

**CLARKSTON SCHOOL DISTRICT
ENVIRONMENTAL, HEALTH, AND SAFETY MANAGEMENT SYSTEMS**

Pesticide Notification and Posting Procedure

- I. Purpose: The maintenance department of the Clarkston School District is responsible for maintaining the grounds and facilities of the district free from pests (such as noxious weeds, harmful insects, rodents and vermin) to ensure a safe, healthy, and pleasant environment for students and employees. Wherever possible, non-chemical options for pest management will be used. These options of “Integrated Pest Management (IPM) may include cultivation, maintaining healthy plantings or turf, and hand pulling for weed control. For management of insects, controls may include pruning out areas of infestations or planting resistant varieties. Traps may be used to catch and eliminate rodents.

However, when non-chemical management practices are not effective, pesticides may be used to control or eliminate pests on District property.

This policy specifies the pest control methods used by the Clarkston School District and identifies the procedures that will be followed to meet the requirements of Senate Bill 5533 and Chapter 17.21 RCW, *The Pesticide Application Act*.

- II. Summary: This district will:
- A. Provide annual notification of the districts’ pest control policies and methods to the parents or guardians of its students, and to its employees;
 - B. Provide 48-hour pre-notification to interested parents and guardians and employees of pesticide applications;
 - C. Meet posting requirements related to pesticide applications and storage;
 - D. Provide an annual summary of pesticide applications to interested persons; and,
 - E. Meet other Department of Agriculture record keeping requirements.
- III. Scope: This policy applies to pesticide use in all school buildings, playfields, maintenance facilities and all other properties of the Clarkston School District.
- IV. Pest Control Methods:
- A. Pesticides Used: The Clarkston School District utilizes certain pesticides to control pests on properties of the district. The table in Appendix A specifies the type, location, and method of application.
 - B. Registered Pesticides: Only pesticides registered for use with the United States Environmental Protection Agency (EPA) will be used.
 - C. Licensing: Only district employees who have obtained a Public Operator license and/or Private Commercial licensed contractors are allowed to apply restricted use pesticides or to apply pesticides with motorized, mechanical or pressurized power equipment. This restriction does not apply to hand sized household devices used to apply any pesticide. This does not apply to equipment in which the person applying the pesticide is the source of power or energy in making the application (e.g., pressurized backpack applicators).
 - D. Storage Requirements: All pesticides will be stored according to the restrictions, required by the Washington State Department of Agriculture (WSDA). See Appendix B for a copy of the storage requirements and how the rules apply to pesticide storage in this district.

E. Pesticide Container Disposal and Recycling:

- a) Pesticide containers will be rinsed and recycled or disposed of as soon as they are empty. A properly rinsed container (triple or power rinsed) is not considered a hazardous waste.
- b) Unrinsed pesticide containers are considered to be full for storage and disposal purposes.
- c) Rinsed pesticide containers that are not accepted by the local landfill will be disposed of through the Washington Pest Consultants Association (WaPCA) Container Recycling Program (<http://pep.wsu.edu/waste/wapca.html>).

F. Unused Product: Any pesticide determined to be unusable will be disposed of through the WSDA's waste pesticide disposal program. Contact information:

- a) Website: <http://www.wa.gov/agr/pmd/pesticides/collection.htm>
- b) E-mail: wastepesticide@agr.wa.gov
- c) Telephone: 1-877-301-4555; fax: (360) 902-2093
- d) Mailing address: Waste Pesticide Program, P.O. Box 42589, Olympia, WA 98504-2589

V. Notifications:

A. Annual Notifications:

- a) Clarkston School District will provide written notification of the school's pest control policies and methods annually to parents or guardians of students and employees.
- b) The annual notification will include information related to the schools posting and notification requirements.
- c) Parental/guardian notifications will be provided at the beginning of the school year or at the time of enrollment.
- d) Employees will receive notification on their first day of work with the school district and annually thereafter on the first reporting day of the school year.
- e) The annual notification will include the following information:
 - (1) Description of the district policy for pesticide application;
 - (2) A description of where pesticides may be applied (e.g., on playfields, in class rooms, cafeteria, etc.);
 - (3) Identification of who will apply the pesticides (commercial applicator, school employees or a combination of both);
 - (4) Information about the method for advanced (forty-eight hour) notification of pesticide use;
 - (5) Instructions on where and how parents may obtain information about pesticide use records and the annual summary of pesticide use. This includes information about whom to contact;
 - (6) See Appendix C for a copy of the District annual notification forms.

