

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Insecticide, Fungicide, and Rodenticide Act to require the pre- and post-application reporting of, and to establish buffer zones for, restricted use pesticides, to prohibit the use of pesticides containing chlorpyrifos, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Insecticide, Fungicide, and Rodenticide Act to require the pre- and post-application reporting of, and to establish buffer zones for, restricted use pesticides, to prohibit the use of pesticides containing chlorpyrifos, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibit Chlorpyrifos  
5 Poisoning Students Act of 2018”.

1 **SEC. 2. POST-APPLICATION REPORTING OF PESTICIDE USE;**  
2 **PUBLIC REPORTS.**

3 Section 1491 of the Food, Agriculture, Conservation,  
4 and Trade Act of 1990 (7 U.S.C. 136i-1) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2), by striking “(2)  
7 Within 30 days” and inserting the following:

8 “(4) PROVISION TO PERSON FOR WHOM APPLI-  
9 CATION OCCURRED.—Within 30 days”; and

10 (B) in paragraph (1)—

11 (i) by striking “(1) The Secretary”  
12 and inserting the following:

13 “(1) IN GENERAL.—The Secretary”; and

14 (ii) by striking “comparable to  
15 records” in the first sentence and all that  
16 follows through the period at the end of  
17 the second sentence and inserting the fol-  
18 lowing: “of the use of those restricted use  
19 pesticides for a 2-year period after that  
20 use.

21 “(2) CONTENTS.—Records maintained under  
22 paragraph (1) shall include information describing—

23 “(A) a listing, by Federal and State reg-  
24 istrations or permit numbers, commercial prod-  
25 uct names, and active ingredients, of all re-  
26 stricted use pesticides used;

1           “(B) the total quantity used of each re-  
2           stricted use pesticide;

3           “(C) a general description of the geo-  
4           graphic location, including, at a minimum, the  
5           global positioning system coordinates, at which  
6           the restricted use pesticides were used; and

7           “(D) the date on which the restricted use  
8           pesticide application occurred.

9           “(3) SUBMISSION TO ADMINISTRATOR.—Not-  
10          withstanding section 11(d) of the Federal Insecti-  
11          cide, Fungicide, and Rodenticide Act (7 U.S.C.  
12          136i(d)), beginning January 1, 2019, not later than  
13          30 days after the end of each quarter of a calendar  
14          year, each certified applicator of restricted use pes-  
15          ticides described in paragraph (1) shall submit to  
16          the Administrator of the Environmental Protection  
17          Agency, for use by the Administrator of the Envi-  
18          ronmental Protection Agency, a quarterly report de-  
19          scribing all use of those restricted use pesticides  
20          during the preceding quarter, including the informa-  
21          tion described in paragraph (2).”; and

22                 (2) in subsection (b)—

23                 (A) in the fourth sentence, by striking  
24                 “State agency” and inserting the following:

25                 “(B) STATE AGENCIES.—State agency”;

1 (B) in the third sentence, by striking “In  
2 the case of Federal agencies, such” and insert-  
3 ing the following:

4 “(B) EPA PUBLIC REPORTS.—Based on  
5 the reports submitted under subsection (a)(3),  
6 the Administrator of the Environmental Protec-  
7 tion Agency shall make publically available a  
8 summary, by State and county, of—

9 “(i) the total quantities of each re-  
10 stricted use pesticide used, by Federal and  
11 State registrations or permit numbers,  
12 commercial product names, and active in-  
13 gredients; and

14 “(ii) the total number of acres in the  
15 State and county in which the restricted  
16 use pesticide application occurred.

17 “(3) REQUESTS FOR ACCESS.—

18 “(A) FEDERAL AGENCIES.—In the case of  
19 Federal agencies (other than the Environmental  
20 Protection Agency),”;

21 (C) in the second sentence, by striking  
22 “Each such Federal agency” and inserting the  
23 following:

24 “(2) USE BY FEDERAL AGENCIES.—



1           “(T) to apply a pesticide classified for re-  
2           stricted use or an organophosphate pesticide on,  
3           or within a buffer zone of, a school property in  
4           violation of paragraph (3).”; and  
5           (2) by adding at the end the following:

6           “(3) BUFFER ZONES.—

7           “(A) DEFINITIONS.—In this paragraph:

8           “(i) NORMAL SCHOOL HOURS.—The  
9           term ‘normal school hours’ means Monday  
10          through Friday from 7:00 a.m. until 6:00  
11          p.m., excluding days when classes are not  
12          in session.

13          “(ii) SCHOOL.—The term ‘school’  
14          means any public or private preschool, kin-  
15          dergarten, elementary, intermediate, mid-  
16          dle, secondary, or high school.

17          “(B) PROHIBITION.—Except as provided  
18          in subparagraphs (C) and (D), beginning Janu-  
19          ary 1, 2019, no person shall apply a pesticide  
20          classified for restricted use or an  
21          organophosphate on, or within 300 feet of, a  
22          school property during normal school hours.

23          “(C) EXCEPTION.—Subparagraph (B)  
24          shall not apply to whole structure fumigation of

1 a school property, as directed by a State or unit  
2 of local government.

3 “(D) CONFLICTS.—If subparagraph (B) is  
4 determined to conflict with any pesticide appli-  
5 cation information listed on the pesticide label  
6 or any State law, the more restrictive provision  
7 shall apply.”.

8 **SEC. 5. BAN ON USE OR APPLICATION OF CHLORPYRIFOS.**

9 Section 12(a)(1) of the Federal Insecticide, Fun-  
10 gicide, and Rodenticide Act (7 U.S.C. 136j(a)(1)) is  
11 amended—

12 (1) in subparagraph (E), by striking “or” at  
13 the end;

14 (2) in subparagraph (F), by striking the period  
15 at the end and inserting “; or”; and

16 (3) by adding at the end the following:

17 “(G) beginning on the date of enactment  
18 of this subparagraph, any pesticide containing  
19 chlorpyrifos as an active ingredient, unless, ef-  
20 fective for the period beginning on that date  
21 and ending on December 31, 2020, a State, on  
22 request of a certified applicator, grants to the  
23 certified applicator a temporary permit author-  
24 izing the certified applicator to use or apply a

1           pesticide containing chlorpyrifos as an active in-  
2           gredient.”.

3 **SEC. 6. REGULATIONS.**

4           The Administrator of the Environmental Protection  
5 Agency shall promulgate regulations to carry out this Act  
6 and the amendments made by this Act.