

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Pesticide Education and Control Amendment Act of 2012 to restrict and to require reporting of the application of certain pesticides near schools, child-occupied facilities, waterbody-contingent property, or District property, to remove the requirement that the Mayor list non-essential pesticides, and to remove the requirement that a person seek an exemption to apply a non-essential pesticide.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pesticide Education and Control Amendment Act of 2016”.

Sec. 2. The Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-431) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “District Department of the Environment” and inserting the phrase “Department of Energy and Environment” in its place.

(2) Paragraph (10) is repealed.

(3) A new paragraph (10A) is added to read as follows:

“(10A) “Organic pesticide” means a pesticide including no active ingredients other than those published in the National List at 7 C.F.R. §§ 205.601 and 205.606.”.

(b) Section 3 (D.C. Official Code § 8-432) is amended as follows:

(1) The section heading is amended by striking the phrase “and non-essential”.

(2) Subsection (a) is amended by striking the phrase “or non-essential”.

(3) Subsection (b) is repealed.

(4) Subsection (c)(2) is amended by striking the phrase “reclassification.” and inserting the phrase “reclassification. In making this determination, the Department may rely on the findings of state, national, or international government bodies or non-governmental organizations that publish lists of chemicals that are known or likely to be hazardous to human health or the environment.” in its place.

(c) Section 4 (D.C. Official Code § 8-433) is amended to read as follows:

“Sec. 4. Prohibited and restricted uses.

“(a) Except as provided in section 5, no person or entity shall apply a pesticide to schools, child-occupied facilities, waterbody-contingent property, or District property; provided, that a person or entity may apply:

“(1) Minimum-risk pesticides or organic pesticides; and

“(2) Any pesticide, except a District restricted-use pesticide, that is applied for the purpose of:

“(A) Controlling plants that are poisonous to touch or may cause damage to a structure or infrastructure;

“(B) Controlling insects that bite or sting, are venomous, or that may cause damage to a structure or infrastructure;

“(C) Controlling disease vectors;

“(D) Controlling organisms that threaten the health of trees or shrubs;

“(E) Maintaining property as part of efforts by a public utility to comply with applicable vegetation management provisions of any federal or District law or regulation;

“(F) Controlling pests or weeds while engaged in agriculture or forestry;

“(G) Controlling a pest outbreak that poses an imminent threat to human health; and

“(H) Preventing significant economic damage.

“(b) In addition to the restrictions in subsection (a) of this section, the Department may establish additional restrictions on the use of District restricted-use pesticides.

“(c) If a pesticide is applied under subsection (a)(2) of this section, the person or entity applying the pesticide shall, within 7 days after the application, notify the Department of the application, the reasons for application of the pesticide, and the reason why pesticides allowed under subsection (a)(1) of this section were insufficient.”.

(d) Section 5(c) (D.C. Official Code § 8-434(c)) is repealed.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

### 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

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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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia