

Senate Bill 426

Sponsored by Senators DEMBROW, PATTERSON, Representatives HUDSON, NERON, NOSSE, REYNOLDS; Senator CAMPOS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements of Healthy and Safe Schools Plan related to integrated pest management. Requires Department of Education to provide technical assistance to districts and schools regarding integrated pest management plans. Requires department to establish recommendations for limiting and reducing exposure to pesticides.

Directs department to convene Healthy and Safe Schools Integrated Pest Advisory Committee.

Direct department to provide grants to three school districts to test applicability of pesticide applicator records system.

Requires governing bodies of schools to implement certain record keeping and reporting requirements related to school integrated pest management.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to school integrated pest management; creating new provisions; amending ORS 332.331,
3 332.334, 634.700, 634.705 and 634.750; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 332.331 is amended to read:

6 332.331. (1) A school district, education service district or public charter school shall develop
7 and adopt a plan, to be known as the Healthy and Safe Schools Plan, for the district or school. The
8 plan must address environmental conditions at the facilities owned or leased by the district or
9 school where students or staff are present on a regular basis. The Department of Education, in
10 consultation with the Oregon Health Authority, the Department of Environmental Quality, **the**
11 **State Department of Agriculture** and other interested stakeholders, shall develop and adopt a
12 model plan to provide guidance to the districts and schools in developing and adopting plans under
13 this section.

14 (2) A school district, education service district or public charter school shall provide a copy of
15 a plan developed and adopted under this section to the Department of Education. The district or
16 school shall annually review the plan. If the information contained in a plan has changed since the
17 preceding annual review due to the acquisition or remodeling of a facility, the termination of regular
18 use of the facility by students and staff or a modification in the method, location, scope, frequency
19 or other aspects of addressing environmental conditions, the district or school shall revise the plan
20 as necessary to address the change in information and provide a copy of the revised plan to the
21 department.

22 (3) A plan developed and adopted under this section must, at a minimum, include the following:

23 (a) The identification of, and contact information for, a position within the administration of the
24 school district, education service district or public charter school having responsibility for main-
25 taining and overseeing performance of the plan.

26 (b) A list of all facilities of the school district, education service district or public charter school

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 that are subject to the plan.

2 (c) Provisions regarding testing for, and reducing exposure to, elevated levels of lead in water
3 used for drinking or food preparation as required under guidelines adopted by the authority.

4 (d) Provisions consistent with the United States Environmental Protection Agency Renovation,
5 Repair and Painting Rule set forth in 40 C.F.R. section 745 regarding testing for, and reducing ex-
6 posure to, lead-based paint.

7 (e) Provisions consistent with federal law regarding testing for, and reducing exposure to,
8 asbestos.

9 (f) Provisions consistent with ORS 332.345 regarding testing for, and reducing exposure to, ele-
10 vated levels of radon.

11 (g) Provisions for carrying out integrated pest management as provided under ORS 634.700 to
12 634.750, **including provisions for:**

13 **(A) The adoption of a low-impact pesticide list, as required by ORS 634.705, and making**
14 **updates to the low-impact pesticide list;**

15 **(B) The adoption of effective nonchemical pest suppression and exclusion strategies con-**
16 **sistent with ORS 634.705;**

17 **(C) The adoption of and updates to record keeping and reporting policies that satisfy the**
18 **requirements of ORS 634.750;**

19 **(D) Ongoing training for integrated pest management coordinators to emphasize the im-**
20 **portance of using the least toxic methods of pest control; and**

21 **(E) Ongoing training for school personnel or contractors responsible for implementing**
22 **integrated pest management plans.**

23 (h) Provisions for installing carbon monoxide detection devices in proximity to fuel burning ap-
24 pliances that emit carbon monoxide, if installation is required under the state building code.

25 (4) A plan described in subsection (3) of this section must provide for any laboratory analysis
26 on test samples to be carried out by a laboratory having a type and level of accreditation recognized
27 as appropriate by the authority.

28 (5) The authority, in consultation with the department, school districts, education service dis-
29 tricts, public charter schools and other interested stakeholders, may provide districts and schools
30 with recommendations regarding evidence-based practices for the reduction of environmental condi-
31 tions not addressed in subsection (3) of this section that may present health concerns if present in
32 district or school facilities. The recommendations may include, but need not be limited to, recom-
33 mendations regarding:

34 (a) Methods for limiting or reducing exposure to high levels of diesel engine exhaust; and

35 (b) Identification of mold, including but not limited to advice regarding how to recognize the
36 presence of mold.

37 (6) The authority **and the State Department of Agriculture** shall develop information sheets
38 for use by school districts, education service districts and public charter schools to inform staff,
39 students, parents of minor students and other interested stakeholders about substances that may
40 present health concerns if present in district or school facilities.

41 (7) The Department **of Education**, in consultation with the authority, representatives of school
42 districts, education service districts and public charter schools and other interested stakeholders,
43 shall make opportunities for professional development available to district and school staff regarding
44 plan requirements under this section and the provision of information as required under ORS
45 332.334.

1 **(8) The Department of Education, in consultation with the State Department of Agricul-**
 2 **ture, the Oregon Health Authority, representatives of school districts, education service**
 3 **districts and public charter schools and other interested stakeholders, shall provide technical**
 4 **assistance to district and school staff for the creation, updating and implementation of in-**
 5 **tegrated pest management plans under ORS 634.700 to 634.750. The Department of Education**
 6 **shall give priority in providing technical assistance under this subsection to districts and**
 7 **schools serving diverse and low-income populations.**

8 **(9) The Department of Education, in consultation with the State Department of Agricul-**
 9 **ture, the Oregon Health Authority, representatives of school districts, education service**
 10 **districts and public charter schools and other interested stakeholders, shall develop and**
 11 **provide to school districts and schools recommendations for limiting and reducing exposure**
 12 **to pesticides.**

13 **SECTION 2.** ORS 332.334 is amended to read:

14 332.334. (1)(a) A school district, education service district or public charter school shall make
 15 the results of any testing conducted under a plan described in ORS 332.331 available to the public
 16 no later than 10 business days after receiving the test results. As used in this paragraph, “business
 17 day” means a day that is not a Saturday, a legal holiday under ORS 187.010 or 187.020 or a day on
 18 which the administrative headquarters for the district or school is closed.

19 (b) The district or school shall make the test results available:

20 (A) If the district or school maintains a public website, by posting the test results on the
 21 website;

22 (B) By sending electronic mail to staff, students and parents of minor students for whom the
 23 district or school has electronic mail addresses on file; and

24 (C) By making the test results available in printed form at the administrative headquarters for
 25 the district or school.

26 (2) A school district, education service district or public charter school shall provide an annual
 27 statement regarding the plan developed and adopted by the district or school under ORS 332.331.
 28 The district or school shall provide the statement to:

29 (a) The governing body for the district or school;

30 (b) The parents of minor students; and

31 (c) Any students 18 years of age or older.

32 (3) The annual statement under subsection (2) of this section must include, but need not be
 33 limited to, the following information:

34 (a) Identification of, and contact information for, the position within the administration of the
 35 school district, education service district or public charter school having responsibility for main-
 36 taining and overseeing performance of the plan;

37 (b) Information regarding where copies of the plan are available;

38 (c) A certification that the district or school is in compliance with any testing requirements
 39 under the plan;

40 (d) Information about how to obtain the results of any testing conducted under the plan; and

41 (e) A summary of major exposure reduction activities conducted under the plan since the pre-
 42 ceding annual statement.

43 (4) If a school district, education service district or public charter school maintains a publicly
 44 available website, the district or school shall post the annual statement described in subsection (3)
 45 of this section on the website. The district or school shall make the annual statement available in

1 printed form at the administrative headquarters for the district or school.