B. Pre-Application Notification:

- a) At least forty-eight (48) hours before a pesticide application to a school facility, the school will notify interested parents or guardians of students and employees. Interested persons are those who notify the School District by phone or in writing of their request for advanced notification.
- b) The pre-application notification will be posted in the main office on the bulletin board.
- c) The notification will include the following information:
 - (1) The product name of the pesticide to be applied;

- (2) The intended date and time of application;
 - (3) The location to which the pesticide is to be applied;
 - (4) The pest to be controlled; and
 - (5) The name and phone number of a contact person at the school.
- d) The school facility application will be made within forty-eight (48) hours following the intended date and time stated in the notification or the notification process shall be repeated.
- e) See Appendix D for a copy of the Clarkston School District Pre-Application Notification form.

C. Posting Requirements: At the time of application, signs will be posted as required by RCW 17.21.415:

- a) At the location of the application and at each primary point of entry to the school grounds. Signs will be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" (all capital letters) as the footer. The footer shall provide the name and telephone number of the contact person at the school. See Appendix E for a sample posting sign.
- b) Pesticide applications to school facilities other than school grounds will be posted at the location of the application. The signs shall be a minimum of 8.5 x 11 inches and will include the heading "Notice: Pesticide Application" and at a minimum will state:
 - (1) The product name of the pesticide applied;
 - (2) The date and time of application;
 - (3) The location to which the pesticide was applied;
 - (4) The pest to be controlled; and
 - (5) The name and phone number of a contact person at the school.
- c) This policy does not apply to the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.
- d) The pre-notification requirements do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.
- e) The pre-notification requirements do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. As soon as possible following an emergency school facility application, notifications will be made consistent with the normal pre-notification requirements.
- f) The school is not liable for removal of signs by unauthorized persons.

VI. Record Keeping:

- A. Records will be prepared by the Clarkston School District of all pesticide applications.
- B. Records will be maintained by each school in their main office for no less than seven years from the date of the application
- C. Pesticide records will be made readily accessible to the WSDA for inspection. On request, copies of the requested records will be provided to:
 - a) The WSDA;
 - b) The Department of Labor and Industries (L & I);

- c) Treating health care personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning;
 - d) The Department of Health;
 - e) The pesticide incident reporting and tracking review panel; and
 - f) The Department of Labor and Industries, the employee or the employee's designated representative (in the event of an industrial insurance claim filed under Title 51 RCW).
 - g) Copies of records provided to persons/entities listed above shall be in a format adopted by the WSDA under the provisions of RCW 17.21.100. A copy of this form is available in Appendix F.
- D. Records for each application will include the following information:
- a) The location of the land where the pesticide was applied;
 - b) The year, month, day, and beginning and ending time of the application of the pesticide each day the pesticide was applied;
 - c) The product name used on the registered label and the US EPA agency registration number, if applicable, of the pesticide which was applied;
 - d) The site to which the pesticide was applied;
 - e) The amount of pesticide applied per acre or other appropriate measure;
 - f) The concentration of pesticide that was applied;
 - g) The number of acres, or other appropriate measure, to which the pesticide was applied;
 - h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application and their license number, if applicable;
 - i) The direction and estimated velocity of the wind during the time the pesticide was applied. This requirement does not apply to application of baits in bait stations and pesticide applications within structures; and
 - j) Any other reasonable information required by the director in rule.
- E. The required information will be recorded on the same day that the pesticide is applied.
- F. A sample form for recording information regarding pesticide applications is included in Appendix F.
- G. Records of all pesticide applications to school facilities will be readily available to interested persons during regular school hours at the main school office.

VII. Annual Summary:

- A. An annual summary of pesticide applications to school facilities will be prepared and made available to interested persons.
- B. A copy of the annual summary will be maintained at the main Clarkston School District office.
- C. The annual summary will be maintained for the application period between September 1 to August 30.
- D. The annual summary will include:
 - a) The product name of all pesticides used during the previous year;
 - b) The active ingredients of all pesticides used during the previous school year;
 - c) Quantities of each pesticide applied by active ingredient and by amount of tank mix applied; and
 - d) The name(s) of the school(s) where pesticides were applied.
- E. A sample summary form is provided in Appendix G.

- VIII. Related Regulations:
The safe use of pesticides may be subject to the requirements of other rules and standards. Please refer to these for additional information regarding the safe use and transport of these chemicals:
- A. Hazard Communication
 - B. Personal Protective Equipment
 - C. Respiratory Protection
 - D. DOT Hazardous Materials Transportation
- IX. Policy Review:
- A. This policy will be reviewed and updated when changes in pesticide application occur. Examples of when this might happen include:
 - a) Change in pesticides routinely used;
 - b) Addition or elimination of pesticides used; or
 - c) Changes in WSDA regulations.
 - B. The Maintenance Director has responsibility for updating this policy.
 - C. It is the responsibility of the Director of Maintenance to ensure the requirements of this policy are met.
- X. Glossary:
A list of definitions used in specific sections of pesticide law related to the use of pesticides at public schools is found in Appendix H.

List of Appendices:

- A. List of Pesticides Used
- B. Pesticide Storage Requirements
- C. Annual Notification Letter
- D. Pre-Application Notification Letter
- E. Posting Requirements (School Grounds and Facilities)
- F. Pesticide Application Record Keeping Form
- G. Annual Summary
- H. Glossary

Appendix A: List of Pesticides Used

The following table lists pesticides that have been identified and approved for use in facilities of Clarkston School District. Only pesticides registered with the US EPA may be used.

<i>Pesticide(s) Used</i>	<i>Purpose</i>	<i>Where Applied</i>	<i>Application Method</i>
Round-up	Weed control	Athletic fields School playgrounds (perimeter) School lawns	Backpack sprayer Hand sprayer
Bird Halt	Pigeon Control	Structure roosting areas	Backpack sprayer Power sprayer
Horse Power	Broadleaf weed control	Athletic fields School playgrounds School lawns	Broadcast power sprayer Hand sprayer
40A Herbicide	Broadleaf weed control	Athletic fields School playgrounds School lawns	Broadcast power sprayer Hand sprayer

Appendix B: Pesticide Storage Requirements

The Clarkston School District will follow the requirements of the WSDA Pesticide Management Division (see pages following). Warning signs will be posted according to these requirements. See also, pages 6 and 7 of the hand-out booklet of the WSDA Pesticide Laws at:
<http://www.wa.gov/agr/PestFert/Pesticides/docs/PesticLawsBooklet.pdf>

WAC 16-228-1220 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.

- a) Requirements for unattended pesticides and their containers:
Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.
- b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.
- c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.
- d) Pesticides labeled with the signal word "danger/poison" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.
 - i. Closed vehicle.
 - ii. Closed trailer.

- iii. Building or room or fenced area with a fence at least six feet high.
- iv. Foot locker or other container which can be locked.
- v. Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.
- vi. Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.
- vii. Pesticides labeled with the signal word "danger when not accompanied by the signal word poison, pesticides labeled with the signal word "warning" and pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: Provided, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage.
 - a. Requirements for posting of storage area for pesticides [and their containers labeled with the signal words "danger/poison"]:
 - b. For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.
 - i. Warning signs shall be posted:
 - 1. On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;
 - 2. At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;
 - 3. If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: Provided, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

Appendix C: Clarkston School District Annual Notification Letter:

The following letters are intended to be distributed annually as notification of the Pest Management and Pesticide Notification and Posting Policy. Students will be provided a copy on the first day of school or at time of registration. . Employees will receive this notification on their first day of employment or, if a returning teacher, on the first reporting day of each school year.

CLARKSTON SCHOOL DISTRICT
P. O. Box 70
1294 Chestnut
Clarkston, WA 99403-0070

Date:

To: Parents/Guardians of Clarkston School District Students
Regarding: Use of Pesticides at Public Schools (K-12)

On May 15, 2001, Senate Bill 5533 was passed and signed by Governor Locke, creating new provisions to Chapter 17.21 RCW, *The Pesticide Application Act*. The new sections of the law became effective on July 1, 2002. The new law requires public schools and licensed day cares to notify parents and guardians and school employees of pesticide use on school grounds and in school facilities. Notification consists of two primary components: an annual notification and a notification prior to application (pre-notification). All pesticide applications must be posted and pesticide application records must be kept and made available.

This letter provides you information regarding the Clarkston School District policy regarding the use of pesticides on school grounds and in school facilities.

Policy: Clarkston School District has a policy of applying pesticides to control weeds, pests, and vermin when non-chemical control methods are ineffective. The full policy may be reviewed at the District office, 1294 Chestnut, during regular school hours.

Who will apply pesticides: School employees and/or commercial pesticide applicators will apply pesticides on school grounds and in school facilities. When restricted use pesticides are used, or when mechanized equipment is used to apply the pesticides, the applicator will possess a Public Operator license or Private Commercial license.

Pre-notification: RCW 17.21.415 requires a school to:

1. Establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility.

The Clarkston School District will provide forty-eight (48) hour advanced notification to interested parents, guardians and employees. The methods of notification will include:

- a) Registry of Contacts: if you wish to receive pre-notification for all pesticide applications, please indicate so by calling the District office (509-758-2531) or by writing a letter to us at P. O. Box 70, 1294 Chestnut, Clarkston WA 99403. Include your telephone number, fax number and e-mail address, or other means of contact.
- b) Notices sent home with students.

