

State of Oregon Department of Agriculture
January 22, 2019

Response to comments on proposed rules: Creates a new license category to apply pesticides on the campus of a school

Comment Period: November 21, 2019 to January 11, 2019

Public Hearing: On December 17, 2019 a public hearing was held in Salem. Four people attended the hearing held in Salem, including two members of the public.

Organizations or Individuals Providing Comment: Mike Martin, Precision Custom Spray Service LLC; Megan Dunn, Northwest Center for Alternatives to Pesticides; Joe Bair, St. Helens School District; Pat McGough, West Linn/Wilsonville School District.

Comments & ODA Response:

- 1. The state assessment stating no financial impact is completely incorrect. There will be added cost to school districts to pay for further employee training as well as the state fee for that category and testing. For those school districts that hire out commercial applicators the impact will be on the private sector with another category to pay for as well the testing fees and study time. I personally do contract work for some school districts and have categories for for each type of application that I perform. This rule would require me to obtain another category that only blankets the current categories I already have. I'm not alone.....there are many other operators that this also negatively impacts across the state. This proposed rule should only apply to school dist. employees performing all of there own applications. Commercial operators are "in the business" and stay current on label changes, laws and labels generally speaking. Those that aren't are already breaking the law without the proposed license. this is just more taxation on private businesses by the state of Oregon. Remember that anyone with laws & safety license should know that regardless of categories that the label is the law and should be followed. If the state of Oregon more applicators of school grounds to be more informed that should be provided during credit courses.*

ODA Response: Thank you for your comment. I absolutely understand your concern. That is exactly why the proposed School Integrated Pest Management (IPM) license category would be an optional category for Commercial Pesticide Applicators, Commercial Pesticide Operators, and Public Pesticide Applicators. If you are already licensed to do certain work on school campuses, you would not be required to have the proposed school IPM license category. So, you would not need to pass the

associated school IPM exam, purchase/study the associated manual, or pay an additional license fee to do the work for which you are already licensed.

However, for those that do work on school campuses and who see value in 1) working under and paying for fewer categories (when applicable), or 2) receiving more training on the school IPM law, they could optionally earn the proposed school IPM license category. Therefore, those who are currently licensed and who don't want the proposed school IPM license category, will not be burdened with the associated training or licensing costs, while those who would benefit as described above can optionally choose to utilize this license category to save on training and licensing costs when compared to earning two or more categories.

I agree with you that training on the school IPM law should be offered in recertification courses, which is why ODA worked with the OSU Pesticide Safety Education Program to offer a 4-hour breakout session on exactly this topic at the [2019 Chemical Applicator's Short Course](#) and the [Non-Crop Vegetative Management Course](#).

- 2. The Department of Agriculture has requested public comment on creating a new license category to apply pesticides on a school campus. The Northwest Center for Alternatives to Pesticides (NCAP) respectfully submits the following comments to provide background material and policy recommendations for strengthening the IPM in Schools Law. There are known harmful health impacts associated with exposures to pesticides and children are especially vulnerable to pesticide exposureⁱ. IPM can benefit schools by improving indoor air quality, which has been found to result in better attendance, lower teacher turnover and increase productivityⁱⁱ.*

NCAP is a regional nonprofit organization; we have worked for over 40 years to reduce pesticides, especially in environments where vulnerable populations, such as school children and farm workers, are at increased risk of exposure. We focus on educating the public about pesticides and their impacts, developing and implementing effective policies and alternatives to pesticides, and involving people at all levels to produce real change.

Under the Oregon IPM in Schools Law, IPM coordinators must receive 6 hours of training every 12 months. With a school specific certification program, it could be more efficient to maintain records and track employees that received the required training. However, the curriculum for IPM coordinators should include IPM techniques that focus on prevention, best practices and alternatives to pesticides. The certification program for pesticide applications should not replace the required IPM training for IPM coordinators. We agree that this new certification program must continue to protect children and employees and will not allow use of any highly toxic or restricted-use pesticide, as defined in ORS 634.006(5) and (22).

In 2015, NCAP conducted a survey of Oregon IPM coordinators and published a report to monitor the integrity of the Oregon School IPM law. As an independent organization, we understand the need to evaluate the effectiveness of laws we have supported. This report includes background information on the law and a summary of survey results from 123 IPM coordinators across the state, representing 197 campusesⁱⁱⁱ.

