



**Compliance Guide
for the
Use of Pesticides
at
Public Schools (K-12)
and
Licensed Day-Care Centers**

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COMPLIANCE GUIDE FOR THE USE OF PESTICIDES AT PUBLIC SCHOOLS (K-12) AND LICENSED DAY-CARE CENTERS

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Purpose of this Manual

Compliance with the new pesticide notification and posting law will provide a greater level of protection for students, employees and visitors of public schools and licensed day-care centers. WSDA will be enforcing the provisions of the law and has prepared this manual in order to assist in understanding of the law, achieving compliance and getting information out to interested persons about their responsibilities. As with any new law, there are some areas where the requirements are not specific and are open to interpretation. This manual outlines the specifics of the law and discusses those areas that may be open to interpretation in order to provide the highest level of protection for students and school employees.

Also included in this manual is information on the storage and disposal of pesticides and their containers, which may be useful to you.

Summary

Pesticide Use in Public Schools and Licensed Day-Care Centers

What is the definition of a pesticide?

- (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;
- (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
- (c) 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.

Who must comply with the notification and posting requirements for pesticide use in schools and day-care centers?

All public schools (K-12) and licensed day-care centers. The law does not include private schools or unlicensed (home) day-care or adult day-care centers.

What are the Requirements?

1. Notification (Pages 13-19)

- a. Annual notification of the pest control policies and methods.
- b. Pre-Notification to interested parents or guardians and employees at least forty-eight hours before an application
- c. Posting of the notification in a prominent place in the main office of the school
- d. Emergency and other exceptions

2. Posting (Notification) Signs (Pages 20-27)

- a. Outdoors - At the location of the application and each primary point of entry to the grounds, at least 4x5 inches in size, state the landscape has been treated and list a contact telephone number.
- b. Indoors - At the location of the application, at least 8.5 x 11 inches in size, include the product name, date, time and location of the application, the pest and a contact name and telephone number.
- c. Posting of the notification in a prominent place in the main office of the school
- d. Exceptions

3. Licensing (Page 30)

School employees do not need to be licensed to apply pesticides unless they are using state or federally restricted use pesticides or using motorized, mechanical or pressurized power equipment (does not include pressurized backpacks or hand-held spray cans).

4. Records (Pages 28-29)

- a. Annual summary available to interested persons
- b. Department of Agriculture requirements

INTRODUCTION

A new law takes effect July 1, 2002 that requires public (K-12) schools and licensed day-care centers to provide annual notification of their pest control policies and methods, establish a system to notify parents or guardians and employees of planned pesticide use and post signs where pesticides have been applied.

Reasons behind the new law

Much attention has been focused in recent years on the impact of pesticides on children's health. Because of this concern, federal laws related to pesticide registration have been changed, funding was made available for new research evaluating children's environmental health risks and numerous national, state and local efforts to minimize children's exposure to pesticides were initiated.

The Washington State Department of Agriculture (WSDA) supports efforts that increase the safe use of pesticides around children and cooperated fully in the development of the new legislation. Fortunately, there have been few reported instances of exposure or improper use of pesticides in our schools but the new law should reduce exposure potential even further.

Proposal and Passage of the new Law

During the 2000 legislative session, significant attention was paid to several bills requiring the posting and notification of pesticide applications at schools and day-care centers. None of these bills became law but they did prompt the formation of a task force representing state and federal agencies, environmental groups, school districts, pesticide applicators and interested citizens. After a considerable amount of work by the task force, WSDA developed a proposal that was brought forth to the legislature for the 2001 session. Task force participants supported the final proposal in whole or in part.

The task force proposal not only called for posting and notification, but also required all school and day-care center employees who apply pesticides to be licensed by WSDA. The proposal was supported by private schools although they ultimately were exempted from the law.

After many hearings, lots of discussion with lawmakers and members of the task force, and several amendments, Senate Bill 5533 passed and was signed by Governor Locke on May 15, 2001. The licensing provision was not included in the final version of the bill due to economic concerns and questions about the need to expand licensing requirements. The new sections became part of Chapter 17.21 RCW, The Pesticide Application Act, and are effective July 1, 2002.

Major Provisions of the Law

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.

Annual Notification

All public schools and licensed day-care centers must provide a written annual notification to parents or guardians and to school employees. This notification must inform them of the school's pest control policies and methods and the requirements for posting and pre-notification.

Pre-notification

A system must be in place that, at a minimum, notifies interested parents or guardians and school employees at least forty-eight hours before a pesticide application. Notification must state the location, intended date and time of the application, the pest to be controlled and the name and telephone number of a contact person at the school or day-care center.

Posting

The new law requires posting of all pesticide applications at the time of the application. The poster (sign) must remain in place a minimum of twenty-four hours. Schools are not liable for posters that are removed by unauthorized individuals. Posting requirements are different for pesticide applications made to school grounds (outdoors) versus applications to school structures (indoors).

Pesticide applications made to school grounds must be posted at the location of the application and at each primary point of entry to the school grounds. The signs must be at least 4 inches by 5 inches in size and must state "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL", and must also include a statement on who to call for more information.

- e. Pesticide applications made to school structures and other school facilities must be posted at the location of the application. The signs must be at least 8.5 x 11 inches in size. The signs must state the name of the pesticide applied, the date, time and location of the application, the pest to be controlled and a contact name and telephone number. Posting of the notification in a prominent place in the main office of the school is also required.

Records

In addition to WSDA's existing recordkeeping requirements for certified applicators public schools and day-care centers must keep an annual summary of all applications are required. The schools must make the annual summary readily available to interested persons.

General Questions and Answers

When does the law go into effect?

July 1, 2002

Does this law require that a school practice integrated pest management (IPM)?

No. The law is not an IPM law. WSDA encourages schools to learn about the importance of IPM and utilize these principles to appropriately manage pest problems.

Do school employees need to be licensed to apply pesticides at my school?

No. See the section on licensing to determine the need for a license. WSDA encourages school employees who are applying any type of pesticide with any type of apparatus to become licensed.

Do schools have to hire licensed pest control operators for pesticide applications at a school?

The law does not require this. Again, see the licensing section for specific WSDA requirements. If a school does contract with a commercial company to apply any type of pesticide, the company and the individual must be licensed.

Do school employees need a license to apply a wasp spray to treat a yellowjacket nest in the ball fields?

A school employee would not need a license unless a restricted use pesticide is used or they were applying a pesticide using a power apparatus.

Can school employees pour in a mixture of ammonia and vinegar to control an ant nest instead of using a pesticide?

No. Only a registered pesticide is legal to use. All pesticides must be registered with the Environmental Protection Agency (EPA) and used only on the specific sites listed on the label.

Do school employees need a license to use disinfectants?

No. Disinfectants are classified as antimicrobials. This law does not apply to the use of antimicrobial pesticides.

What exactly are antimicrobial pesticides?

