

General IPM FAQ's

1. What is a pesticide?

Pesticides are substances used to control living organisms- this term includes a wide range of substances such as insecticides, herbicides, disinfectants, and rodent baits, among other things. The legal definition from the state regulations at N.J.A.C. 7:30-1 is the following: *"Pesticide' means and includes any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator; provided, that the term 'pesticide' shall not include any substance or mixture of substances which the US EPA does not consider to be a pesticide."*

2. What is Integrated Pest Management (IPM)?

IPM is a thoughtful, holistic approach to controlling pests that uses a wide variety of tools such as sanitation, structural modifications and other management techniques rather than automatically turning to chemical control as a first option. Pesticide use is an important tool in the pest control "toolbox" but often an effective IPM program can reduce the reliance on chemical control. The legal definition for IPM from the state regulations at N.J.A.C. 7:30-1 is the following: *"Integrated pest management' or 'IPM' means a sustainable approach to managing pests by using all appropriate technology and management practices in a way that minimizes health, environmental and economic risks. IPM includes, but is not limited to, monitoring pest populations, consumer education, and when needed cultivation practices, sanitation, solid waste management, structural maintenance, physical, mechanical, biological and chemical controls."*

3. What does the School IPM Act require, in general terms?

Schools will be responsible for naming an "IPM coordinator" who will oversee the IPM and pest control activities at the school, retain recorded information about pest control at the school, and act as a contact for inquiries from students, staff, and parents. Additional responsibilities of the school include an annual notice to parents and staff that describes the IPM program, specific written notice and posting when pesticides are used, restrictions on when pesticide can be applied, and re-entry times for pesticide treated areas. The law requires schools to begin implementing an IPM Policy by June 12, 2004. A "model IPM Policy" required by the law to be developed by the DEP is available for use by schools.

4. Why require IPM in schools?

Pests can present risks to property and health; chemical control methods present an additional type of risk, particularly to children who are more vulnerable than adults to the effects of pesticide exposure. The goal behind the law is reduction of potential risk to school-children (and staff) from pesticide use through a careful approach to pest control that seeks to minimize pesticide use, and through the use of lower risk pesticides when pesticides are needed.

5. Do all schools have to comply with school IPM requirements?

Public, private and charter schools with grades pre-kindergarten through 12 must comply. Not covered by the law are colleges, universities, or day care centers (unless the day care center is on a school property). As a point of clarification and separate from School IPM requirements, colleges, universities, and day care centers (and the licensed commercial pesticide applicators they employ) must comply with other requirements for licensing, proper pesticide use, notification, etc.

6. Who specifically is responsible for complying with school IPM requirements?

Public school boards, trustees of charter schools, and principals or lead administrators of private schools are responsible for complying. The individual named by the school as the IPM coordinator has joint responsibility for many of the requirements as well.

7. Can pesticides be used at schools?

Yes, pesticides can be used at schools. A number of regulatory controls are in place such as licensing, notification, and re-entry restrictions for treated areas- requirements that to date have been the responsibility of the licensed commercial pesticide applicator performing pest control at the school. The School IPM Act places additional responsibilities on public, private and charter schools in New Jersey that will be explained further in these FAQ's and in training materials distributed to schools.

8. What is the difference between an IPM Policy and an IPM Plan?

The IPM Policy is the overview or synopsis of the required elements for practicing IPM in schools. The IPM Plan is a more detailed and site-specific document that describes exactly how each component of the Policy will be carried out.

9. Who is allowed to apply pesticides at schools?

Licensed commercial pesticide applicators or persons working under their supervision (known as "operators") are generally the only people who can apply pesticides on school grounds (indoors or outdoors). There are certain exemptions from the licensing requirements for use of "over-the-counter" disinfectants and antimicrobials such as Lysol® and toilet-bowl cleaner, and for use of pesticides on a specific list of exempted "minimum risk" pesticides published by the federal EPA.

10. Can teachers or custodial and other staff use products like Raid® or weed-killer on school grounds?

No, not without being properly licensed as a commercial pesticide applicator or operator.

11. When will DEP adopt regulations to formalize requirements of the School IPM Act?

The DEP expects to propose rules in May 2004, and adopt these rules in the fall of 2004. Please monitor the Pesticide Control Program web site at www.pcpnj.org for details and the posting of the

rule proposal. The purpose of the rules will be to implement the intent of the law. Since the language in the law was very prescriptive and detailed, much of the wording has been taken "as is" from the law and put into the rules. Additional requirements for training school IPM coordinators and commercial pesticide applicators will appear in the rule proposal. Adoption of the rules allows DEP to enforce the requirements for IPM Policies in schools.

12. Why is June 12, 2004 important if there are no final rules by then?

The law requires schools to implement an IPM Policy within 18 months of law being enacted. This 18-month deadline falls on June 12, 2004. Compliance assistance, model IPM Policies and Plans and "how-to-comply" materials are being offered to help schools comply by that deadline.

13. Once rules are adopted, how will they be enforced?

DEP inspectors as well as county health inspectors from certain counties with delegated authority from DEP will enforce rules on IPM in schools, typically through routine inspections or in response to a complaint of non-compliance.

14. Are there penalties for not complying?

The law specifies that no monetary penalties may be issued for failing to implement IPM requirements in a school. However, DEP or county inspectors may issue a Notice of Violation or Administrative Order to a school for failure to comply.

FAQ's for School Compliance

1. Who should be the IPM coordinator for the school?

The decision regarding who will serve as the IPM Coordinator ultimately rests with the public school board, trustees for a charter school, or the principal or lead administrator of a private school. The IPM Coordinator should be someone who is familiar with the school buildings and grounds, such as the supervisor of buildings and grounds or janitorial services. It may also be a teacher or other school staff member. The IPM Act does not intend for the IPM Coordinator and the pesticide applicator servicing the school to be one in the same; however, there is nothing in the statute that prohibits the school from employing an outside pesticide contractor or consultant in this capacity.

2. Who is responsible for naming the IPM coordinator?

The school board of a local school district, the board of trustees of a charter school, and the principal or lead administrator of a private school are responsible for naming the IPM coordinator.

3. What is the IPM coordinator specifically responsible for?

The IPM coordinator is responsible for carrying out the IPM Policy and Plan at the school. In addition, the coordinator is responsible for maintaining information about IPM activities at the school, copies of the Policy and Plan, records of pesticide application on school property and other records such as pest monitoring results, Material Safety Data Sheets (MSDS) when available for pesticides used, and labels for pesticides used on school property. In addition, the coordinator will be responsible for notification regarding the Policy and pesticide use, and act as the contact for inquiries from students, staff and parents on any aspect of IPM activities and pest control at the school. Public school boards, trustees for charter schools, and principals or lead administrators of private schools are jointly responsible with the coordinator for complying with these requirements.

4. Can there be more than one IPM coordinator for a school district?

The law does not prohibit a school from naming more than one coordinator. In a school district with many schools and school-owned sites, it may be preferable to have more than one coordinator. It must be clear, however, which sites or schools are under each coordinator's responsibility. If one coordinator is named for many schools, then "assistants" may be needed at each school to relay important information and site specific needs back to the coordinator. The coordinator named for a school or schools (not "assistants") will be ultimately responsible for complying with the requirements.

5. Does the IPM coordinator need training?

The DEP anticipates proposing rules that would require the coordinator to receive DEP-approved training that provides an overview of the principles of IPM, legal requirements, and how to implement the IPM Policy and Plan at the school. Once rules are adopted (approximately by the Fall of 2004), DEP will begin to record and track New Jersey schools and coordinators who have received training.

6. How does the IPM coordinator obtain training?

There will be several different options for training, all based on the "How-to-Comply" manual posted on the web site. This material may be incorporated into training programs that presently exist for buildings and grounds personnel. Also, training can be obtained at a number of sessions that will be offered to IPM coordinators. For those unable to attend a training session, using the on-line manual and a "self-test" will be another option offered once rules are adopted.

7. When should annual notification be done?

The annual notice that must be sent to parents or guardians, and all staff members, should be sent at the beginning of each school year as part of school handbooks or calendars. Once the annual notice has been sent, it must be also given to new staff or the parents/guardians of new students who arrive after the annual notice has been sent.

8. **When does the notice for specific pesticide applications need to be given?**

At least 72 hours in advance of an application of a pesticide other than a "low-impact" pesticide (see FAQ for further explanation of this term), a notice must be sent to all parents/guardians of students, and staff members.

9. **Does a sign have to be physically posted on school property as well?**

Yes, signs need to be posted in a prominent location near the pesticide application, and also at the entrances to the building or grounds where the application takes place. The signs must be posted at least 72 hours in advance and remain posted for at least 72 hours after the application.

10. **The notification and posted signs require the pesticide "trade name", "common chemical name", and "EPA Registration number" as part of the notice- where does the school get this?**

The commercial applicator must provide notification information to the school prior to any pesticide application. This information will contain, among other things, the trade name and common chemical name (if there is one) of the pesticide proposed for use. The applicator also has EPA Registration numbers for all pesticides applied, and will provide these as well as pesticide labels, upon request.

11. **What information must the IPM coordinator keep and make available to students, staff, and parents or guardians?**

The coordinator must keep and make available for review several things: pesticide application records (obtained from the pesticide applicator), the labels for each pesticide used, and the Material Safety Data Sheet (MSDS) if available, for each pesticide used. The IPM coordinator must also be the contact for inquiries and be available to answer questions about the IPM program in the school.

12. **Other school district or municipal athletic teams use the athletic fields and gymnasiums for events- does the school have to provide a notice to staff or parents of these athletes when pesticides are used?**

No, this is not mandatory and would often prove to be logistically impossible to provide. The staff or team members may ask for information from the IPM coordinator in which case it should be provided. Other forms of pesticide notification requirements currently in state regulations are available for visiting teams such as warning flags for turf areas. Additionally, under current regulations, any individual visiting staff or team member, and any parent or guardian may request notification information about a specific pesticide application directly from the commercial pesticide applicator that services the school.

13. What is the role of the licensed commercial pesticide applicator in school IPM?

The commercial pesticide applicator that provides pest control services for the school (both for indoor pests as well as outdoor) must be a working partner with the school and IPM coordinator. While responsibility for carrying out IPM rests with the school, the pesticide applicator must have familiarity with the principles and practices of IPM, and provide pesticide application records to the school to help it effectively carry out its IPM mission. An anticipated component of new state pesticide rules being proposed is an additional licensing requirement for IPM education for those pesticide applicators operating on school grounds. This will standardize the working knowledge pesticide applicators must have when providing pest control for schools.

FAQ's for Commercial Pesticide Applicators

1. What kind of license is required for pesticide use at schools?

A commercial pesticide applicator or operator license is required for pesticide use on school property. Rules are being proposed that would require an additional category ("IPM in Schools") for commercial applicators that apply pesticides on school property. If these rules are adopted as final, applicators would be given a grace period during which the new category exam would need to be taken. This IPM in Schools category would be required in addition to any other category (such as ornamental & turf, or termite control) required depending on the type of work performed.

2. What is the role of the licensed commercial pesticide applicator in school IPM?

The commercial pesticide applicator that provides pest control services for the school (both for indoor pests as well as outdoor) must be a working partner with the school and IPM coordinator. While responsibility for carrying out IPM rests with the school, the pesticide applicator must have familiarity with the principles and practices of IPM, and provide pesticide application records to the school to help it effectively carry out its IPM mission.

3. Does the notification performed by the school affect existing notification requirements that the pesticide applicator must perform when applying pesticides on school property?

No, existing regulations that require consumer notification to the school before any applications, central posting of application information, flags in turf areas, and notification to individuals upon request (see N.J.A.C. 7:30-9.12(d), 9.13(e) and 9.15 for specifics) remain unchanged.

4. Is it mandatory for a pesticide applicator to obtain a form signed by the school IPM Coordinator stating that the school has done the required notification and posting?

No, it is not mandatory. This form is designed to give the pesticide applicator confidence that the school has met its notification obligations under the law before the applicator proceeds with the pesticide application. Although it is not mandatory, if the pesticide applicator requests this form

to be signed, the IPM Coordinator must sign it in order for the pesticide application to take place. Note that the school's obligation for notices to parents and staff, and posting of signs only applies when a pesticide other than a low impact pesticide is used.

5. **What should pesticide applicators do if they know that the school has not done proper notice when a pesticide application is about to begin?**

The application should be rescheduled to allow the school to give proper notice and post signs 72 hours in advance. If it is an "emergency" application as defined by the law, then the school can post signs right at the start of the application, and send notices to parents and staff within 24 hours or by the next school morning, whichever is earlier.

6. **If a utility company or state DOT uses pesticides on rights-of-way on school property, does notification and posting apply?**

Yes, the law specifically states that notification and posting are to be done whenever a non low-impact pesticide is used on school property. The utility company or DOT must provide information to the school in order that the school may fulfill notification and posting requirements 72 hours in advance.

FAQ's - When Pesticides are Used at Schools

1. **What is a "low impact" pesticide?**

A low impact pesticide is a pesticide that is considered to have relatively minimal risk as compared to pesticides in general. The School IPM law defines what a low impact pesticide is in two parts. The first part consists of a federal EPA list of pesticides that it considers to be minimal risk and thus do not require formal registration. These pesticides are listed in the federal code at 40 CFR § 152.25. The second part consists of a list of pesticide ingredients (such as boric acid or diatomaceous earth) and formulation types (such as gels or pastes) that are considered low impact. It is important to note that a substance considered "low impact" does not necessarily mean zero risk. The How-to-Comply manual has a more detailed discussion of low impact pesticides. All pesticides must be used properly to reduce potential risk from their use.

2. **Why do schools have to consider these "low impact" pesticides?**

The law and resulting model policy published by DEP make it clear that when pesticide use is needed, preference should be given to choosing a low impact pesticide, if possible. This is not meant to take away any flexibility the school or pesticide applicator need to respond to pest problems. It is meant to foster a decision making process that may reduce risk by considering the least hazardous (when used properly), yet effective pest control solution.

3. Is there a list of low impact pesticides, and how do I obtain a copy?

There is no list, exactly. But some of these pesticides can be listed because they are categorized by the name of the chemical. Others, though, are a type of formulation (bait, gel, or paste) thus they are not associated with any one chemical ingredient. Please see the more detailed explanation of low impact pesticides in the "How-to-Comply" manual for schools and at the IPM web site for the Pesticide Control Program at www.pcpnj.org.

4. When does the school need to give notice for specific pesticide applications?

At least 72 hours in advance of an application of a pesticide other than a "low-impact" pesticide, the school must send a notice to all parents/guardians of students, and staff members.

5. Does a school have to do 72-hour notice to parents and staff, and post signs, when using a low impact pesticide?

No, using a pesticide classified as low impact does not require the school to send notices to parents and staff or posting of signs at the entrances to the school as required by the School IPM Act. However, when a pesticide applicator uses any pesticide registered with the federal EPA (even though some may be considered low impact, such as pesticide gels, baits, etc.) then current state rules still require certain notification that is the responsibility of the pesticide applicator. For example "Premise® Gel Insecticide" (EPA Registration # 3125-544) is an insecticide that qualifies as low impact under the School IPM Act since it is a "gel" formulation. Thus, the school is not required to send notices to parents and staff, or post signs. However, this is a regulated pesticide that has been registered by the federal EPA. This means that the pesticide applicator still needs to do certain notification to the school and posting on a central bulletin board (see N.J.A.C. 7:30-9.12(d), 9.13(e) and 9.15 for specifics).

6. What constitutes an "emergency" pesticide application, and what notification must be done?

A "school pest emergency" is defined in the law as "...an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member." One example would be the presence of stinging insects such as ground hornets in an athletic field where events are scheduled. If a pest emergency exists, the school may use pesticides without the normal 72-hour notice to parents and staff, and the posting of signs 72-hours prior to the application. Rather, the posting must be done at the time of the application, and the notice to parents and staff must be done within 24 hours after the emergency application. The notice that goes to parents and staff must explain what the reason for the emergency was, and if possible, what could be done to prevent such an emergency use next time.

7. How long must students wait to re-enter an area treated with pesticides?

Students cannot enter a pesticide treated area for at least seven hours after the application of a non low impact pesticide, unless the pesticide label states a specific numerical re-entry time that

is different than this. The use of low impact pesticides does not require an automatic seven-hour wait. Students can generally re-enter after the pesticide application has dried or settled, but may have to wait longer if the pesticide label specifies a longer time period.

8. Can a non low impact pesticide be applied in a school building as long as students are in another area of the building?

Yes, but only if the area being treated with the pesticide is served by a different air handling system and is separated from the students by smoke or fire doors.

9. Can pesticides be applied for student instructional purposes?

Yes, pesticides can be applied for student instructional purposes (such as for horticultural class), and of course all pesticide label precautions and instructions (including re-entry) must be followed. Staff applying pesticides must be licensed appropriately by the DEP. The law exempts student instructional use from the generic 7-hour re-entry time, and does not require other students to be in an area of the building on a different ventilation system, or separated by smoke or fire doors. However, pesticide use for instructional purposes does trigger the need for 72 hour notice to parents and the posting of signs 72 hours in advance (unless it is a low impact pesticide as defined in the law).