The notification system shall include a posting of the notification in a prominent place in the main office of the school.

2. All notifications to parents, guardians, and employees shall include the heading "Notice:
3. Pesticide Application" and, at a minimum shall state:
 - (a) The product name of the pesticide to be applied;
 - (b) The intended date and time of application;
 - (c) The location to which the pesticide is to be applied;

- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

4. A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

Please contact Superintendent of Schools at (509) 758-2531, if you have any questions regarding the use of pesticides in the Clarkston School District.

CLARKSTON SCHOOL DISTRICT
P. O. Box 70
1294 Chestnut
Clarkston, WA 99403-0070

Date:

To: Employees of Clarkston School District

Regarding: Use of Pesticides at Public Schools (K-12)

On May 15, 2001, Senate Bill 5533 was passed and signed by Governor Locke, creating new provisions to Chapter 17.21 RCW, *The Pesticide Application Act*. The new sections of the law became effective on July 1, 2002. The new law requires public schools and licensed day cares to notify parents and guardians and school employees of pesticide use on school grounds and in school facilities. Notification consists of two primary components: an annual notification and a notification prior to application (pre-notification). All pesticide applications must be posted and pesticide application records must be kept and made available.

This letter provides you information regarding the Clarkston School District policy regarding the use of pesticides on school grounds and in school facilities.

Policy: Clarkston School District has a policy of applying pesticides to control weeds, pests, and vermin when non-chemical control methods are ineffective. The full policy may be reviewed at the District office, 1294 Chestnut, during regular school hours.

Who will apply pesticides: School employees and/or commercial pesticide applicators will apply pesticides on school grounds and in school facilities. When restricted use pesticides are used, or when mechanized equipment is used to apply the pesticides, the applicator will possess a Public Operator license or Private Commercial license.

Pre-notification:

RCW 17.21.415 requires a school to:

1. Establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility.
2. The Clarkston School District will provide forty-eight (48) hour advanced notification to interested employees. The method of notification will include:
 - a. Registry of Contacts: if you wish to receive pre-notification for all pesticide applications, please indicate so by calling the District office (509-758-2531) or by writing a letter to us at P. O. Box 70, 1294 Chestnut, Clarkston, WA 99403. Include your telephone number, fax number and e-mail address, or other means of contact.
2. The notification system shall include a posting of the notification in a prominent place in the main office of the school.
3. All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum shall state:
 - a. The product name of the pesticide to be applied;

- b. The intended date and time of application;
 - c. The location to which the pesticide is to be applied;
 - d. The pest to be controlled; and
 - e. The name and phone number of a contact person at the school.
4. A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

Please contact Superintendent of Schools, (509) 758-2531, if you have any questions regarding the use of pesticides in the Clarkston School District.

CLARKSTON SCHOOL DISTRICT
P. O. Box 70
1294 Chestnut
Clarkston, WA 99403-0070

NOTICE OF ADVANCED PESTICIDE APPLICATION

Product name of pesticide to be applied: _____

Intended date and time of application: _____

Location to which the pesticide is to be applied: _____

The pest to be controlled: _____

Name and phone number of a contact person at the school: _____

Maintenance Supervisor at (509) 758-8041

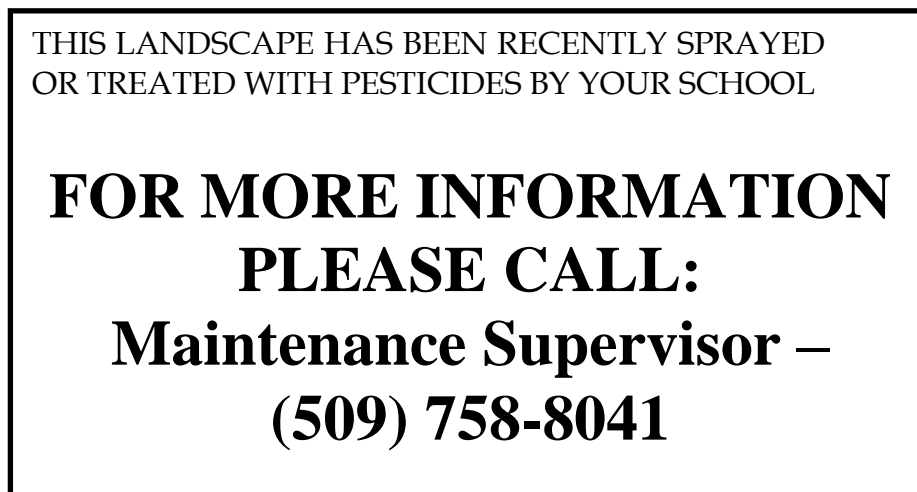
This notice is prepared and provided to interested student parents/guardians and employees of Clarkston School District, in according with the requirements of Chapter 17.21 RCW, The Pesticide Application Act.

