

2024 -- S 2296

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Miller, Gu, DiMario, LaMountain, Valverde, and Britto

Date Introduced: February 12, 2024

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-25-37 and 23-25-38 of the General Laws in Chapter 23-25
2 entitled "Pesticide Control" are hereby amended to read as follows:

3 **23-25-37. Pesticide applications and notification of pesticide applications at schools.**

4 (a) The department of environmental management and the department of health shall
5 develop regulations as follows: (1) to restrict the use of hazardous pesticides in schools, pre-schools
6 and child care centers in Rhode Island [including a prohibition on the use of any pesticide containing](#)
7 [the herbicide glyphosate](#); (2) for the promotion and implementation of integrated pest management
8 (IPM) as defined in § 23-25.2-2; (3) to cover situations where an emergency application of pesticide
9 must be conducted to eliminate an immediate threat to human health, and establish reporting
10 requirements for these emergency applications.

11 (b)[\(1\)](#) On and after July 1, 2001, no person other than a licensed or certified commercial
12 applicator as defined in § 23-25-4, shall apply pesticide within any building or on the grounds of
13 any school. This section shall not apply in the case of an emergency application of pesticide to
14 eliminate an immediate threat to human health, where it is impractical to obtain the services of any
15 such applicator; provided the emergency application does not involve a restricted use or state
16 limited use pesticide. For purposes of this section, "emergency" means a sudden need to mitigate
17 or eliminate a pest which threatens the health or safety of a student or staff member. [Provided,](#)
18 [further, effective July 1, 2024, this section shall not apply to any regional vocational agriculture](#)
19 [center.](#)

1 (2) On or after July 1, 2024, no person shall apply a lawn care pesticide on the grounds of
2 any public or private preschool or public or private school including, but not limited to, any day
3 care, charter school or vocational school with students in grade twelve (12) or lower; provided,
4 however, that:

5 (i) An application of a lawn care pesticide may be made at a public or private school as
6 provided in subsection (b)(2) of this section with students grade twelve (12) or lower on the playing
7 fields and playgrounds of such school pursuant to an integrated pest management plan, which plan;

8 (A) Shall be consistent with the model pest control management plan developed by the
9 department of environmental management and the department of health; and

10 (B) May be developed by a local district or regional school board;

11 (ii) An emergency application of a lawn care pesticide may be made to eliminate a threat
12 to human health as defined in subsection (b)(1) of this section.

13 (c)(1) On and after July 1, 2002, at the beginning of each school year, each local school
14 authority shall provide the staff of each school and the parents or guardians of each child enrolled
15 in each school with a written statement of the committee's policy on pesticide application on school
16 property and a description of any pesticide applications made at the school during the previous
17 school year.

18 (2) The statement and description shall be provided to the parents or guardians of any child
19 who transfers to a school during the school year. The statement shall: (i) indicate that the staff,
20 parents, or guardians may register for prior notice of pesticide applications at the school; and (ii)
21 describe the emergency notification procedures provided for in this section. Notice of any
22 modification to the pesticide application policy shall be sent to any person who registers for notice
23 under this section.

24 (3) Effective on and after July 1, 2024, local school authorities shall, at the beginning of
25 each school year, provide as part of the requirements of this section, an integrated pest management
26 plan.

27 (d) On and after July 1, 2002, parents or guardians of children in any school and school
28 staff may register for prior notice of pesticide application at their school. Each school shall maintain
29 a registry of persons requesting the notice. Prior to providing for any application of pesticide within
30 any building or on the grounds of any school, the local school authority shall provide for the
31 distribution of notice to parents and guardians who have registered for prior notice under this
32 section, such that the notice is received no later than twenty-four (24) hours prior to the application.
33 Notice shall be given by any means practicable to school staff who have registered for the notice.
34 Notice under this subsection shall include: (1) the common or trade name and the name of the active

1 ingredient; (2) the EPA registration number as listed on the pesticide label; (3) the target pest; (4)
2 the exact location of the application on the school property; (5) the date of the application; and (6)
3 the name of the school administrator, or a designee, who may be contacted for further information.

4 (e) On and after July 1, 2003, no application of pesticide may be made in any building or
5 on the grounds of any school during regular school hours or during planned activities at any school.
6 No child shall enter an area where the application has been made until it is safe to do so according
7 to the provisions on the pesticide label. This section shall not apply to the use of germicides,
8 disinfectants, sanitizers, deodorizers, antimicrobial agents, insecticidal gels, non-volatile insect or
9 rodent bait in a tamper resistant container, insect repellants or the application of a pesticide
10 classified by the United States Environmental Protection Agency as an exempt material under 40
11 CFR 152.25.

12 (f) On and after July 1, 2002, a local school authority may make an emergency application
13 of pesticide without prior notice under this section in the event of an immediate threat to human
14 health, provided the board provides for notice, by any means practicable, on or before the day that
15 the application is to take place, to any person who has requested prior notice under this section.

16 (g) On and after July 1, 2002, notice of any pesticide application at a school shall be given,
17 by any means practicable, to the parents or guardians of any child enrolled at the school and to the
18 staff of the school not later than one week after the application. The notice shall include: (1) the
19 common or trade name and the name of the active ingredient; (2) the EPA registration number as
20 listed on the pesticide label; (3) the target pest; (4) the exact location of the application on the
21 school property; (5) the date of the application; and (6) the name of the school administrator, or a
22 designee, who may be contacted for further information. A copy of the record of each pesticide
23 application at a school shall be maintained at the school for a period of five (5) years.

24 (h) Not later than July 1, 2002, the department of environmental management and the
25 department of health shall jointly establish a task force which shall specifically address methods to
26 promote public education and professional training about pesticides, their potential health effects
27 and IPM least toxic alternatives, and for evaluation and analysis of current pest control practices at
28 school and child care facilities. [The task force shall complete a report on its findings no later than](#)
29 [December 31, 2024 and shall submit a report to the governor, speaker of the house and president](#)
30 [of the senate detailing those findings.](#)

31 [\(i\) Storage of pesticides and pesticide containers prior to disposal. Effective July 1, 2024,](#)
32 [all unused or unwanted pesticides being stored prior to disposal, whether in sealed or previously](#)
33 [opened containers, and all pesticide containers that have not been or cannot be rinsed shall be:](#)

34 [\(1\) Kept in a secure enclosure; and](#)

1 [\(2\) Maintained so as to prevent:](#)

2 [\(i\) Deterioration of containers;](#)

3 [\(ii\) Unauthorized use;](#)

4 [\(iii\) Mishandling;](#)

5 [\(iv\) Loss;](#)

6 [\(v\) Contamination of the environment; and](#)

7 [\(vi\) Risk to the public health.](#)

8 [\(j\) The department of education shall provide to each school district, school board of each](#)
9 [school district, superintendent of each school district, and any day care center under the supervision](#)
10 [of the department of education with an explanation and the requirements of the pesticide application](#)
11 [and notification law.](#)

12 **23-25-38. Pesticide applications and notification of pesticide applications at pre-**
13 **schools and child care centers.**

14 (a)(1) On and after July 1, 2003, no application of pesticide may be made by any person
15 other than a certified or licensed commercial applicator as defined in § 23-25-4 in any building or
16 on the grounds of any pre-school, child day care center, group/family day care home or family day
17 care home, during regular business hours. No child enrolled at such center or home may enter an
18 area where pesticides have been applied until it is safe to do so according to the provisions on the
19 pesticide label. For purposes of this section, emergency shall mean a sudden need to mitigate or
20 eliminate a pest which threatens the health or safety of a student or staff member. This section shall
21 not apply to the use of germicides, disinfectants, sanitizers, deodorizers, antimicrobial agents,
22 insecticidal gels, non-volatile insect or rodent bait in a tamper resistant container, insect repellants,
23 insecticidal disks, or the application of a pesticide classified by the United States Environmental
24 Protection Agency as an exempt material under 40 CFR part 152.25.

25 [\(2\) On and after July 1, 2024, no person shall apply a lawn care pesticide on the grounds](#)
26 [of any pre-school, child day care center, group/family day care home or family day care home,](#)
27 [provided, however, that;](#)

28 [\(i\) An application of a lawn care pesticide may be made at a pre-school, child day care](#)
29 [center, group/family day care home or family day care home; on the playing fields or playgrounds](#)
30 [of such school pursuant to an integrated pest management plan, which plan shall be consistent with](#)
31 [the model pest control management plan developed by the department of environmental](#)
32 [management and the department of health; and](#)

33 [\(ii\) An emergency application of a lawn care pesticide may be made to eliminate a threat](#)
34 [to human health as defined in § 23-25-37.](#)

1 (b) On and after July 1, 2002, notice of any pesticide application at any such center or home
2 shall be given, by any means practicable, to the parents or guardians of any child enrolled at the
3 center or home not later than twenty-four (24) hours before the application. The notice shall include:
4 (1) the common or trade name and the name of the active ingredient; (2) the EPA registration
5 number as listed on the pesticide label; (3) the target pest; (4) the exact location of the application
6 on the property; (5) the date of the application; and (6) the name of the pre-school or child care
7 center owner/operator or their designee.

8 [\(c\) The Rhode Island department of health shall provide any private pre-school, child day](#)
9 [care center, group/family day care home or family day care home with an explanation and the](#)
10 [requirements of the pesticide application and notification law.](#)

11 SECTION 2. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
12 hereby amended by adding thereto the following section:

13 **16-21-42. PFAS in artificial athletic fields - Task force.**

14 [Not later than July 1, 2025, the department of environmental management and the](#)
15 [department of health shall jointly establish a task force which shall specifically address the](#)
16 [presence of and potential health risks associated with the presence of poly-fluoroalkyl substances](#)
17 [\(PFAS\) in artificial athletic fields at private and public schools in Rhode Island. The task force](#)
18 [shall report its findings no later than January 1, 2027 to the governor, speaker of the house and](#)
19 [president of the senate.](#)

20 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

1 This act would prohibit the application of lawn care pesticides on the grounds of any public
2 or private pre-school or public or private school with students in grade twelve (12) or lower, except
3 in an emergency situation or to be used on the playing fields and playgrounds of the school as well
4 as pre-schools and child care centers pursuant to an integrated pest management plan as developed
5 by the department of environmental management and the department of health and would create a
6 task force to study health risks of the PFAS in athletic fields to students, who use them.

7 This act would take effect upon passage.

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