"Antimicrobial pesticides" are pesticides that are used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and are intended for use as a disinfectant or sanitizer. They would include products to clean surfaces, food preparation areas, bathrooms, locker rooms, and swimming pools.

Is bleach always an antimicrobial pesticide?

Bleach is sodium hypochlorite. Usually "bleach" when used to clean surfaces or equipment or " " when used as a swimming pool disinfectant is an antimicrobial. Other products containing sodium hypochlorite (bleach) used for other control purposes (ex.

moss control) are pesticides. Any material used to control any pest (weeds, insects, rodents, moss, etc.) must be registered with the EPA.

What do you mean by product name of the pesticide to be applied?

This is the name on the package. It is what you would ask for if you wanted to purchase a specific brand eg. "Jack's Hornet Spray". This is different than the active ingredient, which is the name of the chemical in the package. You must use the complete product name on indoor posting signs and application record forms.

Is a school bus considered a school facility?

Yes. Any property owned or leased by the school is considered a school facility.

What does “not occupied by students for two consecutive days” really mean in regards to school facility and school ground applications?

It means that no students or employees of the school which was treated will be at a school sponsored event or working for a period of forty-eight consecutive hours. If an application is made to the interior of the school and the school event is a football game, and no entry to the interior of the school can occur, the indoor application would not require pre-notification.

What can happen if a school is not in compliance with the laws and rules related to the use of pesticides?

A licensed applicator or the person most responsible for the posting, use and notification of a pesticide may be subjected to a civil penalty up to \$7500.00 per violation.

IMPORTANT DEFINITIONS

The following definitions are all found in RCW 17.21.

- "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.
- "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 handheld 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.
- "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private 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.
- "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.
- "Pesticide" means, but is not limited to:
 - (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;
 - (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
 - (c) 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.

- "School" as used in this section means a licensed day-care center or a public kindergarten or a public elementary or secondary school.
- "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.

Annual Notification Requirements

What does the law require?

RCW 17.21.415 (2) states "A school shall provide written notification annually or upon enrollment to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section".

What schools are required to make annual notifications?

This law defines "school" as a licensed day-care center, a public kindergarten, or a public elementary or secondary school. The posting and notification sections do not apply to private schools, unlicensed home day-care centers, colleges or universities.

What is meant by annual notification for parents and guardians?

The law does not define exactly when notification is to occur. WSDA believes the intent for public schools was to make this information available annually at the beginning of the school year. . It may be different for a licensed day-care center, as many do not have a specific school year. However, many of the licensed day-care have increased enrollments that coincide with public school classes. Therefore, WSDA is advising day-care centers to make their annual notifications in August or September to closely coincide with public school enrollment.

What is annual notification for school employees?

Again the law does not define what is meant other than on an annual basis. WSDA believes the schools have some flexibility in this area as employees are often working at the school before the first day of school for students. However, in order for simplicity and consistency, WSDA is suggesting employees be notified at the same time as parents and guardians. For employees who begin work after the school year begins, should be notified on their first day at work.

What is meant by upon enrollment?

Any student of a public school or licensed day-care who was not provided notification at the beginning of the school year as referenced above, must provide the necessary information at the time they enroll as a student at that school.

How should parents or guardians and employees be notified?

The law states they must be informed in writing. Literally, the law states that parents or guardians, and employees must be notified directly, not the students. WSDA believes the intent of the law allows students to carry the notification home with them in lieu of a direct mailing to parents. As long as a school can verify that students were provided with the notification packet (handed out by teachers on first day of school or directly mailed), WSDA will consider that compliance has been achieved. Schools are encouraged to discuss annual notification at orientations, on websites, and at Parent Teachers Association (PTA) and other outreach activities to provide parents information on how

the school will notify parents on an annual basis. However, written notification is still required.

What are the information requirements for annual notifications?

Pest control policies and methods

The law requires that annual notification shall include information describing the school's pest control policies and methods, including the posting and notification requirements. At present there is no uniform policy that is utilized by all schools related to pest control procedures. Some schools may not even have any policies about pest control. WSDA is encouraging any schools that do not have a policy to develop one by the beginning of the 2002 school year. Due to the lack of a uniform policy, the content will likely vary greatly among schools due to the size of the school, location of school, funding, etc. At a minimum, WSDA recommends that schools provide the following information related to pest control policies and methods:

- Acknowledgement of whether an individual school/district has a policy or not
- What pesticides (common name i.e. Roundup™) may be applied on a regular basis (more than twice a year)
- Where the district may apply pesticides (e.g. on playfields, in class rooms, cafeteria, etc.)
- If pesticides are applied at schools by commercial applicators or by school employees or a combination of both
- Specific details about a school's/district's system for advanced (forty-eight hours) notification of pesticide use. Details must include method of notification, (using registry method to include how to sign up for the registry or blanket notification or other notification system discussed on page xx).
- Where and how parents may obtain information about pesticide use records as well as the annual summary of pesticide use
- If a school does not use or contract for the use of pesticides, the annual notification should state this.

In addition, WSDA recommends that the annual notification include information on when the annual summary will be available, and who to contact if an individual requests a summary.

Posting and notification information for annual notification

The law requires that the annual notification must include information on the posting requirements. In order to meet the requirements of this section of law, WSDA is suggesting that the following portions of the law be provided as part of the notification. Note: A school may choose to provide the posting and notification information in a different format than listed below, but are advised not to change the wording as the meaning of the law may be affected.

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 notification system shall include 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.
5. A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

- (a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall 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 a contact person at the school.

Note: WSDA suggests that each school determine the primary points of entry to school grounds and make that information known to parents, guardians and employees as part of the annual notification. When possible, the school should include a map of the school property with the primary points of entry identified. A more detailed discussion about the primary points of entry can be found on page xx.

- (b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of 8.5 x 11 inches in size and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
 - (ii) The date and time of application;
 - (iii) The location to which the pesticide was applied;

(iv) The pest to be controlled; and

(v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label. Schools are not liable for posters that are removed by unauthorized persons.

6. A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

7. The pre-notification requirements of this section 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.

8. The pre-notification requirements of this section 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. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with the normal pre-notification requirements. .

9. A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

10. A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required

Schools may also add additional information to the posting signs if they choose to.

Pre-Application Notification (Forty-Eight Hours in Advance)

What does the law require?

RCW 17.21.415 (3) states, “a school shall 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 notification system shall include posting of the notification in a prominent place in the main office of the school.”

What is meant by as a minimum notifies interested parents or guardians of students and employees?

The law was written and intended to provide schools some degree of flexibility in establishing a pre-notification system. Schools must notify interested parents or guardians of students as well as school employees at least forty-eight hours before an application at a school facility. Schools may provide additional, earlier or more frequent information if they choose. Schools may choose either a blanket notification or a registry system.

What are some examples schools may use to pre-notify parents, guardians and employees (at least forty-eight hours in advance) of a pesticide application?

Example one. Some schools may choose to establish a registry system. A registry system would notify only those parents or employees who have indicated interest to the school that they want to be notified. If this is the chosen notification system, schools must detail in their annual notification exactly how the system works and how parents, guardians and employees will be contacted (i.e. phone, fax, e-mail). The school should request as part of their annual notification that parents, guardians and employees provide a written response if they are interested in being pre-notified for all pesticide applications. The school should make sure those who have expressed an interest provide the school with their name and contact information (home phone, fax, e-mail). Schools are encouraged to keep a record of dates of contact and how contact was made. The written request then becomes a registry of contacts. The school will be required to contact these individuals at least forty-eight hours in advance of a pesticide application (see page xx for exceptions).

Example two. A school may choose to notify everyone (a blanket notification system). If this is the chosen notification system, schools must state this in their annual notification and should explain how the notification will be delivered (e.g. sent home with students, mailed, etc.). Schools are encouraged to keep a record of dates of contact and how contact was made.

There may be other systems the school could adopt which would meet the requirements of the law. Remember, the minimum requirement is that schools must notify interested parents or guardians of students at least forty-eight hours in advance of a pesticide application and must detail how they will accomplish this in their annual report.

What information must the pre-notification include?

RCW 17.21.415 (4) states, “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 the application;
- c) The location to which the pesticide is to be applied;
- d) The pest to be controlled;
- e) The name and phone number of a contact person at the school.

What are the exceptions to the pre-notification requirements?

The law allows for several situations in which pre-notification is not required at all and one situation in which a notification is required but does not need to be made in advance of the pesticide application.

Antimicrobial Exception

RCW 17.21.415 (7) states, “ A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.” These types of pesticides are exempted from the pre-notification requirements.

Non-Occupied Exception

The second exception is found in RCW 17.21.415 (8) and states “the pre-notification requirements of this section 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.

Emergency Exception

The exception that requires notification but does not require pre-notification is found in RCW 17.21.415 (9), which states, “the pre-notification requirements of this section 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. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application.” The notification shall include information consistent with the normal pre-notification requirements.

Do schools have to post forty-eight hours in advance even though interested individuals have been notified?

Yes. The school is required to post at least forty-eight hours in advance in a prominent location at the school office. The poster must include at least the following information:

- Notice: Pesticide Application”
- The product name of the pesticide to be applied;
- The intended date and time of the application;

- The location to which the pesticide is to be applied;
- The pest to be controlled;
- The name and phone number of a contact person at the school.

Also see the school facility posting section of this document for additional information.

Who is responsible for pre-notification when someone other than a school employee makes a pesticide application?

The school is responsible even though they did not make the application. The school must coordinate with the individual or company making the application to allow the necessary amount of time to provide pre-notification prior to the application being made.

What if the application cannot be made consistent with the time identified in the pre-notification process?

RCW 17.21.415, “states that the 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.”

NOTIFICATION SIGNS (POSTING) REQUIREMENTS

SCHOOL GROUNDS

What is considered to be a school ground pesticide application?

Any pesticide application to exterior landscape plants or ant's nest located around the school property is considered to be a school ground application. Examples include flowerbeds, running tracks, athletic fields, and playgrounds.

Are school employees required to post all pesticide applications made to school grounds?

Yes. RCW 17.21.415 (6) states, "A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d)."

When are the posting signs required to be placed?

The law states "at the time of application." WSDA is suggesting that posting occur just prior to the application.

What are the posting requirements for pesticide applications to school grounds made by school employees?

RCW 17.21.415 (6), (a) states, - "Notification signs for applications made to school grounds by school employees shall:

- be placed at the location of the application and at each primary point of entry to the school grounds
- be a minimum of four inches by five inches
- 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
- include the name and telephone number of a contact person at the school
- be printed in colors contrasting to the background as required by RCW 17.21. 415 (6) (c) (see example on page 23)."

Who should the school list as a contact person to call for more information?

WSDA recommends that a person who is knowledgeable about when, where and how the pesticide was applied be listed as the contact person. WSDA is suggesting this be the individual who actually made the application or a pest management coordinator at the school, unless applied by a commercial applicator contracted by the school.

Can a larger sign be used to post a pesticide application to school grounds?

Yes. The law establishes the minimum requirements. Schools may choose to use larger signs or include additional information beyond the minimum requirements.

What is meant by placed (posted) at the location of the application?

The ease or difficulty of posting will vary with the type of application site. It will be easy to post flowerbeds and other small areas while it will be more challenging to post an entire playground or an entire athletic field. While one posting sign on an athletic field or playground will meet the requirements of the law, WSDA recommends that several signs be used when large areas are treated.

What is meant by placed (posted) at each primary point of entry?

The intent of this requirement is to provide advance notice that an application has been made to school grounds well before anyone may enter the treated area. Since the actual treated area is also required to be posted, WSDA believes primary points of entry should be those places where people generally enter via normal vehicular and/or foot traffic. Most schools have very specific traffic routes as well as foot routes already in place in order to protect students. Therefore those areas identified for vehicular or foot traffic are a primary point of entrance and should be posted.

How long are postings to remain in place?

RCW 17.21.415 (6), (d) states, "Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label."

Who is responsible for the removal of posting signs?

The school is responsible for the removal of signs, which should take place after twenty-four hours or longer if required by the label. It is important to remove signs in order to prevent sending a false message that additional applications have been made.

Are posting signs still required if students do not occupy the school for at least two consecutive days after the application?

Yes, posting is required. Remember that pre-notification is not required in this situation.

Are there any situations in which posting is not required?

Yes. RCW 17.21.415 (7) states, "A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children. Since these situations are exempted applications they do not require posting or prenotification."

Are schools liable if markers are removed by someone else or for injury caused by the signs?

No. RCW 17.21.415 (11) states, "A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required."

Who is responsible for posting if someone other than a school employee makes a pesticide application?

The company (individual) who is making the application is required to post in accordance with RCW 17.21.410. Note that these posting requirements are slightly different than the requirements for school employees but meet the requirements of this law.

What is the minimum size of the marker and at what height should the marker be placed?

The marker must be at least 4 by 5. There is no specific law governing the height at which the marker should be placed, but WSDA recommends the marker be placed at least 12 inches from the ground.

Are there any specific color requirements for the marker?

No. The marker should be printed in colors contrasting to the background.

Can the markers be larger than 4 by 5 inches?

Yes.

Can a school include addition information on the marker?

Yes. However, the exact wording in capital letters, detailed in the above example must always be a part of the marker.

Do the letters have to be of a specific size?

No. WSDA recommends that the letters be as large as possible that still fit on a 4 by five inch marker.

Do the words poster, notification signs and markers all mean the same thing?

Yes, the words mean the same thing.

Can I use this sign to post indoor applications?

No. This sign is to be used only for outdoor (school ground) situations.

Do I use this same marker to post the primary points of entry as required by law?

Yes.

