

School Integrated Pest Management Declaring a Pest Emergency

11/2021

To protect children, the School Integrated Pest Management (IPM) law (ORS 634.700 – ORS 634.750) establishes certain requirements and limitations when pesticides are applied on a school campus. These include, but are not limited to, providing written notification, posting of warning signs, maintaining pesticide application records, and other requirements for certain school personnel and the governing body.

If a school has followed the IPM plan and nonchemical pest control measures were ineffective, subject to ORS 634.730 the IPM plan coordinator may authorize the application of a low-impact pesticide.

When certain steps are followed and criteria are met, the school IPM law does provide some flexibility to respond to a qualifying “pest emergency”, and pesticide use is not limited to just those that are categorized as “low-impact” (ORS 634.730(3)). It is important to recognize that each school’s IPM plan coordinator is responsible for following the required steps described in the school IPM law regardless of who will be applying a pesticide in response to the pest emergency.

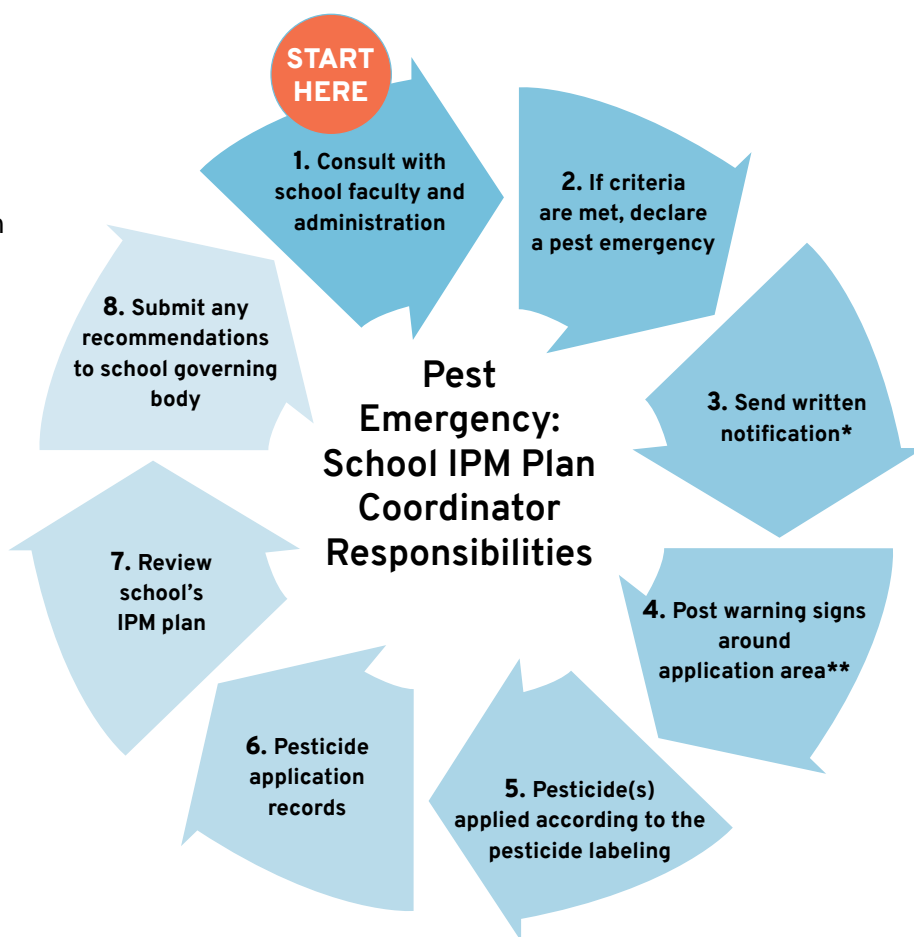
» What is a Pest Emergency?

ORS 634.700 (6) defines a “Pest Emergency” as: “an **urgent need** to eliminate or mitigate a pest situation that threatens:

- (a) The **health or safety** of students, staff, faculty members or members of the public using the campus; or
- (b) The **structural integrity** of campus facilities.”

» What steps are required if a potential pest emergency is identified?

A graphic of the overall process is provided at right. More detailed information is provided on the next page.



* See ORS 634.740(3) for more information.

** See ORS 634.740(4) for more information.

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» Step 1. Consultation:

The school IPM plan coordinator must first consult with their school faculty **and** administration about the pest situation. Consider including one or more of the following elements in your consultation:

- Why does the situation meet the definition of a pest emergency?
- When do students or staff need access to the area? Are there temporary alternatives to using the treated areas?
- What pesticides need to be applied? Provide evidence why use of a pesticide not on the low-impact, may be justified.
- How might people come into contact with the pesticide? How can the potential risk be minimized?
- When will warning signs be placed and notifications be sent? Who will be doing this?

If you have questions about a pesticide (toxicity, cancer risk, persistence, etc.), consider contacting the National Pesticide Information Center.

It is recommended that records be kept of these consultations (emails, notes, who spoke to who, etc.).

Important:

- Consider consultation methods that promote two-way communication.
- Even if you contract with a professional pest control company to conduct pesticide applications, it is the school IPM plan coordinator and school that are ultimately responsible for ensuring that all of the requirements of the School IPM law are met. This would include notification, posting, product selection and the declaration of a Pest Emergency.

» Step 2. Declaring a Pest Emergency:

After consultation, the school IPM plan coordinator may declare a pest emergency if the situation meets the definition described in Oregon law (ORS 634.700(6)). Pests that become a nuisance or diminish the aesthetic appeal of an area, but which do not threaten health or safety of people or the structural integrity of campus facilities, **do not meet this definition**. If you have questions about a specific pest, please reach out to the OSU School IPM Program for assistance.

It is recommended that records be kept that a pest emergency was declared. As an example, you may consider adding a check box to your pesticide application record form.

Note:

The school IPM plan coordinator is the only one that can declare the existence of a pest emergency.

» Step 3. Written Notification:

A written notice is required to be sent out at least 24 hours before a pesticide application occurs. However, if a pest emergency makes it impracticable to give a **written notice** at least 24 hours before the pesticide application occurs, the plan coordinator or designee shall send a written notice **no later than 24 hours after the application occurs**. This notice must be sent to parents and guardians, adult students, administration, faculty, and staff using methods that are most likely to reach these various audiences. The notice must include all of the following information:

- Trade name of the pesticide product(s)
- Type of pesticide (e.g. herbicide, insecticide)
- EPA registration number(s)
- Expected date or date of application
- Expected area or area of application
- Reason for the application

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» Step 4. Posting of Warning Signs:

If the pest emergency makes it impracticable* to place the **warning signs** at least 24 hours before the pesticide application, the coordinator or designee of the coordinator shall place the signs as soon as is practicable, but **no later than at the time the application occurs**. At minimum, the warning sign must include all of the following information:

- The statement: “Warning: Pesticide-Treated Area”
- The expected or actual date and time of the pesticide application, and
- A phone number for a contact person (can be any school employee).

Warning signs must not be taken down until at least 72 hours after the pesticide application.

* “Impracticable” means incapable of being performed or accomplished by the means employed or at command.

Important:

- A written notice and posted warning signs are two separate and independent actions.
- While the school IPM plan coordinator can designate someone else to post the warning signs, Oregon law identifies the school IPM plan coordinator as the person ultimately responsible.

» Step 5. Pesticide Application:

If necessary, a pesticide other than a low-impact pesticide may be used to mitigate a declared pest emergency. Not all declared emergencies necessitate the use of a pesticide that is not a low-impact pesticide. Remember that **no pest emergency is so urgent that pesticide labeling or licensing requirements are waived**. Pesticide misuse puts children and staff at risk and is a violation of law. If you have questions about pesticide labeling or licensing requirements, please contact the ODA Pesticides Program.

