

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: SB 637

STATUS: A-Engrossed

SUBJECT: Integrated pest management plans in schools

GOVERNMENT UNIT AFFECTED: Department of Agriculture, Department of Education, Department of Higher Education, Department of Human Services, Oregon Youth Authority, local education agencies, community colleges

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DATE: May 1, 2009

2009-2011

2011-2013

EXPENDITURES:

See analysis

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: Senate Bill 637 requires the governing bodies of certain schools to adopt an integrated pest management plan for use on the school campuses. The measure requires certain schools to designate a plan coordinator and identify the coordinators responsibilities, directs them to provide written notice by any reasonable means of a proposed pesticide application including warnings of application (the governing bodies of the schools shall adopt policies and processes to ensure this occurs), retain pesticide application records for at least four years, provide for a process to respond to inquiries and complaints about noncompliance issues, and conduct outreach to the school community about the plan. The measure specifies that (a) each plan coordinator must be an employee of the governed district, unit, school or entity, unless the duties are delegated to an independent contractor; and (b) a plan coordinator may serve more than one school. The measure requires each plan coordinator to complete at least six hours of integrated pest management training each year. The measure establishes parameters around the application of pesticides on campuses. The measure requires the appropriate governing body to adopt a list of low-impact pesticides for use with the integrated pest management plan. The measure allows schools to keep plans in place that provide greater or equal protection against pesticide exposure than do the requirements of this measure. The measure is effective on January 1, 2010; governing bodies must adopt and implement at least one integrated pest management plan prior to July 1, 2012. Newly established schools are not subject to the provisions of this measure.

Department of Education (Oregon School for the Blind; Oregon School for the Deaf), Oregon Youth Authority (regional residential academies), local education agencies, community colleges

The fiscal impact to prekindergarten programs, federal Head Start programs, public or private educational institutions offering education in all or part of kindergarten through grade 12, education service districts, community colleges, the Oregon School for the Blind, the Oregon School for the Deaf, and regional residential academies operated by the Oregon Youth Authority to adopt an integrated pest management plan and designate a plan coordinator is indeterminate. Many of the requirements within the integrated pest management plans have already been incorporated within the existing standards for pest management for school campuses. Generally, larger schools have already implemented many of the

requirements; however many small schools have not had the resources to incorporate such plans. Smaller schools may not currently have the staff capacity to absorb the plan coordinator duties; these schools would have to either reprioritize the existing workload of current staff or hire an independent contractor to assume the plan coordinator duties. To the extent that schools have already integrated similar pest management plans the fiscal impact may be limited. If however, schools do not already have similar plans in place or they must change their current plans significantly, there may be a cost to schools to adopt a new integrated pest management plan. The governing bodies of schools are directed to adopt a list of low-impact pesticides for use with the school's integrated pest management plan. The Portland Public School District has a list that could be adopted by other school governing boards and meets the requirements of this measure. It is not known whether other school governing bodies will adopt this list or if they will require rulemaking to adopt lists of their own.

The Portland School District transitioned to an Integrated Pest Management system in 1998 and fully implemented the system in 1999-2000. Portland's annual Integrated Pest Management expenditures prior to implementing the Integrated Pest Management system ranged from \$30,000-\$40,000 for a total of about 100 schools. Portland's average Integrated Pest Management system service cost over the past eight years is \$55,678 annually. It costs the Portland School District approximately \$17,884 more annually to use the Integrated Pest Management system. Portland School District reports that its costs increased primarily due to the staff and contractor time that the system required to use the least toxic or instructive measure first before utilizing other alternatives.

Department of Agriculture

There is a minimal fiscal impact to the Department of Agriculture. The department would be charged with licensing the employees of the governing bodies with a public applicator license or public trainee certificate; this requirement is operative on July 1, 2012. The department anticipates that an estimated 300 new licensees will be subject to the \$50 fee; this will generate an additional \$15,000 of Other Funds revenue for the department for the 2011-13 biennium. The department estimates that a minimal amount of existing staff time will be required to process the applications.

Department of Higher Education and Department of Human Services

The measure requires the Oregon State University Extension Service and the Department of Human Services to work in cooperation with the Department of Agriculture to develop and make available to the governing bodies of schools one or more model integrated pest management plans for use in schools no later than July 1, 2011. There is a minimal fiscal impact to the Department of Higher Education and Department of Human Services to develop model integrated pest management plans. Both departments report that this workload can be absorbed with existing resources and funding. The provisions of the measure specific to the development of at least one model integrated pest management plan for use in schools by DHED, DHS, and the Department of Agriculture are repealed on January 2, 2014.