Example of a school grounds poster

THIS LANDSCAPE HAS BEEN
RECENTLY SPRAYED OR
TREATED WITH PESTICIDES BY
YOUR SCHOOL

FOR MORE INFORMATION
PLEASE CALL (NAME)
(NUMBER)

SCHOOL FACILITIES

What is considered to be a school facility application?

Any pesticide application to the interior of a building or structure or directly to the outside of a building or structure is considered to be a school facility application. Examples include: cockroach control when using a spray, flea control, and fly control. Examples of applications directly to the structure may include termite and carpenter ant control when treating the sub-structure or drilling into wall voids for ant control. School busses are considered to be school facilities.

Are school employees required to post all pesticide applications made to school facilities?

Yes, unless there is an agreement that the company contracted to make the application will do the posting. RCW 17.21.415 (6) states, "A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d)."

When are the posting signs required to be placed?

The law states "at the time of application." WSDA recommends that posting occur just prior to or immediately after the application.

What are the posting requirements for pesticide applications to school facilities when made by a school employee?

RCW 17.21.415 (6), (b) states, "Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application." The signs shall:

- be a minimum of eight and one-half by eleven inches
- include the heading "Notice: Pesticide Application" and, at a minimum, shall state:
 - (i) The product name of the pesticide applied;
 - (ii) The date and time of application;
 - (iii) The location to which the pesticide was applied;
 - (iv) The pest to be controlled; and
 - (v) The name and phone number of a contact person at the school
- be printed in colors contrasting to the background as required by RCW 17.21. 415 (6), (c). (see example on page 27)

Who should be the contact person at a school?

WSDA recommends that a person who is knowledgeable about when, where and how the pesticide was applied be listed as the contact person. WSDA is suggesting this be the individual who actually made the application or a pest management coordinator at the school, unless applied by a commercial applicator contracted by the school. .

What is meant by placed (posted) at the site of application?

The location is the specific area (site) to which the pesticide was applied. Examples would include the kitchen, a specific classroom, gymnasium, school bus, or outside of the structure if wall voids were drilled. The posting requirement also includes the location to where the pesticide was applied. For example; the poster would be placed in the kitchen and the location information on the poster could be "crack and crevices" or "under sink" or "in pantry". In this example the poster is not placed by the crack or crevices or under the sink.

How long are posting signs required to remain in place?

At least twenty-four hours. RCW 17.21.415 (6), (d) states, "Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label."

Who is responsible for the removal of posting signs?

The school is responsible for the removal of signs, which should take place after twenty-four hours or longer if required by the label. It is important to remove signs in order to prevent sending a false message that additional applications have been made.

Are posting signs still required if students do not occupy the school facility for at least two consecutive days after the application?

Yes, posting is always required for pesticide applications other than antimicrobials or baits (see below). However, pre-notification is not required in this situation.

Are there any situations in which posting is not required?

Yes. Posting is not required for antimicrobials or some rodent or insect baits. RCW 17.21.415 (7) states, "A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children. Since these situations are not considered to be school facility applications they do not require posting or pre-notification".

Who is responsible for posting if someone other than a school employee makes a pesticide application?

The school is responsible even though they did not make the application. The school may enter into an agreement with an individual (company) who is making the application requiring them to post signs. However, if a school selects this option, it is still their responsibility to ensure that posting has occurred.

What is meant by the product name?

The product name is always found on the front of the pesticide container and is usually the largest size text. Note the example on the previous page is "Raid Ant and Roach Killer." There are many pesticides that are called "ant and roach killer." If you posted the phrase "ant and roach killer" the product name would not be complete. Therefore make sure you include the entire product name. Do not just put "insect killer", "wasp spray", or "flea control", always include the complete product name. The product name is also required to be on your pesticide application records as well as on your annual summary.

What is the minimum size of the marker and at what height should the marker be placed?

The minimum size of the poster is 8.5 by 11 inches. The law does not define the exact height, but WSDA recommends the marker be placed approximately five feet high, close to eye level and therefore readily visible to most individuals.

Are there any specific color requirements for the marker?

No. Except that they should be printed in colors contrasting to the background.

Can the markers be larger than 8.5 by 11?

Yes.

Can a school include additional information on the marker?

Yes

Do the letters have to be of a specific size?

No. However, WSDA believes the intent of the legislation was to make the marker readily visible. Therefore WSDA recommends that the print fonts be no smaller than 26 point (one-fourth inch).

Can I use this sign to post outdoor applications?

No. The requirements are different for outdoor posting.

Is there anywhere else this marker must be displayed?

No. However the law does require that similar information be posted forty-eight hours in advance in a prominent location in the main office of the school. (see notification requirements in this manual)

EXAMPLE OF SCHOOL FACILITIES POSTER

Notice: Pesticide Application

**Product name - Raid Ant and Roach
Killer**

**Date and time of application; April 1,
2002 at 6 P.M.**

**Location to which the pesticide was
applied: Under the sink in kitchen**

Pest to be controlled: Cockroaches

**Name and phone number of a contact
person at the school. John Doe (360)-
999-9999**

RECORDKEEPING

Importance of Records

The need to keep accurate, up to date records is much more than just a requirement of the law. The value of keeping detailed records may not be obvious at first glance. Application of pesticides in situations where people may enter is one of the most challenging types of applications. These types of applications must always be done with the utmost care to prevent human exposure. It is extremely important to have accurate and reliable application records in the event that someone does become ill or if allegations of illness occur, and are critically important for districts to monitor their pesticide use and to better track their landscape and building maintenance programs related to the use of pesticides. If you can illustrate precisely when you made your application, what products were used rate, date, and time of the application you will add credibility to your application and give people the information they need to accurately resolve potential problems. For these reasons, pesticide applicators should take recordkeeping very seriously. To encourage your recordkeeping efforts, this manual describes the recordkeeping requirements, and provides blank and completed examples of the two applicable WSDA recordkeeping forms.

Recordkeeping requirements and examples

RCW 17.21.100 and WAC 16-228-1320 sets forth the WSDA's recordkeeping requirements. In this manual you will find a list of the requirements and what the requirements mean. In addition, you will find examples of appropriately filled in records, as well as some blank recordkeeping forms.

The law does not require that you use a WSDA form to keep track of your records. However, if WSDA requests your records for any reason, the records must be made available on one of the WSDA approved forms. The law does make a provision for the use of other forms as long as they have been approved by the WSDA. There are numerous recordkeeping software programs, which have been approved by the department. Because the new law mandates an annual summary, schools should consider the development of a database that allows the opportunity to produce the annual summary in an efficient manner.

Annual Summary

RCW 17.21.415 (10) requires that a school shall make the records of all pesticide applications to school facilities, including an annual summary of the records, readily accessible to interested persons.

What information is required to be a part of the annual summary?

The law does not define any specific requirements for the summary or the date for annual notification. WSDA believes the intent of the legislation was to include, at a minimum, the following information:

1. Product name of all pesticides used during the previous year

2. Active ingredient of all pesticides used during the previous school year
3. Quantities of each pesticide applied by active ingredient and by amount of tank mix applied; and
4. Names of the school(s) where pesticides were applied.

Please note the above elements concerning pesticide applications are already required under RCW 17.21.100. A school may choose to include additional elements but are urged to always provide no less than the four elements listed above.

When should the annual summary be made available?

The law also does not define the specific date other than on an annual basis. WSDA recommends that September is an ideal time for the annual summary to be made available. This coincides with the beginning of the school year and the annual notification process.

How does a school make the annual summary available?

WSDA recommends that the districts make the summaries readily accessible to all interested parties by at least keeping a copy in the main office of each school. A school may also consider posting the information on a district web site.

Does a school have to mail a copy of the annual summary to everyone?

No. The school only has to make the summary readily available to persons who have expressed an interest.

How should a school inform individuals about the annual pesticide summary, how to get a copy of the summary and when the summary will be available?

WSDA is encouraging schools to include this information as part of their annual notification.

LICENSING REQUIREMENTS

Do all applications of pesticides to school property require school employees to be licensed?

No. School employees must be licensed if using restricted use pesticides or when pesticides are applied with motorized, mechanical or pressurized power (equipment). In these cases, a Public Operator or Private Commercial license is required.

This determination is based on two sections of the law as follows:

RCW 17.21.021 (4) which defines "Apparatus" to mean 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 hand sized 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. Pressurized backpacks are not considered as "apparatus".

RCW 17.21.220 (2) states, "It shall be unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any restricted use pesticide, or any pesticide by means of an apparatus, without having obtained a public operator license from the director."

STORAGE REQUIREMENTS

WSDA rules set forth requirements for storage of unattended pesticides and their containers, unless the containers have been triple-rinsed (WAC 16-228-1220 (6) & (7)). The storage requirements vary depending on the signal word of the pesticide(s) being stored.

WSDA also has rules relating to the storage of bulk pesticides. Bulk pesticides are defined as registered pesticides that are transported or held in individual containers in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight. Storage of greater than 500 gallons liquid or 2,000 pounds of dry “bulk” pesticides triggers the Secondary Containment rules. (To obtain a copy of these rules, use the order form on the last page.)

PESTICIDES WITH SIGNAL WORDS DANGER, WARNING OR CAUTION

Pesticides with the signal words of “Danger,” “Warning” or “Caution” must be stored in secured storage out of the reach of children in an acceptable enclosure (see below).

PESTICIDES WITH SIGNAL WORDS DANGER/POISON

Pesticides with the signal words “Danger/Poison” must be stored in an acceptable locked and posted enclosure (see below) adequate to prevent children, unauthorized persons, livestock or other animals from gaining entry. There are more stringent storage requirements for some rodent baits. The warning signs for storage areas containing pesticides with the signal words “Danger/Poison” 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 from thirty feet. Refer to the diagram on the next page for a discussion of where to place warning signs when posting storage areas containing Danger/Poison labeled pesticides or their unrinsed containers.

ACCEPTABLE ENCLOSURES FOR ALL CATEGORIES

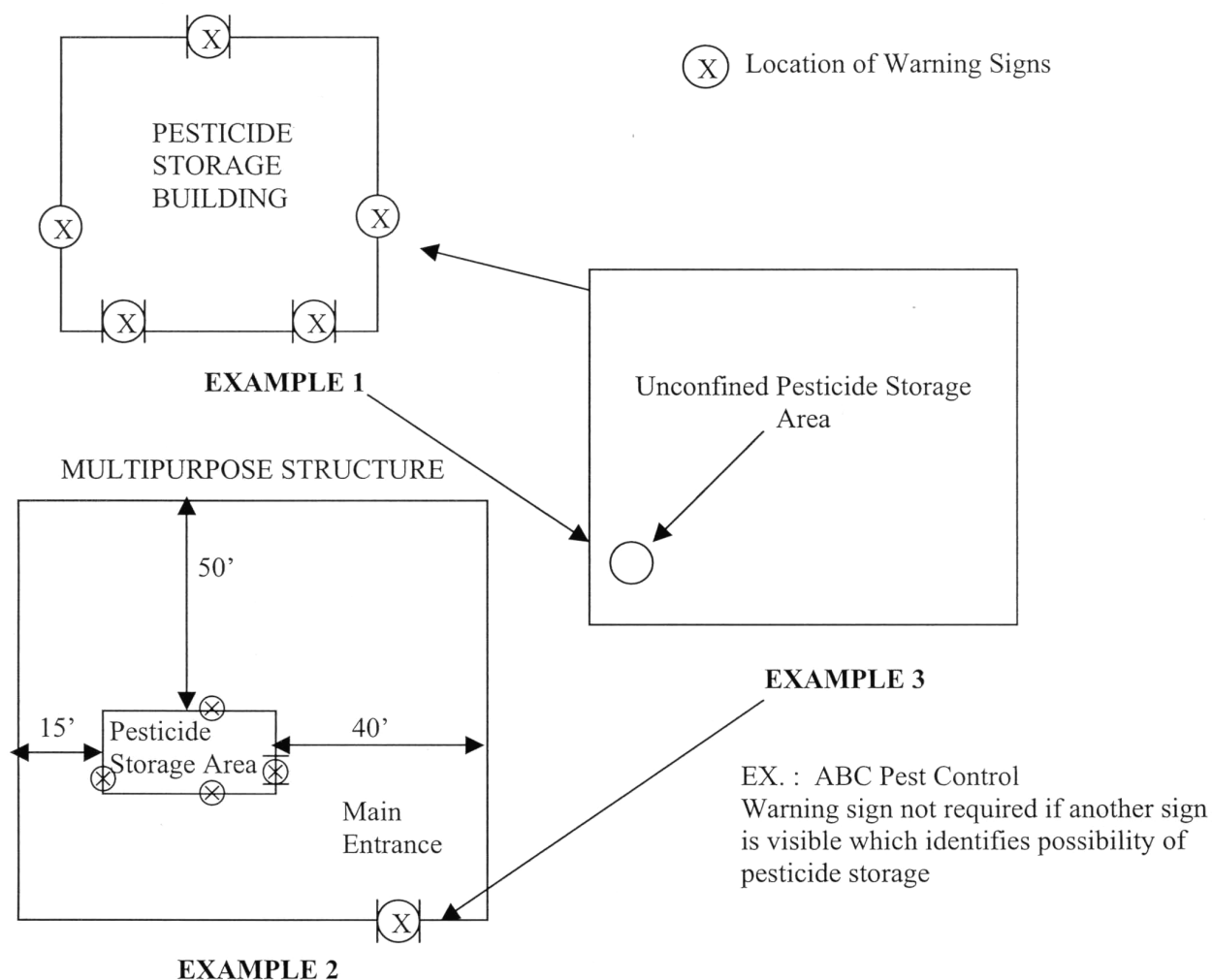
1. Closed vehicle
2. Closed trailer
3. Building or room or fenced area with a fence at least six feet high
4. Foot locker or other container which can be locked
5. Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level
6. Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

OTHER ACCEPTABLE ENCLOSURES FOR DANGER, WARNING OR CAUTION LABELED PESTICIDES

Metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured and locked valves and sealed five-gallon containers (requiring a tool to unseal) shall be considered acceptable storage.

Pesticide Storage

Posting of Danger/Poison Pesticides



PLACEMENT OF WARNING SIGNS

The type of storage facility determines placement of warning signs. The storage unit itself must have a sign on each exterior wall and at each exit and entrance (see example 1). If the storage unit is contained within a larger, multipurpose structure it again must have the signs as indicated above plus there must be a sign at the main entrance of the building (*see note below) and on each exterior wall of the multipurpose structure that is within 30 feet of the pesticide storage unit (see example 2). A multipurpose structure which houses an unconfined pesticide storage area (see example 3) must be posted as in example 1.

*Note: Posting of the main entrance is not required if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises (i.e. ABC Pest Control).

Disposal and Recycling

Empty Containers

Pesticide containers should 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. An unrinsed pesticide container is considered to be a full container for storage and disposal purposes. Unrinsed containers may designate as hazardous wastes when disposed.

Properly rinsed pesticide containers do not have any special requirements for disposal. Beware, however that some landfills and transfer stations will not accept them. For these containers, the Washington Pest Consultants Association (WaPCA) has a container recycling program (see contact info below). There is no fee for this service.

Many counties have programs to handle household and small business hazardous waste including pesticides. To find out more about household and small business hazardous waste disposal in your county, contact your local solid waste program or call 1-800-cleanup (1-800-253-2687) or visit Earth 911's website: <http://www.earth911.org/>

Unused Product

If you have unusable pesticide product, you may contact WSDA's waste pesticide disposal program to arrange for disposal (see contact info below). There is no fee for this service. Unopened containers of legal products may be transferred to another legal user or you may list them on the Industrial Materials Exchange (IMEX). Contact IMEX by phone (206) 296-4899, by E-mail: imex@metrokc.gov or visit their website: <http://www.metrokc.gov/hazwaste/imex/>

WSDA Waste Pesticide Program Contact Information

Website: <http://www.wa.gov/agr/pmd/pesticides/collection.htm>

E-mail: wastepesticide@agr.wa.gov

Telephone: (360) 902-2056 or toll free at 1-877-301-4555, Fax (360) 902-2093

Mailing address: Waste Pesticide Program, P.O. Box 42589, Olympia, WA 98504-2589

Washington Pest Consultants Association Container Recycling Program

Website: <http://pep.wsu.edu/waste/wapca.html>

Northwest Ag Plastics, Inc. is currently contracted to operate the container recycling program.

Website: <http://www.nwagplastics.com/>

Individual Northwest Ag Plastics Contacts:

Clarke Brown: home (509) 965-6809, cell (509) 952-7146, E-mail: clarke@nwagplastics.com

Dave Brown: home (509) 469-2550, cell (509) 961-8524, E-mail: dave@nwagplastics.com

Steve George: home (509) 457-3850, E-mail: steve@nwagplastics.com

Specific sections of pesticide law related to the use of pesticides at public schools and day-care centers

RCW 17.21.020

Definitions.

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

(3) "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. *(Effective July 1, 2002.)*

(4) "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.

(6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private 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.

(10) "Department" means the Washington state department of agriculture.

(12) "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.

(13) "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.

(14) "Director" means the director of the department or a duly authorized representative.

(17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(21) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(22) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

(25) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

(26) "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.

(27) "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-care, 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.

(28) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(30) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(31) "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.

(32) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) 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.

(37) "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.

(38) "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.

(39) "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.

(40) "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. *(Effective July 1, 2002.)*

(42) "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.

RCW 17.21.100

Recordkeeping by licensees and agricultural users.

(1) Certified applicators licensed under the provisions of this chapter, persons required to be licensed under this chapter, all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, and all other persons making landscape applications of pesticides to types of property listed in RCW [17.21.410](#)(1) (b), (c), (d), and (e), shall keep records for each application which shall 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 United States environmental protection agency registration number, if applicable, of the pesticide which was applied;

- (d) The crop or 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 subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures; and
 - (j) Any other reasonable information required by the director in rule.
- (2)(a) The required information shall be recorded on the same day that a pesticide is applied.
- (b) A commercial pesticide applicator who applies a pesticide to an agricultural crop or agricultural lands shall provide a copy of the records required under subsection (1) of this section for the application to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied. Records provided by a commercial pesticide applicator to the owner or lessee of agricultural lands under this subsection need not be provided on a form adopted by the department.
- (3) The records required under this section shall be maintained and preserved by the licensed pesticide applicator or such other person or entity applying the pesticides for no less than seven years from the date of the application of the pesticide to which such records refer. If the pesticide was applied by a commercial pesticide applicator to the agricultural crop or agricultural lands of a person who employs one or more employees, as "employee" is defined in RCW [49.70.020](#), the records shall also be kept by the employer for a period of seven years from the date of the application of the pesticide to which the records refer.
- (4)(a) The pesticide records shall be readily accessible to the department for inspection. Copies of the records shall be provided on request to: The department; the department of labor and industries; treating health care personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of health; the pesticide incident reporting and tracking review panel; and, in the case of an industrial insurance claim filed under Title [51](#) RCW with the department of labor and industries, the employee or the employee's designated representative. In addition, the director may require the submission of the records on a routine basis within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of the restricted use pesticide. When a request for records is made under this subsection by treating health care personnel and the record is required for

determining treatment, copies of the record shall be provided immediately. For all other requests, copies of the record shall be provided within seventy-two hours.

(b) Copies of records provided to a person or entity under this subsection (4) shall, if so requested, be provided on a form adopted under subsection (7) of this section. Information for treating health care personnel shall be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours.

(5) If a request for a copy of the record is made under this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy, the requester may notify the department of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies of the records, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department shall include inspection of the records required under this section as part of any on-site inspection conducted under this chapter on agricultural lands. The inspection shall determine whether the records are readily transferable to a form adopted by the department and are readily accessible to employees. However, no person subject to a department inspection may be inspected under this subsection (6) more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, the department may conduct reasonable multiple inspections, pursuant to rules adopted by the department. Nothing in this subsection (6) limits the department's inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(7) The department of agriculture and the department of labor and industries shall jointly adopt, by rule, forms that satisfy the information requirements of this section.

RCW 17.21.220

Application of chapter to governmental entities -- Public operator license required -- Exemption -- Liability.

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides.

