



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

February 12, 2025

The Honorable Joseph M. McNamara
Chairman
House Committee on Education
82 Smith Street
Providence, Rhode Island 02903

RE: H 5216 An Act Relating to Health and Safety – Pesticide Control

Dear Chairman McNamara,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 5216, which would introduce new prohibitions on the use of pesticides at certain educational facilities. DEM appreciates the intent of the legislation and shares the sponsor's desire to protect children from exposure to pesticides. However, we have concerns that some of its provisions are redundant and that its provisions could have unintended consequences.

H 5216 would direct DEM and the Rhode Island Department of Health (RIDOH) to jointly develop and promulgate regulations no later than January 1, 2026 to restrict the use of hazardous pesticides and rodenticides in schools, pre-schools, and child care centers, including a prohibition on the use of any pesticide containing the herbicide glyphosate (commonly known as "Roundup"); for the promotion and implementation of integrated pest management (IPM); and to cover situations where emergency use of a pesticide (including rodenticide) must be conducted to eliminate an immediate threat to human health is necessary.

Existing DEM pesticide regulations codified at [250-RICR-40-15-2.19](#) include provisions specific to the use of pesticides at schools. This includes restricting any person other than a licensed or certified commercial applicator from applying pesticides within any school building or on the grounds of a school during regular school hours or during planned activities at any school. The regulations further restrict the application of restricted use or state limited use pesticides in or around school property of grades preschool through twelve at any time without receiving prior approval from DEM and the school administration.

We are also concerned that the term "lawn care pesticide or rodenticide" is not defined in the legislation and could inadvertently cause confusion as to which products are covered by the prohibitions on applications on school grounds that the bill proposes. The lack of clarity in the legislation regarding the definition of this term could lead to confusion about which products may be legally applied. For example, is an insecticide used to control mosquito populations considered to be a lawn care pesticide? Furthermore, we note that the term "pesticide" has a statutory definition such that it is inclusive of rodenticides, herbicides, and other such substances.

One of the core responsibilities of DEM's pesticide program is to determine which pesticides should be designated as "state limited use pesticides" which are subject to additional restrictions to prevent unreasonable adverse effects on the environment including humans, land, beneficial insects, animals, crops, and wildlife, other than pests (see RIGL § 23-25-4(37)). Those pesticides listed as state limited use pesticides, as well as those designated as restricted use pesticides by the U.S. Environmental Protection Agency (EPA), may only be legally sold by licensed pesticide dealers to licensed and/or certified pesticide applicators (e.g. they cannot be legally sold to the general public). Both DEM and the EPA rely upon scientific research to justify the listing of a pesticide as state limited use or restricted use, respectively. At present, EPA has not listed glyphosate as a restricted use pesticide, and it is therefore classified as a general use pesticide in Rhode Island which may be purchased at retail by the public.

H 5216 also introduces duplicative requirements governing the storage of pesticide and rodenticide containers prior to disposal to those currently included in DEM regulations codified at 250-RICR-40-15-2.24. Existing regulatory provisions include requirements to store pesticides in locked, secure areas with access limited to authorized personnel only; and to ensure that pesticide storage areas are constructed of rigid materials without bottom drains or openings, and which are impervious to prevent contamination of the environment, among other requirements. Therefore, we recommend that the storage requirements in the legislation be removed.

Finally, the legislation requires DEM and RIDOH to establish a joint task force to explore the presence and health risk of polyfluoroalkyl substances (PFAS) in artificial fields at private and public schools with a final report due to be submitted no later than January 1, 2028. DEM shares the sponsor's concern about the presence of PFAS in artificial turf and we note that a state law enacted in 2024 includes a prohibition on the sale of artificial turf containing intentionally introduced PFAS which takes effect on January 1, 2029. With this ban soon to take effect it may not be necessary to establish a task force to further study this issue.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ryan Mulcahey, DEM Director of Legislative Affairs, at ryan.mulcahey@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,



Terrence Gray, P.E.
Director

cc: Members of the House Committee on Education
The Honorable Lauren Carson
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director