

SENATE AMENDMENTS TO SENATE BILL 426

By COMMITTEE ON EDUCATION

April 3

1 On page 1 of the printed bill, line 3, delete the second comma and insert “and” and delete “and
2 634.750”.

3 Delete lines 5 through 26 and delete page 2.

4 On page 3, delete lines 1 through 12 and insert:

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
15 of 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
24 the school district, education service district or public charter school having responsibility for
25 maintaining and overseeing performance of the plan.

26 “(b) A list of all facilities of the school district, education service district or public charter
27 school that are subject to the plan.

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

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

33 “(e) Provisions consistent with federal law regarding testing for, and reducing exposure to,
34 asbestos.

35 “(f) Provisions consistent with ORS 332.345 regarding testing for, and reducing exposure to, el-

1 evated levels of radon.

2 “(g) Provisions for carrying out integrated pest management as provided under ORS 634.700 to
3 634.750.

4 “(h) Provisions for installing carbon monoxide detection devices in proximity to fuel burning
5 appliances that emit carbon monoxide, if installation is required under the state building code.

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

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

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

16 “(b) Identification of mold, including but not limited to advice regarding how to recognize the
17 presence of mold.

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

22 “(7) The Department **of Education**, in consultation with the authority, representatives of school
23 districts, education service districts and public charter schools and other interested stakeholders,
24 shall make opportunities for professional development available to district and school staff regarding
25 plan requirements under this section and the provision of information as required under ORS
26 332.334.

27 “(8) **The Department of Education, in consultation with the State Department of Agri-**
28 **culture, shall develop a process that may be used by district and school staff to update and**
29 **implement integrated pest management plans under ORS 634.700 to 634.750. In developing the**
30 **process, the Department of Education shall engage in outreach activities with school dis-**
31 **tricts serving low-income and diverse populations and populations with proportionally higher**
32 **environmental burdens, as defined in ORS 182.535.”.**

33 On page 4, delete lines 6 through 35 and insert:

34 “**SECTION 3. (1) The Department of Education shall convene a Healthy and Safe Schools**
35 **Integrated Pest Management Advisory Committee. The advisory committee shall consist of**
36 **no more than 15 members appointed as follows:**

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

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

39 “(c) **Representatives of urban and rural school districts, including a school administrator,**
40 **facility manager, integrated pest management plan coordinator and school garden manager;**

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

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

43 “(f) **At least one representative of an environmental health organization;**

44 “(g) **A representative of the Oregon State University school integrated pest management**
45 **program; and**

1 “(h) Other education and health stakeholders, as determined by the Department of Edu-
2 cation.

3 “(2) The advisory committee shall advise the Department of Education on:

4 “(a) Standardized practices to increase the transparency of the information required
5 under ORS 634.750;

6 “(b) A process for the adoption of and updates to a model low-impact pesticide list that
7 governing bodies, as defined in ORS 634.700, may adopt to satisfy the requirements of ORS
8 634.705;

9 “(c) Recommendations for school integrated pest management plan coordinators and
10 others for the implementation of an integrated pest management plan under ORS 634.700 to
11 634.750;

12 “(d) Standardized practices for periodically updating and reviewing school integrated pest
13 management plans; and

14 “(e) Technical assistance needed for school districts to better implement school inte-
15 grated pest management plans and resources to support school districts in addressing im-
16 plementation problems.

17 “(3) The Department of Education shall determine the number and frequency of meetings
18 to be held by the advisory committee.

19 “SECTION 4. (1) The Department of Education, in consultation with the State Depart-
20 ment of Agriculture, shall provide grants to school districts to operate pilot programs to test
21 an electronic pesticide applicator records system to determine if the system is suitable for
22 satisfying the requirements of ORS 634.750.

23 “(2) Each school district operating a pilot program must implement the pesticide
24 applicator records system no later than July 1, 2024, and use the system throughout the
25 2024-2025 and 2025-2026 school years.

26 “(3) Each school district operating a pilot program must periodically provide progress
27 reports to the Department of Education in the form and manner prescribed by the depart-
28 ment. The Healthy and Safe Schools Integrated Pest Management Advisory Committee shall
29 review the progress reports and advise the department on the suitability of the pesticide
30 applicator records system for satisfying the requirements of ORS 634.750.

31 “(4) The Department of Education shall submit a report on the outcomes of the pilot
32 programs in the manner provided by ORS 192.245, and may include recommendations for
33 legislation, to the interim committees of the Legislative Assembly related to education no
34 later than September 15, 2026.”.

35 In line 40, delete “2026” and insert “2027”.

36 On page 5, line 29, delete “effective”.

37 On page 6, delete lines 17 through 45.

38 Delete pages 7 and 8 and insert:

39 “SECTION 8. ORS 634.705 is amended to read:

40 “634.705. (1) The governing body responsible for a school shall adopt an integrated pest man-
41 agement plan for use on the campuses of the school. The governing body shall also adopt provisions
42 for:

43 “(a) Designating an integrated pest management plan coordinator;

44 “(b) Identifying plan coordinator responsibilities;

45 “(c) Giving notices under ORS 634.740;

1 “(d) Retaining pesticide application records under ORS 634.750;

2 “(e) Providing a process for responding to inquiries and complaints about noncompliance with

3 the integrated pest management plan; and

4 “(f) Conducting outreach to the school community about the school’s integrated pest manage-

5 ment plan.

6 “(2) If a governing body has control over only part of a building, a structure or property where

7 a campus is located, the governing body may limit an integrated pest management plan to those

8 parts of the building, structure or property over which the governing body exerts substantial con-

9 trol.

10 “(3) A governing body is not required to adopt an integrated pest management plan for off-

11 campus buildings, structures or property, notwithstanding any incidental use for instruction.

12 “(4) Unless a governing body expressly provides otherwise, the application of a germicide,

13 disinfectant, sanitizer, deodorizer, antimicrobial agent or insecticidal soap at a campus is not subject

14 to the requirements for a pesticide application under an integrated pest management plan. However,

15 this subsection does not permit the application at a campus of a germicide, disinfectant, sanitizer,

16 deodorizer, antimicrobial agent or insecticidal soap that is a pesticide in a manner that is incon-

17 sistent with the goal of the integrated pest management plan.

18 “(5) A governing body shall adopt **and maintain a current** list of low-impact pesticides for use

19 with the integrated pest management plan. The governing body may include any product on the list

20 except products that:

21 “(a) Contain a pesticide product or active ingredient that has the signal words ‘warning’ or

22 ‘danger’ on the label; **or**

23 “[*(b) Contain a pesticide product classified as a human carcinogen or probable human carcinogen*

24 *under the United States Environmental Protection Agency 1986 Guidelines for Carcinogen Risk As-*

25 *essment; or]*

26 “[*(c) Contain a pesticide product classified as carcinogenic to humans or likely to be carcinogenic*

27 *to humans under the United States Environmental Protection Agency 2003 Draft Final Guidelines for*

28 *Carcinogen Risk Assessment.*]

29 “(b) **Contain a pesticide product classified as a human carcinogen, a probable human**

30 **carcinogen or likely to be carcinogenic to humans under United States Environmental Pro-**

31 **tection Agency guidelines for carcinogen risk assessment.**

32 “**SECTION 9.** (1) **The amendments to ORS 332.331, 332.334, 634.700 and 634.705 by sections**

33 **1, 2, 7 and 8 of this 2023 Act become operative on January 1, 2024.**

34 “(2) **The Department of Education, the Oregon Health Authority and the State Depart-**

35 **ment of Agriculture may take any action before the operative date specified in subsection**

36 **(1) of this section that is necessary to enable the Department of Education, the Oregon**

37 **Health Authority or the State Department of Agriculture to exercise, on and after the op-**

38 **erative date specified in subsection (1) of this section, all the duties, functions and powers**

39 **conferred on the Department of Education, the Oregon Health Authority and the State De-**

40 **partment of Agriculture by the amendments to ORS 332.331, 332.334, 634.700 and 634.705 by**

41 **sections 1, 2, 7 and 8 of this 2023 Act.**

42 “**SECTION 10.** **The Department of Education shall convene the Healthy and Safe Schools**

43 **Integrated Pest Management Advisory Committee under section 3 of this 2023 Act no later**

44 **than January 1, 2024.**

45 “**SECTION 11.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**

1 **regular session of the Eighty-second Legislative Assembly adjourns sine die.”**
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