DOCUMENT RESUME

ED 463 635 EF 006 063

TITLE	School Pesticide Provision to H.R. 1. Hearing before the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry of the Committee on Agriculture. House of Representatives, One Hundred Seventh Congress, First Session.
INSTITUTION	Congress of the U.S., Washington, DC. House Committee on Agriculture.
REPORT NO	House-Hrg-107-12
PUB DATE	2001-07-18
NOTE	108p.
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, DC 20402-0001. Tel: 202-512-1800; Fax: 202-512-2250; Web site: http://bookstore.gpo.gov. For full text: http://commdocs.house.gov/committees/ag/hag10712.000/hag10712 0f.htm.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	Child Health; Elementary Secondary Education; *Federal Legislation; Hazardous Materials; Hearings; *Pesticides; School Safety
IDENTIFIERS	Amendments; Congress 107th

ABSTRACT

This document is comprised of statements and materials submitted to a hearing on the school pesticide provision included in a Senate amendment to House Resolution 1 (H.R. 1), the Elementary and Secondary Education Act. The hearing was held July 18, 2001, before the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry of the Committee on Agriculture. Included in the document are: (1) opening statements from congressional representatives; (2) statements from expert witnesses (executive director of the National Coalition Against the Misuse of Pesticides, president of the National Association of Agriculture Educators, representatives of the National School Boards Association and the National Association of School Administrators, president of the American Crop Protection Association, and a senior entomologist representing the American Mosquito Control Association); and (3) submitted materials from other experts. (EV)

SCHOOL PESTICIDE PROVISION TO H.R. 1

HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS, OVERSIGHT, NUTRITION, AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

JULY 18, 2001

Serial No. 107–12

Printed for the use of the Committee on Agriculture
agriculture.house.gov

U.S. GOVERNMENT PRINTING OFFICE

74–782 DTP WASHINGTON : 2001

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CONTENTS

Page

Berry, Hon. Marion, a Representative in Congress from the State of Arkansas, opening statement 5
Clayton, Hon. Eva M., a Representative in Congress from the State of North Carolina, opening statement 2
Goodlatte, Hon. Bob, a Representative in Congress from the Commonwealth of Virginia, opening statement 1
Stenholm, Hon. Charles W., a Representative in Congress from the State of Texas, opening statement 4

WITNESSES

Feldman, Jay, executive director, National Coalition Against the Misuse of Pesticides, Washington, DC [1] 14
Prepared statement 68
Jaure, Paul, president, National Association of Agriculture Educators, Beeville, TX 10
Prepared statement 80
Trammell, Marshall, chairman, Chesterfield County School Board, Chester, VA, on behalf of the National School Boards Association 17
Prepared statement 38
Vanairsdale, Michael, assistant superintendent, support services, Fulton County School District, Atlanta, GA, on behalf of the National Association of School Administrators 12
Prepared statement 31
Vroom, Jay J., president, American Crop Protection Association, Washington, DC 8
Prepared statement 86
Answers to submitted questions 32
Wichterman, George, senior entomologist, Lee County Mosquito Control, Lehigh Acres, FL, on behalf of the American Mosquito Control Association 6
Prepared statement 40
Answers to submitted questions 46

SUBMITTED MATERIAL

Bronson, Charles H., commissoner, Florida Department of Agriculture and Consumer Services, letter of July 18, 2001 to Senator Nelson, submitted by Mr. Goodlatte 103
Conk, Michael, legislative specialist, Fulton County School District, letter 36
National Association of Agricultural Educators, statement 33
Resnick, Michael A., assocation executive director, National School Boards Association, letter of July 30, 2001 48
Ruhland, James R., president, National School Boards Association, letter of July 30, 2001 49
Walton, Murray, program administrator, Structural Pest Control Board, letter of July 16, 2001 55
Whitman, Hon. Christine Todd, Administrator, U.S. Environmental Protection Agency, letter 44

[1] Mr. Feldman did not provide answers to submitted questions from the subcommittee.

SCHOOL PESTICIDE PROVISION TO H.R. 1

WEDNESDAY, JULY 18, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
OVERSIGHT, NUTRITION AND FORESTRY,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:07 a.m., in room 1302, Longworth House Office Building, Hon. Bob Goodlatte (chairman of the subcommittee) presiding.

Present: Representatives Pombo, Cooksey, Clayton, Berry, and Stenholm [ex officio].

Staff present: Brent Gattis, subcommittee staff director; John Goldberg, Elizabeth Parker, Anne Hazlett, Ryan O'Neal, Claire Folbre, Susanna Love, assistant clerk; and Danelle Farmer.

OPENING STATEMENT OF HON. BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. GOODLATTE. Good morning. This hearing of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry to review the school pesticide provision included in the Senate amendment to H.R. 1 will come to order.

On May 23, the House passed H.R. 1, the Elementary and Secondary Education Act. This important legislation was then received in the Senate and passed on June 14. Subsequently, on June 19, in an unusual procedure, the bill was again amended to include Senate amendment 805 offered by Senator Torricelli.

Senator Torricelli's legislation would amend the Federal Insecticide, Fungicide and Rodenticide Act, hardly a law known for its robust elementary and secondary education provisions. The amendment would require schools to divert resources meant to educate our children to maintaining voluminous records and sending highly technical information to parents, teachers and staff each time the school finds it necessary to spray a bee's nest in the school playground.

To the best of my knowledge, the language of this particular amendment had never been introduced in either House of Congress, had never been the subject of any congressional hearing, had never been reviewed by either the Environmental Protection Agency or the Department of Education, and hadn't even been submitted to the National Association of School Boards or the American Association of School Administrators for their comments prior to passage by the Senate.

H.R. 1 is now going to be considered by a conference committee. While Members of the House Agriculture Committee will be represented on the committee of conference, I feel it is absolutely essential that the members of the subcommittee of jurisdiction have an opportunity to review this amendment and in particular hear from those groups that will have to bear the burden of implementing these requirements. This, despite the fact that they were denied the opportunity to publicly air their comments prior to passage by the Senate.

Further complicating this issue is the fact that we have been told that the Senators who sponsored this amendment consider this a take it or leave it proposition. In fact, it is my understanding that the representatives of the industry who apparently negotiated and endorsed this amendment were brought to the table under the threat that failure to endorse this package would result in some Senators attaching more hostile amendments as riders to appropriations bills.

I do not believe that a process under which organizations are threatened in order to acquire their support for legislation, then attempting to deny the other legislative Chamber the opportunity to discuss, debate and offer compromise solutions to legislation is the type of legislative process our Founding Fathers had in mind.

On first read of this amendment, if the Senate continues to insist that this is a take it or leave it deal; in other words, that the House of Representatives will not be given the opportunity to discuss, debate or offer compromise solutions, my response is that we should consider leaving it. I say this because there are a number of concerns that I have with the amendment in its current form.

In Mr. Vroom's testimony, he states that "* * * before a pesticide product can be legally sold for use in schools, it must undergo up to 120 tests to ensure that it does not pose unreasonable adverse effects on children." He continues, "* * * these products cannot be applied in schools for a use in a way that is not listed on its EPA-approved product label".

Since EPA takes into consideration the effects that pesticide would have on children and establishes the legal requirements for the pesticide's use on the label, what possible public health benefit is there to be derived from this legislation?

The reality is, as we will hear from Mr. George Wichterman, that arbitrary reentry interval placed on pest control applications, such as mosquito control, will either require schools to shut down periodically during the week or in the absence of these necessary public health pesticide applications, put our children's health in jeopardy through the avoidable spread of diseases such as West Nile Virus.

A third witness, Mr. Jay Feldman, will argue that because the legislation amends FIFRA, which is a public health statute, that this, too, must be a public health bill. I would suggest that one thing all my years as a practicing attorney has taught me is simply saying something doesn't make it so.

Some people claim that this bill is trying to address a parent's right to know. Faced with a similar bill having passed the California Legislature, Governor Gray Davis vetoed the legislation in October 1999 based on his concerns that the costs of compliance were unreasonable. I note with interest that the proponents of this legis-

lation have not provided any cost estimate, however we will hear today from Mr. Trammell a conservative cost estimate would be approximately $350,000 to $450,000 per year for his county alone.

This being said, I recognize that there are certain concepts such as facilitating development and implementation of integrated pest management programs that deserve further attention. While I believe that the elementary and secondary education legislation is not the appropriate vehicle to discuss pest management policy, members of this committee will be at the table during this conference. We should, therefore, take the opportunity to offer the committee's expertise to determine if there are any reasonable compromises that can be developed with the support of all those organizations that would bear the burden of overseeing implementation of these programs.

This is the fundamental purpose of this hearing.

I thank all of our witnesses for being here today, and I look forward to your testimony.

Before yielding to the ranking member, I would like to point out to members that due to the short notice of this hearing, we were unable to arrange a witness from the Environmental Protection Agency. The Administrator was, however, able to submit comments to the committee that all members have in their folders. Without objection, these comments will be included in the hearing record. And it is now my distinct pleasure to yield to the ranking member, Mrs. Clayton of North Carolina.

OPENING STATEMENT OF HON. EVA M. CLAYTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mrs. CLAYTON. I thank the chairman for holding the hearing and allowing us to hear from the various witnesses who have the responsibility for implementing this program.

Also I want to thank you for bringing to our attention that there is indeed a process that should be followed. I for one think that protecting children from harmful pesticide is a high priority, and we indeed should do it. That principle having been stated does not mean that we need to violate the rules of full disclosure and implementation. Nor does it need to be that we assert this important issue as a rider rather than have it go through the deliberative process. Indeed, there is jurisdiction, and this is not a fight about who ought to have jurisdiction, although we have those fights and they are worthy fights, but this is indeed a process that is worthy of being discussed in an open forum. I am sure there are pros and cons in each of those.

Additionally, in my State someone did the research for my State, and I am of the opinion that there are several States in addition to mine who indeed have put this as a priority and have several laws now to try to protect the young people at our schools. And to what extent the current legislation that we are discussing is needed bears to be discussed if there is sufficient laws already on the books.

I look forward to the hearing. I also look forward that this hearing is not just an exercise in futility to vent our frustration with the process, but it is an exercise where we have a deliberative proc-

ess and discussion about the pros and cons of implementation, the costs involved and how we should proceed.

I would be remiss if I didn't bring the reality of timing. The conference committee indeed will be established today. I think they are appointing those members today. That will be on the floor. So this hearing is coming at a time when decision seems to be on a fast track. So I think it is even more important that the learnings from these hearings will not just be a part of the record, but indeed would be a part of the deliberation that will be going on, either this afternoon or tomorrow, because indeed that conference bill is going forward.

So, Mr. Chairman, with those remarks, I look forward to hearing the comments of our witnesses.

Mr. GOODLATTE. Thank you for those very cogent remarks. It is now my pleasure to recognize the ranking member of the full committee, the gentleman from Texas, Mr. Stenholm.

OPENING STATEMENT OF HON. CHARLES W. STENHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. STENHOLM. Thank you, Mr. Chairman, and thank you for holding this hearing today. This is an important issue, as you and ranking member have stated. And the timing is extremely important, and I appreciate very much your leadership in ensuring that we address this matter in a public forum.

As you know, the School Environment Protection Act of 2001 was attached as an amendment to the Senate's education bill. I am concerned that the folks who would be the most burdened by the implementation of this amendment, school representatives in particular, were not active participants in the negotiations. I look forward to hearing from them today.

We can't dismiss the important role pesticides play in safeguarding human health. For example, pesticides are effective in combating cockroaches, which are known to exacerbate asthma in children, and mosquitos, which can spread encephalitis, malaria and the West Nile Virus, to name just a few. I believe that parents should be able to get information from schools pertaining to pest management plans and schedule treatments. The amendment under consideration, however, goes beyond the right to know. If we determined that right to know legislation is indeed necessary, then let us address the issue from that perspective.

It is my understanding that over 30 States currently have some type of pest management program in place or are in the process of developing one. Texas has had positive results with their program. The SEPA amendment, while it has some similar provisions, goes much further in prescribing exactly what the States and the schools must do. This amendment directs exactly what the schools must write in the letters sent home to the parents, the size of the signs that need to be posted, and the exact message that must be written on these signs.

As someone who grew up in a rural community and as a former educator myself, I am also greatly concerned that this bill takes a one size fits all approach. The needs of schools in rural and urban areas can vary greatly. This bill does not account for these differences.

Currently the Food Quality Protection Act directs the Environmental Protection Agency to make special considerations for children when considering and reviewing products for approval. If there are deficiencies in this statute with regard to protecting our children, these should be addressed. It is worth noting that earlier this year, the EPA sent a letter to Senator Lugar stating they do not believe legislation of this nature is needed.

Before moving forward, we must ensure that all interested stakeholders have the opportunity to participate in the process, and we must address the issue of funding. The purpose of the education bill to which this amendment is attached is to provide much needed resources to schools that are overburdened and have inadequate resources, not to further drain their scarce resources.

Again, Mr. Chairman, thank you for holding this hearing today. I will continue to work with you on this issue. I look forward to hearing from today's witnesses, and since we have another hearing going in the other room, if I should not be back for the questions, I would like it to be submitted to the witnesses for their answer promptly so that it might be part of the ongoing conference on the education bill of which this hearing is attempting to help address.

Thank you, Mr. Chairman.

Mr. GOODLATTE. I thank the gentleman and without objection, his questions, if not given in person, will be made part of the record and the witnesses will be asked to supply those to the committee within a very short period of time.

It is now my pleasure to recognize the gentleman from Arkansas, Mr. Berry.

OPENING STATEMENT OF HON. MARION BERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. BERRY. Thank you, Mr. Chairman. I would associate myself with the remarks that have already been made. As we were making the opening statements, I couldn't help but think, I live in a place where mosquitos are a way of life. I have an automated machine that sprays the backdoor of my house every 15 minutes, and we turn that thing on in April. I live right across the street from the school. I am not too sure I wouldn't be included in this zone of protection, and I am not about to give up that little machine that sprays these mosquitos every 15 minutes, because you can't live in that house without it. They will absolutely eat you up.

So I guess I come from a perspective of if it ain't broke, don't fix it, but having said that, Mr. Chairman, I will yield.

Mr. GOODLATTE. I thank the gentleman.

We are now pleased to welcome our panel: Mr. George Wichterman, chairman, legislative and regulatory committee, American Mosquito Control Association of Milltown, New Jersey; Mr. Jay Vroom, president of the American Crop Protection Association, Washington, DC; Mr. Paul Jaure, president, National Association of Agriculture Educators, Alexandria, Virginia; Mr. Michael J. Vanairsdale, assistant superintendent for support services, Fulton County School District, Atlanta, Georgia, on behalf of the American Association of School Administrators; Mr. Jay Feldman, executive director, National Coalition Against the Misuse of Pesticides,

Washington, DC; Mr. Marshall W. Trammell, chairman, Chesterfield County School Board, Chester, Virginia, on behalf of the National School Boards Association.

I would like to welcome all of you and tell you that your written statements will be made a part of the record, and we would be pleased to receive your testimony at this point, beginning with Mr. Wichterman.

STATEMENT OF GEORGE WICHTERMAN, SENIOR ENTOMOLOGIST, LEE COUNTY MOSQUITO CONTROL, LEHIGH ACRES, FL, ON BEHALF OF THE AMERICAN MOSQUITO CONTROL ASSOCIATION

Mr. WICHTERMAN. Thank you, Mr. Chairman. I am George Wichterman, chairman of the Legislative and Regulatory Committee for the American Mosquito Control Association and senior entomologist with the Lee County Mosquito District in Florida. I am also a member of the Committee to Advise on Reassessment and Transition, representing local government. I would like to thank Chairman Goodlatte for his leadership in holding this important hearing regarding the amendment offered by Senator Torricelli to H.R. 1, the Elementary and Secondary Education Act, to require local educational agencies and schools to implement school pest management plans to provide parents, guardians and staff with notice of the use of pesticides in schools.

The American Mosquito Control Association is a nonprofit international association involved in supporting mosquito and other vector control. Our mission is to provide leadership, information, and education leading to the enhancement of health and quality of life through the suppression of mosquitos and other vector transmitted diseases.

As a member of the public health community, I want to advise that there are concerns with certain provisions in this amendment. The American Mosquito Control Association was not asked to participate in the development of the School Environment Protection Act of 2001. Because of this oversight, as the amendment is currently structured, the public health community will be unable to effectively control mosquito populations, which is necessary to prevent human diseases, such as West Nile Virus, St. Louis Encephalitis and Eastern Equine Encephalitis, and reduce human discomfort or injury in and around our Nation's public schools.

Specifically, there are several requirements in this amendment that need to be reconsidered. These relate to notification, reentry and authorization of funds. One such requirement involves the notification to persons on registry. It stipulates that notice of an upcoming pesticide application at a school shall be provided to each person on the registry of a school not later than 24 hours before the end of the last business day during which the school is in session that preceded the day on which the application is to be made, and clause II stipulates the application of a pesticide for which notice is given under subclause (I) shall not commence before the end of the business day.

What this provision means to mosquito control? For example, if on a Monday morning, a mosquito control district located the presence of a mosquito infestation on or around any property that is

controlled, managed or owned by the school or school district, under the notification process the district would be unable to treat until the following Tuesday evening or Wednesday morning. Unfortunately, inclement weather often prevails later in the afternoon, including the early evening hours, thus precluding treatment of standing water.

Further, helicopters applying the pesticide could not safely fly at low altitude levels during the nighttime hours as well as there being increased difficulty for the pilot being able to see the area requiring treatment. Under such circumstance, mosquitos in the aquatic stage could emerge into flying adults, and under such circumstance the localized adult infestations could migrate into other populated areas. This would require more pesticide applications over a wider area more frequently.

My written testimony will provide yet another example on how this current notification process would preclude treatment up to 4 days.

Another requirement mandated by this amendment involves post treatment reentry restrictions. It states that the period specified on the label of the pesticide during which a treated area or room should remain unoccupied or if there is no period specified on the label, the 24-hour period beginning at the end of treatment. What this means to mosquito control? Because none of our currently EPA labeled public health pesticides requires a post treatment reentry time, then in keeping with this amendment, addressing the previous example, whatever time the pesticide application was made on Wednesday, individuals at the affected school would not be allowed to reenter the treated school grounds until 24 hours after the treatment. In other words, the school personnel and children could not occupy these areas until sometime on Thursday.

With West Nile Virus already being confirmed in the State of Florida, public health officials would be severely hampered in containing outbreaks of the virus and other viruses following the protocol in this amendment. As a matter of record, CDC has already confirmed the presence of this virus in the following 12 States: New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia and North Carolina, as well as including the District of Columbia.

The remaining requirement in this amendment addresses the authorization of appropriations; that is, that are authorized to be appropriated such sums as are necessary to carry out this section. It is the clear notification, the registry posting and enforcement requirements in the amendment will result in significant administrative costs for every school facility covered by the legislation.

This amendment also places significant responsibilities on the Florida Department of Agriculture and Consumer Services to develop and implement the plans relating to the use of pesticides on school property. Since no resources to administer the new program have as of yet been adopted as part of this measure, Florida's primary agency for pesticide enforcement and certification is concerned that the amendment as currently worded will adversely impact existing program functions and complicate efforts to enforce other Federal pesticides requirements.

Based upon the American Mosquito Control Association's past experience with this type of language, regarding the mere authorization of appropriations by Congress as opposed to an actual appropriation being made, there is significant question regarding whether this is simply another unfunded mandate. In our experience, we have been trying unsuccessfully for 5 years to obtain appropriated funds as it relates to HHS implementation of the Food Quality Protection Act of 1996 and the establishment of the Public Health Pesticide Data Collection Program under the Food Quality Protection Act.

As an organization of over 2,000 public health professionals across the Nation, the American Mosquito Control Association is dedicated to preserving and protecting the Nation's public health. It is important that public health professionals are able to function in an effective manner in order that they may protect our people and our Nation, especially the most vulnerable segments of our population, our children and our senior citizens.

I would be pleased to respond to any questions that you might have.

[The prepared statement of Mr. Wichterman appears at the conclusion of the hearing.]

Mr. GOODLATTE. Thank you, Mr. Wichterman. As you all noticed, we have some bells that just went off, indicating that we have votes on the floor of the House. The subcommittee will stand in recess, and I will come right back as soon as the votes are finished. Thank you.

[Recess.]

Mr. GOODLATTE. The subcommittee will reconvene, and at this time, we will be pleased to hear from Mr. Vroom.

STATEMENT OF JAY J. VROOM, PRESIDENT, AMERICAN CROP PROTECTION ASSOCIATION

Mr. VROOM. Thank you, Mr. Chairman, for the opportunity to testify today. I truly do appreciate this committee providing the first official public forum for discussion of the version of the School Environment Protection Act, which is included as an amendment to the recently Senate-passed version of H.R. 1, the Better Education and Teachers Act. I would like to also commend you and Mrs. Clayton for holding this hearing to debate the merits of having a consistent Federal integrated pest management standard for schools in overall concept as well as the specifics of what is embedded in the Senate approach.

I am here testifying today on behalf of my association, ACPA, a coalition of six associations, the five others including RISE, NPMA, CSPA, CPDA and ISSA. Our associations are described in our written testimony. This coalition of associations represents about 10,000 companies across the United States that are engaged in the business of producing pesticide products, selling them, marketing them, distributing them and servicing those products throughout the United States.

Pesticides, as you know and you have said and others have said in opening statements, have a long history of safe use in many applications, including schools, where they are used to protect the health and safety of children, teachers and staff, and to protect

school property as well. Congress has directed EPA to ensure rigorous scientific testing so products are safe when used according to the label. However, a lot of activist organization pressure has manifested opposition to pesticides, and work extensively with the cooperation and support of a lot of the media and many State and Federal politicians to create a political perception that pesticides might be harmful to children, especially when used in schools.

We have been through that debate extensively, especially in random acts of rhetoric on the floor of the Senate, especially a year ago. Undesirable legislation had been introduced in the Senate last summer, and the industry was advised that that legislation would be offered again this summer, primarily as riders, as you had mentioned in your opening remarks, to various appropriation bills.

Because of those repeated attacks at the level of the Senate floor debate on pesticides products, particularly the use in schools, industry sought to reach a reasonable compromise regarding school pest management plans. We worked with interested Senators in an attempt to craft a more reasonable and workable measure that industry and the environmental community could support and that could gain Senate support generally as well. The measure, as you know, has been adopted by the Senate, and we believe that the SEPA amendment is a beginning of a reasonable compromise that should be supported eventually if we can work out and find ways to address the areas of concerns that have been mentioned here this morning and I am sure we will hear from in addition from the other witnesses.

As we approached the concept of seeking a reasonable political solution to a perception problem, we thought that there were three clear goals that needed to be addressed: Number one, to seek to advance stewardship and in particular IPM application in schools; number two, to set a reasonable notification process for the school, children, parent quotient; and number three, to craft a Federal benchmark or template for the approach to school IPM issues in schools all across the Nation.

The first goal of the amendment, then, therefore, in the attempt to ensure that schools implement effective IPM programs, as you know and we have stated in our written testimony, several dozen States currently have pesticide laws. Some of the members of the committee have already alluded to those examples in their own States here this morning. Some of those laws are based on a balanced approach to pest management. However, many just prohibit the use of those pesticides, denying schools the vital tools they need to protect children from disease-carrying and nuisance pests.

The criteria for school pesticide use as outlined in the amendment from the Senate are based on principles of IPM as embedded in the definitions that are in the Food Quality Protection Act, the Children's Health Act of 2000 and also in the farm bill, renditions that have been advanced by the House Agriculture Committee over the years. So we feel that one solid component of this amendment is the fact that it continues to extend and broaden in Federal legislative language the definition of IPM that includes the judicious use of pesticides as has been crafted and advanced by the House Agriculture Committee over many years.

Unfortunately, many States and local school districts have adopted what they call IPM programs which stray from the Federal definition of IPM, and we think that, again, the embodiment of that definition in this legislation would help provide some uniformity and some reasonable background as we continue to debate those issues across the range of the 83,000 local jurisdictions of government, some 16,000 school districts across this country that we have, again that template of Federal approach to IPM, as well as the notification component that has been advanced by this amendment, to continue to have this debate in a more constructive fashion in those venues across this country.

I have exhausted my time here for oral remarks. I look forward to responding to the questions from you, Mr. Chairman, and other members of the committee. Thank you for the opportunity to be here on behalf of the six-association coalition.

[The prepared statement of Mr. Vroom appears at the conclusion of the hearing.]

Mr. GOODLATTE. Thank you, Mr. Vroom.

Mr. Jaure, we are delighted to have you.

STATEMENT OF PAUL JAURE, PRESIDENT, NATIONAL ASSOCIATION OF AGRICULTURE EDUCATORS, BEEVILLE, TX

Mr. JAURE. Mr. Chairman, and all members of the subcommittee, thank you for the opportunity to present comments to you on behalf of the Nation's school-based agriculture teachers regarding pesticide use in schools. I am Paul Jaure, serving as president of the National Association of Agriculture Educators and an agriscience teacher in Beeville, Texas.

I want to ensure the members of the subcommittee that agriculture teachers throughout the United States support safe and proper handling of the use of pesticides in public schools, included within schools, yet we have concerns about the language proposed in Senator Torricelli's amendment. Please allow me to be very clear that whether mandated by local, State or Federal laws or whether on a voluntary basis, agriculture educators are committed to use of pesticides safely and effectively in our instructional programs. We are committed to teaching our students to use pesticides safely and effectively. We are committed to using IPM to control agriculture pests, protect and conserve the environment and ensure public safety. However, we are concerned that this Federal unfunded mandate could be detrimental to agriculture education programs across the Nation.

Our first issue concerns the contact person. The contact person must be a qualified person, perhaps a certified pesticide applicator. Especially in poorly funded rural school districts, there is a strong risk that the agriculture teacher, who may already be a certified pesticide applicator, could be burdened with this additional responsibility. The role of the agriculture teacher is already complete with classroom and laboratory instructions, activities, supervision of the student's agriculture experience program, which involves time during school and a lot of time after school, and the FFA advice and responsibility which occurs both during school and after school. Placing the contact person responsibility on an agriculture teacher

will undoubtedly result in some part of the existing agriculture program going undone.

Our second and major issue regarding the notification requirements, we are grateful to the provisions in Senator Torricelli's amendment that eliminates the 24-hour notification requirements for pesticide application that are a part of the Agriculture Education Program, as long as the pesticides are included at a universal notification at the beginning of a school year. Yet preparing this list of procedures that the agriculture teacher anticipates used throughout the year will be extensive. This requirement will be a substantial burden on the agriculture teacher. In addition, if the teacher determines that the need to use pesticides during the year that are not included in the early notification, the teacher will be responsible for the 24-hour prior notice to the persons listed on the registry. Please bear in mind that the agriculture teacher would be using the pesticides in accordance with all the safety rules and regulations of the pesticide manufacturer, EPA and other regulatory agencies.

Our next major concern is advanced emergencies. This definition of emergency addresses threat to the health and safety of students and staff members. We assume this language applies that an emergency condition will exist only in cases of stinging or biting insects that present health risks to persons. We believe that there could be a need for emergency applications of pesticides in agriculture laboratories. Such emergencies would not endanger humans. Rather, such emergencies would endanger the health of living plants and animals used in the laboratories. To do anything but respond immediately to these emergencies would be poor teaching and could lead to alarming results in the laboratories. Therefore, we suggest the definition of emergencies be expanded to include components of agriculture education instructional programs.

Our fourth concerns deal with the potential of legal action against the school, and especially the agriculture teacher, that would result from these new regulations. The risk language is scary. It is certainly true that exposure to certain chemicals is harmful to humans, especially pregnant women, infants and children, but we are not aware of any evidence that suggests that children and adults are in any greater health risk from overexposure at schools than at any other location. To present this language to parents, guardians and school staffs seems to be inviting undue concerns and potential legal action. The emergency applications of pesticides with notification to persons listed on the registry after the fact could also present legal consequences. Further, if school administrators claim that the risk of pesticide application in schools are so great, parents and guardians may expect their children to be offered extended excuse absences from school following a pesticide application.

Finally, we are experiencing a nationwide shortage of agriculture teachers. Adding these additional requirements to the agriculture teacher responsibility may make the teaching profession less appealing to some, therefore make the teacher shortage problem even worse. We believe that agriculture teachers are doing a great job of using pesticides in their instructional programs safely, and we believe the teachers are teaching their students to use the product

safely as well. We do not believe that additional regulations on pesticide use in agriculture education programs will advance agriculture education or help to ensure public safety.

Finally, we doubt that such regulations will result in schools becoming safer places for children and adults, because schools are not unsafe now.

To summarize, Mr. Chairman, agriculture teachers nationwide strongly believe in keeping both children and adults safe from misuse and overexposure of pesticides. Yet we recognize that pesticides are a necessary and beneficial component of the agriculture industry. For agriculture education to be effective, we must not hinder from properly and safely usage of pesticides in the laboratories, and we must not be hindered from teaching our students the proper and safe use of handling of pesticides. To do otherwise would be detrimental to the agriculture industry and hazardous to human health. Please allow us to teach students to use pesticides properly so that the agriculture enterprises and human health can be enhanced and improved.

And I thank you for the opportunity to present our position to the subcommittee members. Thank you.

[The prepared statement of Mr. Jaure appears at the conclusion of the hearing.]

Mr. GOODLATTE. Thank you, Mr. Jaure.

Mr. Vanairsdale.

STATEMENT OF MICHAEL VANAIRSDALE, ASSISTANT SUPERINTENDENT, SUPPORT SERVICES, FULTON COUNTY SCHOOL DISTRICT, ATLANTA, GA, ON BEHALF OF THE NATIONAL ASSOCIATION OF SCHOOL ADMINISTRATORS

Mr. VANAIRSDALE. Good morning, Chairman Goodlatte, Congresswoman Clayton and members of the committee. On behalf of the American Association of School Administrators representing more than 14,000 local superintendents and school system leaders, I want to thank you for the opportunity to come before you today to discuss the School Environment Protection Act of 2001.

My name is Mike Vanairsdale. I am the assistant superintendent for support services for Fulton County Schools in Atlanta, Georgia. I am responsible for the school construction, facilities maintenance, transportation, nutrition, purchasing and warehousing. Out district educates more than 71,000 children in 75 schools. We employ a staff of 11,000. Our enrollment is growing at 3 to 4 percent annually. Fulton County will open five new schools this year and four new schools for the school year beginning 2002.

Our mission at Fulton County is not only to educate students to be responsible productive citizens, but also to cultivate school environments conducive to student learning and high achievement. As part of providing an environment conducive to student learning and high achievement, we strive to have state of the art, functional, clean and well-maintained educational facilities, and we also carefully monitor the physical environment around our young people so they can learn in safe and inviting surroundings. The safety and well-being of our children is uppermost in our minds as we serve in loco parentis for their families each school day.

In Fulton County and I am sure in other systems in Georgia and across the United States, we consistently and proactively monitor our campuses for signs of any unhealthful conditions and implement programs to provide the safest and healthiest possible environments for our students. For example, IAQ, or indoor air quality, is a challenge in Georgia as well as many other States with high humidity and high ambient temperatures. We regularly analyze the air samples for mold, mildew and other airborne contaminants to ensure proper air quality. We install floor coverings that are conducive to high air quality and reduce the opportunity for airborne contaminants. We vacuum our carpeted areas with high-efficiency particulate air, or HEPA, filters to reduce airborne contaminants. In schools where we install new floor covering, furniture or paint, we allow time and operation of air-conditioning systems to allow for off gassing of particulate matter. On a disciplined basis, we replace high quality anti-microbial air filters.

In every school, we have a comprehensive reference book at the entrance of the school containing MSDS sheets, material safety data sheets, for all chemicals, including paint, cleaning materials and insecticides used in the school. We regularly sample drinking water from microbiological and other contaminants. We install bottled water in all of our 200 portable classrooms to ensure students are well hydrated with pure water.

The State of Georgia works with us and other Georgia school systems to ensure the use of any pesticides follows strict safety precautions. In Fulton County as well as in many other systems in the State, we have in place now an integrated pest management plan, which uses pesticides as only a part of the total pest control challenge and, believe me, in Georgia pest control is a challenge.

Bottom line is, as professional school administrators, we care about the environment in which our kids learn, and our actions demonstrate that without additional Federal legislation.

The issue at hand is not to disagree with safe chemical applications, but rather to prevent legislation that contains notifications in registries and mandates a significant administrative burden on the local system, with new layers of paperwork and increased requirements on noneducation-related administrative time. The suggested new law before you, with all due respect, addresses an area of concern that is already under COM in our system, and I believe in most systems in the United States.

This proposal which was inserted in the Senate's version of the Elementary and Secondary Education Act amendments, S. 1, without benefit of hearing or public discussion on its various assumptions and prescriptions would saddle schools with yet another unfunded Federal mandate. The Torricelli amendment to S. 1 was adopted without even a recorded vote.

The bill before you goes so far as to dictate the precise wording of a letter the school must send to every staff member, parent and legal guardian three times a year. The amendment is a fill in the blanks letter that seems to assume the very worse of intentions by local school authorities. Imagine the confusion a parent would feel in getting mail that suggests he or she should perhaps contact the U.S. EPA to better understand the letter.

Serving as guardians of our State's most valuable and vulnerable citizens, we sincerely suggest this legislation is a solution in search of a problem. We at the American Association of School Administrators ask that the committee and Congress step back for a moment and review current practices. The GAO report cited by Senator Torricelli does not indicate student exposure to dangerous chemicals. Rather, in the Senator's words, the GAO could find no credible statistics on the amount of pesticides in public schools and no information about students' exposure to pesticides or their health impacts.

As local school systems struggle to transfer more resources into the classroom, we are constantly faced with mandates that require us to shift resources to bureaucratic solutions for problems that do not exist. This legislation is an example of such a mandate. We ask you, Mr. Chairman, and the committee to give full, thoughtful consideration to our comments as you address this legislation. Please know our members and staff stand ready to work with you in that endeavor.

With that, I thank you again for inviting me to testify today and I am happy to answer any questions you may have.

[The prepared statement of Mr. Vanairsdale appears at the conclusion of the hearing.]

Mr. GOODLATTE. Thank you, Mr. Vanairsdale. I believe the gentleman from Louisiana has a comment.

Mr. COOKSEY. Thank you, Mr. Chairman. I would just like to comment and get this in the record. I do not know Mr. Torricelli. I understand he is from the State of New Jersey. I lived and worked there in Summerville, New Jersey in a hospital many years ago when I was in medical school and I don't want to suggest that lawyers don't have the educational background to be experts on children's health care or pesticides or chemicals, but they probably don't, whether I suggest it or not.

But I as a physician know that there are some chemicals that can have an adverse impact on adults' health and certainly on children's health. Children I think are more vulnerable to chemicals than adults. So I don't think we need to totally discount this as a risk factor, but it would be my suggestion that we consider implementing this program, this unfunded mandate, unfunded by the Federal Government, and keep it unfunded by the Federal Government and implement it only in the State of New Jersey and let the taxpayers of New Jersey fund it and pay for it next year, and give Mr. Torricelli, or Senator Torricelli full credit for it, because he may be on the right track to do something. But anyway, I think we should consider that as a possibility, because I think it needs to be explored.

Thank you, Mr. Chairman.

Mr. GOODLATTE. I thank the gentleman. We are now pleased to welcome Mr. Feldman.

STATEMENT OF JAY FELDMAN, EXECUTIVE DIRECTOR, NATIONAL COALITION AGAINST THE MISUSE OF PESTICIDES

Mr. FELDMAN. Thank you very much, Mr. Chairman, and members of the committee for this opportunity to testify today. We are talking about a bill that has been subjected to a review by a num-

ber of organizations, and in fact was adopted by unanimous consent in the Senate. I think a lot of offices weighed in on this. Mr. Reid was extremely involved in the process, as was Mr. Lott. So in effect, this bill has been subjected to a lot of review and venting.

I think it is a little unfortunate that people are sitting here today before you as members of this committee and telling you they didn't have an opportunity to weigh in on this bill. I think that is somewhat incorrect. I would say that the communication channels between Senate staff and House staff have been very good on this, and I would suggest that many opportunities existed through farm organizations and other venues to bring those issues to the negotiations on this bill.

If we were having a hearing today that was perfectly balanced, what you would see in front of you are representatives of the national PTA, from the National Education Association, from the American Federation of Teachers. You would see school administrators sitting here who say we have programs just like this, they are working fine, they are not burdensome. You would see the National Pest Management Association sitting here saying, we have applicators and trained people who know what they are doing and they don't find it burdensome either.

But the underlying issue, as you have mentioned, Mr. Congressman, is the question of whether children really are at risk here. Listen to what EPA says in their IPM for schools' "How to" manual. Despite the substantial amount of scientific information that EPA reviews prior to registering a pesticide, it is virtually impossible to identify all conceivable risks and to address all the uncertainties of pesticide use. Because science—and I am quoting from EPA—cannot in any practical sense assure safety through any testing regimen, pesticide use should be approached cautiously.

I think this bill on behalf of the industry, the chemical industry, the pest management industry, the teachers, the student groups, the parent groups that support this, I think they are embracing that concept and saying we as a community, we the people on the ground most affected by pest management pesticide use have a right to transparency, a concept that this committee has embraced in other contexts. Transparency equates with disclosure. Disclosure equates with a system of providing information.

Now, through the negotiation process, we tried to very carefully distinguish between a burdensome system that the industry identified as universal notification and a registry system, one that really only targets parents that ask for the information. This was done in deference to the chemical industry side of the equation, and in fact is embraced in SEPA.

The other issue that we have been discussing here today is integrated pest management. I don't think anyone is really disagreeing with the concept of IPM, but we have been contacted by a school board member in Skokie, Illinois who says, before the State of Illinois adopted a mandatory IPM program and encouraged IPM, only 17 percent of the State schools through their own survey work found that the schools were aware of what IPM was. So the reality is, despite the fact that you are seeing before you some very experienced people, credible on the issue of IPM, it doesn't answer the question for Congress. And that is, do students have a right to be

going to a school where they spend most of their day, you know, exposed to chemicals, perhaps unnecessarily, or maybe I should say exposed to pest management practices that may not use pesticides properly, and so IPM as embraced by SEPA is a proper application of pesticides and hopefully that is what would be available to all students across the country.

Look, let us face it. The FIFRA standard and the FQPA standard is a risk-based standard. You can't sit here, none of the members of this panel can sit here and assure you of the safety of pesticides. Right to know and transparency is a basic concept that gives parents and teachers and school staff the opportunity to know what is going on if they want to know.

Now, is this burdensome and costly? Basically, what we found—and I provided this to you in the testimony—are reductions in costs associated with these programs. I mean, Montgomery County, we could all take a field trip out to Montgomery County right around the corner here and see that they saved $110,000. We could travel to Monroe County, Indiana and see that they have saved $6,000 in the first 2 years in their pest management program. So the fact of the matter is, school board administrators like this guy from Skokie, and—well, he is a school board member—and the letter attached to you from Mt. Lebanon, Pennsylvania, school board administrators, superintendent of schools is urging you to pass this kind of law—because he says it works. Most of the people that are involved with this come in with apprehensions that it is going to be burdensome, it is going to be costly, a lot of clerical work, I am not going to be able to make it work, but it doesn't turn out to be the case.

I also want to draw your attention to the other provisions in this act which really take from existing State laws. We are not proposing anything—nothing in this law really has not been adopted in one State or another, whether we are talking about making pesticide information available, pesticide use recordkeeping, restrictions on applying pesticides, which I would like to get back to, training and certification of pesticide applicators, the emergency provision, the vocational ag provision, the exemption for baits, pastes, and gels and EPA's role.

I would like to close by just saying that there has been much made of this 24-hour restriction, and in fact what this says is something very similar to what you adopted in FQPA. Where EPA has not adopted a reentry standard and found that it is okay for children to reenter an environment, only in those cases would the 24-hour reentry standard exist.

You know, and finally I would basically like to say that we do appreciate what you are doing here today. We in our best effort and in a good faith effort tried to put together on the Senate side all the parties that had interests in this. You can't negotiate with people that do not—or organizations that simply do not want to negotiate. I think a lot of people dismissed the viability of this concept and felt that it would not go anywhere in the Senate and chose not to be a party to the negotiations. We are prepared as a coalition—I think I speak for my industry partners on this—to negotiate provisions that are problematic.

We have already had long discussions with George Wichterman and told him that we would support an exemption of all the mosquito and public health uses of pesticides. So his testimony today, with all due respect to Mr. Wichterman, is not really in good faith, given that he knows that this coalition is prepared to exempt out public health uses of pesticides. That was never the intent of this bill. The bill was intended to focus on school decision making——

Mr. GOODLATTE. Why don't you just do it, Mr. Feldman?

Mr. FELDMAN. Well, because it wasn't believed that the effect was as onerous as Mr. Wichterman is describing it, number one. And number two, you have worked with leg counsel, Mr. Congressman, and you know sometimes the language doesn't become as you always want it. The point is, it is resolvable. It is easily resolvable. We have already had those discussions. I think the vocational ag issues are resolvable. I think the question for Congress is whether you think children should have the basic right to this kind of law.

Let me leave you with one last thought. In every State—and there are virtually over 30 States that have adopted these types of laws—the school board association, with some three or four exceptions, have opposed the legislation, and the State Legislatures have adopted the legislation over the opposition of the school board associations. There is a fear here that is not warranted here. The data shows the costs are not burdensome. The data shows that these programs work.

Mr. GOODLATTE. Mr. Feldman, your time has expired.

Mr. Trammell.

[The prepared statement of Mr. Feldman appears at the conclusion of the hearing.]

STATEMENT OF MARSHALL TRAMMELL, CHAIRMAN, CHESTERFIELD COUNTY SCHOOL BOARD, CHESTER, VIRGINIA, ON BEHALF OF THE NATIONAL SCHOOL BOARDS ASSOCIATIONS

Mr. TRAMMELL. Mr. Chairman, Mrs. Clayton and other committee members, I am Marshall Trammell and I am testifying on behalf of the National School Boards Association in my capacity as chairman of the Chesterfield County School Board. The National School Boards Association represents the 95,000 elected and appointed school board members, and as such, are responsible for governing America's public school systems.

Also, professionally, I am the program coordinator for the Certification of Licensing, Registration and Training Unit of the Office of Pesticide Services in Virginia in which I am responsible for regulating 20,000 pesticide applicators.

Virginia's regulatory approach is to recognize that 10,000-plus pesticides that we register every year in Virginia have the potential for both good and bad.

We also, in cooperation with U.S. EPA and their programs dealing with the label language, have instituted a voluntary, integrated pest management program in Virginia and in our schools. Our approach allows each school division to develop a plan that best suits their needs without all of the prescriptive reporting procedures.

Since the label is the law, we do take care of violations in a straightforward manner. What we do is try to focus our resources

on education, training and demonstration to mitigate pesticide exposures to staff, children and parents, rather than on a strictly regulatory program. It is our opinion that requiring a legally prescriptive IPM approach does not buy us additional compliance or protection.

Chesterfield County is a relatively large educational system. We have approximately 51,000 students. Our budget is about $377 million a year. We have 59 schools and a staff of about 6,800. I am telling you that only to let you know that if I am telling you the impact on our system of this kind—of this amendment, you can imagine what it would be on the smaller school districts that would have a problem doing that.

An example would be the State of Maine, where you may have some of the superintendents who may be responsible for more than one district for which they have to work.

One of the things that comes into play as far as the cost is concerned is having the contact person and what the requirements are for those people to keep track of all the requirements of the proposed amendment, including all of the material, safety data sheets, the labels, the use data for pesticide use for at least 3 years after their use.

In Chesterfield alone, we feel that in order to comply with this amendment, we would have to hire additional people. Contrary to what you heard earlier, there is no way for 59 schools to stay on track with a management plan without each school being responsible for their own plan. We would have to track that information.

At this time; I will tell you that in Chesterfield, we already know what our costs are for this particular program are on a voluntary basis; it is about $150,000 a year. It is indeed true; we have done an analysis already, and it would cost us 350,000 to $450,000 to comply with this. Granted, over a period of time—and I say that very strict—over a period of time, the cost does tend to go down, but that is not necessarily true in all cases.

We also have a concern about what they call the term—such sum as is necessary as far as financing this particular type of program. It almost never occurs. We have a long history of either unfunded or underfunded mandates, whether it deals with asbestos, special education or a lot of other issues.

When we talk about the additional costs—and there are some, even though they may be reduced over a period of time—this is money that is taken away from teacher raises, classroom size reduction, those types of things that really go to the heart of what we are all about and that iseducating our kids to their fullest potential.

The issue of dealing with reentry is another issue that concerns us greatly because there are, as you well know, only certain pesticides have with them reentry levels already established. This creates a false impression that all the other pesticides, though they have not the reentry level, and they are a problem; and that is not necessarily true.

And I might add, by the way, 95 percent, or close to that, of all the restricted-use pesticides, ones considered more dangerous, are used by the agricultural industry. Very few, if any, are ever used in the school board setting—almost never.

The time frame is a real concern to all of us. Not to be denigrating the EPA, but in my experience and the experience in my agency at the State, working with the EPA, we have almost never met a guideline. It is almost impossible. And for us to now extrapolate that down to the State level and from the State level down to the local level, in Virginia, there would be over 100 different plans that we would have to come up with and approve. And we found that extremely burdensome and not realistic.

Now that I have described the administrative requirements for lack of funding and possible viability issues to which we would be subjected on this, I would like to tell you a little bit about our approach in Chesterfield and how we work it.

It is an IPM approach that was recommended to the system and other ones, Statewide, that came from the Virginia Pesticide Control Board, Virginia Department of Agriculture, the Extension Service and Virginia Tech. Where feasible, we do rely upon the use of baits, environmental controls. We do provide notice. In other words, we do what is necessary to protect our children, adults, and we don't need additional Federal mandates to make that so.

The other issue that is really of primary concern to us is that this is indeed a Federal mandate that is trying to make one size fit all. Unfortunately, it was conducted in an atmosphere without enough hearings. If we need to do that, if we need to have more science, we are more than willing to look at that in additional hearings.

And I appreciate the opportunity to testify and I look forward to answering any questions.

[The prepared statement of Mr. Trammell appears at the conclusion of the hearing.]

Mr. GOODLATTE. Thank you, Mr. Trammell. We will now have a round of questions.

Mr. Feldman, I have to say that your excuse that the failure to provide the provision requested by Mr. Wichterman for exempting mosquito control and other public health issues from this is pretty lame. I mean, when we get language back from legislative counsel, we read it. If we don't think it is appropriate, we send it back to them again.

Mr. FELDMAN. I would say this is a technical issue. As you read the bill, it is clear the intent is to address school use of pesticides and pest management. It has nothing to do with governmental agency or mosquito abatement district use of pesticides.

I accept the blame on my behalf and on behalf of the other coalition partners. But I say, if we are having a discussion on substance rather than process for the moment, then the issue here is, it is not our intent to impose a burden on the good work of the mosquito abatement districts or other any other public health use of pesticides.

Mr. GOODLATTE. Well, frankly, I am not aware of any reason why anybody sprays pesticide other than for public health reasons. The purpose of this is to protect people from being exposed to various public health problems that arise from—unless you are talking about dealing with termites or something, it seems to me that when you are dealing with cockroaches, when you are dealing with mosquitos, when you are dealing with a whole host of rats and

other vermin, all of those things are public health issues. So I am not sure what you mean by an "exemption," but we will certainly be talking about that.

Let me read you a quote: "We believe current Federal authorities, which include a combination of rigorous scientific and regulatory review under FQPA, as well as voluntary partnerships to promote IPM, are adequate to provide a safe school environment children, and therefore additional legislative authority is unnecessary." That is signed by Christine Todd Whitman, the Administrator of the Environmental Protection Agency.

In your testimony, your argument against the EPA's review and approval of nonagricultural pesticide uses seems to be based on a General Accounting Office report that is 15 years old and from 1986. However, if the EPA review is inadequate to meet your goals, how would mandatory notification improve the safety of these products?

Mr. FELDMAN. Well, I guess when you strip away the discussion of risk which—you know, we could have a hearing on whether there is adequate protection, how much progress EPA is making toward reregistration under FQPA.

Mr. GOODLATTE. Mr. Feldman, we have had those hearings, and I will tell you that especially when it comes to schools and school children, the risk of exposure to rats and cockroaches and mosquitos and bees, and other things that pest applications are made for, is far, far greater and far more clearly documented than any of the risks that you have ever attempted to document with regard to these uses of pesticides. And when those risks are documented, the EPA takes those pesticides off the market.

So I don't see why this extra, added bureaucracy and the costs attendant thereto and the complications and the fear on the part of teachers and school personnel that if they attempt to deal with a problem, they may be in violation of the law, is going to be helpful in this regard at all. I think it is going to be harmful in the efforts to protect the health of our children.

Why can't we rely upon local governments and the States that you cite who have taken these actions? Why do we have to take action at the Federal level in such a haphazard manner as has been taken with regard to this amendment, attached to an unrelated piece of legislation, without appropriate hearings and without appropriate markups and amendment process that should take place through the committees?

Mr. FELDMAN. Well, there are two parts to your question.

I think the first part, in terms of public health risks, we acknowledge there are public health risks associated with pests. But we would like you to acknowledge—and I think this committee historically has acknowledged—that there are potential public health risks associated with pesticide exposure for a variety of reasons.

I mean, if you just look at the reregistration eligibility document process, you will find that of the 381 regs EPA is in the process of carrying out, only about 180 regs have been completed. And if you look at those regs themselves, you will find some missing data if you sort of look at the actual reg. So we have 168 to go for which we don't have complete information.

Second, this committee and FQPA supported testing for endocrine disruption. I mean, this is a very serious issue for kids; it is a black hole, if you will, in terms of health risks to children. And we don't even have the protocol yet for that testing.

All we are saying, Congressman, is that there is a lot of good work going on there in terms of defining safe use, adequate use, proper use, but we still have some big holes. We have to acknowledge those.

And if you—I would like to submit for the record this IPM for Schools document, which really is a good statement from EPA on some of the problems they have in being definitive about risk.

The bottom line here is there are studies that show elevated risks of non-Hodgkins lymphoma, of leukemia in households where pesticides are used. Put that aside for a minute, and then answer your question, "Should we have used the process?"

We would like to have used the process, Mr. Chairman, but your colleague, Mr. Holt, introduced SEPA in 1999. It was referred to this committee, and the committee never chose to take this up. I was told by the staff that we should have done more to ask the committee to take this up.

But the fact of the matter is, there are very few pesticide bills that come to this subcommittee; you can count them on one hand or less. And, therefore, it was well known to this staff and to you as committee members that there was a bill regarding schools out there.

Should—is there a Federal role here? We really do believe there is a Federal role because you have lack of uniformity. As Mr. Vroom said, this would help create some consistency across the country, some basic, very minimum level of protection.

Mr. GOODLATTE. Well, let me ask you this. How would you describe the Texas law relative to proposed legislation before us today?

Mr. FELDMAN. I would say that the Texas law is equal, if not stronger, to this law except in one way. The Texas law does not require posting for outdoor use of pesticides.

But the Texas law is very prescriptive. It sets up——

Mr. GOODLATTE. Let me interrupt you there and ask you if you are aware that the Texas Structural Pest Control Board, the agency charged with regulation of pesticides in Texas and with administering the school pest management requirements, opposes this amendment on the basis of it being, one, costly; two, requiring excessive notification; and three, because it has a long reentry period.

Mr. FELDMAN. Texas has a 12-hour reentry standard for its red-light pesticides. That is an across the board—SEPA doesn't even establish an across-the-board reentry. Remember, it is only a reentry where EPA has not established a reentry. Our presumption and the industry's presumption is that EPA would come in immediately and establish zero reentry based on its determination for the bulk of the general-use pesticides that might be applied in a school. If that were the case, there is no reentry standard in the SEPA bill.

So, in effect, the Texas bill, which says if you use a class I toxicity pesticide that has a 12-hour reentry standard and a 50-foot

buffer zone, or something of that nature, is more prescriptive actually than the SEPA provision.

Mr. GOODLATTE. So I fail to see why States can't take care of this matter themselves, and let the people decide through their elected State representatives.

Mr. FELDMAN. I agree with you. Theoretically, States can take care of this for themselves. But we have studied this situation, Mr. Congressman, and what we are finding is that they are not. And the States that have taken care of this for themselves, like the States of Maryland, Massachusetts, Michigan and Texas are finding that it works. And the question we are asking you is, don't all children in this country have a right to go to a school where they are not exposed unnecessarily to toxic materials, where pesticides and pests are adequately controlled? And our answer is yes.

Mr. GOODLATTE. All children in this country do have that right, and it is up to local school boards and State governments to provide that protection for them as they see necessary. They also have the right to go to schools that are free from the pests that provide a far greater risk to them than the pest management efforts those schools make.

And not all schools are created equally and not all school districts are created equally, and some of the poorest school districts in this country will forgo the use of pest control efforts rather than comply with an additional, costly measure that is complicated and confusing and requires a lot of red tape and a lot of recordkeeping.

And I fear that if this amendment is passed, the net result of this will be that those schools will see children who have a far greater exposure to various types of health problems because of this amendment, not in spite of the lack of it if this amendment does not make it through the process, as I hope it doesn't.

At this time, let me recognize the gentlewoman from North Carolina.

Mrs. CLAYTON. Thank you, Mr. Chairman. I have several questions, but let me just make an observation.

I, for one, think there is a role for the Federal Government to intervene in protection of children. But I think there ought to be a role that is consistent with what is available and what the problem is.

And, also, as a member of the Agriculture Committee, I guess, I, for one, want you to know that all members of Agriculture do not subscribe to the fact that we are here to protect pesticides.

I do believe there are some dangers in pesticides. And I see pesticides as medicine, and sometimes the medicine is designed to cure. But if I misapply my medication, indeed the medication is worse than the disease. So I understand there is a balance between what we intervene, or propose to intervene, to take care of crises and pests.

I do know the danger of pests. And so we have to have a balance.

So I don't—I can't speak for all members, but I just want you to know that this member is not here as a bulwark to make sure that all pesticides are protected.

Having said that, there is also—as we want to make sure we don't misuse medication or pesticide, we also want to teach people the proper way of using pesticides. There is a management system

of how we indeed instruct, manage and control that which we have put on the market to address certain issues. So the whole idea of having an integrated pest management makes abundantly good sense—abundantly good sense. The question is how do you do it and how do you integrate that with local control.

My State, for instance, North Carolina—and I would like to know, Mr. Feldman, how you rate North Carolina—but do you know the provisions that North Carolina has put in?

Mr. FELDMAN. North Carolina does not have a law. It is one of the States that does not have a law. It is interesting, the only issue that North Carolina addresses regarding schools specifically is to establish a 300-foot buffer zone around schools, designating schools as a sensitive area.

Mrs. CLAYTON. Is that the only one?

Mr. FELDMAN. That is the only provision.

But it is not a provision that is incorporated into SEPA. There is no buffer zone concept around contiguous uses for SEPA—in the SEPA bill.

North Carolina would benefit from this sort of provision. That is not to say that there aren't school districts in North Carolina that are doing what many have described here at the panel.

The question before the committee really is simply, can we take the best of what has been done in the various States and school districts and offer that to all children. And I guess my question to you is, show me where existing IPM and notification programs at the local level and in State—throughout our States, where they exist, have really been burdensome and really hurt.

I am not talking about theoretical calculations of costs. I am talking about Monroe County. I am talking about—you know, Susquehanna County, New York; Montgomery County, Maryland, where these programs are in place as we are describing them.

Mrs. CLAYTON. Do you know the system that the superintendent of Fulton County described? Do you know about his system?

Mr. FELDMAN. I am not familiar with it, but it sounds very good.

Mrs. CLAYTON. Now, again, there is a cost factor when you say you are not considering the theoretical costs of money. But cost is cost. Whether it is theoretical to you or applied to actual, there is a cost.

Now, I am not suggesting that one should not pay for having health and care, but to dismiss it as insignificant is not being—I am just simply saying that some things are worth paying a cost for, but it is the costs involved.

Mr. FELDMAN. I think Mr. Trammell's costs are theoretical, his $300,000 figure. I refer you to page 4 of my testimony in which I have documented costs. And the reason I keep bringing up Monroe County is that—for this committee it is a good example because it involved Purdue University, the Extension Service; it involved Indiana University, and it involved the school district. And they all got together, created a system and they saved $6,000 in the first 2 years of the program. They have reduced costs by 35 percent since the program was initiated in 1995, and they are seeing a 90 percent reduction in pesticide use.

So, you know, there is less volume of use, less costs and a more manageable program.

Mrs. CLAYTON. My time is being exhausted. What is the difference between your proposed IPM plan and the IPM plan that is currently administered by EPA? Are those ones that are not part of the register now or——

Mr. FELDMAN. IPM, as incorporated into SEPA, is really the EPA program. In fact, the Monroe County example that I keep citing was supported with EPA dollars. They got a grant, a pesticide stewardship grant, from EPA and modeled this program and put it together, and it is now operating in portions of five States. So it does incorporate the IPM program.

Mr. GOODLATTE. I have been advised that the Monroe County program—first of all, it is a fairly large program. It has 20 schools. And second, it is a voluntary program.

Mr. FELDMAN. We are just talking about costs here, Mr. Goodlatte. For this committee to be well informed by passing his amendment, you would impose an undue burden on school districts, which we don't want to do, I refer you to Monroe County because their cost data shows quite the opposite regarding IPM.

Mrs. CLAYTON. The reason for the amendment is to—because the volunteer system isn't working, therefore, the Federal Government must instruct the mandatory program for that?

Mr. FELDMAN. Right.

Mrs. CLAYTON. Well, if EPA has regulatory requirements——

Mr. FELDMAN. No requirements. EPA has set up a model for schools, or I should say a how-to manual—how to do IPM, why IPM is valuable—but it is voluntary. And we are saying and the industry is agreeing—quite frankly, without the kind of equivocation you heard today from Mr. Vroom, with all due respect; the industry has agreed that this works. This is a program that does not hurt industry. It ensures safe use of products. It ensures transparency so parents know.

Mrs. CLAYTON. Let me ask Mr. Vroom a question.

Mr. Vroom, you did indicate that there was value in having a Federal template that would have some consistency. So I gather—rather, you agreed to the extent he just stated, there is some acknowledgment that the industry itself would like to have some consistency across the country.

How different—how do you differ from what he just said?

Mr. VROOM. That is correct, Mrs. Clayton. I think we do see value in that component of the amendment. However, there are lots of concerns. And certainly the burden of concern is one that——

Mrs. CLAYTON. Not the costs, just consistency is what he is asking for.

Mr. VROOM. Simply because there are more than 83,000 local government jurisdictions across the country. And our industry and our customers—particularly, you know, the pest management association local applicators—simply don't have the resources to be able to be present and kind of represent——

Mrs. CLAYTON. So you would support having a Federal standard that would have consistency?

Mr. VROOM. Yes. Yes.

Mrs. CLAYTON. Thank you, Mr. Chairman.

Mr. GOODLATTE. I thank you. And I would also point out that the amendment, as it stands, does not preempt the States from having their own provisions. So it is not going to solve that problem.

The gentleman from California.

Mr. POMBO. Thank you, Mr. Chairman.

That is something that I believe is important to point out, Mr. Vroom, that even if there is a Federal standard, there is still nothing stopping a local school district, county or State from adopting a different standard.

Mr. VROOM. That is correct. That simply would allow us to be able to point to a Federal template that Congress had reviewed that perhaps would carry more weight in some of these arguments. But you are exactly right.

Mr. POMBO. Let me ask you this. Mr. Feldman just said that in one school district, as a result of adopting a program similar to what we are talking about, they reduced their pesticide use by 95 percent. Is that accurate?

Mr. FELDMAN. Monroe reports 90 percent reduction.

Mr. POMBO. Ninety percent?

Mr. FELDMAN. I should say in sprayed insecticides. So, in effect, what you have——

Mr. POMBO. What you said really didn't mean anything.

Mr. FELDMAN. What it means is a shifting, on some level, from spraying to baits, pastes and gels and different approaches. So overall, the pest management industry is moving from—to different types of formulations.

Mr. POMBO. My question is more relevant now, because what he said now completely changes what he said before.

Mr. VROOM. I think it actually reflects more, as much as the fact that the industry's technology has changed and there are those kinds of options that the marketplace offers. The marketplace in many places is driving those kinds of shifts. I believe that is where you are going with that, and I will agree.

Mr. POMBO. I had a question for Mr. Wichterman. You have beat down my door over the last several years because of your concerns over the job that you do and your ability to control diseases, control pests and control diseases and the great concern that you have. I think you have been fairly open and vocal about what your concerns are; and I understand that this morning, that is just continuing the work that you have been doing.

But I have a question for you, and it all has to do with our children's health and safety and what your concerns are. And I would like you to explain to the committee, in using pesticides to control mosquitos and other pests that carry diseases, what kind of diseases are you trying to stop from being spread?

Mr. WICHTERMAN. All right, Mr. Pombo, that is correct. I have beat down your door over the last couple of years in regard to these issues.

The diseases that we are attempting to control would now include, in addition to St. Louis Encephalitis, Eastern Equine Encephalitis and now West Nile Virus. And West Nile Virus has now just been confirmed in the State of Florida. Already, it has spread to the 12 other States, including the District of Columbia.

It is incumbent upon us to be able to do the proper surveillance around and on the school properties around the Nation, in order that we may control these kinds of surveillance—these kinds of diseases.

And in Lee County, Florida, alone, over 50 percent of our surveillance capabilities encompass either traps located on school grounds or at least within 1 mile of a school property.

Mr. POMBO. Say that again. What percentage?

Mr. WICHTERMAN. Over 50 percent of our surveillance capabilities for locating mosquitos, disease vectors, are located on school grounds or within 1 mile of the school property. And that is our sensitive test point to determine whether we need to make a pesticide application or not.

Mr. POMBO. What kind of chemicals do you use when you go in and spray?

Mr. WICHTERMAN. Well, there are two different types of products that we are using for two different phases of the life cycle of the mosquito. Where larvae are sighted, we are spraying areas of standing water. And we are on using anywhere from Bti, which is a Bacillus thuringiensis. We are using a growth regulator as well as an organophosphate called Temaphos, or A-bait, for larvae sighting. And for the adultacides, we are using other products that are designed specifically for the adult mosquitos.

Mr. POMBO. Mr. Feldman, it is my understanding from the previous questions that were asked that you would accept a general provision on pesticides that were used for public health?

Mr. FELDMAN. Yes.

Mr. POMBO. Why?

Mr. FELDMAN. Well, because the intent of this legislation is to address the decision-making process of the school and the school use of pesticides.

Mr. POMBO. I thought the intent was to inform and protect children and their parents about pesticides that were being used.

Mr. FELDMAN. Right, but there are overlapping jurisdictions, as Mr. Wichterman has just explained. And we don't feel that this is necessarily the appropriate venue for addressing the issues that have just been discussed relative to some of the very same questions, prior notification.

Mr. POMBO. But I really want to understand this, because these are some serious issues that he deals with, and I think we can all agree on that.

But he also uses a pesticide to eliminate that public health threat or at least control that public health threat. Why would those pesticides be any different than pesticides that may be used for another reason?

Mr. FELDMAN. They are not any different. It is just, this isn't the venue to address them. Many of the issues regarding notification and adequacy of testing and impacts on children need to be discussed relative to mosquito management and public health uses of pesticides.

Mr. POMBO. I agree with you on that, but——

Mr. FELDMAN. This is not the venue.

Mr. POMBO. What do you mean, it is not the venue? You have got legislation here that was put in as an amendment that—my un-

derstanding of it is that the intention is to inform and notify, educate and protect children and their parents about exposure to pesticides. And yet, if someone has a good reason for using those pesticides, you want to exempt that, or you are willing to exempt that, from this legislation.

And I am not exactly sure what a bad reason would be, why someone would be using pesticides if it wasn't for a public health reason; but there may be a reason that I am just not thinking of right now.

In those cases, you find it extremely important to notify the parents, to notify the children, to post signs, to do all of the things that are required as part of this amendment. But you want to exempt—or are willing to exempt, I think is a more accurate description—things that are public health. And the two really don't go together.

Either it is so important and such a big fear and we are out there trying to scare the heck out of people, or it is not important. What you are trying to do is separate these issues so that you can get a wedge in the door to begin to do this without somebody like Mr. Wichterman coming in and saying, "this gives us a real problem".

Mr. FELDMAN. Well, I would disagree with you respectfully. The issue——

Mr. POMBO. Where am I wrong?

Mr. FELDMAN. Well, because we have two jurisdictions. We have a school district, which has delineated property lines and a management system that presumably—as has been discussed in the structure of landscape management, they are very discrete issues.

It is like a property owner. There are laws in communities that govern what property owners can and can't do on their own property. But, in effect, if there is a community-wide public health issue that is viewed as pertaining to the larger community, which takes into account that property, the larger community's interests are identified as predominating over that property.

Mr. POMBO. I don't disagree with what you are saying. For the most part, what you just said is accurate. But that is not what we are talking about in this amendment or this legislation that is in front of us.

What we are talking about is what you stated here this morning when you said that it is extremely important that parents be notified because of the risks to children. And yet in the next breath, you say, "he has a good argument, and I don't want to get into that one, so we will exempt that." It is still pesticides.

Mr. FELDMAN. But I would also argue, Mr. Congressman, that I would—in his venue, which is mosquito management or West Nile Virus—in his venue, I would argue that he should be notifying the public, you know, and he should be notifying people just—and many communities do require that by the way; it is not an off-the-wall sort of requirement. But this is not the venue.

I guess one way to look at it is, we have units of government and units of control within our community. And the question for Congress is whether those units of control, especially when children are at risk and public institutions should be carrying out programs that are protective of children, and then we have larger commu-

nity-wide or statewide efforts. And are those—do those supersede the interests of the school in cases where there is a public health issue?

And I guess for purposes of this act and this discussion, the agreement is that yes, it would supersede.

Now, should that larger entity, that mosquito abatement district, which takes in a school district under its jurisdiction or should that entity be subject to notification and other provisions? Probably yes.

Many communities have required before they start getting the aerial applicators out, or the trucks, they notify the public ahead of time that is what is happening.

I don't see it as contradictory. I see it as parallel and overlapping.

Mr. GOODLATTE. The gentleman's time has expired.

Mr. POMBO. I know my time has expired, but it is contradictory. And it appears to me it is just a way to try to take away any arguments against the amendment. But thank you.

Mr. GOODLATTE. The Chair notes with sympathy your observation.

The gentleman from Arkansas.

Mr. BERRY. Thank you, Mr. Chairman. There was a reference made to equivocation awhile ago. I will tell you if we are not going to be allowed to equivocate in this body, we might as well shut this place down. I don't know what we are going to do. Seems like there is been a little equivocation by a number of us and probably I have been involved in it from time to time.

I would ask anyone, how big a problem have we got? How many people are we hurting? How bad are we hurting by not having this already in place?

Mr. TRAMMELL. If I could at least partially address that, I think one of the things that has certainly been missing from the discussion is what actually is taking place in schools today with typical pesticide application—what kind of application, what it is for, how do they conduct that.

For instance, the cost factor that we talked about, our figures possibly being theoretical. They are not theoretical; we already have an IPM program in Chesterfield County. We moved the figures up to meet the mandates.

Mr. BERRY. I am sorry. Our time is short. But what I want to know is, how many children are being harmed by this. Give me a number. How is it harming them? What is it doing to them?

Mr. TRAMMELL. From the surveys that we did, we surveyed every school system in Virginia, and we were not able to identify with any degree of certainty any harm that had been done in Virginia.

Mr. BERRY. Mr. Feldman, you alluded to potential damage that these pesticides would cause. And then you talked about presumptions of bad things that would happen. Can you give me any hard numbers or scientific evidence or indication that what you are proposing here changes all that and how much it changes it?

Mr. FELDMAN. Mr. Congressman, the—this committee has overseen the destruction of the pesticide incident monitoring system back in 1991, when it was discontinued by EPA. We have no incident monitoring of pesticide exposures in this country. This is something we would be happy to work with the committee on.

Mr. BERRY. What is your cause for concern?

Mr. FELDMAN. The cause for concern is, given the existing data collection mechanisms, the GAO identified 2,300 cases of pesticide-induced poisonings and 329 medical interventions associated with those cases. The GAO——

Mr. BERRY. That happened in the schools? What was the nature of those?

Mr. FELDMAN. That is just a typical pesticide use scenario. A kid got sick.

Mr. BERRY. What was wrong with him?

Mr. FELDMAN. The range of effects—mostly we are talking about acute effects—nausea, dizziness.

Mr. BERRY. Was there permanent damage?

Mr. FELDMAN. That is a matter we have to watch and track these kids. But the realty is, there are some children that have what is called multiple chemical sensitivity as a result of some of these exposures.

The point the GAO is trying to make in their report——

Mr. BERRY. That is the 1986 report?

Mr. FELDMAN. The November 1999 report that is referenced in the testimony. And it is—it is a report that was commissioned over on the Senate side. It is called "use, Effects and Alternatives to Pesticides in Schools," and what they are saying in here is, we don't have the data collection mechanism to adequately track what is going on. And as a result of that, we can't answer your question to the degree we would like to.

But given the data that is available, it is certainly suggestive of a problem that can be addressed and avoided in the future.

Mr. BERRY. Do you have any idea—you said 2,300, I believe? How many would have been made sick if we hadn't been using these pesticides?

Mr. FELDMAN. Well, these were identified as pesticide-induced——

Mr. BERRY. Maybe we could extrapolate that number.

Mr. FELDMAN. This is always open to scientific debate and scrutiny. I am telling you what the GAO document and the poison control centers and others mean.

But the reality is we are trying to engage in avoidance behavior here. We are trying to say——

Mr. BERRY. Pardon me, Mr. Feldman, we are going to have to go vote. Time is short. I think there is absolutely no question.

I cannot tell you, since I have been in this town, how many times people have come to us with supposed problems, imagined problems, with problems that actually didn't exist and with no legitimate science whatsoever involved in the request that they were making of us. And I would just beg you that before you take on an effort like this, that you would at least have some shred of hard-core evidence that indicates that the problem exists in the first place and then give us something to work with.

None of us—I agree with Mrs. Clayton. I am not here to protect pesticides. I don't want my children, grandchildren, family or friends or anyone else hurt from the misuse of pesticides. No one on this committee wants that.

But at the same time, I don't see how you can expect us to come in here and agree with something like this when you have no evidence at all that there is really something bad going on.

You told us there was a 90 percent reduction in this one school district. Turns out it was just in spray; that is kind of misleading. That may even be an equivocation. I don't know, but I don't particularly appreciate being misled on things like that. If we can reduce pesticide use by 90 percent, I think we need to look at it. If you are just talking about one method of application to another, I don't know what different it makes.

But, you know, you come in here with all these theoretical ideas, potential damages—and I have heard so much of that stuff, I don't really want to hear it anymore. And I would beg, before you come back to us with something like that, for just reasons of good policy, bring us some science, because you guys never have it.

Thank you, Mr. Chairman.

Mr. GOODLATTE. I thank you. I thank the gentleman for his very wise observations and would call to his attention a very comprehensive directory of exactly what you were asking about—about the risks attendant to not treating for these pests: for cockroaches, mosquitos, rats, mice, rodents,ticks, fleas, fire ants, lice, mites, bees, wasps; and the types of health problems: asthma, encephalitis, malaria, dengue fever, leptospirosis, hantavirus, bubonic plague, disomic and pneumonic plagues, Lyme disease, Rocky Mountain spotted fever, various emergency treatment required for types of stings, scabies, anaphylactic shocks that come from allergic reactions to bee stings.

And there are far more, I would suggest to you, than 2,300 cases. There are hundreds of thousands, if not millions of cases of people being exposed to all of these various types of illnesses related to pests proliferating, not just in our schools, but elsewhere in our society.

I would—unfortunately, because we have a vote on, we have to dash out of here. But we will at this time adjourn the committee and thank all the witnesses for their lively participation in a very helpful discussion. And we will attempt to see if we can straighten this out with the Senate.

This committee—I have got some magic language I have got to read. The Chair would seek unanimous consent to allow the record for today's hearing to remain open for 10 days to receive additional material and supplementary written responses from witnesses to any question posed by a member of the panel. Without objection, it is so ordered.

I remind the panel members of the questions that will be coming to each of you from the ranking Democratic member of the full committee, Mr. Stenholm. Without objection, it is so ordered.

I would ask for unanimous consent that the letter from Charles H. Bronson, commissioner of the Florida Department of Agriculture and Consumer Services, be included in the official record.

And with that, this hearing of the Subcommittee on Department Operations, Oversight and Nutrition and Forestry is adjourned.

Thank you, gentlemen.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

STATEMENT OF MICHAEL J. VANAIRSDALE

Good morning Chairman Goodlatte, Congresswoman Clayton, and members of the committee. On behalf of the American Association of School Administrators, representing more than 14,000 local superintendents and school system leaders,I want to thank you for the opportunity to come before you today to discuss the School Environment Protection Act of 2001.

My name is Mike Vanairsdale and I am the Assistant Superintendent for Support Services for the Fulton County School District in Georgia. I am responsible for school construction, facilities maintenance, student transportation, school nutrition, purchasing and warehousing. Our district educates more than 71,000 children in 75 schools. We employ a staff of 11,000, and our enrollment is growing at a rate of 3–4 percent annually. Fulton County will open five new schools this year and four new schools for the school year beginning in 2002.

Our mission in Fulton County is not only to educate students to be responsible, productive citizens, but also to cultivate a school environment conducive to student learning and high achievement. As a part of providing an environment conducive to student learning and high achievement, we strive to have state of the art, functional, clean, and well maintained education facilities, and we also carefully monitor the physical environment around our young people, so they can learn in safe and inviting surroundings. The safety and well-being of our children is uppermost in our minds, as we serve in loco parentis for their families each school day.

In Fulton County, and I am sure in other systems in Georgia and across the United States, we consistently and proactively monitor our campuses for signs of any unhealthful conditions, and implement programs to provide the safest and healthiest environment for our students.

IAQ, or indoor air quality, is a challenge in Georgia as well as many other states with high humidity and high ambient temperatures. We regularly analyze air samples for mold, mildew, and other airborne contaminants to insure proper air quality. We install floor covering that are conducive to high quality of air and reduce the opportunity for airborne contaminants. We vacuum our carpeted areas with high efficiency particulate air (HEPA) filters to reduce airborne particulate matter. In schools where we install new floor covering, furniture, or paint, we allow sufficient time and operation of air conditioning systems to allow sufficient time for off gassing of particulate matter. On a disciplined basis we replace high quality anti-microbial air filters.

In every school, we have a comprehensive reference book at the entrance of the school containing MSDS (material safety data sheets) for all chemicals, including paint and insecticides used in the school.

We regularly sample drinking water for microbiological and other contaminants. We install bottled water dispensers in all of our over 200 portable classrooms to insure our students are well hydrated with pure water.

The State of Georgia works with us and other Georgia school systems to assure the use of any pesticides follow strict safety precautions. In Fulton County, as well as in many other systems in the state, we have in place an Integrated Pest Management Plan, or IPM, which uses pesticides as only a part of the total pest control challenge, and believe me, pest control in Georgia is a challenge!

Bottom Line: As professional school administrators we care about the environment in which our kids learn and our actions demonstrate that without Federal legislation.

The issue at hand is not disagreement with safe chemical applications, but rather to prevent legislation that contains notifications and registries that mandate a significant administrative burden on the local system, with new layers of paperwork, and increased requirement on non-education related administrative time.

The suggested new law before you, with all due respect, addresses an area of concern that is already under control in our school system and I believe, most school districts throughout the nation.

This proposal, which was inserted in the Senate's version of the Elementary and Secondary Education Act amendments (S. 1) without benefit of a hearing or public discussions on its various assumptions and proscriptions, would saddle schools with yet another unfunded Federal mandate.

The Torricelli amendment to S. 1 was adopted without even a recorded vote. The bill before you goes so far as to dictate the precise wording of a letter the school must send to every staff member, parent and legal guardian three times per year. The amendment is a fill-in-the-blanks letter that seems to assume the very worst

of intentions by local school authorities. Imagine the confusion a parent would feel in getting mail that suggests he or she should perhaps contact the U.S. Environmental Protection Agency after reading the letter.

Serving as guardians of our state's most valuable and vulnerable citizens, we sincerely suggest this legislation is a solution in search of a problem.

We at the American Association of School Administrators ask that the committee and Congress step back for a moment and review current practices. The GAO report cited by Senator Torricelli does not indicate student exposure to dangerous chemicals. Rather, in the Senator's words, the GAO "could find no credible statistics on the amounts of pesticides in public schools and no information about students" exposure to pesticides or their health impacts.

As local school systems struggle to transfer more resources into the classroom, we are constantly faced with mandates that require us to shift resources to bureaucratic solutions for problems that do not exist. This legislation is an example of such a mandate.

We ask, Mr. Chairman, that the committee give thoughtful consideration to our comments, as you address this legislation. Please know our members and staff stand ready to work with you in that endeavor.

With that, I thank you again for inviting us to testify today and I am happy to answer any questions you may have.

JAY J. VROOM

ANSWERS TO SUBMITTED QUESTIONS

Response by American Crop Protection Association to questions posed by Representative Goodlatte in 7/25/01 letter regarding Senate Amendment 805 to H.R. 1, the Elementary and Secondary Education Act

1. Unfunded Mandates

Industry supports the Unfunded Mandates Reform Act of 1995 (PL 104–4) and the House of Representatives rules that subject unfunded mandates to a point of order. It is our understanding that bills that pose an unfunded mandate in excess of $50 million annually for state and local entities are subject to a point of order.

The School Environmental Protection Act amendment number 805 to H.R. 1 includes an authorization for the appropriation of needed funds, as recommended by ACPA and the industry coalition. Industry is fully committed to work with Congress in support of increased funding for local school districts and state agencies to implement the bill should it become law.

Further, the amendment was crafted to minimize the costs and burdens on states and local school districts. Although the amendment imposes new obligations on states to develop and submit school pest management plans to EPA for review, states will have a source of funding for the development of these plans since they are developed under the State's FIFRA Section 23 cooperative agreement. The bill was also specifically designed to minimize the costs imposed on local school districts by limiting universal mailings to parents to 2–3 times per year, and allowing schools to distribute these mailings by various means. For example, these letters can be mailed individually or with another regular mailing or be sent home with students. Further, the notification to parents on the registry may be done by mail, electronic mail, telephone or direct contact, which allows schools to chose the most time and cost efficient method of notification. These provisions are far less costly and onerous than the notification provisions included in a version of SEPA that was introduced in the House and Senate last Congress (S 1716, HR 3275) and than the SEPA bill introduced in the House this year (HR 111).

2. Contracting Out Pest Control Services

During negotiations over the amendment, the industry coalition took great pains to ensure that the School Environment Protection Act (SEPA) did not encourage or deter school districts from performing pest management in-house or contracting out such services. As such, we do not believe that SEPA would have any impact on choices made by school districts about whether or not to contract out their pest management services and fully expect districts to continue their current pest management preferences, regardless of whether they contract out or do it in-house.

3. Risk Statement

The risk statement required in the universal notification letter to parents clearly states that EPA registers pesticides to determine that there are no unreasonable risks associated with their use. It informs parents that pesticides are tested under the Food Quality Protection Act to ensure they are safe for use around infants and

children. The risk statement required in the letter does not contain any information that is factually incorrect. In addition, the amendment requires that parents also be informed of the pest threats students face in schools, such as cockroaches, tick, rats, mice, stinging insects, and poison ivy.

Further, although the information provided to parents on the registry before each application does discuss the possible acute and chronic effects associated with the product, the only information that may be disseminated comes from the product's material safety data sheet for the end-use dilution of the pesticide, or its MSDS if that is not available, and any final, official EPA documents or fact sheets. These are publicly available documents.

Finally, it is important to note that SEPA was a carefully crafted compromise agreement. We support SEPA as approved by the Senate. We support a uniform outline for the contents of notification to parents, which is preferable to having different contents of letters mailed in each state or school district. Without a uniform requirement, many states or school districts would likely send more alarmist, and non-fact-based notifications to parents.

STATEMENT OF NATIONAL ASSOCIATION OF AGRICULTURAL EDUCATORS

Chairman Goodlatte, and Honorable Members of the Subcommittee:

Thank you for the opportunity to submit this testimony on behalf of our Nation's school-based agriculture teachers. I am Paul Jaure. I teach agriscience at A.C. Jones High School in Beeville, Texas. This year, I am serving as president of the National Association of Agricultural Educators (NAAE). The NAAE office is located in Alexandria, Virginia. Also with me is Dr. Wm. Jay Jackman, who is the executive director of NAAE. If the need arises, and with your permission, I might call on Dr. Jackman to assist with your questions following my statement.

In this testimony, I will provide general information regarding school-based agricultural education throughout the United States. I am confident that most of you are aware of agricultural education programs in local schools; however, I want to make sure all of you understand the importance of what and how we teach students.

Then, I want to ensure the distinguished Members of the subcommittee that agriculture teachers throughout the United States support safe and proper handling and use of pesticides in public places, including within schools. Yet, I want to share the concerns we have about the language proposed in Senator Torricelli's amendment to the Elementary and Secondary Education Act regarding the use of pesticides in schools.

Background on Agricultural Education in Public Schools. It is estimated that by the year 2030, the population of the world will be approximately 8.5 billion people. The food supply must be tripled in the next 20 years to feed the people of the world. How can we address this phenomenal challenge? School-based agricultural education is an important part of the answer to these questions. School-based agricultural education programs are focused on educating the people who will assume the responsibility for production, processing, marketing, distribution, and ensuring safety of the food and fiber for the Earth's growing population.

