

**A-Engrossed**  
**Senate Bill 426**

Ordered by the Senate April 3  
Including Senate Amendments dated April 3

Sponsored by Senators DEMBROW, PATTERSON, Representative HUDSON, Senator MANNING JR, Representatives NERON, NOSSE, REYNOLDS; Senators CAMPOS, TAYLOR (Pre-session 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.

*[Modifies requirements of]* **Directs State Department of Agriculture to perform certain responsibilities related to** Healthy and Safe Schools Plan *[related to integrated pest management]*. Requires Department of Education to *[provide technical assistance to districts and schools regarding]* **develop process for updating and implementing school** 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 **Management** Advisory Committee.

Directs department to provide grants to *[three]* school districts to test *[applicability of]* **electronic** 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 and 634.705; 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.

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

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

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

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

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

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

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

16 (g) Provisions for carrying out integrated pest management as provided under ORS 634.700 to  
17 634.750.

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

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

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

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

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

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

36 (7) The Department **of Education**, in consultation with the authority, representatives of school  
37 districts, education service districts and public charter schools and other interested stakeholders,  
38 shall make opportunities for professional development available to district and school staff regarding  
39 plan requirements under this section and the provision of information as required under ORS  
40 332.334.

41 **(8) The Department of Education, in consultation with the State Department of Agricul-**  
42 **ture, shall develop a process that may be used by district and school staff to update and**  
43 **implement integrated pest management plans under ORS 634.700 to 634.750. In developing the**  
44 **process, the Department of Education shall engage in outreach activities with school dis-**  
45 **tricts serving low-income and diverse populations and populations with proportionally higher**

1 **environmental burdens, as defined in ORS 182.535.**

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

3 332.334. (1)(a) A school district, education service district or public charter school shall make  
4 the results of any testing conducted under a plan described in ORS 332.331 available to the public  
5 no later than 10 business days after receiving the test results. As used in this paragraph, “business  
6 day” means a day that is not a Saturday, a legal holiday under ORS 187.010 or 187.020 or a day on  
7 which the administrative headquarters for the district or school is closed.

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

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

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

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

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

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

19 (b) The parents of minor students; and

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

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

23 (a) Identification of, and contact information for, the 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) Information regarding where copies of the plan are available;

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

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

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

32 (4) If a school district, education service district or public charter school maintains a publicly  
33 available website, the district or school shall post the annual statement described in subsection (3)  
34 of this section on the website. The district or school shall make the annual statement available in  
35 printed form at the administrative headquarters for the district or school.

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

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

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

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

45 (c) **Representatives of urban and rural school districts, including a school administrator,**

1 facility manager, integrated pest management plan coordinator and school garden manager;

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

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

4 (f) At least one representative of an environmental health organization;

5 (g) A representative of the Oregon State University school integrated pest management  
6 program; and

7 (h) Other education and health stakeholders, as determined by the Department of Edu-  
8 cation.

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

10 (a) Standardized practices to increase the transparency of the information required un-  
11 der ORS 634.750;

12 (b) A process for the adoption of and updates to a model low-impact pesticide list that  
13 governing bodies, as defined in ORS 634.700, may adopt to satisfy the requirements of ORS  
14 634.705;

15 (c) Recommendations for school integrated pest management plan coordinators and oth-  
16 ers for the implementation of an integrated pest management plan under ORS 634.700 to  
17 634.750;

18 (d) Standardized practices for periodically updating and reviewing school integrated pest  
19 management plans; and

20 (e) Technical assistance needed for school districts to better implement school integrated  
21 pest management plans and resources to support school districts in addressing implementa-  
22 tion problems.

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

25 **SECTION 4.** (1) The Department of Education, in consultation with the State Department  
26 of Agriculture, shall provide grants to school districts to operate pilot programs to test an  
27 electronic pesticide applicator records system to determine if the system is suitable for sat-  
28 isfying the requirements of ORS 634.750.

29 (2) Each school district operating a pilot program must implement the pesticide  
30 applicator records system no later than July 1, 2024, and use the system throughout the  
31 2024-2025 and 2025-2026 school years.

32 (3) Each school district operating a pilot program must periodically provide progress re-  
33 ports to the Department of Education in the form and manner prescribed by the department.  
34 The Healthy and Safe Schools Integrated Pest Management Advisory Committee shall review  
35 the progress reports and advise the department on the suitability of the pesticide applicator  
36 records system for satisfying the requirements of ORS 634.750.

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

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

45 **SECTION 6.** Section 4 of this 2023 Act is repealed on January 2, 2027.

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

2       634.700. As used in ORS 634.700 to 634.750:

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

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

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

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

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

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

15       (C) Maintain a productive learning environment; and

16       (D) Protect local ecosystem health;

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

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

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

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

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

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

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

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

34       (j) Gives preference to the use of nonchemical pest [*control measures*] **suppression and exclu-**  
35 **sion strategies;**

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

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

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

43       (5) “Pest” means:

44       (a) An insect or other arthropod;

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

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

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

3 or

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

6 (6) "Pest emergency" means an urgent need to eliminate or mitigate a pest situation that  
7 threatens:

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

10 (b) The structural integrity of campus facilities.

11 (7) "Registration number" means the pesticide registration number assigned by the United States  
12 Environmental Protection Agency.

13 (8) "School" means:

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

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

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

18 (d) A community college as defined in ORS 341.005, for the community college's own buildings  
19 and ground maintenance;

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

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

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

23 634.705. (1) The governing body responsible for a school shall adopt an integrated pest manage-  
24 ment plan for use on the campuses of the school. The governing body shall also adopt provisions for:

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

26 (b) Identifying plan coordinator responsibilities;

27 (c) Giving notices under ORS 634.740;

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

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

31 (f) Conducting outreach to the school community about the school's integrated pest management  
32 plan.

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

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

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

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

1 with the integrated pest management plan. The governing body may include any product on the list  
2 except products that:

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

5 *[(b) Contain a pesticide product classified as a human carcinogen or probable human carcinogen*  
6 *under the United States Environmental Protection Agency 1986 Guidelines for Carcinogen Risk As-*  
7 *essment; or]*

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

11 **(b) Contain a pesticide product classified as a human carcinogen, a probable human**  
12 **carcinogen or likely to be carcinogenic to humans under United States Environmental Pro-**  
13 **tection Agency guidelines for carcinogen risk assessment.**

14 **SECTION 9. (1) The amendments to ORS 332.331, 332.334, 634.700 and 634.705 by sections**  
15 **1, 2, 7 and 8 of this 2023 Act become operative on January 1, 2024.**

16 **(2) The Department of Education, the Oregon Health Authority and the State Depart-**  
17 **ment of Agriculture may take any action before the operative date specified in subsection**  
18 **(1) of this section that is necessary to enable the Department of Education, the Oregon**  
19 **Health Authority or the State Department of Agriculture to exercise, on and after the op-**  
20 **erative date specified in subsection (1) of this section, all the duties, functions and powers**  
21 **conferred on the Department of Education, the Oregon Health Authority and the State De-**  
22 **partment of Agriculture by the amendments to ORS 332.331, 332.334, 634.700 and 634.705 by**  
23 **sections 1, 2, 7 and 8 of this 2023 Act.**

24 **SECTION 10. The Department of Education shall convene the Healthy and Safe Schools**  
25 **Integrated Pest Management Advisory Committee under section 3 of this 2023 Act no later**  
26 **than January 1, 2024.**

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

29