2 (5) The Department of Education shall adopt, in consultation with the Oregon Health Authority,
 3 **the State Department of Agriculture**, representatives of school districts, education service dis-
 4 tricts and public charter schools and other interested stakeholders, rules for carrying out this sec-
 5 tion.

6 **SECTION 3. (1) The Department of Education shall convene a Healthy and Safe Schools**
 7 **Integrated Pest Advisory Committee. The advisory committee shall consist of:**

8 (a) **A representative of the State Department of Agriculture;**

9 (b) **A representative of the Oregon Health Authority;**

10 (c) **Representatives of urban and rural school districts, including school administrators,**
 11 **facility managers, integrated pest management plan coordinators and school garden manag-**
 12 **ers;**

13 (d) **At least one children’s health professional;**

14 (e) **At least one representative of an environmental justice organization;**

15 (f) **A representative of the Oregon State University integrated pest management pro-**
 16 **gram; and**

17 (g) **Other education and health stakeholders, as determined by the Department of Edu-**
 18 **cation.**

19 (2) **The advisory committee shall advise the Department of Education on:**

20 (a) **Standardized practices for the preparation of the annual report required under ORS**
 21 **634.750;**

22 (b) **The development and adoption of, and updates to, a model integrated pest manage-**
 23 **ment list that governing bodies may adopt to satisfy the requirements of ORS 634.705;**

24 (c) **The development of recommended best practices for integrated pest management**
 25 **consistent with ORS 634.700 to 634.750; and**

26 (d) **Recommendations for training for school integrated pest management plan coordina-**
 27 **tors and others implementing an integrated pest management plan under ORS 634.700 to**
 28 **634.750.**

29 (3) **The Department of Education shall determine the number and frequency of meetings**
 30 **to be held by the advisory committee.**

31 **SECTION 4. The Department of Education, in consultation with the State Department**
 32 **of Agriculture, shall provide grants to three school districts to operate pilot programs to test**
 33 **the applicability of a pesticide applicator records system, that has been utilized by a metro-**
 34 **politan service district, to determine if the system is suitable for satisfying the requirements**
 35 **of ORS 634.750.**

36 **SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-**
 37 **ated to the Department of Education, for the biennium beginning July 1, 2023, out of the**
 38 **General Fund, the amount of \$_____ , which may be expended for the purpose of providing**
 39 **grants under section 4 of this 2023 Act.**

40 **SECTION 6. Section 4 of this 2023 Act is repealed on January 2, 2026.**

41 **SECTION 7. ORS 634.700 is amended to read:**

42 634.700. As used in ORS 634.700 to 634.750:

43 (1) **“Campus” means the buildings, other structures, playgrounds, athletic fields and parking lots**
 44 **of a school and any other areas on the school property that are accessed by students on a regular**
 45 **basis.**

1 (2) “Governing body” means a board of directors, agency or other body or person having
 2 policymaking and general oversight responsibility for a community college district, education service
 3 district, school district, other unit of education governance, private school or other educational en-
 4 tity.

5 (3) “Integrated pest management plan” means a proactive strategy that:

6 (a) Focuses on the long-term prevention or suppression of pest problems through economically
 7 sound measures that:

8 (A) Protect the health and safety of students, staff and faculty;

9 (B) Protect the integrity of campus buildings and grounds;

10 (C) Maintain a productive learning environment; and

11 (D) Protect local ecosystem health;

12 (b) Focuses on the prevention of pest problems by working to reduce or eliminate conditions of
 13 property construction, operation and maintenance that promote or allow for the establishment,
 14 feeding, breeding and proliferation of pest populations or other conditions that are conducive to
 15 pests or that create harborage for pests;

16 (c) Incorporates the use of sanitation, structural remediation or habitat manipulation or of me-
 17 chanical, biological and chemical pest control measures that present a reduced risk or have a low
 18 impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides
 19 that are not low-impact pesticides;

20 (d) Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned
 21 pesticide usage;

22 (e) Evaluates the need for pest control by identifying acceptable pest population density levels;

23 (f) Monitors and evaluates the effectiveness of pest control measures;

24 (g) Excludes the application of pesticides on a routine schedule for purely preventive purposes,
 25 other than applications of pesticides designed to attract or be consumed by pests;

26 (h) Excludes the application of pesticides for purely aesthetic purposes;

27 (i) Includes school staff education about sanitation, monitoring and inspection and about pest
 28 control measures;

29 (j) Gives preference to the use of **effective** nonchemical pest [*control measures*] **suppression and**
 30 **exclusion strategies**;

31 (k) Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective;
 32 and

33 (L) Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a
 34 declared pest emergency or if the application is by, or at the direction or order of, a public health
 35 official.

36 (4) “Low-impact pesticide” means a product that does not contain a pesticide product or active
 37 ingredient described in ORS 634.705 (5).

38 (5) “Pest” means:

39 (a) An insect or other arthropod;

40 (b) A weed, moss, slime or mildew or a plant disease caused by a fungus, bacterium or virus;

41 (c) A nematode, snail, slug, rodent or predatory animal;

42 (d) A bacterium, spore, virus, fungus or other microorganism that is harmful to human health;

43 or

44 (e) Other forms of plant or animal life that may infest or be detrimental to vegetation, humans,
 45 animals, structures, managed landscapes or other human environments.

1 (6) “Pest emergency” means an urgent need to eliminate or mitigate a pest situation that
2 threatens:

3 (a) The health or safety of students, staff, faculty members or members of the public using the
4 campus; or

5 (b) The structural integrity of campus facilities.

6 (7) “Registration number” means the pesticide registration number assigned by the United States
7 Environmental Protection Agency.

8 (8) “School” means:

9 (a) A facility operating an Oregon prekindergarten or a federal Head Start program;

10 (b) A public or private educational institution offering education in all or part of kindergarten
11 through grade 12;

12 (c) An education service district as defined in ORS 334.003;

13 (d) A community college as defined in ORS 341.005, for the community college’s own buildings
14 and ground maintenance;

15 (e) The Oregon School for the Deaf; and

16 (f) A regional residential academy operated by the Oregon Youth Authority.

17 **SECTION 8.** ORS 634.705 is amended to read:

18 634.705. (1) The governing body responsible for a school shall adopt an integrated pest manage-
19 ment plan for use on the campuses of the school. The governing body shall also adopt provisions for:

20 (a) Designating an integrated pest management plan coordinator;

21 (b) Identifying plan coordinator responsibilities;

22 (c) Giving notices under ORS 634.740;

23 (d) Retaining pesticide application records under ORS 634.750;

24 (e) Providing a process for responding to inquiries and complaints about noncompliance with the
25 integrated pest management plan; and

26 (f) Conducting outreach to the school community about the school’s integrated pest management
27 plan.

28 (2) If a governing body has control over only part of a building, a structure or property where
29 a campus is located, the governing body may limit an integrated pest management plan to those
30 parts of the building, structure or property over which the governing body exerts substantial con-
31 trol.

32 (3) A governing body is not required to adopt an integrated pest management plan for off-campus
33 buildings, structures or property, notwithstanding any incidental use for instruction.

34 (4) Unless a governing body expressly provides otherwise, the application of a germicide,
35 disinfectant, sanitizer, deodorizer, antimicrobial agent or insecticidal soap at a campus is not subject
36 to the requirements for a pesticide application under an integrated pest management plan. However,
37 this subsection does not permit the application at a campus of a germicide, disinfectant, sanitizer,
38 deodorizer, antimicrobial agent or insecticidal soap that is a pesticide in a manner that is incon-
39 sistent with the goal of the integrated pest management plan.