Agricultural education is an important component of public school instruction in every state of the United States and in five United States Territories. There are approximately 750,000 agricultural education students in the Nation who are taught by about 12,000 secondary and 2-year postsecondary teachers. It is estimated that the contact hours of in-school instruction in and about agriculture exceed 10 million annually.

Comments on How We Teach. School-based agricultural education in the United States consists of three closely related activities. These three activities are: 1) classroom/laboratory instruction; 2) supervised agricultural experience; and 3) leadership development. The interaction effects of these three components help to ensure students' career success or continuation with higher education related to agriscience and/or agribusiness following high school graduation. No single one of the activities stands alone. The success of each local agricultural education program depends on the extent to which these three activities are incorporated into the educational program.

Classroom and Laboratory Instruction. Organized instruction is the classroom and laboratory component of agricultural education. This instruction may be carried out in a classroom, laboratory, greenhouse, or field trip setting. Classroom and laboratory instruction includes units based on natural and social sciences such as environmental science, agribusiness, natural resources, aquaculture, animal and plant

sciences, entrepreneurship, and many other areas. Emphasis is placed on teaching/learning science, mathematics, and language arts principles in the context of the applied food and agricultural sciences.

Supervised Agricultural Experience. Supervised agricultural experience (SAE) is the individual student application, outside the classroom, of knowledge and skills acquired through the instructional component. SAE is under the supervision of the agriculture teacher, and an employer or parents. There are various categories of SAE from which students may choose. A student with an ownership SAE activity owns and manages his/her own business. A student participating in a placement SAE activity is involved in an employment situation. Research SAE activities allow students opportunities to engage in independent, yet supervised, research projects. The interaction of the student, teacher, business site, and parents helps to ensure instruction is relevant to each individual student in his/her own learning environment. This model may sound a little like School to Career—one of the prominent educational trends in the United States. The fact is, agricultural education is The Original School to Career model!

Leadership Development. Leadership development, the third component of the overall agricultural education program, is provided via student organizations such as FFA, PAS (Postsecondary Agricultural Student Organization) and NYFEA (National Young Farmer Education Association). Student organization activities are designed to enrich the classroom/laboratory and SAE instructional components. Student organization activities provide students opportunities for personal growth, leadership development, and motivation for individual career success.

Comments on What We Teach. The curriculum in school-based agricultural education programs has changed a great deal over the years. When agricultural education programs began nine decades ago, the focus was on training boys to become farmers. Today, the focus is on: 1) enhancing students' skills in science, mathematics, and language arts using the applied context of agriculture and 2) preparing students for the full range of career opportunities related to the agriculture industry and for higher education in agriculture and related sciences.

Content included in agriculture education programs across the Nation includes traditional areas such as animal science, plant science, agricultural mechanics, and agricultural business management. But, it also includes non-traditional areas such as greenhouse management, horticulture, floriculture, aquaculture, environmental science, turf and landscape management, biotechnology, natural resources management, and a broad range of other agriscience and agribusiness areas.

Pesticide Use in School-based Agricultural Education Programs. Since pesticides are useful and necessary tools used in the agriculture industry, pesticides are used in school-based agricultural education programs. Please keep in mind that agricultural education programs focus on classroom and laboratory instruction. The agriscience and agribusiness concepts that are taught in the classroom are put into practice in the laboratory. Hands-on, applied, practical learning is at the very core of agricultural education.

The agricultural education laboratory setting comes in many types and descriptions. For examples, laboratories may include aquaculture facilities located inside the school building, greenhouses located adjacent to the school building, farms, livestock facilities, natural resources centers, arboreta, and/or gardens located on the school property, and many other possibilities.

When pesticide use is a common practice related to the content being taught (greenhouse management for example), proper and safe use and handling of pesticides is taught as part of the classroom instructional program. Integrated pest management (IPM) is also taught in the classroom, given that IPM is practiced regularly throughout the industry. Then, that classroom instruction is put into practice in the laboratory (in the greenhouse for example). In many cases, state laws require that agriculture teachers who are using pesticides in their instructional programs be Certified Pesticide Applicators. Even when not required by state law, many agriculture teachers seek and achieve certified pesticide applicator status. Similarly, in many cases, whether or not required by state law, students who are going to be involved in pesticide application in the laboratory settings complete all of the requirements to become certified pesticide applicators. These state-mandated or voluntary practices help to ensure that pesticide use in agricultural education settings is safe for all persons involved.

Further, we know that not every student who completes the agricultural education instructional program will seek employment or pursue higher education in some area related to agriculture. But, we also know that every student that comes through an agricultural education program is going to be an owner or renter of a home and a member of a community. Insect, weed, rodent and other pests are present in apartments, houses, offices, communities and cities. Persons who have

had the benefits of high-quality agricultural education instruction are going to be better informed citizens on issues including the proper and safe use and handling of pesticides—pesticides that anyone can go to the farm supply store, hardware store, even grocery store to purchase and use in their homes, offices, and throughout their communities. Agricultural education students learn how to select and use these products safely and effectively. We believe the risk associated with reducing or eliminating any education regarding the proper and safe use and handling of pesticides is too great.

Specific Challenges Presented by Senator Torricelli's Amendment to S. 1. Please allow us to be very clear that whether mandated by local, state or Federal laws, or whether on a voluntary basis, agricultural educators are committed to using pesticides safely and effectively in our instructional programs. We are committed to teaching our students to use pesticides safely and effectively. We are committed to using and teaching Integrated Pest Management to its fullest extent to control agricultural pests, protect and conserve the environment, and ensure public safety.

However, we do have concerns about Senator Torricelli's amendment to S. 1, the Elementary and Secondary Education Act. We are concerned that this Federal unfunded mandate could be detrimental to agricultural education programs across the Nation. In some cases where state laws have been implemented regarding pesticide use in schools, there have already been substantial problems for agricultural education programs. In some cases, agriculture teachers have been forced to eliminate the use of pesticides in their instructional programs completely, not because of potential health risks to students or school staff, but because of the potential for legal actions against them if they use pesticides—even when the pesticides are used properly and safely according to the manufacturers recommendations and other regulations imposed.

Such results from the laws cause the instructional programs to not reflect the actual industry practices and standards. Thus, the effectiveness of the instruction is reduced. How can agriculture teachers adequately prepare their students for careers, and higher education, in areas related to agriculture when they cannot teach common practices in their classrooms and laboratories?

Following is a discussion of the specific concerns we have with Senator Torricelli's amendment to S. 1.

Contact Person. The amendment calls for a contact person to be identified in each local education agency. The contact person must be a qualified person, perhaps a certified pesticide applicator. Especially in poorly funded, rural school districts there is a strong risk that the agriculture teacher, who may already be a certified pesticide applicator, could be burden with this additional responsibility. The role of the agriculture teacher is already complete with classroom and laboratory instruction activities, supervision of each student's agricultural experience program (which often involves home or workplace visits after school hours), and FFA chapter advisement responsibilities (which occur both during and after school hours). What part of the agricultural education program will suffer if the agriculture teacher is now burdened additionally with school pesticide use contact person duties?

Notification Requirements. We are grateful for the provision in Senator Torricelli's amendment that excludes the 24-hour notification requirement for pesticide applications that are a part of the agricultural education instructional program as long as the pesticide products used are included in a universal notification at the beginning of the school year.

Yet, preparing this list of products that the agriculture teacher anticipates using throughout the year will be extensive. This requirement will be a substantial burden on the agriculture teacher. In addition, if the teacher determines the need to use a pesticide during the year that is not included in the notification provided at the beginning of the school year, the agriculture teacher will be responsible for the 24-hour prior notice to the persons listed on the registry. Again, this will be an additional burden on the agriculture teacher.

Please bear in mind that the agriculture teacher, often times a certified pesticide applicator, would be using the pesticides in accordance with all of the safety rules and regulations of the pesticide manufacturer and other regulatory agencies. We question why more Federal regulations regarding pesticide use are needed.

Emergencies. There are provisions in the amendment that address emergencies. The definition in the amendment addresses threats to the health and safety of students and staff members. We assume this language implies that an emergency condition would exist only in the case of stinging or biting insect pests that present health risks to persons. We believe there could be a need for emergency applications of pesticides in agricultural education laboratories. Such emergencies would not endanger humans; rather, such emergencies would endanger the health of the living plant or animal materials used in the laboratories. To do anything but respond im-

mediately to these emergencies would be poor teaching and could lead to catastrophic results in the laboratories. Therefore, we request the definition of emergencies to be expanded to include components of agricultural education instructional programs.

Potential for Legal Actions Against the School and the Agriculture Teacher

There are numerous concerns regarding the language in the amendment that give rise to the potential for law suits to be filed against the school districts and the teachers. First, the risk language is scary. It is certainly true that overexposure to some chemicals is harmful to humans, especially pregnant women, infants and children. But, is there any evidence that suggests that children and adults are at any greater health risk from overexposure to pesticides at school than at any other location? To present this language to parents, guardians and school staff seems to be inviting undue concern and potential legal actions.

Emergency application of pesticides, with notification after the fact, also could present interesting legal consequences.

Further, if the risks of pesticide application in schools are so great, will parents/guardians expect their children to be offered excused absences from school following pesticide applications?

Increased Costs to Agricultural Education Programs. Currently, we are experiencing a nationwide shortage of agriculture teachers. Adding these additional requirements to the agriculture teachers' responsibilities may make the teaching profession less appealing to some, thereby making the teacher shortage problem even worse. We believe agriculture teachers are doing a great job of using pesticides in their instructional programs safely and effectively and we believe the teachers are teaching their students to use the products safely as well, which has a positive result when the students become home owners and citizens within communities. We do not believe that additional regulations on pesticide use in agricultural education programs will advance agricultural education.

Further, will school administrators be in a position to continue agricultural education programs and start new agricultural education programs if the risk of potential legal actions and additional reporting/notification requirements are imposed? We fear that such additional regulations could be detrimental to the future of school-based agricultural education.

Agriculture teachers nationwide believe strongly in keeping both children and adults safe from misuse and overexposure to pesticides. Yet, we recognize that pesticides are a necessary and beneficial component of the agriculture industry—from the farm/ranch to the consumer. For agricultural education to be effective, we must not be hindered from properly and safely using pesticides in our in-door and outdoor laboratories. And, we must not be hindered from teaching our students the proper and safe use and handling of pesticides. To do otherwise would be harmful to the agriculture industry and hazardous to human health, given that pesticides are used everyday by citizens in their homes and workplaces. Please allow us to teach students to use pesticides properly, which will result in successful agriculture enterprises and safe human health.

We request that the United States Congress not take any actions that will prevent agriculture teachers from teaching students to be responsible workers within the agriculture industry, well-informed members of communities, and effective stewards of our environment. Please allow agriculture teachers to continue to teach proper use of pesticides, which will, in fact, benefit the health and well being of humankind.

July 30, 2001

REPRESENTATIVE BOB GOODLATTE, *Chairman*
Subcommittee on Dept. Operations, Oversight, Nutrition and Forestry
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

DEAR REPRESENTATIVE GOODLATTE:

Thank you so much for the time you have given our association in front of the committee in reference to Senate Amendment 805 to the Elementary and Secondary Education Act reauthorization. The School Environment Protection Act of 2001 would have an adverse impact on our nation's schools. We would like to take this opportunity to answer the questions that were submitted to us.

We have heard one conservative cost estimate for this provision that could exceed $350,000. How many textbooks would this purchase for our school children?

Each year the Fulton County School District develops and votes on a multi-million dollar budget that encompasses everything from teacher salaries to ground maintenance. They serve over 71,000 students in their school district. There are never enough resources to spend on everything a district hopes to provide for students. The $350,000 estimate that you have provided is an estimate of how much this provision would cost, based on the amount of staff time, notification costs, and extraneous cost born by the district for temporary relocation of students during mandatory evacuation from emergency pesticide application.

It is important to state that the estimated cost of this provision will vary greatly depending on the size and makeup of the individual school district. For instance, the Fulton County School District is an urban/ suburban district with a large student and staff population. Their notification costs would be much higher than a small rural school. However, with a larger central office and more personnel resources, the strain on staff time would not be as drastic as that same rural school that has no buildings and ground coordinator and only one central office assistant to help with the notification process. In many of those rural districts, the superintendent himself/ herself often serves another role in the school such as a teacher or even a bus driver.

Currently, the average textbook ranges from $55 to $80 depending on the grade level and type of textbook being purchased. Therefore with the $350,000 the district would have to divert to pay for this new mandate, they could have purchased anywhere from 4,000 to more than 6,000 new textbooks for their students.

How many teachers could be funded with $350,000?

The average salary for a teacher in our school district is approximately $40,000. Therefore, based on my answer above, the $350,000 estimate you provide would allow the Fulton County School District to hire approximately 8 new teachers. This would aid in the reduction of class size, which has been proven effective in increasing student performance.

However, to be accurate, we must state that the expense of this new mandate is not comparable to what the school district could buy if there was that much new money. Instead, that $350,000 would have to be deducted from current expenditures. So, a more accurate question would be what would a district have to cut out of their budget in order to pay for these new pesticide requirements?

How many students would be forced to sit in overcrowded classrooms if your school district were required to divert precious resources to comply with this paperwork burden?

This gets to the heart of the matter. The real question lies in this provision's effect on a school district's budget. Compared to a multi-billion dollar district budget, $350,000 can look like only a small piece of the larger picture. Whenever a budget is affected, even in the slightest manner, it throws off the delicate balance within the school district. It causes the budget to tighten and therefore clamp down on spending in other programs. In the case of your question, while the change would not be drastic at first, there would gradually be an increase in class size. A ten section first grade that has 26 students in each section could easily rise to 27 or 28 students per section in one year if new teachers could not be hired to deal with the influx of students.

Kids are at the core of the school district's budget. Any strain on that budget threatens a district's ultimate goal, to provide a fair and equal education to all children.

As a member of the Agriculture committee, I have great concern for the impact that the burdens imposed by this legislation may have on schools in rural areas. Can you explain the differences in financial resources that might exist across your state?

Although no one likes to admit it, there is a clear demarcation between the funding of suburban, urban and rural schools. Many times it is due to the under-representation of free and reduced lunch counts and others times it is a product of their location and lack of tax revenue. While prescriptive legislation, such as this amendment, would certainly carry a fiscal impact, it is more important to look at the administrative impact it would have on the overall school.

Rural districts often lack central office personnel. The superintendent usually serves many roles. The spectrum of those roles depends on the individual district but can range from curriculum director to teacher to the building and grounds manager. They often lack clerical assistance or time to compete for Federal grant monies. It is this group of schools that will bear the burden of the mandates given in Senate amendment 805. It will be not only difficult to follow through on the time deadlines for notification, but difficult to find someone to be the contact person within the school who is not already filling more job positions then he or she is able.

These new requirements would become another layer of bureaucracy with all of the new paperwork. It would siphon away time that should be spent on instruction of students. We need to do everything possible to maintain the focus on children in our schools.

It is my understanding that some states have had challenges implementing their pest management plans. Are you aware of any such circumstances that you could share with us?

We are not aware of any at the current moment. The reality is that most school districts are already participating in some form of integrated pest management system. Some of these systems are developed by the LEAs in accordance with the states and some are developed on their own. Either way, most districts are taking the necessary precautionary steps to ensure safety in their schools when using pesticides. We would hate to see another un-funded mandate being handed down to schools to accomplish something that they are already doing.

I hope that the information provided clearly delineates the problems that would be caused if Senate Amendment 805 should be adopted by the HR 1 conferees. Thank you for the opportunity to respond to you questions. If there is any more information that I could provide, please do not hesitate to contact me as you work to ensure a conference report that will focus on the education of America's children.

Sincerely,

MARY CONK
Legislative Specialist

STATEMENT OF MARSHALL W. TRAMMELL, JR.

I am Marshall W. Trammell, Jr., and I am testifying on behalf of the National School Boards Association (NSBA) in my capacity as chairman of the Chesterfield County School Board. The National School Boards Association represents the nation's 95,000 elected and appointed school board members, who in turn are responsible for governing America's public school systems.

Professionally, as the program coordinator for the Certification, Licensing, Registration, and Training section for the Virginia Department of Agriculture and Consumer Services Office of Pesticide Services, I am responsible for the training, testing, certification, and regulation of more than 20,000 pesticide applicators in Virginia. Virginia's regulatory approach is to recognize that the 10,000 plus pesticides registered in Virginia each year have the potential for both good and bad. As such, in cooperation with US EPA, we use existing Federal label requirements in concert with education outreach to implement a voluntary integrated pest management (IPM) program in Virginia schools. Our approach allows each school division to implement a plan that meets their needs while not burdening them with unnecessary reporting procedures. Since the "label is the law," violations are dealt with in a straightforward manner. More importantly, our approach recognizes that all pesticides, both general use and those considered more dangerous or "restricted use," have the potential for harm if used improperly. Therefore, we focus our resources on education, training, and demonstration to mitigate pesticide exposure to staff, children and parents rather than on a paper-intensive regulatory program. Virginia's law already requires that anyone applying any type of pesticide in a school setting be trained, tested and certified first. Requiring a legally prescriptive IPM approach does not buy us additional compliance or protection.

Chesterfield County is a relatively large suburban school system located in the Richmond, Virginia, metropolitan area. In Chesterfield, we serve more than 51,000 students and operate 59 schools. Our budget for the upcoming school year is more than $377 million and we employ 6,852 staff. We enjoy a reputation of academic excellence. By national and state measures, we are credited with offering our families and businesses quality public education. As one example, I will note that both the Chesterfield County local government and the schools have been awarded the Senate Productivity and Quality Award.

The Pesticide Management Provision Is an Administrative Burden for Local School DistrictsMy point with this brief description of Chesterfield is that when I tell you the pesticide management provisions of the amendment are a burden for Chesterfield, you can be confident that these provisions present a burden for other local education agencies. By "burden" I do not mean we are not concerned about the safety of our children and staff. Their safety is not the burden; the unnecessary paperwork and oversight required by these provisions is however a real burden for local education agencies in terms of time and costs.

Small School Districts Would Have Many Problems with Trying To Comply with the ProvisionChesterfield County is just one of the nearly 15,000 school districts across the country that would have to comply with the provisions of the amendment. Many of these school districts are small and the prescriptive administrative requirements of the amendment would create an unworkable system. To illustrate this point, there are school districts in Maine that are so small that the superintendent may oversee several districts. Because of limited existing administrative staff, these small districts would face additional difficulties with the cost of implementing this proposal because they do not have an existing administrative structure able to take on new duties in the central office. Certainly these districts would be overwhelmed by the requirement that each local education agency have a contact person who is knowledgeable about school pest management plans to carry out the implementation of a school pest management plan in schools. This contact person's duties include maintaining information about scheduling of pesticide applications in each school, disseminating information, maintaining material safety data sheets and labels, and maintaining all pesticide use data for at least three years after the pesticide is applied.

Chesterfield County Would Need To Hire Additional Staff To Comply with the Provision

But the administrative burdens would not just be felt by the smallest school districts. If this provision was enacted into law, Chesterfield County would need to hire additional staff centrally, both clerical and technical, to ensure 59 individual school plans were in place and up to date. Additional clerical support would be needed in each of our schools to ensure that all the registry information was maintained and that notifications were given at a minimum of three times per year to all 51,000 students and 6,800+ employees as required by the legislation. The mobility of families in this high growth community presents even greater complications for registry and notification.

School Districts Could Be Exposed to Increased LiabilitiesAny inadvertent violations of the cumbersome guidelines such as notification deadlines, could expose schools to increased liabilities. In fact, the logistics of maintaining the required information and the potential for liability would require Chesterfield Public Schools to develop automated tracking and record-keeping systems in order to comply with the requirements of this bill. As a result, local school districts could expend time and funds defending these claims. School district budgets are already stretched too far and unnecessary litigation results in less money being spent on educating our nation's students.

Chesterfield Public Schools employs one full-time pesticide worker, and an environmental engineer provides oversight for the program. Current personnel costs amount to approximately $150,000 per year. Our staff is frequently called upon to consult with smaller school systems that lack this professional expertise, and we are glad to provide this service to them at no cost. However, if the paperwork requirements of these provisions are enacted into law, we could no longer assist other school systems. And it would appear that we would open the door to increased liability for our own school district if we did.

It Is Doubtful That School Districts Would Receive Sufficient Funds To Implement the ProvisionThe financial implications of this amendment also deserve scrutiny. The provision calls for "such sums as necessary" but it is unlikely that school districts will receive an amount approaching adequate funding for this provision. Therefore it would create a grossly under-funded mandate. NSBA opposes unfunded mandates imposed by Federal laws and regulations and believes that all school-based education programs should be fully funded.

The Chesterfield County School Board's environmental engineer and budget office compiled a rough estimate regarding the annual costs to implement a federally mandated program such as the pesticide amendment that was included in the Senate-passed version of ESEA. We believe that a conservative estimate for this provision would be approximately $350,000 to $450,000 per year for Chesterfield County alone. The resources that must be allocated to comply with paper notification and documentation requirements are significant. Given the scarce resources and growing demands placed on our public schools, the provisions of this bill are detrimental to our primary mission of educating all our students to high academic standards. The funds necessary to comply with this bill will come from teacher raises, smaller classes, and other student services.

The Legislation May Raise Concerns over the Use of Pesticides Where Not WarrantedAnother concern with the legislation is that it has the potential for raising concerns over the use of pesticides where not warranted. For instance, the legislation establishes reentry times for pesticide use when the label on the pesticide does not require one. Specifically, if there is no period specified on the label of the

pesticide during which a treated area or room should remain unoccupied, the proposal states that there be a 24-hour waiting period. This suggests to parents, students, and staff that there is a sensitivity to chemical compounds when in fact, none may exist. And if sensitivity to chemical compounds does exist, should the parents of the nation's five million private school students also receive the same information as parents of public school students? Should not all parents receive the information when any grounds on which little leagues, soccer leagues, and other sports and recreational activities occur for hours each week? Similarly the question can be asked whether providers of off-site services for public education students such as those that would be funded by Federal after-school programs should also be subject to these reporting requirements?

The Legislation Establishes Unrealistic TimeframesOther timetables established in the legislation are not realistic. Within a year of receiving a copy of the school pest management plan from the state agency, the local educational agency must develop and implement in each of its schools a school pest management plan that meets the standards and requirements set forth by the state plan and approved by the EPA. It would take a long time to develop plans with more than 100 different school divisions within the Commonwealth of Virginia. Additionally, the proposal would change the dynamics of how schools get their instructions since State Lead Agencies (SLAs) that are responsible for regulation of pesticide use in their states would be the communicator with local schools. Currently, State Departments of Education are the main link. Potentially, the amendment would lead to increased investigations on the part of SLAs, such as the one for which I work, with potential monetary civil penalties assessed against schools.

Chesterfield County Currently Has a School Pesticide Management Plan and Does Not Need Additional Federal MandatesNow that I have described the new administrative requirements, lack of funding, and possible liability issues that the new legislation would impose on localities, I would like to tell you what Chesterfield Public Schools are already doing with respect to pesticide use. Currently, Chesterfield Public Schools uses an integrated pest management approach that has been developed and recommended to local school systems in a cooperative effort by the Virginia Pesticide Control Board, Virginia Department of Agriculture and Consumer Services, the Virginia Department of Education, the Virginia Cooperative Extension Service and Virginia Tech. Where feasible, we rely more on the use of baits and environmental controls; we do not apply pesticides when students or staff are in our buildings; we provide notice. In other words, we do that which is necessary to ensure the safety of children and adults and we do not need additional Federal mandates to make us do so.

This Legislation Provides a One-Size-Fits-All Solution to an Issue That Should Merit Some Flexibility for Local School DistrictsLocal education agencies are taking the appropriate steps, with the support and guidance of state agencies, to protect our children. The pesticide amendment that was added to the Senate Elementary and Secondary Education Act (ESEA) is counter to a reauthorization process that called for increased flexibility for local school districts. If in fact the science suggests that schools and facilities serving children need to do more in this area, formal dialogues including hearings like the one today, should occur to identify the problems and solutions that can remedy the problem in a sensible and cost efficient manner. Unfortunately, this provision, was developed without the benefit of formal hearings, and therefore provides a one-size-fits-all solution to an issue that should merit some flexibility for local school districts.

I appreciate the opportunity to testify and I am happy to answer any questions.

STATEMENT OF GEORGE WICHTERMAN

I am George Wichterman, chairman of the Legislative and Regulatory Committee for the American Mosquito Control Association, and Senior Entomologist with the Lee County Mosquito District in Florida. I am also a member of the Committee to Advise on Reassessment and Transition(CARAT) representing local government and a member of the Pesticide Environmental Stewardship Program (PESP) for the American Mosquito Control Association.

I would like to thank Chairman Goodlatte for his leadership in holding this important hearing regarding the amendment offered by Senator Toricelli to Senate 1, the Elementary and Secondary Education Act, to require local educational agencies and schools to implement school pest management plans to provide parents, guardians and staff members with notice of the use of pesticides in schools.

The American Mosquito Control Association is a non-profit international association involved in supporting mosquito and other vector control. Our mission is to pro-

vide leadership, information, and education leading to enhancement of health, and quality of life through the suppression of mosquitos and other vector transmitted diseases.

As a member of the public health community, I want to advise that there are concerns with certain provisions in this amendment. The American Mosquito Control Association was not asked to participate in the development of the "School Environment Protection Act of 2001." Because of this oversight, as the amendment is currently structured, the public health community will be unable to effectively control mosquito populations, which is necessary to prevent human diseases (West Nile Virus, St. Louis Encephalitis, and Eastern Equine Encephalitis) and reduce human discomfort or injury in and around our nations public schools.

IMPORTANCE OF SURVEILLANCE PRIOR TO APPLICATION

Currently, over 900 publicly sanctioned mosquito control districts perform mosquito and other vector control across the nation. Each of these mosquito control districts conducts an appropriate surveillance program which would be applicable to their area, e.g. based on climate, coastal tides, number of different mosquito species, etc. No matter where an individual mosquito control district maybe situated, it is incumbent upon each of them to determine whether they in fact have a mosquito infestation which may be directly related to mosquito larvae in standing water or emerging adults. Surveillance provides other clues which are necessary to be established prior to any application of a pesticide.

For the purposes of this testimony, I shall provide the members of this subcommittee with what we do in the State of Florida, specifically, the Lee County Mosquito Control District, Fort Myers, Florida. Both medical entomologists and mosquito control professionals alike agree with the following premise: Because one has an effective mosquito control program, involving surveillance, it would follow the number of public health disease vectors will be limited. To that end with the State of Florida having identified 74 different species of mosquitos and Lee County, Florida, being resident to 47 of the total, surveillance is tantamount to an effective mosquito control program. As you might presuppose, mosquito breeding habitats will be different, as well, e.g. salt marshes, freshwater flooded forested areas, tires, other artificial containers, residential roadside swales, etc. As a result time-tested surveillance mechanisms have been developed by Centers for Disease Control and Prevention (CDC), the United States Department of Agriculture (USDA), universities, and mosquito control districts to locate and determine whether a mosquito infestation may exist. The very surveillance location of choice not only to Lee County, but also the Nation as whole include public school grounds and/or properties controlled by a school district. One of the most vulnerable segments of our population include our children.

The Lee County Mosquito Control District utilizes multiple surveillance techniques, combined with entomological inspections in an around public school property, for the collection of mosquitos. Multiple analytical determinations for the detection of arbovirus compliment this comprehensive program. The aforesaid requires the multiple approaches due to habitat variation among the species of mosquitos; thereby, necessitating laboratory analyses for the different virus types which are species specific and endemic to Lee County. This involves the use of a tree-mounted trap, complete with a light and fan motor designed to attract and direct mosquitos to a collection bag/CDC Light Trap. Additionally a bait (CO2) used as an attractant is suspended next to the trap. Once the collection has been analyzed for female Culex mosquitos and numbers in excess of 500 are identified; adulticiding may be warranted upon further inspection in areas surrounding school property.

Analytical determinations will be performed on adult Culex mosquitos by testing for viral antigens present. Reverse Transcriptase Polymerase Chain Reaction (RT-PCR) with electrophoresis performed by CDC trained district personnel are able to provide officials with current information regarding potential viral activity. Triggers for further entomological inspections will be called for upon the detection of a single viral antigen present. With this type of testing we are capable of detecting Eastern Equine Encephalitis (EEE) St Louis Encephalitis (SLE) and West Nile Virus (WNV). As an added safeguard, aliquots are taken from the district's samples and sent to the Centers for Disease Control and Prevention, Division of Vector Borne Infectious Diseases at Fort Collins, Colorado for confirmation.

Continuing on with the surveillance discussion the Lee County Mosquito Control District (LCMCD) employs the use of the gravid trap. Currently this type of trapping is performed on an annual basis concurrent with the CDC light trap program. Another phase of the mosquitos complete metamorphosis will be studied by this sampling technique—the mosquito egg. The primary attractant for this trap is a

bucket of standing water; whereby, gravid adult Culex mosquitos are drawn into a collection device within the trap and later studied. If eggs have been noted on the water's surface it would follow that these adults will be in search of another blood meal; thus potentially capable of virus transmission. Subsequently adults are studied in the laboratory to determine fecundity. Henceforth, because adult mosquitos in this genus must have a blood meal, a requisite for oviposition, the object of the gravid trap is to catch mosquitos that have already had a blood meal. It is during this life stage that virus activity may be ongoing, and thereby provide a heads-up for us to observe through other surveillance techniques arboviral activity.

The remaining portion of this discussion will include the sentinel chicken program and the truck trap adult floodwater mosquito collection device. Serological studies are undertaken on a half-dozen male chickens for the detection of SLE, EEE, WNV, on a biweekly basis. Both hemagglutination and hemagglutination inhibition tests (HA-HI) are performed on the collected blood samples. These HA-HI tests determine the presence of viral antibodies for each of the aforementioned viruses. Again triggers for further entomological inspections may be warranted with only one chicken sero-converting within the flock. Of the seventeen different locations providing this information throughout Lee County, six locations are actually situated on school grounds with the remaining located within a mile of school property.

The truck trap is a non-selective sampling device which consists of a truck-mounted funnel shaped screen enclosure with a collection bag affixed to the trailing end of the opening. Over 50% of the 43 different locations for this type of collection are located within 1 mile of public school property. Each trapping location consists of a three-mile run on the hard surfaced roads throughout Lee County. At the beginning and end of each three-mile run resides a rain gauge station monitoring rainfall on a 24-hour basis, seven days a week between May and October. This information collected daily provides the district with an accurate measurement of adult mosquito activity and potential mosquito breeding throughout Lee County. During the mosquito season rainfall amounts in excess of 0.8 inches per evening require the entomological inspection; whereby, an individual will inspect by ground and/or by air areas of standing water. Water samples containing 2 to 3 mosquito larvae and/or pupae per sample throughout the affected area will trigger a larvicide application. Throughout these inspections our personnel are observing for adult emergence. Critically important to any credible surveillance program involves the human contact with potential mosquito breeding locations. From this point emanates what other types of activity may be required to control juvenile and adult mosquitos.

The entire point of this aforesaid discussion on a comprehensive surveillance program demonstrates the importance that mosquito control districts place upon the determination of a potential mosquito infestation and the subsequent laboratory analysis for human disease around our nations public schools.

What this means to mosquito control

Specifically, there are several requirements in this amendment that need to be reconsidered. These relate to notification, reentry and authorization of funds. One such requirement involves the "Notification to Persons on Registry." It stipulates that "Notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that preceded the day on which the application is to be made and (II) the application of a pesticide for which notice is given under subclause (I) shall not commence before the end of the business day."

For example, if on Monday morning a mosquito control district located the presence of a mosquito infestation on or around any property that is controlled, managed, or owned by the school or school district, under the notification process, the district would be unable to treat until the following Tuesday evening or Wednesday morning. Unfortunately, inclement weather often prevails later in the afternoon including the early evening hours, thus precluding treatment of standing water. Further, helicopters applying the pesticide could not safely fly at low altitude levels during the night time hours, as well as there being increased difficulty for the pilot being able to see the area requiring treatment. Under such circumstance, mosquitos in the aquatic stage could emerge into flying adults and/or localized adult infestations could migrate into other populated areas. This would require more pesticide applications over a wider area and more frequently. Another example on how this notification process would preclude treatment up to 4 days later would be as follows: if a mosquito infestation is located on or around any other property that is controlled, managed or owned by the school or school district, whether it be in standing water and/or flying adults on Saturday morning, then it would follow through the

notification process, that we would be unable to treat until the following Tuesday evening or Wednesday morning prior to the school day.

Another requirement mandated by this amendment involves post treatment reentry restrictions. It states that "the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or if there is no period specified on the label, the 24-hour period beginning at the end of the treatment."

POST TREATMENT REENTRY REQUIREMENTS

What this means to mosquito control: The time frame of the proposed notification, treatment and reentry rules are for household and structural pests but are not based on the biology of the mosquito. The governmental mosquito control agencies already have rules for advanced notification, involvement of the public and elected officials and apply materials approved for community wide use.

Because none of our currently EPA labeled public health pesticides requires a post treatment reentry time, then, in keeping with the amendment addressing the first example,—whatever time the pesticide application was made on Wednesday, individuals at the affected school would not be allowed to reenter the treated school until 24 hours after the treatment. In another words, the school personnel and children could not occupy these areas until sometime on Thursday.

With West Nile Virus already being confirmed in the State of Florida, public health officials would be severely hampered in containing outbreaks of the virus and other virus—following the protocol in this amendment. As a matter of record CDC has already confirmed the presence of this virus in the following 12 states (New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, North Carolina), including the District of Columbia.

The remaining requirement in this amendment addresses the "Authorization of Appropriations" that states "there are authorized to be appropriated such sums as are necessary to carry out this section." It is clear the notification, registry, posting and enforcement requirements in the amendment will result in significant administrative costs for every school facility covered by the legislation. This amendment also places significant responsibilities on the Florida Department of Agriculture and Consumer Services to develop and implement plans relating to the use of pesticides on school property. Since no resources to administer this new program have, as of yet, been adopted as part of this measure, Florida's primary agency for pesticide enforcement and certification is concerned that the amendment, as currently worded, will adversely impact existing program functions and further complicate efforts to enforce other Federal pesticide requirements.

According to State of Florida officials' perspective it would also be appropriate to consider potential litigation costs given the likelihood tort claims will be brought against schools failing to fully comply with the "school Environment Protection Act of 2001".

From a pesticide state lead agency perspective, its reasonable to assume Florida will be expected to provide outreach support to the schools relative to implementation of the program and to investigate complaints and impose the regulatory remedies provided by law when violations are found. Back in 1994, a somewhat similar program was adopted by the EPA for the protection of agricultural workers handling pesticides or entering areas treated with pesticides. The regulation requires worker training, posting, and contains other right to know provisions similar to the School Environment Protection Act of 2001.

Because of existing funding and workload considerations Florida allocated about 14% of their enforcement program resources to this important, but under-funded effort. This has worked out to an annual cost of about $260,000 which pays for about 350 inspections/investigations and gets us a lot of criticism from various groups that we're not doing enough. Current Federal funding support for the regulation covers only about 16% of $260,000 ($41,600) the State spends.

Florida anticipates a similar result. Complaints alleging violations will be submitted with the expectation they be investigated and resolved. The schools will want assistance complying with the law, and the Florida Department of Agriculture and Consumer Services have to decide if scarce resources needed for other programs should be allocated to work on yet another Federal program—that is—if Congress doesn't provide the funding to do a credible job managing the program.

Based upon the American Mosquito Control Association's past experience with this type of language regarding the mere authorization of appropriations by Congress as opposed to an actual appropriation being made, there is a significant question regarding whether this is simply another unfunded mandate. In our experience,

we have been trying unsuccessfully for five years to obtain appropriated funds as it relates to HHS implementation of the Food Quality Protection Act 1996, and the establishment of the Public Health Pesticide Data Collection Program under the Food Quality Protection Act (see attached letter to Dr. Richard J. Jackson).

As an organization of over 2,000 public health professionals across the nation, the American Mosquito Control Association is dedicated to preserving and protecting the nation's public health. It is important that public health professionals are able to function in an effective manner in order that they may protect our people and nation, especially the most vulnerable segments of our population—our children and our senior citizens.

I again thank the subcommittee for holding this important public hearing and greatly appreciate the opportunity to be included in this process. I pledge our willingness to work with this subcommittee to promote, protect, and preserve the nation's public health.

HON. BOB GOODLATTE, *Chairman*
Subcommittee on Department Operations,
Oversight, Nutrition and Forestry
Committee on Agriculture
U.S. House of Representatives
Washington, D.C. 20515

DEAR MR. CHAIRMAN:

Thank you for your letter of July 13, 2001 requesting written comments for the record concerning Section 1033 of H.R. 1, as amended by the Senate (the No Child Left Behind Act). The Agency respectfully submits these comments to the subcommittee for the written record of the hearing held on July 18, 2001.

By way of background, this proposed legislation would amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to require all states to develop school pesticide management plans, and all public schools to implement individual management plans developed by states. In the amendment, all public schools would also be required to develop a variety of communication materials that notify parents and post signs prior to pesticide application. Also EPA would be required to provide guidance to states, and then approve or disapprove State plans.

EPA supports the principles of the amendment. Preventing unnecessary exposure to pesticides in schools is an essential part of providing safe and healthy environments for the Nation's children. However, we believe that current Federal authorities, which include a combination of rigorous scientific and regulatory review under the Food Quality Protection Act (FQPA), as well as voluntary partnerships to promote Integrated Pest Management in schools, are adequate to provide a safe school environment for children. The focus has been to learn what pest management plans work best at a state and local level and promote these techniques, realizing that local conditions demand tailored approaches.

As previously stated in a letter to Senator Richard G. Lugar on June 1, 2001, assuring child safety from pesticides is one of EPA's highest priorities. With authorities from FIFRA and more specifically FQPA, EPA reviews pesticides to ensure they meet today's stringent health standards with particular regard for the safety of infants and children. For food use pesticides, this review includes a thorough evaluation of the various sources of potential exposures (from food, residential use, drinking water, etc.), as well as the potential human toxicity of pesticide ingredients. Since infants and children may be more sensitive than adults to pesticide exposure, FQPA provides for an additional safety factor if necessary, to ensure that food tolerances are safe for infants and children. The potentially greater exposure and sensitivity of infants and children is explicitly taken into account in all these pesticide decisions. For non-food use pesticides, EPA also pays special attention to children's exposure and risk issues. In addition, applicator training and pesticide labeling are designed to assure that children and others are protected from unnecessary exposure. Given the protections provided by FQPA and FIFRA, implemented through our extensive review process, pesticides used in schools are being carefully evaluated to ensure they meet scientifically rigorous safety standards.

In addition to stringent regulatory review, Integrated Pest Management (IPM) can be an effective approach to pest management that relies on a combination of common-sense practices. Over the last several years, EPA has made great strides in promoting IPM in schools through voluntary mechanisms. Already, many communities in over 30 states have implemented IPM in various school systems. The Agency has established partnerships with states, schools, advocacy organizations, the U.S. Department of Agriculture's Cooperative Extensive Service, universities and

pest management organizations, to promote the adoption of IPM in schools and share information on the various innovative approaches across the country.

Thank you again for the opportunity to comment. Enclosed are some specific technical comments on Section 1033. The Agency stands ready to work further with Congress and others on this issue. If you have any questions or concerns, please contact me, or have your staff contact Betsy Henry of the Office of Congressional and Intergovernmental Relations at (202) 564–7222. The Office of Management and Budget has advised us that the views presented in this letter are consistent with the President's program.

Sincerely yours,

CHRISTINE TODD WHITMAN

Enclosure

U.S. EPA TECHNICAL COMMENTS ON H.R. 1 SECTION 1033 AS AMENDED BY THE SENATE PEST MANAGEMENT IN SCHOOLS

• Recognize resource constraints (Section 33(b)(1)(B)): Because a separate funding mechanism is not identified, as written, resources could be drawn from already overtaxed FIFRA Section 23 grants that support current state pesticide activities. EPA is concerned that the new requirements in the legislation could reduce critical resources that are now being dedicated to significant State priorities, including enforcement of pesticide label violations, protection of farm workers, and other key priorities. This legislation places significant new requirements on States and local education agencies, furthering resource burdens, without consideration of the State or local funding environment.

• Time frame for implementation is too tight (Section 33(b)(1)(A)): EPA has concerns that 6 months is an unreasonably short time frame for developing final guidance for the States. EPA needs at least a year to develop quality guidance. The Agency uses the guidance development process as a time to buy-in the States, community members and other interests into the program. Full stakeholder consultation to develop guidance has more success than handing down directives without involvement. Our goal is to encourage and support the States' school pest management initiatives. This process of ensuring an open and rigorous public participation process takes time.

• Promote adoption of School Pest Management Plans appropriate to local conditions (Section 33(b)(1)(A)(2)): At the national level, it would be most appropriate to provide examples of existing pest management programs to help states and local school districts develop their own plans. EPA does not think it helpful to require EPA to develop a national sample pest management plan. This would require new resources that would be more appropriately directed to the local level. These plans need to be developed by the local school district based on their unique circumstances, not the Federal Government.

• Promote public awareness with proper risk communication information. (Section 33(b)(4)(B): Rather than detailing the exact documents to be made available to parents or kept on record by the school contact person, EPA suggests more flexibility to develop and use appropriate materials to inform the parents, teachers, and students. It is important that the information on pesticide risks and benefits made available to the public is informative and understandable. For instance, the Material Safety Data Sheets (MSDS) cited as potential material to draw from is intended provide scientific background. In some cases, MSDS are not readily understandable by the general public.

AMCA

Individuals enhancing the health and quality of life through the suppression of mosquitoes, other vectors and pests of public health importance.

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July 27, 2001

U. S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Oversight, Nutrition, and Forestry
Room 1301 Longworth House Office Building
Washington, D.C. 20515-6001

Attention: Callista Gingrich

Pursuant to Chairman Goodlatte's request on July 25, 2001, I shall respond to the questions submitted by the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry regarding the Senate Amendment 805 to HR 1, the Elementary and Secondary Education Act.

On behalf of the American Mosquito Control Association, I, therefore, submit the following:

Question 1:
As I read this amendment, you would be required to comply with its provisions if you were spraying for mosquitoes on land owned by a school. Ironically, this amendment would not have any bearing on other public or private lands where children may be playing. What is the difference?

Reply:
Absolutely, no difference whatsoever. All across our nation mosquito and vector control districts already comply with notification requirements instituted by state and local governments and apply only public health pesticide products approved for community wide use.

Question 2:
Is there a public health scenario in which you envision the public's health would be endangered by this notification process?

J. B. Smith Hall Rutgers University, New Brunswick, NJ 08901-9536
P. O. Box 586 Milltown New Jersey 08850-0586
• Phone: 732-932-0667 • Fax: 732-932-0930 • E-mail: amca@mosquito.org • http://www.mosquito.org

U. S. House of Representatives
July 27, 2001
Page Two

Reply:
Yes, I am able to envision a scenario in which the public's health would be endangered by this notification process. Because of the short life cycle of the mosquito during the developmental stage (including the period between the egg and adult stage), the prior notification process currently structured in this amendment would delay or preclude larviciding efforts. This delay as I alluded to in my written testimony would entail a minimum two-day period up to and including a four-day period (weekend discovery of mosquito infestation). Consequently, mosquito control districts across the nation would therefore be applying more pesticides to control emerging adult mosquitoes over a wider area.

I sincerely hope the aforementioned replies will satisfy the concerns of the Subcommittee members. To that end I would ask you to include these replies as a part of the Record of the hearing.

On behalf of the American Mosquito Control Association thank you for affording me the privilege of appearing before the Subcommittee.

With kindest regards,

George J. Wichterman
Chairman
Legislative and Regulatory Affairs Committee

GJW/jk

Excellence and Equity in Public Education through School Board Leadership

Office of Advocacy

- James R. Ruhland President
- Anne L. Bryant Executive Director
- Michael A. Resnick Associate Executive Director

U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition, and Forestry
Room 1301 Longworth House Office Building
Washington, DC 20515

July 30, 2001

Dear Chairman Goodlatte:

Mr. Marshall Trammell testified before your subcommittee on behalf of the National School Boards Association (NSBA) on July 18, 2001 regarding the school pesticide amendment that was added to the Senate-passed version of H.R. 1. Attached please find the answers to the questions that you asked Marshall Trammell to supply your committee.

NSBA would like to thank you for holding a hearing on this topic so that important issues regarding the implementation of the amendment could be addressed in a public forum. As evidenced by Mr. Trammell's testimony and his responses to the questions posed, the school pesticide amendment would be a grossly underfunded federal mandate on local school districts. It would also create an administrative burden for local districts and would expose schools to increased liability.

Again, thank you for inviting NSBA to share the views of local school board members at the hearing. If you have any additional questions, please contact Lori Meyer at 703 838 6208.

Sincerely,

Michael A. Resnick
Association Executive Director

National School Boards Association
1680 Duke Street ▪ Alexandria, Virginia 22314-3493 ▪ (703) 838-6722 ▪ FAX: (703) 683-7590 ▪ http://www.nsba.org

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U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition, and Forestry
Room 1301 Longworth House Office Building
Washington, DC 20515

July 30, 2001

Dear Chairman Goodlatte: Bob

As the president of the National School Boards Association (NSBA) and a constituent school board member of the Botetourt County School Board, I write to share with you my concerns about the school pesticide amendment that was added to the Senate passed version of H.R. 1.

First, I would like to thank you for holding a hearing in your subcommittee on the school pesticide amendment. I am particularly pleased that you chose to have a school board member testify. Certainly a public dialogue with the education stakeholders who would be responsible for implementing this provision is critical.

I agree with many of the points addressed by Marshall Trammell, the Chesterfield County School Board member who testified before your subcommittee regarding the problems with this amendment. Indeed, this provision creates an administrative burden for local school districts across the country that would have to comply with overly prescriptive timelines and procedures with respect to pesticide use. Another concern is that this amendment would result in a grossly under-funded mandate on states and localities. I understand that Mr. Trammell's testimony indicated that it would cost approximately $350,000-$450,000 per year for the Chesterfield County school division to comply with the proposed requirements. School districts are working hard to improve student achievement and have limited financial resources to provide for any under-funded mandates from the federal government.

I hope that this provision will be removed by the conference committee charged with reconciling the differences between the House and Senate ESEA bills. If it is later determined that more needs to be done in the area of school pesticide use, I believe that additional formal discussions, such as the hearing you held, would be beneficial to remedy the issue in a sensible and cost efficient manner. We should avoid "one-size-fits-all" solutions for our nation's diverse 15,000 school districts.

National School Boards Association
1680 Duke Street ▪ Alexandria, Virginia 22314-3493 ▪ (703) 838-6722 ▪ FAX: (703) 683-7590 ▪ http://www.nsba.org

Again, thank you for your interest in the views of school board members. Please do not hesitate to contact me if I can provide any assistance to you in this matter. I look forward to visiting you in your Washington office soon.

Sincerely,

Jim

James R. Ruhland
President, National School Boards Association

Cc: Senator George Allen
Senator John Warner

·NSBA·

Written Answers for the July 18, 2001 hearing before the House Subcommittee on Department Operations, Oversight, Nutrition and Forestry regarding Senate Amendment 805 to HR1, the Elementary and Secondary Education Act

1. *What has been your experience on the need for posting and notification about the use of pesticides (how much demand from the general public has there been to date)?*

The Virginia Pesticide Control Board (PCB) conducted a public forum in 1992 at Northern Virginia Community College in Fairfax, Virginia to receive input from the general public on issues concerning the use of pesticides in areas around homes, schools, etc as well as the need for posting and notification. A total of 16 people talked to the PCB, though most were from agencies in and out of Virginia. Only a couple of people actually noted any specific comments regarding the need for posting and notification. Since 1996 a total of 3 people have come to talk to the PCB on the desire for school IPM programs and some type of posting and notification. There just has not been a loud outcry for either a mandated school IPM program or posting and notification guidelines.

2. *What is the difference between what this proposed amendment does and how your state handles IPM and other pest control strategies?*

Provisions of the proposed amendment:	**Virginia's School IPM program:**
a. Requires EPA to develop guidance and sample plan within 180 days of passage	No mandate from US EPA or Virginia Recommended and encouraged
b. Requires State Lead Agency to develop plan for local educational agencies within one year	Virginia developed voluntary plan; given to schools to use when personnel are trained and ready to implement
c. Requires local educational agencies to develop and implement IPM plan that meets the State plan's standards and requirements within 1year of receiving the sample State plan	Local school divisions can develop their own plan using the State plan only as a guideline; can add to or delete from the State plan to meet the locality's needs
d. Schools required to universally notify all parents and staff 3 times/year—wording must be specific	Schools choose the best times to notify parents and staff according to their needs and resources—not prescriptive in wording

e. Registry mandated for staff and parents wanting to be notified prior to any pesticide application—24 hrs required	Registry voluntary; recommend using one if there are requests for notification
f. Requires posting at defined locations when pesticides are applied	Schools decide where best to post notice when pesticides applied
g. Mandates a minimum of 24 hrs before people can reenter a treated area or room after pesticide application even when label does not require it	Reentry intervals not mandated unless required by EPA-approved labels
h. Requires each local educational agency to hire a contact person or certified commercial applicator	Local school divisions have multiple ways to manage their individual plans

Other Virginia Pest Control Strategies:

a. The Virginia Pesticide Control Act and its attending regulations requires that:

1. Any person applying any type of pesticide, general or restricted use, in any commercial establishment for a fee as well as employees of public schools, nursing homes, medical facilities, areas where open food is processed, sold or stored, and designated recreational areas must be trained, tested, and certified as a Commercial Pesticide Applicator or a Registered Technician. Study materials for certification include information on safety, environmental considerations, and integrated pest management.

2. All certified pesticide applicators, including Registered Technicians, must take continuing education courses (approved by the State) to maintain their certification. Such courses are required to include information on safety, the environment, and integrated pest management.

b. Outreach activities by the Virginia Department of Agriculture and Consumer Services, Office of Pesticide Services, in cooperation with the Virginia Cooperative Extension Service and the Virginia Department of Education include:

1. Regional Training Sessions throughout the State on IPM. Training included a review of a sample IPM school plan, posting and notification strategies, strategies for including IPM requirements when contracting for services by outside vendors, and pest identification.

2. Train-the Trainer work sessions to keep cooperative extension personnel up-to-date on IPM and how they can assist school personnel when such personnel are implementing IPM in a school setting.

3. Provide up-to-date web site addresses where schools can obtain more "IPM In Schools" information as their needs develop.

c. Enforcement action taken as violations occur:

1. when pesticide applications are made inconsistent with label directions

2. when pesticide applications are made by untrained and uncertified personnel in areas requiring certified pesticide applicators. While this includes public schools, they are not singled out.

3. *Could this amendment actually lead to pest problems increasing in some schools?* AND
4. *Would school boards be inclined to reduce or eliminate pesticide use in schools as a result of this amendment? If so, how would this impact our children's health and safety?*
QUESTIONS ANSWERED TOGETHER

Yes. This is especially true of a lot of smaller or more rural school districts where financial and personnel resources are extremely tight (trying to hire as many teachers as possible). Some may very well decide that the expense of implementing a prescriptive program as mandated by the proposed amendment would just cost them too much and decide not to conduct pest control programs. Such school systems would feel it not prudent to be forced to hire additional personnel such as the "designated contact person" as well as those personnel assigned to monitor pest conditions as part of the IPM program. Also, they might forgo pest control in order to avoid lawsuits arising from inadvertent lapses on posting and notification requirements.

In the cases noted above, uncontrolled pest infestations (insects and fungi especially) could lead to more cases of adverse reactions on the part of students, faculty, and parents. Cockroaches are known to cause and make some asthma cases more severe. In addition, certain mold and other fungi can cause adverse reactions on the part of people. Rodents are known carriers of certain types of bacteria and viruses.

5. *Do you believe that this legislation would expose schools to increased threat of litigation?*

Absolutely. All school systems have experience with this problem as it relates to special education. Anytime a program is mandated in a prescriptive manner (as is the case in special education and the proposed amendment), there are always advocates that are looking for a case in which some part of the process was not followed. If and when they find some procedure that was not followed to the letter, suits are brought and taken to a hearing level and in a lot of cases, to the court level. In the case of the proposed amendment, the prescriptive requirements including the notification process, the wording for required posted signs, the record retention schedule, and the reentry time limits, all lend themselves to human error and subsequent legal action on the part of parents and staff. It does not matter that the error may be inadvertent or minor in nature, having no adverse impact on students or staff.

6. *Do you think there is a better way in which to entice schools and other businesses and institutions to implement true IPM programs but without a federal mandate?*

There are several ways to entice schools and other businesses and institutions to implement IPM programs without a federal mandate. Educational institutions are especially mindful of the need to provide a clean, safe learning environment. This has been the charge for schools of all types for decades. Congress' intent for a much safer environment would be better served by expanding US EPA's IPM and Urban Initiative programs. These programs were developed only a few years ago to highlight the special issues involving schools and areas in the inner city. The way this has worked thus far is that EPA has paid travel, lodging, and meals for state representatives to attend IPM workshops. EPA brings some of the nation's foremost experts on insect, fungus, rodent, and weed control to a central location to teach the state representatives about how IPM strategies can be implemented in school situations to control pests while protecting people and the environment. The state representatives then take that knowledge back to their states to work with schools to assist them in their pest control programs.

If EPA would get more actively involved through the state grants program to provide money for workshop sessions that would involve school personnel much as they did for state lead agency representatives, a more coordinated, effective outreach program could be implemented. Outreach education programs administered through the state lead agencies would buy more and better IPM participation than unfunded or under-funded mandates.

If Congress still feels that FIFRA needed to be amended, it would be better off requiring that pesticide applicators be certified when applying any type of pesticide in schools or other institutional type settings. Certification brings education into the formula and most often results in better decision making on the part of people applying pesticides in all situations. A mandate to implement a type of program without education is simply misguided. Currently, EPA essentially only mandates certification of pesticide applicators through FIFRA when Restricted Use pesticides are involved. If FIFRA was amended to require certification like Virginia for the use of any pesticide in certain settings, then a specific mandated program prescriptive in nature would not be necessary since most people implement the best practices once exposed to them through education. Education provides applicators the tools to utilize many different strategies to accomplish the same thing without the burden of prescriptive guidelines. Another major benefit to this approach would be that it could be applied to other areas of concern that will eventually be highlighted such as nursing homes, medical facilities, daycare facilities and others.

STRUCTURAL PEST CONTROL BOARD
1106 Clayton Lane, Suite 100 LW
Austin, Texas 78723-1066
Telephone: (512) 451-7200
FAX: (512) 451-9400
www.spcbtx.org

July 16, 2001

Ms. Anne Hazlett
U.S. House Committee on Agriculture
Anne.hazlett@mail.house.gov

Dear Ms. Hazlett:

The Structural Pest Control Board is the Texas state agency responsible for administration of state law governing application of pesticides in or around structures and by cooperative agreement some aspects of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) regarding enforcement and pesticide applicator certification. In 1991, the Texas Structural Pest Control Act was amended to include a requirement for integrated pest management programs (IPM) in public schools, the first mandatory school IPM program in the United States. We believe that our experience in developing and administration of the school IPM program in Texas provides us with an understanding that may be helpful to the House Agriculture Committee in deliberations on the amendments to H.R. 1 cited as the "*School Environmental Protection Act of 2001*".

This e-mail includes the text of section 1033 with our comments and proposed changes.

H.R.1

Better Education for Students and Teachers Act (Engrossed Senate Amendment)

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SEC. 1033. PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE- This section may be cited as the `School Environment Protection Act of 2001'.
(b) PEST MANAGEMENT - 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. PEST MANAGEMENT IN SCHOOLS.

`(a) DEFINITIONS- In this section:
`(1) BAIT- The term `bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest .
`(2) CONTACT PERSON- The term `contact person' means an individual who is--
`(A) knowledgeable about school pest management plans; and
`(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school .
`(3) 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.
`(4) LOCAL EDUCATIONAL AGENCY- The term `local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.
`(5) SCHOOL -
`(A) IN GENERAL- The term `school' means a public--
`(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);
`(ii) secondary school (as defined in section 3 of the Act);
`(iii) kindergarten or nursery school that is part of an elementary school or secondary school ; or
`(iv) tribally-funded school .
`(B) INCLUSIONS- The term `school' includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.
`(6) SCHOOL PEST MANAGEMENT PLAN- The term `school pest management plan' means a pest management plan developed under subsection (b).
`(7) STAFF MEMBER-
`(A) IN GENERAL- The term `staff member' means a person employed at a school or local educational agency.
`(B) EXCLUSIONS- The term `staff member' does not include--
`(i) a person hired by a school , local educational agency, or State to apply a pesticide; or
`(ii) a person assisting in the application of a pesticide.

[Several states have jurisdiction for structural pest control vested in an agency other than the state lead agency for pesticides. In Texas we have that arrangement along with school IPM being within the jurisdiction of the Structural Pest Control Board. We have discussed the language in part (8) above with our state lead agency, the Texas Department of Agriculture, and we are in agreement that school pest management is best placed under the jurisdiction of the state agency with authority and expertise for structural pest control. Therefore, we suggest amending part (8) to say:]

`(8) STATE AGENCY- The term `State agency' means the an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to structural pest control ~~pesticide regulation~~.

`(9) UNIVERSAL NOTIFICATION- The term `universal notification' means notice provided by a local educational agency or school to--

`(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school ; and

`(B) staff members of the school .

`(b) SCHOOL PEST MANAGEMENT PLANS-

`(1) STATE PLANS-

`(A) GUIDANCE- As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2001, the Administrator shall develop, in accordance with this section--

`(i) guidance for a school pest management plan; and

`(ii) a sample school pest management plan.

[Our past experience with congressional mandates for deadlines to implement programs has been that federal agencies will miss their deadlines but expect state agencies to meet their deadlines even if guidance is late in coming if at all. Not only does this requirement require time to draft and distribute guidance and sample plans, it also requires budgeting for this added expense. This is especially problematic for states that budget on a two-year cycle. We would prefer to have subpart (B) read as follows:]

`(B) PLAN- As soon as practicable ~~(but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2001,~~ but not later than one year after the Administrator develops guidance and a sample school pest management plan, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.]

`(C) COMPONENTS- A school pest management plan developed under subparagraph (B) shall, at a minimum--

`(i) implement a system that--

`(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;
`(II) employs--
`(aa) integrated methods;
`(bb) site or pest inspection;
`(cc) pest population monitoring; and
`(dd) an evaluation of the need for pest management ; and
`(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

[We have a requirement for notification of parents or guardians at the start of each school year or upon registration for school after school begins if pesticides will be used in a school. Those parents or guardians with special concerns can then ask for additional information if they believe it is necessary. In a state with nearly 4 million students in public schools, our experience has been that very, very few parents or guardians believe they need additional information, and with an IPM program, this is generally the case. We recommend that annual renewal of the request for inclusion on the registry be included in the Act.]

`(ii) require, for pesticide applications at the school , universal notification to be provided--
`(I) at the beginning of the school year; or
`(II) at ~~the midpoint of the school year~~ the time a student is registered or person hired; ~~and~~
~~`(III) at the beginning of any summer session, as determined by the school ;~~

`(iii) establish a registry of staff members of a school , and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school ; that have requested for that school year to be notified in advance of any pesticide application at the school ;
`(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);
`(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;
`(vi) be consistent with the State cooperative agreement under section 23; and
`(vii) require the posting of signs in accordance with paragraph (4)(G).
`(D) APPROVAL BY ADMINISTRATOR- Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall--

`(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

`(ii)(I) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

`(II) if the Administrator determines that the school pest management plan does not meet the requirements--

`(aa) disapprove the school pest management plan;

`(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

`(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

`(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS- On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

`(F) EXCEPTION FOR EXISTING STATE PLANS- If, on the date of enactment of the School Environment Protection Act of 2001, a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

`(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES-

`(A) IN GENERAL- Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

`(B) EXCEPTION FOR EXISTING PLANS- If, on the date of enactment of the School Environment Protection Act of 2001, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

`(C) APPLICATION OF PESTICIDES AT SCHOOLS- A school pest management plan shall prohibit--

`(ii) a telephone number, physical address, and name for the contact person of the local educational agency person ~~description of any potential pest problems that the school may experience~~ and ~~(including~~ a description of the procedures that may be used to be placed on the registry for notification of applications~~address those problems)~~;

`(iii) the address, 1-800 telephone number, e-mail address, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

`(iv) the name, address, and telephone number of the appropriate state agency with jurisdiction for school pest management.

~~following statement (including information to be supplied by the school as indicated in brackets):~~

~~`As part of a school pest management plan, XXXXX (insert school name) may use pesticides to control pests. The Environmental Protection Agency (EPA) and XXXXX (insert name of State agency exercising jurisdiction over pesticide registration and use) registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school . Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school , contact XXXXX (insert name and phone number of contact person)'.~~

`(B) NOTIFICATION TO PERSONS ON REGISTRY-

`(i) IN GENERAL- Except as provided in clause (ii) and paragraph (5)--

`(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

`(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and
`(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and

[40 C.F.R. 171.7(b)(iii)(E) requires certified applicators to maintain records of restricted use pesticide applications for a period of at least 2 years. Most states have adopted this 2 year rule. In the absence of any showing of the need for a longer period and to promote consistency, we propose changing subpart (iv) above to 2 years as follows:]

`(iv) for each school , maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least ~~3~~ 2 years after the date on which the pesticide is applied; and]

`(v) make that data available for inspection on request by any person.

[As noted for sec. 33(b)(1)(C)(ii), in Texas we have a requirement for notification of parents or guardians at the start of each school year or upon registration for school after school begins if pesticides will be used in a school. Those parents or guardians with special concerns can then ask for additional information if they believe it is necessary. In a state with nearly 4 million students in public schools, our experience has been that very, very few parents or guardians believe they need additional information, and with an IPM program, this is generally the case. We believe the proposal here will needlessly generate paperwork that will just be tossed in the trash by a vast majority of those who receive the required material and unnecessarily alarm others. We believe in a system that allows access to additional information upon request. Our recommendation is as follows:]

`(4) NOTIFICATION-
`(A) UNIVERSAL NOTIFICATION- At the beginning of each school year, or at the time a student is registered or employee hired ~~at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school , and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school~~ , a notice shall be provided ~~describing the school pest management plan~~ that includes--
`(i) a statement indicating if pesticides will be used in the school ~~summary of the requirements and procedures under the school pest management plan~~;

74-782 D-01--3

`(ii) a telephone number, physical address, and name for the contact person of the local educational agency person ~~description of any potential pest problems that the school may experience~~ and ~~(including~~ a description of the procedures that may be used to be placed on the registry for notification of applications~~address those problems)~~;

`(iii) the address, 1-800 telephone number, e-mail address, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

`(iv) the name, address, and telephone number of the appropriate state agency with jurisdiction for school pest management.

~~following statement (including information to be supplied by the school as indicated in brackets):~~

~~`As part of a school pest management plan, XXXXX (insert school name) may use pesticides to control pests. The Environmental Protection Agency (EPA) and XXXXX (insert name of State agency exercising jurisdiction over pesticide registration and use) registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact XXXXX (insert name and phone number of contact person)'.~~

`(B) NOTIFICATION TO PERSONS ON REGISTRY-

`(i) IN GENERAL- Except as provided in clause (ii) and paragraph (5)--

`(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

`(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

[We believe that the provisions concerning use of pesticides in the curriculum is onerous, somewhat redundant of the universal notification, and if not changed will result in much wasted effort. Our recommended changes are:]

`(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA- If pesticides are used as part of a regular vocational agricultural curriculum of the school , a notice containing a list of pesticides that may be used, ~~the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school .~~

~~`(iii) CONTENTS OF NOTICE- A notice under clause (i) shall contain-~~

~~`(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;~~

~~`(II) a description of each location at the school at which a pesticide is to be applied;~~

~~`(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;~~

~~`(IV) all information supplied to the local educational agency by the State agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on-~~

~~`(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;~~

~~`(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and~~

~~`(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;~~

~~`(V)~~ a description of the purpose of the application of the pesticide, and advising of the availability of labels and material data sheets. ;

~~`(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and~~

~~`(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).~~

`(C) NOTIFICATION AND POSTING EXEMPTION- A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of--

`(i) an antimicrobial pesticide;

`(ii) a bait, gel, or paste that is placed--

`(I) out of reach of children or in an area that is not accessible to children; or

`(II) in a tamper-resistant or child-resistant container or station; and

`(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2001, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

[Rewording of notification language above has made the language under (D) unnecessary.]

`(D) ~~NEW STAFF MEMBERS AND STUDENTS- After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to--~~

~~`(i) each new staff member who is employed during the school year; and~~

~~`(ii) the parent or guardian of each new student enrolled during the school year.~~

~~`(E)~~ METHOD OF NOTIFICATION- A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of--

`(i) a written notice sent home with the students and provided to staff members;

`(ii) a telephone call;

`(iii) direct contact;

`(iv) a written notice mailed at least 1 week before the application; or

`(v) a notice delivered electronically (such as through electronic mail or facsimile).

`(E) ~~(F)~~ 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 issue a notice containing only the new date and location of application.

[The requirements for posting appear to be excessive in light of the notification requirements for those with special concerns. We have had posting requirements for indoor treatments for a number of years and do not see a need for both outdoor posting and notification requirements in conjunction with a school IPM plan that limits pesticide exposure.]

(F) ~~(G)~~ POSTING OF SIGNS-

`(i) IN GENERAL- Except as provided in paragraph (5)--

`(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

`(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

`(ii) LOCATION- A sign shall be posted under clause (i)--

`(I) at a central location noticeable to individuals using ~~entering~~ the building; and

~~`(II) at the proposed site of application.~~

`(iii) ADMINISTRATION- A sign required to be posted under clause (i) shall--

`(I) remain posted for at least 24 hours after the end of the application;

`(II) be--

~~`(aa)~~ at least 8 1/2 inches by 11 inches for signs posted inside the school; and

~~`(bb) at least 4 inches by 5 inches for signs posted outside the school; and~~

`(III) contain--

`(aa) ~~information about the pest problem for which the application is necessary;~~

`(bb) ~~the name of each pesticide to be used;~~

~~`(cc)~~ the date of application;

`(cc) ~~(dd)~~ the name and telephone number of the designated contact person; and

`(dd) ~~(ee)~~ the statement contained in subparagraph (A)(iv).

~~`(iv) OUTDOOR PESTICIDE APPLICATIONS-~~

~~`(I) IN GENERAL- In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.~~

~~`(II) DURATION OF POSTING- A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).~~

`(5) EMERGENCIES-

`(A) IN GENERAL- A school may apply a pesticide at the school without complying with this part 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 business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that ~~includes~~-

~~`(i)~~ the information required for a notice under paragraph (4)(G); and

~~`(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.~~

`(C) METHOD OF NOTIFICATION- The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

`(D) POSTING OF SIGNS- Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

`(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS- Nothing in this section (including regulations promulgated under this section)--

`(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

`(2) establishes any exception under, or affects in any other way, section 24(b).

`(d) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such sums as are necessary to carry out this section.'.

(c) 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. Pest management in schools .
'(a) Definitions.
'(1) Bait.
'(2) Contact person.
'(3) Emergency.
'(4) Local educational agency.
'(5) School.
'(6) Staff member.
'(7) State agency.
'(8) Universal notification.
'(b) School pest management plans.
'(1) State plans.
'(2) Implementation by local educational agencies.
'(3) Contact person.
'(4) Notification.
'(5) Emergencies.
'(c) Relationship to State and local requirements.
'(d) Authorization of appropriations.
'Sec. 34. Severability.
'Sec. 35. Authorization of appropriations.'.
(d) EFFECTIVE DATE- This section and the amendments made by this section take effect on October 1, 2001.

We greatly appreciate the opportunity to comment on this legislation. Please feel free to contact us if you have any questions or if we can be of assistance on this or any other pest management matter.

Sincerely,

Murray Walton
Program Administrator

Beyond Pesticides
National Coalition Against the Misuse of Pesticides
701 E Street, SE, Washington DC 20003
202-543-5450 (voice), 202-543-4791 (fax)
info@beyondpesticides.org www.beyondpesticides.org

STATEMENT OF
JAY FELDMAN, EXECUTIVE DIRECTOR
BEYOND PESTICIDES/NATIONAL COALITION
AGAINST THE MISUSE OF PESTICIDES
ON
THE SCHOOL ENVIRONMENT PROTECTION ACT
AS CONTAINED IN S.1,
ELEMENTARY AND SECONDARY EDUCATION ACT REAUTHORIZATION
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
OVERSIGHT, NUTRITION AND FORESTRY
COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES

JULY 18, 2001

Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to appear before the Subcommittee today. I am Jay Feldman, Executive Director of Beyond Pesticides/National Coalition Against the Misuse of Pesticides (NCAMP), a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to improve protections from pesticides and promote alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership spans the 50 states and groups around the world.

We are here today to discuss an extremely important provision in the Senate Education Bill, S.1, the *Better Education for Teachers and Students Act*. This provision, known as the *School Environment Protection Act*, grew out of a landmark agreement among groups representing parents, teachers, health professionals, environmentalists, pest management professionals and the chemical industry. It represents an agreement, arrived at after intensive negotiations, that strikes a delicate balance for those most affected on the ground by school pest management programs –students, school staff, and pest managers. We believe it is a sound solution to years of dispute and disagreement and is a tribute to the organizations involved in putting the interests of children first. Is this a perfect agreement? No. Is it a workable agreement that strikes a reasonable compromise? Yes. Does it do everything the public interest community would like? No. Does it do everything the

industry would like? No. Does SEPA provide a viable compromise that children and school staff deserve? Yes.

I. Need for Federal Legislation on School Pest Management

Children –the health of children– are at the center of the amendment before the Subcommittee today. The question is whether Congress can and should make the *Federal Insecticide, Fungicide and Rodenticide* (FIFRA) work to better protect children. Two central areas that have been identified as being in need of federal guidance and direction to ensure a uniform minimum level of standards across the states: (i) effective and affordable pest management; and (ii) transparency and disclosure of pesticide use information.

Children are especially vulnerable to pesticides. Children take in more pesticides relative to body weight than adults and are less able to detoxify toxic chemicals.[1] Low levels of pesticide exposure can adversely affect a child's neurological, respiratory, immune and endocrine system, as well as behavior and ability to concentrate. The adverse impacts of pesticides on children, however subtle in the immediate short term, may have long-lasting affects on their abilities and health later in their lives.

Do existing federal laws provide enough protection in this area? While FIFRA and the *Food Quality Protection Act* (FQPA) provide for reregistration of pesticides with attention to the impacts on children, there are a number of reasons why the disclosure of pesticide use through notification systems is warranted and prudent: (i) reregistration is an ongoing process with outstanding and missing data associated with a pesticide's review; (ii) additional studies are needed to reach final decisions on the impact on children for hundreds of pesticide products; (iii) the underlying standards of FIFRA ("unreasonable adverse effects') and FQPA ("reasonable certainty of no harm" or "negligible risk," based on risk assessment methodology with uncertainties and risk factors) do not ensure that there will be no harm (by definition it allows levels of risk or harm to be set); (iv) inert ingredients in pesticide formulations are not fully evaluated; (v) pesticide poisonings, including short- and long-term adverse effects are not tracked by EPA[2]; (vi) endocrine disrupting effects are not currently evaluated; and, (vii) synergy among pesticides and between pesticides and pharmaceuticals is not evaluated.

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[1] National Research Council, National Academy of Sciences, *Pesticides in the Diets of Infants and Children*, Washington, DC: National Academy Press, 1993; Calabrese, E.J., *Age and Susceptibility to Toxic Substances*, John Wiley & Sons, 1986; Natural Resources Defense Council, *Intolerable Risk: Pesticides in Our Children's Food*, February, 1989; Spyker, J.M. and D.L. Avery, "Neurobehavioral Effects of Prenatal Exposure to the Organophosphate Diazinon in Mice, " Journal of Toxicology and Environmental Health 3:989-1002, 1977; Paigen, B., "Children and Toxic Chemicals," *Journal of Pesticide Reform*, Summer 1986.

[2] U.S. General Accounting Office, *Pesticides: Use, Effects, and Alternatives to Pesticides in Schools*, November 1999, p.6.

Given the need, SEPA provides for the adoption of school pest management plans and notification and posting when certain pesticide applications are used. Because of the lack of federal involvement in this area, the level of protection afforded children is varied and uneven across the country, with most states not providing a basic level of attention to these issues. For example, sixteen states provide some degree of notification through a registry or universal system, while 34 states do nothing in this regard. Even within this category requirement, there is variation. The question for Congress is whether you believe that all children and school staff should have the basic level of protection that is provided through notification. We do.

II. SEPA Requires Best Management Practices and Transparency

A. School pest management plans are sound practice and save money.
The definition of school pest management in SEPA conforms to the basic principles of integrated pest management (IPM). These principles are embraced by the industry and are viewed as a sensible approach to pest management. Unfortunately, not all schools meet this industry standard. School pest management is defined in SEPA as a system that

> employs integrated methods, site or pest inspection, pest population monitoring and an evaluation of the need for pest management; and is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks.[3]

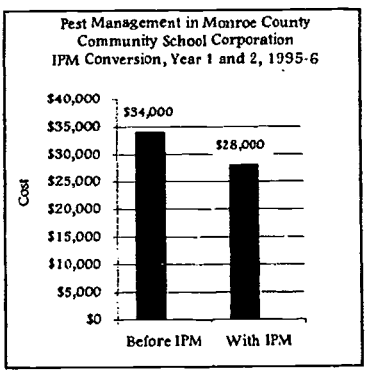
Why is this necessary? Despite the fact that many in pest management adhere to these industry standards, the practice is still not implemented in schools as widely as it should be according to pest managers and parents. School pest management plans, as required in SEPA, ensure sound pest management where methods are chosen because they are necessary.

Integrated pest management saves taxpayers and schools money. Because of the focus on best management practices, school integrated pest management programs save schools money and therefore save taxpayers money. The data on cost saving from these programs is clear and convincing. According to EPA in 1993, "[P]reliminary indications from IPM programs in school systems suggest that long term costs of IPM may be less than a conventional pest control program."[4] The last eight years have confirmed EPA's preliminary determination. Because IPM focuses on prevention of pest problems, and proper monitoring to determine the extent of the pest problem, school IPM programs can decrease the amount of money a school will spend on pest control in the long-term. Some economic investment may be required at the outset of an IPM program. Short-term costs may include IPM

[3] SEPA, Section 33(b) School Pest Management Plans, Amendment 805, S.1. *Better Education for Students and Teachers Act, Elementary and Secondary Education Act* Reauthorization, passed U.S. Senate, June 19, 2001.
[4] U.S. EPA, *Pest Control in the School Environment: Adopting Integrated Pest Management*, 735-F-93-012, Office of Pesticide Programs, Washington, DC, 1993.

training, purchasing new equipment, hiring an IPM coordinator, or making preliminary repairs to a school's buildings. However, data show that these costs are more than offset by the savings associated with an IPM approach.

A well-known example of school IPM is the Montgomery County, Maryland public schools. The IPM program in Montgomery County covers 200 sites and reduced costs 15 to 18 percent a year on labor, equipment and material costs over a six year period, with a total savings of $111,000.[5] The county saved $30,000 at its school food service warehouse.[6] In another county in Maryland, the Anne Arundel School District reduced its pest control budget from $46,000 to $14,000 after its first year of IPM implementation.[7] Similarly, an IPM program at the University of Rochester resulted in a 50 percent reduction in material costs and a substantial reduction in personnel costs.[8] In Indiana, Monroe County Community School Corporation (MCCSC) began implementing an IPM program in 1995 that decreased the school's pest management costs by $6,000 in two years and now the program reports a 35 percent reduction in costs. This program was developed by a partnership including MCCSC, Indiana University's School of Public and Environmental Affairs, and Purdue University's Cooperative Extension-Entomology



Department. Conventional pesticide use has dropped by approximately 90 percent with the IPM program, and all aerosol and liquid pesticides have been discontinued.[9]

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[5] Washington State Department of Ecology, *Calculating the True Costs of Pest Control*, June 1999 in Spitzer, E., *Pesticide Use at New York Schools: Reducing the Risk*, Attorney General of New York State, Environmental Protection Bureau, May 2000.

[6] Schubert, S. et al., *Voices for Pesticide Reform: The case for safe practices and sound policy*, Beyond Pesticides/National Coalition Against the Misuse of Pesticides, Washington, DC, 1996.

[7] Washington State Department of Ecology, 1999.

[8] Castronovo, Peter. "Personal Communication." University of Rochester, April 9, 1999, in Spitzer, 2000.

[9] Safer Pest Control Project, *Cost of IPM in Schools: A fact sheet from the Safer Pest*

At Vista de las Cruces School in Santa Barbara, California, pest management was contracted out with a pest control company for $1,740 per year for routine pesticide applications. After the school switched to an IPM program, their costs were reduced to a total of $270 over two years.

The Superintendent of Schools for the Mt. Lebanon School District in Pittsburgh, PA, Glenn F. Smartschan, Ed.D. recently wrote to Senator James Jeffords, explaining the school district's experience with IPM. In his letter of June 13, 2001, Dr. Smartschan writes,

> [I understand] there are claims that the implementation of an integrated pest management program is seen by some as burdensome and expensive. At one time I would have concurred with the position. But having had the opportunity to explore this issue and implement an Integrated Pest Management Program in the district, I am convinced that the Mt. Lebanon policy implemented in June of 2000 related to integrated pest management is working very well.
>
> Mt. Lebanon School District's experience with the implementation of an IPM policy has been very positive. I have found it to be manageable and no more expensive than using herbicides and pesticides. Most importantly, the community is pleased and I feel confident that I am attending to the health and safety issues of the students in the district.[10]

I am attaching a letter from a school administrator from the Mt. Lebanon school district in Pennsylvania who discusses his experience with IPM in his schools. The letter reflects on the success of an IPM program from an administrative perspective.

Albert Greene, Ph.D., National IPM Coordinator for the U.S. General Services Administration (GSA), has implemented IPM in 30 million square feet, approximately 7,000 federal buildings, in the U.S. capital area without spraying insecticides. Dr. Greene states that IPM "can be pragmatic, economical and effective on a massive scale."[11]

In a report entitled, *Pesticide Use At New York Schools: Reducing the Risk*, the Attorney General of New York State, Eliot Spitzer, says the following:

> We often hear that implementation of integrated pest management. . .can be expensive. Because it is easy to envision costs associated with establishing

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Control Project, Chicago, IL, 1998 and
http://www.spea.indiana.edu/pestmanagement/mccsc.html.

[10] Smartschan, Ed.D., Glenn, letter to The Honorable James Jeffords, United States Senate, June 13, 2001.

[11] Greene, A, "Integrated Pest Management for Buildings," *Pesticides and You* 13(2-3), Washington, DC, 1993.

new policies and practices, re-training personnel and educating building occupants, this can be a powerful argument to school administrators trying to squeeze the most out of admittedly tight budgets. While the argument might have some initial appeal, experience tells a different story. In case after case, schools and other institutions have reduced their pest control costs early in the transition, often in the first year.[12]

The New York report goes on to cite other institutions' experience with IPM that form the basis for the Attorney General's opinion. It cites the City of Santa Monica, California, having reduced its pest control costs by 30 percent, while achieving excellent control of rats, mice, cockroaches and ants in and around city-owned structures.[13] Cape May, New Jersey's IPM program achieved a 24% reduction in first year costs, and 52 percent in the second year.[14]

Finally, the New York report cites a reduction in secondary costs with IPM that are not typically calculated, suggesting that the debate often focuses on labor, equipment and material costs. However, there are additional costs associated with conventional pesticide spray programs that have been calculated by the Washington State Department of Ecology.

The Washington State Department of Ecology has done a careful analysis of the costs of pest control that considers some of the "hidden" costs, such as regulatory compliance, waste disposal, insurance, and liability for health effects, environmental damage and compliance violations. The Washington report includes worktables that will assist school administrators to estimate and compare the costs of a conventional pest management program with the costs of an integrated pest management program. The report also features some revealing worksheets to help schools appreciate the costs represented by risk and future liability.[15,16]

B. Notification and posting provides for transparency.
SEPA incorporates a number of principles that are central to informing parents, school staff and students about the use of pesticides in school buildings and on

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[12] Spitzer, E, *Pesticides Use at New York Schools: Reducing the Risk, Environmental Protection Bureau*, Attorney General of New York State, May 2000, p.20.
[13] *The City of Santa Monica's Environmental Purchasing - A Case Study*, EPA Office of Pollution Prevention and Toxics, EPA 742-R-98-001, March 1998 in Spitzer, 2000.
[14] *Case Study: Pest Control - Cape May County, New Jersey* in *Local Government Environmental Purchasing Starter Kit - A Guide to Greening Through Powerful Purchasing Decisions*, National Association of Counties, July 1999 in Spitzer, 2000.
[15] Daar, S. et al., *IPM for Schools: A How-to Manual,"* USEPA Region 9, EPA909-B-97-001, March 1997; *A Model Integrated Pest Management Plan and Policy for Schools*, New York Coalition for Alternatives to Pesticides; and Stauffer, S. et al., *IPM Workbook for New York State Schools*, Cornell Cooperative Extension Community IPM Program, Publication # 605 8/981M WP, 1998 in Spitzer, 2000.
[16] Spitzer, 2000.

school grounds. It should be noted that the provision specifically exempts antimicrobials, baits, gels, and pastes from the notification and posting requirements.

Transparency of pesticide use is accomplished in three ways: (i) a universal notification to all parents two times during the regular school year and once during the summer session; (ii) a registry of parents and school staff who put their names on a list to be notified before each application of a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging; and, (iii) a posting of signs in a central area and treated areas.

The intent of the legislation is to inform or provide right-to-know. This provision evolved out of a compromise between a requirement to provide a universal notification system, informing all parents prior to every application of a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging (similar to Maryland and Arizona), and a registry system that only notifies those parents who make a request. The compromise acknowledges that parents, especially in two working parent families, may overlook the first notice at the beginning of the year and therefore provides for a second notice during the school year. In addition, posting provides an important mechanism to inform people using a treated building that pesticides are being used. For those on the registry, SEPA requires that summary information on pesticides noticed through the registry shall be provided to the local educational agency by the state lead agency.

Another aspect of transparency is the risk statement prescribed in the universal notice language. Because the notice language is a compromise, it was agreed that the universal notice portion should provide a clear risk statement. It should be noted that the need for this statement grows out of a history of misleading information being disseminated on pesticides. The U.S. General Accounting Office has told Congress on several occasions that the public is misled on pesticide safety by pesticide applicator statements characterizing pesticides as "safe" or "harmless."[17] Furthermore, it is common practice among users of pesticides to simply refer to the fact that pesticides are registered by EPA, implying that EPA's "approval" is a seal of safety. As stated above, there are complex risk issues still to be resolved on registered pesticides and uncertainties associated with the risk assessment process that is a part of the statutory framework in FIFRA and FQPA. Transparency dictates that parents and school staff are informed to this minimal degree. This language emerged from extensive negotiation and compromise and is central to the agreement.

Why is right-to-know or transparency necessary? This is a concept that the public expects as a matter of modern life and in the interest of children's health. As childhood asthma has become a larger and larger problem, for example, parents need to know whether something that may be used in the school could be triggering respiratory distress, for example. The notice provision enables parents to find out

[17] U.S. General Accounting Office (GAO), *Nonagricultural Pesticides: Risks and Regulation*, Washington, D.C., GAO/RCED-86-97.

what is being used and take precautionary measures for their child. In the case of children who may not have health problems that could be exacerbated by a pesticide exposure, parents should be informed of what is going on in their child's school and the availability of additional information, should a problem arise.

C. Other provisions in SEPA are common sense.

Making pesticide information available. SEPA requires that basic information on pesticide products used in the school is available through the local educational agency. This includes information provided to it by the state lead pesticide enforcement agency, specifically: (i) copies of material safety data sheets for pesticides (or end use dilutions) applied at the school; (ii) pesticide product labels and fact sheeted approved by EPA; and, (iii) other official final information provided by the state agency.

Pesticide use recordkeeping. Recordkeeping is sound practice and employed in the commercial pest management sector. School records enable public institutions to better evaluate their use of pesticides and answer any questions that may arise about a school's pest management program.

Restrictions on applying pesticides to occupied classrooms and reentering treated areas. SEPA prohibits pesticides from being applied in areas when children are present. The amendment relies on the pesticide label to establish a re-entry time for children to return treated areas. Many pesticide product labels display a re-entry period. However, if EPA has not made a finding on a re-entry time and does not display it on the label, including a determination that no re-entry is required, SEPA sets a default re-entry period of 24 hours.

Training and certification of pesticide applicators. SEPA requires that each school district have a certified pesticide applicator. The language in SEPA is intended to ensure that pest management around children is conducted in a knowledgeable and cautious manner. It is simply good practice to ensure that someone involved in a school's pest management program, either on staff or under contract, is fully trained under applicable state training requirements for certification.

Emergency exemption. The language provides for an exemption from prior notification in the case of an emergency that poses a threat to the health and safety of a student or staff member. Notification and posting are required after the pesticide is used in accordance with the standard notice and posting provisions.

Vocational agricultural student provision. Recognizing that students participating in regular vocational agricultural curriculum use pesticides on a regular basis throughout the school year, special provisions for these students are provided for in SEPA. The language provides for a single notice to those on the registry at the start of the year. The notice would provide the names of the pesticides to be used and the basic information on those pesticides, which is provided to the local educational agency by the state.

Baits, pastes and gels exemption. Regarding the exemption of baits, pastes and gels, it should be noted that these pesticide delivery systems, under SEPA, must be placed: (i) out of reach of or inaccessible to children; (ii) in a tamper-resistant or child-resistant container or station. Furthermore, any pesticide that meets the standards of FIFRA, Section 25(b), as stipulated in EPA's Pesticide Registration (PR) Notice 2000-6 (May 7, 2000), which establishes criteria for exempt products under FIFRA, are exempt from SEPA notification and posting requirements.

EPA role. EPA oversight and guidance language contained in SEPA ensures that the best thinking and experience in school pest management practices are brought to bear on the development of state plans and pesticide information. Existing state plans that meet the minimum requirements of SEPA are grandfathered under the act.

III. How State Statutes Compare to the School Environment Protection Act[18]

State	Posting	Notification/ Registry	IPM
Arizona	✓	✓	
California	✓	✓	*recommends, does not require*
Connecticut	*outdoor only*	✓	*recommends, does not require*
Georgia	✓		
Illinois	*outdoor only*	✓	✓
Louisiana		✓	✓
Maine	✓		✓
Maryland	✓	✓	✓
Massachusetts	✓	✓	✓
Michigan	✓	✓	✓
Minnesota		✓	
New Jersey	✓	✓	
New Mexico		✓	
New York	✓	✓	*recommends, does not require*
Pennsylvania		✓	
Texas	*indoor only*	✓	✓
Washington	✓	✓	
West Virginia		*category 3 & 4 only*	✓

In looking at the three major programmatic components of the *School Environment Protection Act* (SEPA) -- **posting, notification and IPM** -- three states, including

[18] Owen, K and Feldman, J, "The Schooling of State Pesticide Laws," *Pesticides and You*, Beyond Pesticides/National Coalition Against the Misuse of Pesticides, Vol.2, No.2, Spring, 2000.

Maryland, Massachusetts and Michigan, have statutory requirements in all three areas. Nine states (Arizona, California, Illinois, Louisiana, Maine, New Jersey, New York, Texas and Washington) require two of the three major components in SEPA. Six states (Connecticut, Georgia, Minnesota, New Mexico, Pennsylvania and West Virginia) require one component of SEPA. There is variation within each category. While ten states require both indoor and outdoor posting, two states require outdoor posting only and one state requires indoor posting only. Fifteen states require notification registries. One additional state requires notification for EPA toxicity category three and four pesticides only. Eight states require IPM, and three additional states recommend IPM.

There are differences across the states within each of the major components that SEPA addresses. While SEPA sets a 24-hour prior notification and posting requirement, the Texas Structural Pest Control Board Regulations, section 595.8(b), state that posting is required for schools, educational institutions, and day care centers. . .48 hours prior to the application. Texas actually color codes pesticides used in schools according to EPA toxicity ratings and adopts an IPM requirement and definition that gives preference to non-chemical management strategies whenever practical and use of least-toxic chemical controls when pesticides are needed. (Texas Structural Pest Control Board Regulations, section 595.11)

Our research finds that 31 states have taken some level of action in protecting children from pesticide use in, around or near their schools.[19] As indicated above, only three states actually have provisions that form the basis of SEPA. It should also be noted that no one state has all the elements included in this legislation. In fact, SEPA, as passed by the Senate, takes elements from the experience in these 31 states that have some program and creates a minimum standard of protection across the country. In this way, the passage of this legislation will provide all children across the country with a basic level of protection.

IV. States Rights Must Be Protected

SEPA adheres to the FIFRA principle under Section 24, which affirms the rights of states and localities to adopt standards that may exceed the federal law. In fact, as noted above, many states have adopted some standards that are more stringent than those contained in SEPA. For example, Massachusetts phases out high toxicity and cancer causing pesticides; Maryland and Arizona require universal notice to all parents before a pesticide application; California distributes a list of pesticides to be used throughout the year to parents at the beginning of the school year; Washington requires the state to report on pesticide use in the schools; Alabama, Louisiana, New Hampshire, New Jersey and North Carolina have established buffer zones or other limitations that prohibit aerial or ground spraying of pesticides near schools. Certainly, the rights of localities and states to respond to local concerns that go beyond SEPA is something that should not be disturbed by this legislation. This concept is central to the agreement.

[19] Owens and Feldman, 2000.

V. SEPA Is Not Too Burdensome and Costly

Some have asked whether our country can afford to carry out this legislation. I would ask whether we can afford not to. While the cost of this program could be overstated with the assumption that we were starting from ground zero, the reality is a lot of activity has begun at the federal, state and local level that can be applied to the SEPA program. Many states already have plans that could be utilized. Other states have notification and posting programs in place that can serve as models. Clearly, at the federal and state governmental level much of the work as been done and the additional effort needed to develop guidance and plans and gather materials is limited. At the local school district level, SEPA will save money according to all the experience that has been documented, some of which is noted above. These savings would more than offset any clerical work associated with the maintenance of information on pesticides and the operation of the registry. Issues of cost and burden, in our view, do not form the basis for opposing SEPA as contained in S.1.

VI. Moving Ahead on Behalf of Children

Since the passage of S.1, we have been told that not all affected groups were involved in the negotiations and therefore do not endorse the outcome. The truth is that we could not negotiate with groups that in fact did not want to negotiate because they were and are against any action or believe that the current state of affairs is adequately protective of children. While we respectively disagree with the position that no action is necessary, or that only action more limited than the S.1 provision is feasible, we believed our mission was to work with all parties who accept that some compromise action is necessary at the federal level.

There is agreement among those organizations that support SEPA to exempt public health mosquito spray programs from the amendment. In fact, the legislation was conceived as a vehicle for focusing on the school districts' pest management practices and use of pesticides. In that spirit, it has been brought to our attention that the language could be interpreted to impede community spray programs for mosquitoes. We concur with the exemption and would support it being included in SEPA. We will take up the question of mosquito IPM and public notice of aerial and ground mosquito spraying in a different context.

We believe that the Education Bill before Congress is not only about access to education, but access to an educational environment that is conducive to learning. Good pest management ensures that.

While there may be some who will continue to oppose moving ahead with SEPA, we believe its adoption will provide children and teachers across this country with a guarantee that pest management in schools will be responsible and cost effective.

Thank you for the opportunity to testify today. We appreciate your interest in the health of children and school pest management and urge your support of the *School Environment Protection Act*. Please join with the long list of those organizations and businesses across the country that is supporting this important piece of legislation.[20]

[20] See attached list of supporters of the *School Environment Protection Act*.

Written Testimony for the Record - **July 2001**

Respectfully Submitted to the
United States House of Representatives – Committee on Agriculture
Subcommittee on Department Operations, Oversight, Nutrition and Forestry

Submitted by the
National Association of Agricultural Educators (NAAE)
Alexandria, Virginia

Represented by
Paul A. Jaure
NAAE President and Agriculture Teacher, A.C. Jones High School, Beeville, Texas

Senator Torricelli Amendment to S. 1, the Elementary and Secondary Education Act, to require local educational agencies and schools to implement school pest management plans and to provide parents, guardians, and staff members with notice of the use of pesticides in schools.

Introduction

Chairman Goodlatte, and Honorable Members of the Subcommittee:

Thank you for the opportunity to submit this testimony on behalf of our Nation's school-based agriculture teachers. I am Paul Jaure. I teach agriscience at A.C. Jones High School in Beeville, Texas. This year, I am serving as president of the National Association of Agricultural Educators (NAAE). The NAAE office is located in Alexandria, Virginia. Also with me is Dr. Wm. Jay Jackman, who is the executive director of NAAE. If the need arises, and with your permission, I might call on Dr. Jackman to assist with your questions following my statement.

In this testimony, I will provide general information regarding school-based agricultural education throughout the United States. I am confident that most of you are aware of agricultural education programs in local schools; however, I want to make sure all of you understand the importance of what and how we teach students.

Then, I want to ensure the distinguished Members of the subcommittee that agriculture teachers throughout the United States support safe and proper handling and use of pesticides in public places, including within schools. Yet, I want to share the concerns we have about the language proposed in Senator Torricelli's amendment to the Elementary and Secondary Education Act regarding the use of pesticides in schools.

Background on Agricultural Education in Public Schools

It is estimated that by the year 2030, the population of the world will be approximately 8.5 billion people. The food supply must be tripled in the next 20 years to feed the people of the world. How can we address this phenomenal challenge? School-based agricultural education is an important part of the answer to these questions. School-based agricultural education programs are focused on educating the people who will assume the responsibility for production, processing, marketing, distribution, and ensuring safety of the food and fiber for the Earth's growing population.

Agricultural education is an important component of public school instruction in every state of the United States and in five United States Territories. There are approximately 750,000 agricultural education students in the nation who are taught by about 12,000 secondary and 2-year postsecondary teachers. It is estimated that the contact hours of in-school instruction in and about agriculture exceed 10 million annually.

Comments on How We Teach

School-based agricultural education in the United States consists of three closely related activities. These three activities are: 1) classroom/laboratory instruction; 2) supervised agricultural experience; and 3) leadership development. The interaction effects of these three components help to ensure students' career success or continuation with higher education related to agriscience and/or agribusiness following high school graduation. No single one of the activities stands alone. The success of each local agricultural education program depends on the extent to which these three activities are incorporated into the educational program.

Classroom and Laboratory Instruction

Organized instruction is the classroom and laboratory component of agricultural education. This instruction may be carried out in a classroom, laboratory, greenhouse, or field trip setting. Classroom and laboratory instruction includes units based on natural and social sciences such as environmental science, agribusiness, natural resources, aquaculture, animal and plant sciences, entrepreneurship, and many other areas. Emphasis is placed on teaching/learning science, mathematics, and language arts principles in the context of the applied food and agricultural sciences.

Supervised Agricultural Experience

Supervised agricultural experience (SAE) is the individual student application, outside the classroom, of knowledge and skills acquired through the instructional component. SAE is under the supervision of the agriculture teacher, and an employer or parents. There are various categories of SAE from which students may choose. A student with an ownership SAE activity owns and manages his/her own business. A student participating in a placement SAE activity is involved in an employment situation. Research SAE activities allow students opportunities to engage in independent, yet supervised, research projects. The interaction of the student, teacher, business site, and parents helps to ensure instruction is relevant to each individual student in

his/her own learning environment. This model may sound a little like "School to Career"—one of the prominent educational trends in the United States. The fact is, agricultural education is "The Original School to Career" model!

Leadership Development

Leadership development, the third component of the overall agricultural education program, is provided via student organizations such as FFA, PAS (Postsecondary Agricultural Student Organization) and NYFEA (National Young Farmer Education Association). Student organization activities are designed to enrich the classroom/laboratory and SAE instructional components. Student organization activities provide students opportunities for personal growth, leadership development, and motivation for individual career success.

Comments on What We Teach

The curriculum in school-based agricultural education programs has changed a great deal over the years. When agricultural education programs began nine decades ago, the focus was on training boys to become farmers. Today, the focus is on: 1) enhancing students' skills in science, mathematics, and language arts using the applied context of agriculture and 2) preparing students for the full range of career opportunities related to the agriculture industry and for higher education in agriculture and related sciences.

Content included in agriculture education programs across the nation includes traditional areas such as animal science, plant science, agricultural mechanics, and agricultural business management. But, it also includes non-traditional areas such as greenhouse management, horticulture, floriculture, aquaculture, environmental science, turf and landscape management, biotechnology, natural resources management, and a broad range of other agriscience and agribusiness areas.

Pesticide Use in School-based Agricultural Education Programs

Since pesticides are useful and necessary tools used in the agriculture industry, pesticides are used in school-based agricultural education programs. Please keep in mind that agricultural education programs focus on classroom *and* laboratory instruction. The agriscience and agribusiness concepts that are taught in the classroom are put into practice in the laboratory. Hands-on, applied, practical learning is at the very core of agricultural education.

The agricultural education laboratory setting comes in many types and descriptions. For examples, laboratories may include aquaculture facilities located inside the school building, greenhouses located adjacent to the school building, farms, livestock facilities, natural resources centers, arboreta, and/or gardens located on the school property, and many other possibilities.

When pesticide use is a common practice related to the content being taught (greenhouse management for example), proper and safe use and handling of pesticides is taught as part of the classroom instructional program. Integrated pest management (IPM) is also taught in the classroom, given that IPM is practiced regularly throughout the industry. Then, that classroom

instruction is put into practice in the laboratory (in the greenhouse for example). In many cases, state laws require that agriculture teachers who are using pesticides in their instructional programs be Certified Pesticide Applicators. Even when not required by state law, many agriculture teachers seek and achieve certified pesticide applicator status. Similarly, in many cases, whether or not required by state law, students who are going to be involved in pesticide application in the laboratory settings complete all of the requirements to become certified pesticide applicators. These state-mandated or voluntary practices help to ensure that pesticide use in agricultural education settings is safe for all persons involved.

Further, we know that not every student who completes the agricultural education instructional program will seek employment or pursue higher education in some area related to agriculture. But, we also know that every student that comes through an agricultural education program is going to be an owner or renter of a home and a member of a community. Insect, weed, rodent and other pests are present in apartments, houses, offices, communities and cities. Persons who have had the benefits of high-quality agricultural education instruction are going to be better informed citizens on issues including the proper and safe use and handling of pesticides – pesticides that anyone can go to the farm supply store, hardware store, even grocery store to purchase and use in their homes, offices, and throughout their communities. Agricultural education students learn how to select and use these products safely and effectively. We believe the risk associated with reducing or eliminating any education regarding the proper and safe use and handling of pesticides is too great.

Specific Challenges Presented by Senator Torricelli's Amendment to S. 1

Please allow us to be very clear that whether mandated by local, state or federal laws, or whether on a voluntary basis, agricultural educators are committed to using pesticides safely and effectively in our instructional programs. We are committed to teaching our students to use pesticides safely and effectively. We are committed to using and teaching Integrated Pest Management to its fullest extent to control agricultural pests, protect and conserve the environment, and ensure public safety.

However, we do have concerns about Senator Torricelli's amendment to S. 1, the Elementary and Secondary Education Act. We are concerned that this federal unfunded mandate could be detrimental to agricultural education programs across the Nation. In some cases where state laws have been implemented regarding pesticide use in schools, there have already been substantial problems for agricultural education programs. In some cases, agriculture teachers have been forced to eliminate the use of pesticides in their instructional programs completely, not because of potential health risks to students or school staff, but because of the potential for legal actions against them if they use pesticides – even when the pesticides are used properly and safely according to the manufacturers recommendations and other regulations imposed.

Such results from the laws cause the instructional programs to not reflect the actual industry practices and standards. Thus, the effectiveness of the instruction is reduced. How can agriculture teachers adequately prepare their students for careers, and higher education, in areas related to agriculture when they cannot teach common practices in their classrooms and laboratories?

Following is a discussion of the specific concerns we have with Senator Torricelli's amendment to S. 1.

Contact Person

The amendment calls for a contact person to be identified in each local education agency. The contact person must be a qualified person, perhaps a certified pesticide applicator. Especially in poorly funded, rural school districts there is a strong risk that the agriculture teacher, who may already be a certified pesticide applicator, could be burden with this additional responsibility. The role of the agriculture teacher is already complete with classroom and laboratory instruction activities, supervision of each student's agricultural experience program (which often involves home or workplace visits after school hours), and FFA chapter advisement responsibilities (which occur both during and after school hours). What part of the agricultural education program will suffer if the agriculture teacher is now burdened additionally with school pesticide use contact person duties?

Notification Requirements

We are grateful for the provision in Senator Torricelli's amendment that excludes the 24-hour notification requirement for pesticide applications that are a part of the agricultural education instructional program as long as the pesticide products used are included in a universal notification at the beginning of the school year.

Yet, preparing this list of products that the agriculture teacher anticipates using throughout the year will be extensive. This requirement will be a substantial burden on the agriculture teacher. In addition, if the teacher determines the need to use a pesticide during the year that is not included in the notification provided at the beginning of the school year, the agriculture teacher will be responsible for the 24-hour prior notice to the persons listed on the registry. Again, this will be an additional burden on the agriculture teacher.

Please bear in mind that the agriculture teacher, often times a certified pesticide applicator, would be using the pesticides in accordance with all of the safety rules and regulations of the pesticide manufacturer and other regulatory agencies. We question why more federal regulations regarding pesticide use are needed.

Emergencies

There are provisions in the amendment that address emergencies. The definition in the amendment addresses threats to the health and safety of students and staff members. We assume this language implies that an emergency condition would exist only in the case of stinging or biting insect pests that present health risks to persons. We believe there could be a need for emergency applications of pesticides in agricultural education laboratories. Such emergencies would not endanger humans; rather, such emergencies would endanger the health of the living plant or animal materials used in the laboratories. To do anything but respond immediately to these emergencies would be poor teaching and could lead to catastrophic results in the

We request that the United States Congress not take any actions that will prevent agriculture teachers from teaching students to be responsible workers within the agriculture industry, well-informed members of communities, and effective stewards of our environment. Please allow agriculture teachers to continue to teach proper use of pesticides, which will, in fact, benefit the health and well being of humankind.

For More Information

Thank you for the opportunity to present our positions to the subcommittee members. Should you have further questions or comments regarding our testimony, please contact us as follows:

Dr. Wm. Jay Jackman
Executive Director
National Association of Agricultural Educators
1410 King Street, Suite 400
Alexandria, Virginia 22314
Voice: (703) 838-5885 or (800) 772-0939, ext. 4366
Fax: (703) 838-5888
E-mail: jjackman@teamaged.org

Mr. Paul A. Jaure
NAAE President
Agriscience Teacher
A. C. Jones High School
HC08 Box 325
Beeville, Texas 78102
Home: (361) 358-6147
E-mail: pajaure@yahoo.com

Testimony of Jay J. Vroom, President

American Crop Protection Association

Before the

Subcommittee on Department Operations, Oversight, Nutrition and Forestry

On

The School Environment Protection Act

As included in the Senate-passed version of

H.R. 1, Better Education and Teachers Act

July 18, 2001

Thank you very much, Mr. Chairman, for the opportunity to testify today. I truly appreciate the Committee providing this first public forum for discussion of the School Environment Protection Act, which is included in the Senate-passed version of H.R. 1, the Better Education and Teachers Act. The issue of integrated pest management in schools has been widely debated at the state level, and many diverse organizations have called for federal legislation. Therefore, I would like to commend Chairman Goodlatte and Congresswoman Clayton for their leadership in holding this hearing to debate the merits of having a consistent federal integrated pest management standard for schools. I would also like to thank the Chairman and Ranking Member of the full Committee, Congressmen Combest and Stenholm, for their leadership and support of this hearing, as well as all committee members present today for taking an interest in this subject.

Pesticides have a long history of safe use in schools to protect the health of children, teachers and staff, and to protect school property. Congress has directed the Environmental Protection Agency (EPA) to ensure rigorous scientific testing so products are safe when used according to the label. However, activist organizations opposed to pesticides have worked extensively with the media, and several state and federal lawmakers, to create a political perception that pesticides are harmful to children, despite the fact that pesticide products are subjected to extensive testing required by the EPA. Activists have targeted various public facilities, but the issue of school pesticide use has received the most attention. Last summer, we saw numerous attempts by U.S. Senator Barbara Boxer and others to essentially ban the use of pesticides in schools and on federal property, including military bases, national parks and the Capitol and Congressional office buildings.

Because of these repeated attacks on pesticide products, industry sought to reach a reasonable compromise regarding school pest management plans. We believe that the SEPA amendment is a reasonable compromise that achieves three significant goals. First, it advances product stewardship by ensuring that schools implement effective Integrated Pest Management (IPM) programs along the lines envisioned by Congress. Secondly, it creates greater transparency by providing a mechanism for parents who wish to be informed about use of pesticides in their children's school to have access to such information. Finally, it provides a benchmark standard among the states. Several dozen states currently have school pesticide laws in place. Some of these laws are based on a balanced approach to pest management; however, many simply prohibit the use of most pesticides, denying schools vital tools needed to protect children from disease carrying and nuisance pests.

I am testifying today on behalf of the American Crop Protection Association (ACPA) and a coalition of other associations including: RISE (Responsible Industry for a Sound Environment), National Pest Management Association, Consumer Specialty Products Association, Chemical Producers and Distributors Association and the International Sanitary Supply Association. ACPA is the U.S. industry trade organization representing the major manufacturers, formulators and distributors of crop protection, pest control, and agricultural biotechnology products. ACPA member companies produce, sell and distribute virtually all the scientific technology products used in crop production by American farmers. I will not attempt to describe in detail the mission and membership of the other associations in our coalition, except to say that each association represents member companies that provide pest management products or services for schools and for other uses. A description of each association is attached to this testimony. Together, this coalition of associations represents about 10,000 companies that are involved in pest management supply or services nationwide.

As you well know, pesticides must meet an extremely rigorous scientific safety standard in order to be registered by. Before a pesticide product can be legally sold for use in agriculture and urban settings, including schools, it must undergo up to 120 tests to ensure that it does not pose unreasonable adverse effects on adults, children and the environment. EPA determines that these products can be used safely when applied in accordance with the product label. These products cannot legally be applied in schools for a use or in a way that is not listed on its EPA-approved product label.

Although the safety and testing of pesticide products is well documented, the National Parent and Teachers Association, the National Education Association and other groups have called for information on pesticide use in schools to be made available to parents. The SEPA amendment provides a mechanism for interested parents to have access to the desired information about pest control products used in their children's schools, while still providing schools with access to all the tools needed to control pests, including the use of pesticides. It ensures that parents are informed not only about the pest control products used in their schools, but also about pest threats that their children face. The SEPA amendment also provides a benchmark standard for EPA, states and schools, regarding the essential role that pesticides play in school pest management programs.

The criteria for school pesticide use outlined in the SEPA amendment are based on the principles of IPM outlined in the 1996 Food Quality Protection Act (PL 104-170)
and the Children's Health Act of 2000 (PL 106-310). The SEPA amendment ensures that school pest management plans take into consideration all pest management alternatives including sanitation, structural repair, mechanical, biological, cultural and pesticide strategies. Schools may use all of these tools in the manner that makes the most sense based on their particular pest control needs. ACPA and members of our coalition believe IPM programs, in both agriculture and urban/ suburban settings, are an important component of product stewardship and we are committed to this balanced, environmentally sound, locally controlled and site-specific approach to pest management. The adoption of IPM programs in agriculture and schools is a goal that has been long endorsed by our associations, provided that the IPM program is based on the well-tested federal IPM standard outlined in FQPA and the Children's Health Act. Agricultural IPM programs, based on this definition, have proven to be an efficient and effective means of controlling pests and the same benefits can be realized in schools. In fact, as early as 1993, RISE and NPMA played a key role in EPA's development and distribution of the Agency's manual on school IPM, which recognizes the benefits of IPM for schools and the value of judicious use of pesticides.

Unfortunately, many states and local school districts have adopted so-called IPM programs, which stray from the federal definition of IPM. You might ask why these state laws have varied from the Congressionally directed version of IPM. Unfortunately, these states, in our view, have reacted hastily to well organized and vocal activist groups demanding school IPM programs that ban or overly restrict pesticide use.