(2) It shall be unlawful for any employee of a state agency, municipal corporation, public utility, or any other government agency to use or to supervise the use of any restricted use pesticide, or any pesticide by means of an apparatus, without having obtained a public operator license from the director. Application for a public operator license shall be accompanied by a fee of twenty-five dollars. The fee shall not apply to public operators licensed and working in the health vector field. The public operator license shall be valid only when the operator is acting as an employee of a government agency.

(3) The jurisdictional health officer or his or her duly authorized representative is exempt from this licensing provision when applying pesticides that are not restricted use pesticides to control pests other than weeds.

(4) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

RCW 17.21.410

Landscape applications -- Marking of property, posting requirements. (*Effective July 1, 2002.*)

(1) A certified applicator making a landscape application to:

(a) Residential property shall at the time of the application place a marker at the usual point of entry to the property. If the application is made to an isolated spot that is not a substantial portion of the property, the applicator shall only be required to place a marker at the application site. If the application is in a fenced or otherwise isolated backyard, no marker is required.

(b) Commercial properties such as apartments or shopping centers shall at the time of application place a marker in a conspicuous location at or near each site being treated.

(c) A golf course shall at the time of the application place a marker at the first tee and tenth tee or post the information in a conspicuous location such as on a central message board.

(d) A school, nursery school, or licensed day-care shall at the time of the application place a marker at each primary point of entry to the school grounds. A school employee making an application to a school facility shall comply with the posting requirements in RCW 17.21.415.

(e) A park, cemetery, rest stop, or similar property as may be defined in rule shall at the time of the application place a marker at each primary point of entry.

(2) An individual making a landscape application to a school grounds, nursery school, or licensed day-care, and not otherwise covered by subsection (1) of this section, shall at the time of the application place a marker at each primary point of entry to the school grounds.

(3) The marker shall be a minimum of four inches by five inches. It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger size requirements for markers may be established in rule for specific applications. The company name and service mark shall be included between the headline and the footer on a marker placed by a commercial applicator. The applicator's telephone number where information can be obtained about the application shall be included in the footer of the marker. Markers shall be printed in colors contrasting to the background.

(4) The property owner or tenant shall remove the marker according to the schedule established in rule. A certified applicator or individual who complies with this section is not liable for the removal of markers by unauthorized persons or removal outside the designated removal time.

(5) A certified applicator or individual who complies with this section cannot be held liable for personal property damage or bodily injury resulting from markers that are placed as required.

RCW 17.21.415

Schools -- Policies and methods -- Notification -- Records -- Liability. *(Effective July 1, 2002.)*

(1) As used in this section, "school" means a licensed day-care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification annually or upon enrollment to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall 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 notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) 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.

(5) 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.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall 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" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section 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.

(9) The prenotification requirements of this section 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. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Commercial Landscape Applications RCW 17.21.410 (1)(d)

RCW 17.21.410

Landscape applications--Marking of property, posting requirements.

(1) A certified applicator making a landscape application to:

(a) Residential property shall at the time of the application place a marker at the usual point of entry to the property. If the application is made to an isolated spot that is not a substantial portion of the property, the applicator shall only be required to place a marker at the application site. If the application is in a fenced or otherwise isolated backyard, no marker is required.

(b) Commercial properties such as apartments or shopping centers shall at the time of application place a marker in a conspicuous location at or near each site being treated.

(c) A golf course shall at the time of the application place a marker at the first tee and tenth tee or post the information in a conspicuous location such as on a central message board.

(d) A school, nursery school, or licensed day-care shall at the time of the application place a marker at each primary point of entry to the school grounds.

(e) A park, cemetery, rest stop, or similar property as may be defined in rule shall at the time of the application place a marker at each primary point of entry.

(2) An individual making a landscape application to a school grounds, nursery school, or licensed day-care, and not otherwise covered by subsection (1) of this section, shall be required to comply with the posting requirements in subsection (1)(d) of this section.

(3) The marker shall be a minimum of four inches by five inches. It shall have the words: "THIS LANDSCAPE HAS BEEN TREATED BY" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. Larger size requirements for markers may be established in rule for specific applications. The company name and service mark with the applicator's telephone number where information can be obtained shall be included between the headline and the footer on the marker. The letters and service marks shall be printed in colors contrasting to the background.

(4) The property owner or tenant shall remove the marker according to the schedule established in rule. A commercial applicator is not liable for the removal of markers by unauthorized persons or removal outside the designated removal time.

(5) A certified applicator who complies with this section cannot be held liable for personal property damage or bodily injury resulting from markers that are placed as required. [1994 c 283 § 33; 1992 c 176 § 5.]

Pesticide Storage Rules WAC 16-228-1220 (6) & (7)

WAC 16-228-1220 (6) & (7)

(6) Requirements for unattended pesticides and their containers:

(a) 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.

(e) 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.

(7) Requirements for posting of storage area for pesticides [and their containers labeled with the signal words "danger/poison"]:

(a) 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.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) 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.);

PESTICIDE APPLICATION RECORD (Version 1_Facility)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years (Ref. RCW 17.21)

1. Date of Application - Year: **2001** Month: **July** Day: **15** Time: **7:00 am - 4:30 pm**
2. Name of Person for whom the pesticide was applied:
Firm Name (if applicable): **Anytown School District**
Street Address: **210 School Lane** City: **Anytown** State: **WA** Zip: **98000**
3. Licensed Applicator's Name (if different from #2 above): **Timothy Timber** License No. **99998**
Firm Name (if applicable): **Same as #2** Tel. No. **555.999.0000**
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above):
..... License No(s). if applicable:
5. Application Crop or Site: **Exposed wood in maintenance building**
6. Total Area Treated (acre, sq. ft., etc.): **6,450 Sq. Ft.**
7. Was this application made as a result of a WSDA Permit? ☒ No ☐ Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
Timbor (two applications)	64405-8	64.5 Lb	5 Gal mix/	1 lb / Gal
(Power sprayer)			1000ft²	(10%) solution
			as a surface	
			spray	
			/	

9. Address **or exact location** of application. NOTE: if the application is made to one acre or more
of agricultural land, the field location must be shown on the map on page two of this form.

Elwood J. Learning Middle School
1919 Earlyteen St.
Anytown

10. Wind direction and estimated velocity during the application: **N/A**
11. Temperature during the application: **66 - 78 degrees**
12. Apparatus license plate number (if applicable): **X 000**
13. ☐ Air ☒ Ground ☐ Chemigation
14. Miscellaneous Information:

Two applications two hours apart to exposed wood in the maintenance building.