Resources

- **OSU School IPM Program:** 541.737.6279; tim.stock@oregonstate.edu; <http://osuipm.org>
- **National Pesticide Information Center:** 1.800.858.7378; npic@ace.orst.edu; <http://npic.orst.edu>
- **ODA Pesticides Program:** 503.986.4635; pesticide-expert@oda.oregon.gov; <http://oda.direct/IPMSchools>
- **School IPM Law (ORS 634.700–ORS 634.750):** <https://oda.fyi/ORS634700>

» Step 6. Pesticide Application Records:

As with all pesticide applications on school campuses, the school IPM plan coordinator **is required to keep records** of the pesticide application, and public pesticide applicators and pesticide operators **are also required to keep records** of the pesticide application. Consider using one of the following forms, which fulfill application recordkeeping requirements for the applicator/operator and the school IPM plan coordinator:

- Recordkeeping form (option 1): <https://oda.direct/SchoolIPMRecordkeepingForm1>
- Recordkeeping form (option 2): <https://oda.direct/SchoolIPMRecordkeepingForm2>

» Step 7. Review School's IPM Plan:

If a pesticide is applied at a campus due to a pest emergency, the plan coordinator **shall** review the IPM plan to determine whether modification of the plan might prevent future pest emergencies. If you need assistance or have questions, consider reaching out to the OSU School IPM Program.

Many factors beyond a pest itself can contribute to a pest emergency. Consider whether perhaps inadequate planning or communication, resource constraints, or other factors may have contributed. While some factors may be outside of your control, the school governing body which must review your recommendations, may be better positioned to address certain factors, particularly the lack of resources for preventive measures.

» Step 8. Submit Recommendations to the School Governing Body (e.g. school board):

The plan coordinator **shall** submit any recommendations for modification of the plan to the governing body. The governing body **shall** review and take formal action on the recommendations. It is recommended that the school IPM plan coordinator document the review, even if it does not result in any recommendations.

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» Questions and answers

How is the school IPM plan coordinator supposed to consult with school faculty and administration, and is every single faculty member and administration member supposed to be consulted with?

ORS 634.730(3) states that an IPM plan coordinator, after consultation with school faculty and administration, may declare the existence of a pest emergency. The law does not give further details. It is up to the governing body to establish protocols for these consultations within each school's or school district's individual IPM plan.

However, consider consultation methods that promote two-way communication.

Can a pest emergency be declared for slow growing moss on a roof, grass growing underneath a bench, voles in a football field, wasps nesting in a playground, or poison oak in a landscape bed?

ORS 634.700 (6) states:

“Pest emergency” means an urgent need to eliminate or mitigate a pest situation that threatens:

- (a) The health or safety of students, staff, faculty members or members of the public using the campus; or
- (b) The structural integrity of campus facilities

It is up to the IPM plan coordinator, after consultation with school faculty **and** administration, to determine whether there is an “urgent need” to eliminate or mitigate a pest situation that threatens the health and safety of any of these people; or the structural integrity of campus facilities. However, the facts of the situation must fit the definition of a pest emergency.

If the required steps are followed, some of these example situations could qualify as a pest emergency.

What other requirements or limitations related to pesticide application are established by the school IPM law?

Listed below are some of the major elements of the school IPM law. This is not a comprehensive list. If you have questions, please reach out to the OSU School IPM Program or ODA Pesticides Program, or read ORS 634.700-ORS 634.750.

- **IPM Plan:** School governing bodies (e.g. school boards) must adopt an IPM plan that meets certain minimum criteria described in ORS 634.700 and ORS 634.705
- **“Low-Impact” Pesticide List:** School governing bodies must adopt a list of “low-impact” pesticides that meet criteria outlined in ORS 634.705(5).
More information:
<https://oda.direct/IPMSchoolsLowImpactGuidance>.
- **IPM Plan Coordinator:** Each school must have at least one IPM plan coordinator who is designated by the school governing body. Minimum IPM plan coordinator responsibilities are outlined in ORS 634.720.
- **Pesticide Use:** Low-impact pesticides may only be used if nonchemical control measures were ineffective (ORS 634.700(3)(k)) and if use is authorized by the IPM plan coordinator (ORS 634.725).
- **Reentry Time:** A pesticide may not be applied if students are expected to be in the treated area before the expiration of the reentry time specified on the pesticide product label (ORS 634.730). If not specified on the label, the IPM plan coordinator must determine a reentry time based upon criteria described in ORS 634.730.
- **Pesticide Licensing:** With few exceptions, pesticides may only be applied by a licensed pesticide applicator (ORS 634.725).
More information about licensing requirements is available at:
<https://oda.direct/PesticideApplicationsAtSchools>.
- **Notification:** At least 24 hours prior to a pesticide application, a written notice must be sent to certain individuals. Additional information is provided in ORS 634.740.
- **Warning Signs:** At least 24 hours prior to a pesticide application, warning signs must be posted around the application area. Additional information is provided in ORS 634.740.

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- **Pesticide Application Records:** Pesticide application records described in ORS 634.750 must be retained for at least four years following the application date. Links to example recordkeeping forms are provided on page 3 of this fact sheet.
- **Pest Emergency:** If permitted by the school IPM plan, a pesticide that is not a low-impact pesticide may only be used to mitigate a declared pest emergency or at the direction or order of a public health official. More information about pest emergencies is covered in this fact sheet.

» Excerpts from Oregon law regarding a pest emergency:

ORS 634.700(3)(c) “Integrated pest management plan” means a proactive strategy that: * * * * Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;

ORS 634.700(3)(l) “Integrated pest management plan” means a proactive strategy that: * * * *
Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

ORS 634.700(6) “Pest emergency” means an urgent need to eliminate or mitigate a pest situation that threatens:

- (a) The health or safety of students, staff, faculty members or members of the public using the campus; or
- (b) The structural integrity of campus facilities.

ORS 634.730(3) An integrated pest management plan coordinator, after consultation with school faculty and administration, may declare the existence of a pest emergency. If necessary, a pesticide other than a low-impact pesticide may be used to mitigate a declared pest emergency. If a pesticide is applied at a campus due to a pest emergency, the plan coordinator shall review the integrated pest management plan to determine whether modification of the plan might prevent future pest emergencies. The plan coordinator shall submit any recommendations for modification of the plan to the

governing body. The governing body shall review and take formal action on the recommendations.

ORS 634.740(1) The governing body responsible for a school shall adopt policies and processes for ensuring that the integrated pest management plan coordinator for the school, or a designee of the coordinator, gives written notice of a proposed pesticide application at the campus to, at a minimum, parents and guardians of minor students, adult students, school administrators, faculty members and staff members. The plan coordinator or designee may give a written notice described in this subsection by any reasonable means, including but not limited to, electronic mail.

ORS 634.740 (2) In adopting policies and processes under subsection (1) of this section, the governing body shall consider the age of the students attending the school and consider which methods for transmitting notice are most likely to reach the intended recipients.

ORS 634.740(3) Except as provided in this subsection, the plan coordinator or designee must give a pesticide application notice in a manner reasonably calculated to reach the intended recipient at least 24 hours before the pesticide application occurs. A notice must identify the name, trademark or type of pesticide products, the registration number assigned to each of the pesticide products, the expected area of application, the expected date of application and the reason for the application. If a pest emergency makes it impracticable to give a pesticide application notice at least 24 hours before the pesticide application occurs, the plan coordinator or designee shall send the notice no later than 24 hours after the application occurs.

ORS 634.740(4) Except as provided in this subsection, if a pesticide is applied at a campus, the plan coordinator or a designee of the coordinator shall place warning signs around pesticide application areas beginning no later than 24 hours before the application occurs and ending no earlier than 72 hours after the application occurs. A warning sign must bear the words “Warning: pesticide-treated area,” give the expected or actual date and time for the application and provide the telephone number of a contact person. If a pest emergency makes it impracticable to place the warning signs at least 24 hours before the pesticide application, the plan coordinator or designee shall place the signs as soon as practicable but no later than at the time the application occurs.