I would like to describe some of these misguided state programs. These programs seek to prohibit or greatly restrict pesticide use by schools, even when such use is desperately needed to control both public health threats and bothersome pests. For example, the Los Angeles School District, the nation's second largest, completely banned nearly all pesticide use a few years ago, but found that its pest control costs increased dramatically. In 1999, the school district was forced to hire 37 gardeners to hand pull weeds and was required to purchase expensive maintenance equipment. Despite the $1.35 million the school district spent on non-pesticidal control methods in 1999, it was not able to control weeds, some of which grew taller than many students. In an October 2000 *Wall*

Street Journal article on the school district's battle with weeds, a student at one of the district's schools described a weed as tall as herself that she and her friends call "The Queen." Had a balanced IPM approach, providing for the judicious use of pesticides, been adopted, the school's playground would not be filled with weeds like "The Queen" and countless dollars would have been saved. Further, the students would have had a safer play environment, where they would not trip over weeds, and possibly be exposed to poison ivy, bee stings, ticks or other pests that may be hidden in the overgrown playgrounds and athletic fields.

Los Angeles is not a lone example. In fact, at the statewide level, Massachusetts, Texas, and other states have enacted school pesticide use laws that ignore the federal IPM definition and seek to restrict or eliminate pesticide use. Many of these laws do not provide adequate protection for children's health because they restrict schools' ability to take prompt, effective and efficient action to eliminate health threats from pests.

The Massachusetts law essentially bans the use of most pesticides during the school year. It only allows a limited number of pesticides to be used when there is a severe emergency, and only after the school obtains written permission from the local Board of Health. In mid-May, the McCarthy Elementary School in Framingham, Massachusetts was forced to close down its cafeteria for the remainder of the school year because its inability to control an infestation of drain flies with organic mint oil or other non-pesticidal means. The local Board of Health determined that the flies do not pose a public health threat and did not grant the school permission to use pesticides. However, the school determined that it did not want its students to eat lunch in such an unpleasant atmosphere and therefore served students lunch in the gymnasium for the remainder of the year. The school brought in bag lunches from a nearby middle school rather than prepare food in the fly-infested cafeteria. I believe something is terribly wrong with the Massachusetts's approach to pest management.

Like Massachusetts, Texas state law severely restricts the use of most pesticides unless a school district obtains express written permission to use pesticides. California adopted a voluntary IPM approach but recommends that schools not use pesticides to control pests, and EPA Region 9, which encompasses the western US Coast, recommends that schools adopt IPM programs that rely on non-pesticidal control methods.

As you can see from the examples above, IPM programs that exclude or severely restrict pesticide use can often have negative and costly consequences on schools, students and teachers. Yet, they are adopted because of political pressure and the lack of federal legislative guidance. Further, these anti-pesticide programs limit a school's ability to protect children from dangerous disease-carrying pests, including ticks, which are associated with Lyme Disease and Rocky Mountain Spotted Fever; cockroaches, which can exacerbate childhood asthma; mice, which can carry Hantavirus; and mosquitoes, which spread West Nile Virus and encephalitis; as well as poison ivy, and stinging insects (see attached insect/disease grid). Unlike these misguided state laws I've mentioned, the SEPA compromise amendment in the Education Bill ensures that schools have the option to use all pest control tools available to them, including pesticides, to ensure that children are protected from these harmful pests. Further, it provides clear guidance to EPA and the states regarding the importance of judicious pesticide use in IPM programs.

Many state laws also contain costly and burdensome notification schemes, which can limit a school's ability to respond promptly to pest threats. A law that became effective in Wyoming on July 1st would require 72 hours prior notification of all parents in the school before any pesticide application. It does not provide an exemption for emergencies. An Arizona law also requires that

all parents in a school be notified 72 hours prior to pesticide applications. The negotiated version of SEPA, included in the Senate-passed education package, does allow schools to promptly respond to emergency pest threats, without losing precious response time by undertaking a burdensome notification process before the needed application. Thus, it ensures a school's ability to protect children from dangerous pests. And, a number of pesticides are not covered in the notification provisions of the amendment because of their advanced technology and reduced potential exposure following use.

Although the SEPA amendment contains a notification scheme, it is much more limited and manageable than proposed in the original version of SEPA introduced in both the House and Senate last Congress (S 1716, HR 3275) and in the House this year (HR 111). It is also much less onerous than schemes currently in place in some states and than legislation that is currently pending in other states. Rather than requiring that schools send notices home to all parents before each pesticide application, the bill limits such mailings to twice per school year, plus a mailing to the parents of students in summer school, in order to limit costs and burdens on schools. These mailings discuss the pest problems that the school is likely to face, as well as its planned approach to pest control, and can be provided along with other general school mailings. Parents who wish to be informed before pesticide applications may then sign up for a registry. Schools would contact only these parents, by whichever means it deems the most appropriate and cost efficient, to advise them of pesticide applications during the school session. It is our experience that when this type of registry is in place, only about one percent of parents request notification. However, the registry approach provides a notification process for parents who desire to get this information. It is a cost-efficient and manageable approach.

As mentioned above, the goal of this legislation is to maintain a fair, balanced approach to IPM that preserves the school's ability to choose the most appropriate pest control options for its pest problems, in a manner that minimizes costs. However, we do recognize that there are some costs associated with the implementation of the amendment by EPA, the state lead pesticide regulatory agencies (in most cases the state department of agriculture) and local school districts. The SEPA amendment authorizes necessary funding. Should this legislation become law, ACPA and our coalition members are committed to work with Congress to obtain necessary funding. We are also committed to working with the National School Boards Association and American Association of School Administrators and other stakeholders to determine the appropriate level of funding for school implementation efforts.

In addition, we look forward to working with the American Mosquito Control Association, the National Association of Agricultural Educators, Congress and others to address outstanding concerns. The amendment is not intended to include applications by mosquito control districts or other governmental agencies, nor interfere with vocational agricultural instruction. Technical corrections to the amendment would be appropriate to alleviate such concerns. The SEPA amendment is intended to apply only to school pest management.

In conclusion, I would again like to thank the Committee for conducting this hearing. ACPA and our coalition supports the SEPA amendment and believes that it provides a balanced approach to school pest management, in accordance with Congressionally developed and scientifically sound IPM. We look forward to working with you as this bill is discussed in conference. I would be happy to answer any questions you may have.

Chemical Producers and Distributors Association

The Chemical Producers and Distributors Association (CPDA) is a voluntary, non-profit membership organization consisting of about 100 member companies engaged in the manufacture, formulation, distribution and sale of some $7 billion worth of generic products used on food, feed, and fiber crops, and in the care and maintenance of lawns, gardens and turf, adjuvant and inert ingredients used to increase the efficacy of crop protection formulations, and a variety of copper based pesticide chemicals.

Consumer Specialty Products Association

Consumer Specialty Products Association (CSPA) is a non-profit trade association representing over 220 firms engaged in the manufacture, formulation, distribution and sale of air care products, aerosols, antimicrobials, home, lawn and garden pesticides, pet care products, automotive chemicals, detergents, cleaning compounds and polishes and floor finishes for household, institutional or industrial use. Overall, sales of chemical specialty products approximate $50 billion in annual U.S. sales.

International Sanitary Supply Association

The International Sanitary Supply Association is a non-profit trade association comprised of over 4,600 manufacturers and distributors of institutional and industrial cleaning and maintenance products. Our members manufacture and distribute cleaners inlcuding air fresheners, bathroom and tile cleaners, bowl cleaners, carpet cleaning systems, disinfectants, floor finishes, germicides, general purpose cleaners, glass cleaners, oven cleaners, sanitizers, and a host of other cleaning products. As such our membership plays a key role in maintaining the sanitary and healthful conditions of institutional/industrial facilities such as day care centers, schools, hospitals, nursing homes, hotels, restaurants, and food processing plants.

National Pest Management Association

Founded in 1933 and comprised of 4500 domestic businesses, the National Pest Management Association is the national trade group for companies engaged in the business of managing pests such as ants, cockroaches, rodents, spiders, stinging insects, stored product pests (including grain and fiber) and termites in a variety of settings, including single and multi-family residences, office buildings, hospitals, schools, daycare centers, restaurants, and food processing facilities.

RISE (Responsible Industry for a Sound Environment)

RISE (Responsible Industry for a Sound Environment)® is the national association representing the manufacturers, formulators, distributors and other industry leaders involved with pesticide and fertilizer products used in turf, ornamental, pest control, aquatic and terrestrial vegetation management and other non-food/fiber applications.

National Pest Management Association, Responsible Industry for a Sound Environment, American Crop Protection Association, Consumer Specialty Products Association, Chemical Producers and Distributors Association, International Sanitary Supply Association

June 15, 2001

The Honorable Tom Daschle
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Trent Lott
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Senators Daschle and Lott:

We, the undersigned groups, are writing to express our support for the recently-negotiated School Environment Protection Act as an amendment to S. 1, the Better Education and Teachers Act.

Over the past few months, we have worked closely with Senate staff and the National Coalition Against the Misuse of Pesticides to reconcile differences between Senator Torricelli's original amendment and our proposal. The compromise amendment is the byproduct of that work. We support this compromise amendment and are committed to its passage in the U.S. Senate and its enactment into law.

The compromise amendment balances the need to protect school children from harmful pests in and around schools while satisfying the interests of parents who are interested in being provided information about pest treatments. Most importantly, however, the compromise amendment promotes stewardship of pest management tools and the best pest management practices that we, the U.S. Environmental protection Agency and other groups have long endorsed, and ensures that pesticide products can continue to be responsibly used, in schools and other venues.

We believe that work on this important legislation clearly illustrates that our industry product benefits are important to society ... from controlling mosquitoes that spread West Nile Virus to eliminating cockroaches that are a major contributor to childhood asthma and threats from disease-carrying microbes.

We applaud the interest and commitment of those who negotiated this compromise to the responsible management of pests at schools and look forward to working with you throughout the remainder of the legislative process.

(more)

Sincerely,

Robert Rosenberg
National Pest Management Association

Allen James
Responsible Industry for a Sound Environment

Jay Vroom
American Crop Protection Association

Chris Cathcart
Consumer Specialty Products Association

Warren Stickle
Chemical Producers and Distributors Association

Bill Balek
International Sanitary Supply Association

cc: The Honorable Christopher Bond
The Honorable Judd Gregg
The Honorable Tom Harkin
The Honorable Edward Kennedy
The Honorable Richard Lugar
The Honorable Barabara Mikulski
The Honorable Robert Torricelli

The Problem with Pests

Children's Health at School

"Cockroaches, ants, wasps, head lice and rodents – the pests most commonly found in schools – do more than disrupt the learning environment. These pests pose serious health threats to children."

American School & University magazine
March, 1999 issue, "A Bug's Life" article

"Children, just by nature of their size, are very vulnerable to stinging and biting. Children are also most vulnerable to vector-borne diseases (carried by insects) because their immune systems are still developing. Since they have not been exposed to much, reactions can be more severe than with adults."

Dr. Jerome Goddard, clinical assistant professor of preventive medicine, University of Mississippi Medical School.

"Cockroach droppings exacerbate asthma, particularly in children. Ants can transmit staph and strep infections, and rodents can transmit Hantavirus, a deadly respiratory infection."

American School & University magazine
March, 1999 issue, "A Bug's Life" article

"Allergies to cockroaches are second only to house dust mites in frequency among asthmatics . . . Asthma affects 13 million Americans and is the most common cause for hospitalization and school absences among children."

Dr. Michael F. Potter, professor and extension entomologist, University of Kentucky

"Children are most susceptible to head lice merely because of a child's playful behavior and personal contact. The reason we are seeing lice epidemics is because the lice have gradually become resistant to over-the-counter treatments."

Dr. Phil Koehler, entomology professor,
University of Florida

"The public doesn't have a very good grasp of the relationship between the dose of a toxic substance and its risk in human beings . . . The risk of being killed by an automobile (one in 6000) is much greater than any hypothetical risk of a pesticide."

Dr. C. Everett Koop, Former U.S. Surgeon General

Solutions

"The good news is that we can put a stop to some of these problems. Pest control is a matter of education, personal protection, sanitation and elimination.

Dr. Jerome Goddard, clinical assistant professor of preventive medicine, University of Mississippi Medical School

"Public concern about the health and environmental risks associated with pesticides is increasing, particularly when children are involved. This has resulted in increased interest in the use of equally effective alternative pest control methods. Integrated Pest Management (IPM) is an alternative approach to traditional pest control methods."

Integrated Pest Management in Schools
And other Public Institutions
West Virginia Department of Agriculture

"Integrated Pest Management (IPM) is a safer, more effective alternative to routine pesticide spraying."

Illinois Task Force on Pesticides and Children's Health

"You cannot lead rodents or cockroaches out of a home, school or restaurant by playing a flute or by waving a meat cleaver. Management of pests requires an organized plan and often more than one tool or tactic. While pesticides are no panacea, when used responsibly and with discretion, they are invaluable tools in the fight against pests."

Dr. Michael F. Potter, professor and extension entomologist, University of Kentucky

"Pesticides are important public health tools in destroying health threats. I've heard them referred to as 'environmental medicines,' and I agree with that concept."

Dr. Jerome Goddard, clinical assistant professor of preventive medicine, University of Mississippi Medical School.

"Many IPM techniques are just good maintenance practices that we should be employing anyway."

Sue Kamuda, Community Consolidated School District 181, Hinsdale, Illinois

BITING, STINGING, DISEASE-CARRYING

PROBLEM PESTS

Pest	Health Threat
Cockroaches	Asthma, can cause death
Mosquitoes	Encephalitis (inc. West Nile), Malaria Dengue Hemorrhagic Fever
Rats, Mice, Rodents	Leptospirosis, Hantavirus Plagues: Bubonic, Septicemic, Pneumonic
Ticks	Lyme Disease, Rocky Mountain Spotted Fever Ehrlichiosis
Fleas	Plagues: Bubonic, Septicemic, Pneumonic, Typhus
Fire Ants/Other Ants	Severe stings, often requiring emergency treatment
Lice	Intense itching, loss of sleep
Mites	Scabies (skin infestation, causing severe itching, bacterial infections)
Bees/Wasps	Anaphylactic shock from severe allergic reactions, death if untreated

INSECT VECTOR ANALYSIS

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS W/ LOSS OF OPs & CARBAMATES**
COCKROACH	* Disease pathogen transmission (*asthma allergen*) Infestation especially high in urban areas SICKNESS: In a 1993 study, 476 children with asthma were recruited from eight inner-city areas in the U.S. Data on morbidity due to asthma were collected over a one-year period. **36.8% of the asthmatic children were allergic to cockroach allergen**[1] 2000 figures indicate 15 million Americans are afflicted with asthma (incl. 4.4 mil children). Between 1980 and 1994, the % of Americans with asthma increased 75% & that of preschool children increased 160% . Minorities & poor have highest asthma rate. In 1995, African-Americans were more than four times more likely than whites to visit an emergency room because of asthma. Hospitalization rates for Hispanic children in New York City are three times higher than the national average. Estimates of Medicaid/ Medicare expenditures for treatment of asthma exceed $1 bil/yr[2] Asthma caused over 1.5 mil emergency room visits and approximately 500,000 hospitalizations in the US in 1995[3]	**US deaths for children** (under 19 years of age) from exogenous asthma[4] (allergic to cockroach, cosmetics, dander, dust, pollen, feathers, food and hay): **1993: 159; 1994: 179; 1995: 197; 1997: 182; 1998: 201** Death rates for Hispanic children in New York City are three times higher than the national average[2] 5,637 deaths in the US were attributed to asthma in 1995[3]	Sanitation, exclusion, trapping, vacuuming, insecticides	Fewer tools for preventing resistance buildup; fewer alternatives for OTC and professional use

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS W/ LOSS OF OPs & CARBAMATES**
MOSQUITO	Disease transmission (*Viral encephalitis*: Eastern Equine, St. Louis, Western, California and La Cross Encephalitis, *West Nile Virus, Malaria, Dengue Hemorrhagic Fever*) SICKNESS: 62 cases of *West Nile Virus* were identified in 1999. In 2000, 21 persons were identified with acute illness attributed to West Nile virus infection[5] There is a small, but significant risk for dengue outbreaks in the US. Most cases are introduced by travelers returning from areas where dengue viruses are endemic. From 1977 to 1994, a total of 2,248 suspected cases of imported dengue were reported in the US, 481 cases were confirmed[6] In 1998, a total of 90 confirmed or probable cases of dengue were imported into the United States and diagnosed in CDC's Dengue Branch. One case in a man aged 65 years was fatal. The number of cases reported in 1998 is higher than the 56 confirmed or probable cases reported in 1997. No indigenous cases were reported in the United States. [7] *Encephalitis*: 1993-1997 confirmed and probable encephalitis in the US[8]: 1993: 78, 1994: 99, 1995: 101, 1996: 132, 1997: 139, 1998: 125. **Of the 125 reported cases in 1998, 90 of the cases were children less than 15[9]** Most malarial infections in the US occur in persons who've traveled outside the US. Number of cases reported to CDC 1993, and 1994:[10] 1,275 with onset of symptoms during 1993; and 1,014 cases during 1994 (five of these cases acquired in the US). CDC reported cases of malaria 1993-1998: 1993: 1411; 1994: 1229; 1995: 1419; 1996: 1800, 1997, 2001; 1998: 1611. Of the 1600	7 from *West Nile virus* in 1999[12] 1adult from *dengue* in 98[7] **US deaths for children** (under 19 years of age) from *encephalitis*[4] 1993-1995, 1997-1998: **1995: 1; 1997: 3** **US deaths for children** (under 19 years of age) from *malaria*[4] 1993-1995, 1997-1998: **1993: 3; 1994: 1; 1995: 2; 1997: 0; 1998: 3**	Drainage of breeding sites, exclusion, repellents, larvicides, adulticides	Fewer tools for preventing resistance buildup; fewer alternatives for professional use; currently resistance to pyrethroid alternatives for mosquito control in 14 states

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS W/ LOSS OF OPs & CARBAMATES**
RATS & RODENTS	Carriers for bacterial and viral disease (*Leptospirosis, 4 hantaviruses, plagues*) SICKNESS: *Leptospirosis*: CDC reported cases 1991-1994: 58, 54, 51 and 38 respectively.[10] Up to 10% of those infected develop a serious systemic form of the illness which can result in jaundice, acute kidney failure, internal bleeding, aseptic meningitis and occasionally death[13] *Hantaviruses*: Cause hantavirus pulmonary syndrome (HPS), an acute respiratory illness often requiring intensive care. Through 12/7/2000, CDC confirmed 277 cases of HPS in the US[14]. Over 70% of cases originate from rural areas[15] HPS was first recognized following an outbreak in 1993 affecting 53 people in AZ, UT, NM and CO. Since 1993, 252 cases of HPS have been diagnosed in the US. About 40% of the cases have been fatal.[16] In 1998, a total of 30 cases of HPS reported from 12 states were confirmed by CDC. Nine (30%) cases were fatal[9] *Plagues*: The principal forms of plague are bubonic, septicemic, and pneumonic. Plague in the US has occurred as mostly scattered cases in rural areas, an average of 10-20 persons each year. When left untreated, plague will cause a severe and fatal condition [17] In 1998, 9 cases were reported in the US. **One of the 9 cases was a child** [10]	Up to 10% of those infected with *leptospirosis* become seriously ill, which can cause death[13] **US deaths for children** (under 19 years of age) from *leptospirosis*[4] 1993-1995, 1997-1998: **One child in 1995** In 1998, 9 deaths from HPS[9] About 14% (1 in 7) of all plague cases in US are fatal[17] **US deaths for children** (under 19 years of age) from *plague*[4] 1993-1995, 1997-1998: **One child in 1994**	No effective treatment exists for HPS, so prevention is main tool for reducing adverse impact; limit rodent exposure/ infestation by rodent-proofing, trapping, rodenticides Control rodent populations around places where people live, work and play; cargo inspection and fumigation on port docks is important[17]	Fewer alternatives for control, eradication

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS W/ LOSS OF OPs & CARBAMATES**
TICK	* Disease transmission (*Rocky Mountain Spotted Fever, Ehrlichiosis, Lyme Disease*) SICKNESS: From 1986 through 1997, 1,223 cases of *ehrlichiosis* were reported by state health departments. The annual number of reported cases has increased sharply growing from 69 cases in 1994 to 364 cases in 1997. First recognized in the US in 1986, ehrlichiosis is believed to be underreported in the US. It can cause respiratory distress, kidney failure, neurologic disorders, and meningitis[18] During 1992-1998, 88,927 cases of *lyme* disease were reported to CDC by 49 states and DC; 92% were of cases reported from CT, MD, MA, MI, MN, NJ, NY, OR, RI, WV, WI; children ages 5-9 & adults ages 45-54 had the highest incidence. [19] In 1992, a total of 9,896 cases of lyme disease were reported in the US. In 1998, a total of 16,801 cases were reported, the highest number ever reported. **Of the 16,801 cases in 1998, the number of children less than 15 were 4186**[10] *Rocky Mountain Spotted Fever*. The total number of US cases reported to CDC for 1998 was 365. **Of the 365 cases in 1998, the number of children less than 15 were 85**[10]	As high as 5-10% case-fatality rate for *ehrlichiosis*[18] **US deaths for children** (under 19 years of age) from *lyme disease*[4] 1993-1995, 1997-1998: (includes baronellosis and babesiosis): **1993: 14; 1994: 20; 1995: 14; 1997: 16; 1998: 14** **US deaths for children** (under 19 years of age) from *rocky mountain spotted fever*[4] 1993-1995, 1997-1998: **1994: 1; 1995: 2; 1997: 2; 1998: 1**	Avoidance, prevention, habitat management, insecticides to vector spray, insecticide repellents, host-targeted acaricides	Fewer alternatives for OTC, professional, vector use

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS IF OPs & CARBAMATES** ARE LOST
TERMITE	Severe damage to structures Anxiety, stress		Barriers, bait, wood, insecticides	More frequent treatments with less persistent alternatives
FLEA	*Bites (nuisance) Disease carriers (plagues, typhus) SICKNESS: Plagues: bubonic, septicenic, pneumonic, 390 cases in 47-96, mostly in AZ, CO, CA, NM, 10-20 cases av./yr in mostly rural areas	2 from plagues in 96 (AZ, CO), About 14% (1 in 7) plague cases are fatal	Vacuuming, steam cleaning carpet, Insecticides: on-animal treatment, premise treatment	Resistance to available insecticides
FIRE ANTS & OTHER PEST ANTS	*Fire ants: bites, stings, hospital visits (nuisance), weaken sidewalks, patios, and slabs by soil excavation Other ants: nuisance, possible transmission of pathogens	Death in allergic individuals	Sanitation, exclusion, Insecticides	Fewer alternatives for OTC/professional use

104

104

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS IF OPs & CARBAMATES** ARE LOST
TERMITE	Severe damage to structures Anxiety; stress		Barriers, bait, wood, insecticides	More frequent treatments with less persistent alternatives
FLEA	*Bites (nuisance) Disease carriers (plagues, typhus) SICKNESS: Plagues: bubonic, septicenic, pneumonic, 390 cases in 47-96, mostly in AZ, CO, CA, NM, 10-20 cases av./yr in mostly rural areas	2 from plagues in 96 (AZ, CO), About 14% (1 in 7) plague cases are fatal	Vacuuming, steam cleaning carpet, Insecticides: on-animal treatment, premise treatment	Resistance to available insecticides
FIRE ANTS & OTHER PEST ANTS	*Fire ants: bites, stings, hospital visits (nuisance), weaken sidewalks, patios, and slabs by soil excavation Other ants: nuisance, possible transmission of pathogens	Death in allergic individuals	Sanitation, exclusion, Insecticides	Fewer alternatives for OTC/professional use

PEST	HEALTH THREAT & SICKNESS	U.S. DEATHS	AVAILABLE CONTROLS & ALTERNATIVES	POTENTIAL PROBLEMS IF OPs & CARBAMATES** ARE LOST
LICE	SICKNESS: Not known to transmit infectious agents, head lice *pediculus humanus capitis*, are an annoyance, causing itching and loss of sleep. Head lice infestation is common and is passed from person-to-person. Preschool and elementary-age children are infected most often[20]		Apart from mechanically removing lice and nits, which is a time - consuming method, or shaving the head, insecticides belonging to various classes have been used to kill lice. To live, lice must feed on blood and thus die within 1 to 2 days off host. Change or launder child's pillowcases, sheets, pajamas, towels and stuffed animals. A child's car seat may benefit from vacuuming[21]	
MITE	SICKNESS Scabies is an infestation of the skin by the sarcoptes scabei mite. It is acquired by direct, prolonged, skin-to-skin contact with a person already infested with scabies. Presenting with pimple-like irritations, burrows or rash of the skin, scabies cause fierce, intense itching. Sores resulting from scratching can become infected with bacteria[22]		Because the usual mode of transmission of scabies is close body contact, washing after contact with infected person is useful. All clothes, bedding, and towels used by the infested person should be washed in hot water; dry in a hot dryer. [20] Retreatment may be necessary	

*Public health threat of particular concern with loss of organphosphate and carbamate pesticides
**OPs and carbamates represent approximately 80% of insecticides available in the U.S. market

Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

July 18, 2001

Please Respond to:

The Honorable Bill Nelson
716 Hart Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Nelson:

I am writing to call your attention to concerns associated with the School Environment Protection Act of 2001 (Amendment No. 805) adopted as part of Senate Bill S.1, the Better Education for Students and Teachers Act, in and for the 107th Congress.

This amendment places significant responsibilities on State Pesticide Control Agencies to develop and implement plans relating to the use of pesticides on school property. However, no resources to administer this new program have, as of yet, been adopted as part of this measure. As head of Florida's primary agency for pesticide enforcement and certification, I am concerned the Amendment, as currently worded, will adversely impact existing program functions and further complicate efforts to enforce other federal pesticide requirements.

I am also concerned the re-entry and notification requirements in the Amendment may preclude the State's ability to effectively conduct mosquito control applications that are necessary to prevent human disease outbreaks and to reduce high mosquito populations. For example, if a mosquito control district located the presence of a mosquito infestation on or around school property on a Monday, under the proposed notification requirement, no treatments could commence until and including some time on Wednesday of the same week. In addition, even though none of our currently EPA registered public health pesticides for controlling mosquitos require a post treatment reentry time, the Bill would prevent school personnel and children from returning until 24 hours after treatment.

Over the past several years, the State Pesticide Programs have shared their concerns at various levels about the availability of adequate federal funding to support pesticide program responsibilities that have been added or expanded through action by the EPA or Congress. State capacity to address agricultural worker protection, laboratory methods and instrumentation, water quality, endangered species, and other related programs has been lacking as new responsibilities

have been added. In many instances, States have not had the resources needed to conduct operations that provide a meaningful level of prevention or response because adequate funding for new federal initiatives has not been provided.

In light of the aforementioned concerns, I am requesting your help in analyzing the fiscal impact of this amendment, and in securing the resources necessary for its proper implementation and enforcement. I also ask that appropriate modifications be made to assure critical mosquito control efforts to protect public health are not inappropriately restricted.

I greatly appreciate the opportunity to share my concerns on this important matter. Please feel free to contact me or Mr. Jay Levenstein of my staff at 850-488-3022 if you have any questions or need additional information.

Sincerely,

Charles H Bronson

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

cc: Florida Congressional Delegation
Dr. Martha Roberts
Mr. Jay Levenstein
Mr. Steven Rutz
Mr. George Wichtenman

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement (OERI)
Educational Resources Information Center (ERIC)

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