PESTICIDE APPLICATION RECORD (Version 1_Landscape)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years (Ref. RCW 17.21)

1. Date of Application - Year: **2001** Month: **May** Day: **24** Time: **10:30 am - 1:00 pm**
2. Name of Person for whom the pesticide was applied:
Firm Name (if applicable): **Anytown School District**
Street Address: **210 School Lane** City: **Anytown** State: **WA** Zip: **98000**
3. Licensed Applicator's Name (if different from #2 above): **Gretchen Green** License No. **99999**
Firm Name (if applicable): **Same as #2** Tel. No. **555.999.0000**
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above):
..... License No(s). if applicable:
5. Application Crop or Site: **Sidewalks and drives**
6. Total Area Treated (acre, sq. ft., etc.): **5,250 Sq. Ft.**
7. Was this application made as a result of a WSDA Permit? ☒ No ☐ Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
Roundup Pro	524-475	9.75 Oz.	Spot	6.5 Oz / Gal
(Backpack sprayer)			/	(5%) solution
			/	
			/	

9. Address **or exact location** of application. NOTE: if the application is made to one acre or more
of agricultural land, the field location must be shown on the map on page two of this form.

Booking Elementary School
6565 Teaching Road
Anytown

10. Wind direction and estimated velocity during the application: **2 - 5 MPH from West**
11. Temperature during the application: **55 - 60 degrees**
12. Apparatus license plate number (if applicable):
13. ☐ Air ☒ Ground ☐ Chemigation
14. Miscellaneous Information:

Spot treat weeds on sidewalks and drives

PESTICIDE APPLICATION RECORD (Version 2_ School)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. RCW 17.21)

1. Name & Address of Person for Whom Pesticide was Applied: Anytown School District 210 School Lane Anytown WA 98000			2. Applicator Name and Address (if different from (1): Tel. No. Lic. No.					
3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form) Harmony High School 2111 Chaos St. Anytown, WA 98000			4. Misc. Info: Gretchen Green Lic. #99999 Landscape Applications Timothy Timber Lic. #99998 Facility Applications					
5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied Rate per acre (or other measure)	Total Product Applied	11. Concentration	12. Weather Conditions, Apparatus License Plate, No. and Name and License No. of person(s) who applied pesticide
5-23-01 8:00 am 11:00 am	Sidewalks Drives <input type="checkbox"/> Air <input checked="" type="checkbox"/> Ground <input type="checkbox"/> Chemigation	3,000 ft ²	Roundup Pro	524-475	Spot	5 Oz	6.5 Oz / Gal (5% sol.)	Gretchen Green #99999 Backpack sprayer Sunny, wind 3-6 mph from SW
7-16-01 7:00 am 6:30 pm	Exposed wood in maint. shed <input type="checkbox"/> Air <input checked="" type="checkbox"/> Ground <input type="checkbox"/> Chemigation	8,500 ft ²	Timbor (two applications)	64405-8	5 Gal mix/ 1000ft ² as a surface spray	85 lb	1 lb / Gal. (10%) solution	Timothy Timber #99998 Power sprayer #X 000 Weather N/A
8-27-01 5:00 am 7:30 am	Bare areas of track and ballfields <input type="checkbox"/> Air <input checked="" type="checkbox"/> Ground <input type="checkbox"/> Chemigation	6.25 A	Roundup Pro	524-475	.5 Gal / A 5 Gal / A	3.125 Gal	.5 Gal / 40 Gal water	Gretchen Green #99999 Power sprayer X 001 Sunny, wind 0-2 mph from NW
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day: Time:
2. Name of Person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
4. Name of person(s) who applied the pesticide (if different from #3 above):
..... License No(s). if applicable:
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc.):
7. Was this application made as a result of a WSDA Permit? ☐ No ☐ Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
			/	
			/	
			/	
			/	

9. Address **or exact location** of application. NOTE: if the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity during the application:
11. Temperature during the application:
12. Apparatus license plate number (if applicable):
13. ☐ Air ☐ Ground ☐ Chemigation
14. Miscellaneous Information:

1. Name & Address of Person for Whom Pesticide was Applied:						2. Applicator Name and Address (if different from (1): Tel. No. Lic. No.						
3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)						4. Misc. Info:						
5. Date and Time of Application	6. Crop or Site Treated <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied Rate per acre (or other measure) Total Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate, No. and Name and License No. of person(s) who applied pesticide				

WSDA - Pesticide Management Division		
Contact Any Pesticide Office by calling Toll free: 1-877-301-4555		
Olympia Offices PO Box 42589, Olympia, WA 98504-2589		Fax: (360) 902-2093
<u>Administration</u> Bob Arrington, Laurie Mauerman, Heike Stough, Rebecca Sotelo		Phone: (360) 902-2010 pmweb@agr.wa.gov
<u>Registration</u> Ted Maxwell, Mike Norman, Angela Owen		Phone: (360) 902-2027 pestreg@agr.wa.gov
<u>Product Registration</u> Reola Loomis, Lizette Beckman Erik Johansen, Lynn Sheridan*(Fertilizer/Pet Food), Shannon Lumsden, Steve Foss, Wendy Sue Wheeler		
<u>Compliance</u> Cliff Weed, Kathi Matherly, (Pesticide Sensitive Registry, Jenn Watson-Santos Bob Merkel, Dan Suomi, Jeff Britt, Paul Figueroa, Val Davis (Compliance) Joel Kangiser (Case Review Officer)		Phone: (360) 902-2040 compliance@agr.wa.gov bmerkel@agr.wa.gov jkangiser@agr.wa.gov
<u>Program Development</u> Ann Wick, Maryann Connell		Phone: (360) 902-2050 wastepesticide@agr.wa.gov
<u>Waste Pesticide collection</u> Joe Hoffman, Rose Snell		Phone: (360) 902-2056 wastepesticide@agr.wa.gov
<u>Licensing & Recertification</u> Margaret Tucker, Hugh Watson Janet Dykstra, Lois Hagen, Patricia Bertsch, Tiffanie Bodine (Licensing) Irene Beckman (Recertification Course Accreditation)		Phone Toll Free 1-877-301-4555 license@agr.wa.gov
<u>Yakima Branch</u> 21 North 1st Ave, Suite 236, Yakima WA 98902 Gary Buckner, Gail Amos, Gary Fagan, Lee Barigar (Compliance) Jim Bach		Phone: (509) 225-2640 Fax: (509) 575-2210 gbuckner@agr.wa.gov jbach@agr.wa.gov
<u>Wenatchee Branch</u> 1505 N. Miller St., Suite 140, Wenatchee WA 98801-1569 David Zamora, Ed Vong Grey (Compliance)		(temp phone) Phone: (360) 902-2040 Fax: (509) 664-3170 dzamora@agr.wa.gov/evongrey@agr.wa.gov
<u>Spokane Branch</u> 222 N Havana, Suite 203, Spokane, WA 99202-4776 Tim Schultz, Jeff Zeller, Scott Nielsen (Compliance)		Phone: (509) 533-2690 Fax: (509) 533-2621 tschultz@agr.wa.gov
<u>Moses Lake Branch</u> 821 E Broadway, Suite 4 Moses Lake, WA 98837 Byron Fitch (Compliance/Chemigation)		Fax: (509) 766-2576 Phone: (509) 766-2575 bfitch@agr.wa.gov