Appendix E: Posting Requirements

Areas where pesticides have been applied must be appropriately posted according to the notification procedures outlined in the Pesticide Notification and Posting Policy, III. e (a-c). The following pages identify the format that will be used for these postings.

School Grounds Posters

- Must be at least 4 x 5" (it can be larger).
- Exact wording of notice – "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" – must NOT be changed. Information on contacts MUST be included. Additional information may be included but is not required.
- The marker is recommended to be positioned at least 12" from the ground.
- The marker should be placed at the time of pesticide application. The WSDA recommends posting occur just prior to the application.
- The posting must remain in place for 24-hours from completion of the application, or longer as required by the restricted entry interval time listed on the pesticide label. Signs must be removed after the required time interval to prevent sending a false message that additional applications have been made.
- Postings are required even if students do not occupy the school for at least two consecutive days after the application. Pre-notification, however, is not required in this situation.



School Facilities Poster:

- Must be at least 8.5 x 11" (it can be larger)
- The heading must be "Notice: Pesticide Application" and include the following:
 - Product name of the pesticide applied;
 - The date and time of application;
 - The location to which the pesticide was applied;
 - The pest to be controlled; and
 - The name and phone number of a contact person at the school. The contact person should be knowledgeable about when, where, and how the pesticide was applied. If a school employee made application, the contact person could be the individual who made the application or it could be the pest management coordinator at the school. If

a commercial applicator was contracted for the application, their name and number could be provided as the contact.

- The marker should be placed at the time of pesticide application. The WSDA recommends posting occur just prior to or immediately after the application.
- The posting must remain in place for 24-hours from completion of the application, or longer as required by the restricted entry interval time listed on the pesticide label. Signs must be removed after the required time interval to prevent sending a false message that additional applications have been made.
- Postings are required even if students do not occupy the school for at least two consecutive days after the application. Pre-notification, however, is not required in this situation.
- The posting is to be placed at the specific site (area) to which the pesticide is applied. Examples would include a kitchen, specific classroom, school bus, or outside of the structure if wall voids were drilled. The "location to which the pesticide was applied" would identify the specific location within that area that was treated. Example: "under the sink in kitchen" or "bus seats."
- It is the responsibility of the school to ensure that signs are properly posted.

Notice: Pesticide Application

Product Name: _____

Date and Time of Application: _____

Location to which the pesticide was applied: _____

Pest to be controlled: _____

Name and phone number of a contact person at the school: Maintenance Supervisor at (509) 758-8041.

Appendix F: Pesticide Application Record Keeping Form

The following form will be used to maintain records of all pesticide applications, as required by this policy and RCW 17.21.100.

NOTE:

- This document must be completed the same day as the application.

- This document must be stored for at least seven years and must be made available upon request by the individuals and entities identified within the body of this policy.
- This document will be used to generate the annual summary of pesticide applications made on school property. It is critical that all information be provided accurately and legibly.
- Return the completed document to the Maintenance Supervisor.

Appendix G: Annual Summary

A spreadsheet can be used to meet this requirement. Information from daily application records is put into the spreadsheet and then summarized at the end of the year. The summary year is from September 1 to August 30. Each school building/field should have a separate sheet.

Appendix H: Glossary

RCW 17.21.020

Definitions. (*Effective July 1, 2002.*)

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- 1) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.
- 2) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.
- 3) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private- private commercial applicator, demonstration and research applicator, or certified applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.
- 4) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.
- 5) "Department" means the Washington state department of agriculture.
- 6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.
- 7) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and

land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

- 8) "Director" means the director of the department or a duly authorized representative.
- 9) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.
- 10) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).
- 11) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.
- 12) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.
- 13) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.
- 14) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.
- 15) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.
- 16) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.
- 17) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.
- 18) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.
- 19) "Pesticide" means, but is not limited to:
- 20) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;
- 21) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
- 22) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.
- 20) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.
- 21) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines,

subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

- 22) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.
- 23) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.
- 24) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

[2001 c 333 § 1; 1994 c 283 § 1; 1992 c 176 § 1; 1989 c 380 § 33; 1979 c 92 § 1; 1971 ex.s. c 191 § 1; 1967 c 177 § 2; 1961 c 249 § 2.]

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