In the report we also highlight success stories from across Oregon to share the good news that schools are reducing pesticide exposure. 41% of campuses that responded had eliminated all pesticide applications, and 90% of the survey respondents support efforts to reduce pesticides in schools (109 out of 121). Finally, we offered policy recommendations to ensure that this law is protected and remains effective. These changes will better protect the health of students and employees in nearly 1,300 public schools, community colleges, Head Start centers, and other campuses covered under the law.

Based on survey responses, we recommend the following policy improvements. Survey results indicated that coordinators support the need for continued efforts to reduce pesticides in schools through school IPM policies. Responders held the position titles including IPM Coordinator, facility managers and custodians. We offer the following policy solutions to strengthen the law and for other states to follow Oregon's lead in reducing pesticides and protecting students and employees.

- **Training:** Offer advanced training for those employees renewing training. Broaden availability of training providers, including bilingual and online options. Promote and expand IPM classes to other school-related staff (including nurses, Environmental Health Specialists, custodians, etc). Research the potential for allowing one trained coordinator for multiple small districts for efficiency of scale and cost savings, as small schools and big schools have different needs.
- **Communication:** Improve awareness of educational materials available for schools and staff through Oregon State University and promote materials for parents and volunteers explaining why IPM is required.
- **Funding:** Resources are needed to improve sustainable IPM implementation.
- **Time:** Research ways to streamline the time it takes to carry out an IPM policy by identifying and publicizing time saving best practices for implementation, documentation, notification, training and maintaining requirements.
- **Contractors:** There was a perception that schools are required to contract with a licensed applicator for pesticide applications. This is leading to concerns over high costs and noncompliance with the law. The restrictions on low impact pesticides should be further researched.
- **Structure and Governance:** Promote the distribution of standardized templates for paperwork requirements; expand the online tracking database to track alternative methods, pest activity and pesticide use. Encourage transparent

online notification of pesticide applications for parent notification (Los Angeles School district as an example).

Maintaining successful IPM programs in schools is an important step for strong public health polices. We look forward to continuing to work alongside concerned stakeholders, as we share the common goal of protecting children's health and safeguarding our schools, employees and public health. Thank you for the opportunity to submit these comments on behalf of nearly 14,000 NCAP supporters.

¹ Roberts JR, Karr CK; American Academy of Pediatrics, Council on Environmental Health. Technical report—pesticide exposure in children. *Pediatrics*. 2012;130(6)

¹ Chambers, Kelly, Thomas Green, Dawn Gouge, Janet Hurley, Tim Stock, Zack Burns, Mark Shour, Carrie Foss, Fudd Graham, Kathy Murray, Lynn Braband, Sherry Glick and Matt Anderson, 2011. *The Business Case for Integrated Pest Management in Schools: Cutting Cost and Increasing Benefits*. U.S. Environmental Protection Agency.

¹ See http://www.pesticide.org/people_communities_resources for full report.

ODA Response: Thank you for your comments and for sharing your 2015 survey. While these suggestions are outside the scope of our current rulemaking effort, we have shared them with our partners at the Oregon State University School IPM Program and will reference them as we plan for the future.

3. *Good morning, I was just hoping to voice my opinion on the proposed school applicators license. The main thing in regards to what I do for schools that is not on my PPA- Ornamental Turf, would be the ability to control wasp/hornet nests. That would definitely take top priority, last season alone we had 10 stings just in the maintenance department. The other pest that we run into and aren't covered under Orn-Turf, is Moss. Both the type on roofs and the finer growing moss that poses a slipping hazard on side walks.*

ODA Response: Thank you for your comment.

4. [ODA summary of oral comment at public hearing]: A facilities manager at an Oregon school district testified in support of the rule at the public hearing.

ODA Response: Thank you for your comment.

ⁱ Roberts JR, Karr CK; American Academy of Pediatrics, Council on Environmental Health. Technical report—pesticide exposure in children. *Pediatrics*. 2012;130(6)

ⁱⁱ Chambers, Kelly, Thomas Green, Dawn Gouge, Janet Hurley, Tim Stock, Zack Burns, Mark Shour, Carrie Foss, Fudd Graham, Kathy Murray, Lynn Braband, Sherry Glick and Matt Anderson, 2011. *The Business Case for Integrated Pest Management in Schools: Cutting Cost and Increasing Benefits*. U.S. Environmental Protection Agency.

ⁱⁱⁱ See http://www.pesticide.org/people_communities_resources for full report.