regulation .01 amended as an emergency provision effective January 15, 2002 (29:3 Md. R. 214); amended permanently effective April 15, 2002 (29:7 Md. R. 622)

Regulation .02B amended effective December 11, 2003 (30:24 Md. R. 1745)

Regulation .03 amended as an emergency provision effective January 15, 2002 (29:3 Md. R. 214); amended permanently effective April 15, 2002 (29:7 Md. R. 622)

Regulation .03B amended effective January 24, 2011 (38:2 Md. R. 85)

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