

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Pesticide Operations Act of 1977 to require that pesticide operators provide information to customers concerning the type of pesticide to be used, to require the owners of multi-unit properties to provide notice to residents prior to the application of pesticides and information concerning that pesticide, and to require the Mayor to publish a list of reduced-risk pesticides and methods of pest control.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008”.

Sec. 2. The Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-401 *et seq.*), is amended by adding new sections 4a through 4d to read as follows:

“Sec. 4a. Information to be supplied customers.

“(a) Before a pesticide is applied, the pesticide operator shall provide the customer with the following written information:

“(1) Name of pesticide operator;

“(2) Name of pesticide applicator applying pesticides if different from that of the operator;

“(3) District of Columbia pesticide operator license number;

“(4) Telephone number of pesticide operator;

“(5) National Capital Poison Control Center hotline number;

“(6) Re-entry period specified on the pesticide label, if applicable;

“(7) Pest to be controlled;

“(8) Common name of pesticide or active ingredient to be applied;

“(9) The following statement: “District of Columbia law requires that you be given the following information:

“Notice of Pesticide Application:

“CAUTION – PESTICIDES MAY CONTAIN TOXIC CHEMICALS. Companies that apply pesticides are licensed by the Department of Consumer and Regulatory Affairs and regulated by the District Department of the Environment (“DDOE”). The Environmental

Protection Agency and DDOE approve pesticides for use. At your request, the company conducting your pest control will provide you with either or both of the Material Safety Data Sheet(s) or the pesticide label(s), both of which provide further information about the approved uses of and recommended precautions for the pesticide being applied on your property. Neither of these documents is guaranteed to list every danger associated with a pesticide. DDOE maintains a list of pesticides that present a reduced risk to humans and the environment, and encourages the use of such pesticides whenever possible. The pesticide company

- HAS
- HAS NOT

chosen to apply reduced-risk pesticide(s). The District of Columbia government encourages the use of non-chemical and reduced-risk methods of pest control by residents and commercial pest control companies. Even when using reduced-risk pesticides, residents should familiarize themselves with safety information for pesticide products, and should avoid exposure to pesticides.”; and

“(10) At the request of the customer, both or either of:

- “(A) An original or legible copy of the current pesticide product label; or
- “(B) A Material Safety Data Sheet.

“(b) Upon the customer’s request, the pesticide operator shall provide the customer with advance notice of a pesticide application.

“(c) When the pesticide is to be applied on a multi-unit property, the pesticide operator shall provide the information listed in subsection (a) of this section to the customer at least 48 hours before the pesticide is to be applied.

“Sec. 4b. Information to be supplied multi-unit property residents and tenants.

“At least 24 hours, and not more than 7 days, before the application of pesticides on a multi-unit property, the owner of the property shall provide each resident and tenant of the property that will be treated with the information listed in section 4a by:

“(1) Delivering the information to each resident’s door or mailbox, or to each resident through electronic mail or facsimile; and

“(2) Posting the information conspicuously in common spaces on the property, in reasonably close proximity to the locations where pesticide will be applied.

“Sec. 4c. Signs posted for exterior application.

“(a) Any person applying pesticides to a lawn or to exterior landscape plants shall post at the time of application a sign containing a uniform statement approved by the Mayor.

“(b) The sign shall remain for 48 hours following the pesticide application, after which time the property owner shall be responsible for the removal of the sign.

“(c) The sign shall be clearly visible:

“(1) From the principal places of access to the property; and

“(2) On the portion of the property where the pesticide is applied.

“Sec. 4d. Reduced-risk pesticides and methods of pest control.

“(a) If a pesticide designated by the Mayor as reduced-risk pursuant to subsection (b) of this subsection is applied, the operator shall indicate on the customer notice provided in section 4a(a)(9) that the customer has selected a reduced-risk pesticide.

“(b) Within 6 months of the effective date of the Loretta Carter Hines Pesticide Consumer Notification Amendment Act of 2008, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-493), the Mayor shall approve a list of reduced-risk pesticides and methods of pest control.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia