

HOUSE BILL No. 6095

December 13, 2012, Introduced by Reps. Brown and Tlaib and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8304 (MCL 324.8304), as amended by 2004 PA 24, and by adding section 8316b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8304. (1) "Inert ingredient" means an ingredient that is
2 not active.

3 (2) "Ingredient statement" means ÷

4 ~~——(a) A~~ **A** statement of ~~the~~ **ALL OF THE FOLLOWING WITH RESPECT TO**
5 **A PESTICIDE:**

6 **(A) THE** name and percentage of each active ingredient.
7 ~~together with the~~

8 **(B) THE** total percentage of the inert ingredients. ~~in the~~
9 ~~pesticide.~~

1 (C) ~~(b) When~~ **IF** the pesticide contains arsenic in any form,
2 the ~~ingredient statement shall include~~ percentages of total **ARSENIC**
3 and water soluble arsenic, each calculated as elemental arsenic.

4 (3) "Insect" means any of the numerous small invertebrate
5 animals generally having ~~the body~~ **A** more or less obviously
6 segmented **BODY**, for the most part belonging to the class insecta,
7 comprising 6-legged, usually winged forms, as for example beetles,
8 bugs, bees, and flies, and to other allied classes ~~or~~ **OF** arthropods
9 whose members are wingless and usually have more than 6 legs, as
10 for example spiders, mites, ticks, centipedes, and wood lice.

11 (4) "Insecticide" means a pesticide intended for preventing,
12 destroying, repelling, or mitigating an insect.

13 (5) "Integrated pest management" means a **TOTAL** pest management
14 system that uses all suitable techniques ~~in a total management~~
15 ~~system~~ to prevent pests from reaching unacceptable levels or to
16 reduce existing pest populations to acceptable levels.

17 (6) "Integrated pest management program" means a program for
18 integrated pest management that includes at least all of the
19 following elements:

20 (a) The following integrated pest management practices and
21 principles:

22 (i) Site evaluation, including site description, inspection,
23 and monitoring and the concept of threshold levels.

24 (ii) Consideration of the relationship between pest biology and
25 pest management methods.

26 (iii) Consideration of all available pest management methods,
27 including population reduction techniques, such as mechanical,

1 biological, and chemical techniques and pest prevention techniques,
2 such as habitat modification.

3 (iv) Pest control method selection, including consideration of
4 the impact on human health and the environment.

5 (v) Continual evaluation of the integrated pest management
6 program to determine the program's effectiveness and the need for
7 program modification.

8 (b) Recordkeeping ~~which shall be maintained~~ by the applicator
9 and ~~which shall include~~ **INCLUDING** all of the following:

10 (i) The site address.

11 (ii) The date of service.

12 (iii) The target pest or pests.

13 (iv) The inspection report, including the number of pests found
14 or reported, and the conditions conducive to pest infestation.

15 (v) The pest management recommendations made by the
16 applicator, such as structural or habitat modification.

17 (vi) The structural or habitat modification or other measures
18 that were initiated as a part of the pest management program.

19 (vii) The name of each pesticide used.

20 (viii) Quantity of each pesticide used.

21 (ix) The location of the area or room or rooms where pesticides
22 were applied.

23 (x) The name of the applicator.

24 (xi) The name **AND THE EMERGENCY TELEPHONE NUMBER** of the pest
25 control firm, if a firm is employed. ~~, and the emergency telephone~~
26 ~~number.~~

27 (c) Provision of the following information to the building

1 manager:

2 (i) The integrated pest management program and initial service
3 inspection record, which shall be provided at the time of, or made
4 available electronically within 48 hours after, the initial
5 service.

6 (ii) A record that includes the information specified in
7 subdivision (b), which shall be provided upon, or made available
8 electronically within 48 hours after, the completion of each
9 inspection, application, or service call.

10 (d) The acceptance of responsibility by the building manager
11 to post signs provided by the pesticide applicator in compliance
12 with rules promulgated under section 8325.

13 (7) "Label" means the written, printed, or graphic matter on
14 or attached to the pesticide or device or any of its containers or
15 wrappers.

16 (8) "Labeling" means the label and all other written, printed,
17 or graphic matter accompanying the pesticide or device, or to which
18 reference is made on the label or in literature accompanying the
19 pesticide or device, and all applicable modifications or
20 supplements to official publications of the EPA, the United States
21 departments of agriculture and interior, the United States
22 departments of education and health and human services, state
23 experiment stations, state agricultural colleges, and other similar
24 federal or state institutions or agencies authorized by law to
25 conduct research in the field of pesticides.

26 (9) **"LOCAL HEALTH OFFICER" MEANS THAT TERM AS DEFINED IN**
27 **SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.**

1 (10) ~~(9)~~—"Maximum contaminant level" means that term as it is
2 defined in title XIV of the public health service act, 42 USC 300f
3 to 300j-25, and regulations ~~promulgated under that act~~ **IMPLEMENTING**
4 **THAT TITLE.**

5 (11) ~~(10)~~—"Method detection limit" means the minimum
6 concentration of a substance that can be measured and reported with
7 99% confidence that the analyte concentration is greater than 0 ~~and~~
8 ~~is~~ **AS** determined from analysis of a sample in a given matrix that
9 contains the analyte.

10 (12) ~~(11)~~—"Minor use" means the use of a pesticide on a crop,
11 animal, or site ~~where~~ **IF** any of the following ~~exist~~ **APPLY:**

12 (a) The total United States acreage for the crop or site is
13 less than 300,000 acres.

14 (b) The acreage expected to be treated nationally as a result
15 of that use is less than 300,000 acres annually.

16 (c) The use does not provide sufficient economic incentive to
17 support the initial registration or continuing registration of the
18 use.

19 (13) ~~(12)~~—"Misbranded" applies to any pesticide or device if
20 it is an imitation of or is offered for sale under the name of
21 another pesticide, or if its labeling does not comply with labeling
22 requirements of this part, the rules promulgated under this part,
23 FIFRA, or regulations promulgated under FIFRA.

24 (14) ~~(13)~~—"Molluscicide" means a pesticide intended for
25 preventing, destroying, repelling, or mitigating a mollusk.

26 **SEC. 8316B. (1) SUBJECT TO SUBSECTIONS (2) TO (4), A SCHOOL OR**
27 **DAY CARE CENTER SHALL NOT APPLY PESTICIDE TO A PLAYGROUND, TURF, OR**

1 ATHLETIC OR PLAYING FIELD.

2 (2) IN AN EMERGENCY, THE LOCAL HEALTH OFFICER MAY AUTHORIZE A
3 SCHOOL OR DAY CARE CENTER TO MAKE AN APPLICATION OF PESTICIDE
4 OTHERWISE PROHIBITED BY SUBSECTION (1). IN THE CASE OF A PUBLIC
5 SCHOOL, IN AN EMERGENCY, THE GOVERNING BODY MAY ALSO AUTHORIZE AN
6 APPLICATION OF PESTICIDE OTHERWISE PROHIBITED BY SUBSECTION (1). AN
7 AUTHORIZATION UNDER THIS SUBSECTION SHALL BE IN WRITING.

8 (3) SUBSECTION (1) DOES NOT PROHIBIT THE USE OF ANY OF THE
9 FOLLOWING:

10 (A) AN ANTIMICROBIAL PESTICIDE OR OTHER ANTIMICROBIAL PRODUCT.

11 (B) AN AEROSOL PRODUCT WITH A DIRECTED SPRAY, IN CONTAINERS OF
12 18 FLUID OUNCES OR LESS, WHEN USED TO PROTECT INDIVIDUALS FROM AN
13 IMMINENT THREAT FROM STINGING AND BITING INSECTS, INCLUDING
14 VENOMOUS SPIDERS, BEES, WASPS, AND HORNETS.

15 (C) NONVOLATILE INSECT OR RODENT BAIT IN A TAMPER-RESISTANT
16 CONTAINER.

17 (D) A PESTICIDE CLASSIFIED BY THE UNITED STATES ENVIRONMENTAL
18 PROTECTION AGENCY AS AN EXEMPT MATERIAL UNDER 40 CFR 152.25.

19 (E) BORIC ACID AND DISODIUM OCTABORATE TETRAHYDRATE.

20 (F) HORTICULTURAL SOAP OR OIL THAT DOES NOT CONTAIN SYNTHETIC
21 PESTICIDES OR SYNERGISTS.

22 (4) SUBSECTION (1) APPLIES TO A SCHOOL BEGINNING 180 DAYS
23 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
24 SECTION. SUBSECTION (1) APPLIES TO A DAY CARE CENTER BEGINNING 1
25 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
26 SECTION.

27 (5) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL

1 DEVELOPMENT IN CONSULTATION WITH THE SUPERINTENDENT OF PUBLIC
2 INSTRUCTION AND THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH
3 SHALL DEVELOP GUIDANCE ON PESTICIDE ALTERNATIVES TO FACILITATE
4 COMPLIANCE WITH THIS SECTION.

5 (6) THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL
6 CONSULT WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE
7 DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH DURING THE
8 DEVELOPMENT OF ANY RULES UNDER SECTION 8325 TO IMPLEMENT THIS
9 SECTION.