40 (5) A governing body shall adopt a list of low-impact pesticides for use with the integrated pest
41 management plan. The governing body may include any product on the list except products that:

42 (a) Contain a pesticide product or active ingredient that has the signal words “warning” or
43 “danger” on the label;

44 *[(b) Contain a pesticide product classified as a human carcinogen or probable human carcinogen*
45 *under the United States Environmental Protection Agency 1986 Guidelines for Carcinogen Risk As-*

1 *essment; or]*

2 *[(c) Contain a pesticide product classified as carcinogenic to humans or likely to be carcinogenic*
 3 *to humans under the United States Environmental Protection Agency 2003 Draft Final Guidelines for*
 4 *Carcinogen Risk Assessment.]*

5 **(b) Are classified as a human carcinogen, a probable human carcinogen or likely to be**
 6 **carcinogenic to humans under United States Environmental Protection Agency guidelines for**
 7 **carcinogen risk assessment; or**

8 **(c) Are classified as a disruptor of hormonal systems in the United States Environmental**
 9 **Protection Agency’s Endocrine Disruptor Screening Program.**

10 **SECTION 9.** ORS 634.750, as amended by section 12, chapter 53, Oregon Laws 2022, is amended
 11 to read:

12 634.750. (1) If a pesticide is applied at a campus, the integrated pest management plan coordi-
 13 nator or a designee of the coordinator shall place the labeling information and material data safety
 14 sheet for the pesticide on file at a school on the campus. The plan coordinator or designee shall
 15 record and make available the following information:

- 16 (a) The brand name or trademark of the pesticide product;
 - 17 (b) The United States Environmental Protection Agency registration number assigned to the
 18 pesticide product;
 - 19 (c) The pest condition that prompted the application;
 - 20 (d) A description of the area on campus where the application occurred;
 - 21 (e) The approximate amount and concentration of pesticide product applied;
 - 22 (f) The type of application and whether the application proved effective;
 - 23 (g) The pesticide applicator, noncommercial pesticide applicator or public applicator license
 24 numbers and pesticide trainee, noncommercial pesticide trainee or public trainee certificate numbers
 25 of the persons applying the pesticide;
 - 26 (h) The names of the persons applying the pesticide;
 - 27 (i) The dates on which the plan coordinator gave any notices required by ORS 634.740; and
 - 28 (j) The dates and times for the placement and removal of warning signs under ORS 634.740.
- 29 (2) Pesticide application records must include copies of all notices given under ORS 634.740.

30 **(3) A governing body shall implement uniform record keeping and reporting policies that**
 31 **enhance equity and transparency for students and parents, including the use of web-based,**
 32 **record keeping software that is standardized across the governed schools.**

33 ~~[(3)]~~ (4) A school shall retain pesticide application records required by this section for at least
 34 four years following the application date.

35 **(5) A plan coordinator shall provide an annual report to the governing body for the**
 36 **school. The report shall include, but need not be limited to, information regarding:**

- 37 **(a) Personnel training regarding integrated pest management and pesticides;**
- 38 **(b) Pest prevention efforts; and**
- 39 **(c) Pesticide applications made at the school.**

40 **SECTION 10.** (1) **The amendments to ORS 332.331, 332.334, 634.700, 634.705 and 634.750 by**
 41 **sections 1, 2, and 7 to 9 of this 2023 Act become operative on January 1, 2024.**

42 **(2) The Department of Education, the Oregon Health Authority and the State Depart-**
 43 **ment of Agriculture may take any action before the operative date specified in subsection**
 44 **(1) of this section that is necessary to enable the Department of Education, the Oregon**
 45 **Health Authority or the State Department of Agriculture to exercise, on and after the op-**

1 erative date specified in subsection (1) of this section, all the duties, functions and powers
2 conferred on the Department of Education, the Oregon Health Authority and the State De-
3 partment of Agriculture by the amendments to ORS 332.331, 332.334, 634.700, 634.705 and
4 634.750 by sections 1, 2, and 7 to 9 of this 2023 Act.

5 SECTION 11. This 2023 Act takes effect on the 91st day after the date on which the 2023
6 regular session of the Eighty-second Legislative Assembly adjourns sine die.

7