10. Can health inspectors apply pesticides (such as "flushing agents" used to detect pests) during the course of their inspection?

Yes, health inspectors can apply pesticides during the normal course of their duties. Of course all pesticide label precautions and instructions (including re-entry) must be followed. Health inspectors applying general use or "over-the-counter" pesticides are exempt from licensing by the DEP. The School IPM Law exempts health inspector pesticide use from the generic 7-hour re-entry time, and does not require students to be in an area of the building on a different ventilation system, or separated by smoke or fire doors. However, pesticide use for health inspection purposes does trigger the need for 72 hour notice to parents and the posting of signs 72 hours in advance (unless it is a low impact pesticide as defined in the law).

FAQs for Right-of-Way and Mosquito Control Pesticide Applications on School Property

1. Question: What is a school?

For the purposes of the School IPM Act, a school is any educational facility, public, private or charter, devoted to children grades pre-kindergarten through grade 12. "Early learning centers" serving pre-kindergarten children are considered schools. Day-care centers are not considered schools.

2. Question: Do right-of-way and mosquito control agency pesticide applicators have to become certified in the new commercial pesticide applicator license Category 13 for School IPM?

Since the Category 13 exam was intended for service providers that the school hires, DEP will exempt power line, roadway and other right-of-way pesticide applicators as well as mosquito agency personnel from license Category 13 requirements when using pesticides on school grounds. This is because Category 13 is designed for pest control service providers to schools who must have a working partnership with the school to make school IPM a success. Right-of-way and mosquito agency applicators are not service providers hired by schools. However, since the law requires the school to give notice to parents and staff of applications of non low-impact pesticides on school property, notification must be provided by the applicator.

3. Question: What are the requirements for schools to notify parents and staff of pesticide applications?

Since the law requires a school to inform parents and staff of a "non low-impact" pesticide application on school property, the school must comply regardless of whom is making the application. This notice must be given by the school 72 hours in advance of the pesticide application (certain exceptions apply). There is also a requirement for the school to post signs with certain information about the pesticide application. The exception to the 72-hour requirement is if there is a "school pest emergency" defined by law as... "an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member", in which case notice may be given within 24 hours after the application or the morning of the next school day, whichever is earlier.

4. Question: Are there any circumstances where notification does not have to be given by the school to parents and staff?

Yes. One circumstance is when something called a "low impact pesticide" is used. Some examples are pesticide gel, paste, and bait formulations, microbial pesticides such as bacillus thuringiensis, disinfectants, and any pesticides listed by the Federal EPA on its "minimum risk" pesticide list.

Another circumstance is when the pesticide application is taking place during summer recess or extended holiday such as spring break, and no students or staff will be using the school in an authorized manner.

5. Question: What information must right-of-way and mosquito control pesticide applicators give to a school so that the school can comply with its own notification obligations, and when must it be given?

Right-of-way and mosquito control pesticide applicators must give the school notification more than 72 hours in advance of a pesticide application in order that the school can comply with its own 72-hour advance notification obligation under the law. See exceptions explained in the answer to # 7 below. The following is the complete list of what schools must provide to parents and staff at least 72 hours in advance. Right-of-way and mosquito control pesticide applicators must provide the information in # 1, 2, 3, 6, and 8 below, the pesticide label, and MSDS sheets for the pesticide if it is available:

1. The common name, trade name, and Federal Environmental Protection Agency registration number of the pesticide;
2. A description of the location of the application of the pesticide;
3. A description of the date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide applications may take place if the preceding application date is canceled;
4. A statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: "Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure";
5. A description of potential adverse effects of the pesticide based on the material safety data sheet, if available, for the pesticide;
6. A description of the reasons for the application of the pesticide;
7. The name and telephone number of the IPM coordinator for the school or the school district; and
8. Any additional label instruction and precautions related to public safety.

6. Question: What is the best strategy for right-of-way and mosquito control agency pesticide applicators to comply?

Give as much information as possible up front, before any applications are made. This will allow the school IPM coordinator to be prepared with information they must provide to parents and school staff when a pesticide application happens. Give all pesticide labels and MSDS sheets for products anticipated to be used, including both "low-impact" and "non low-impact" pesticides. This information can be used when the school does its required annual notice to parents and staff of all pesticides used on school grounds. Then, as applications of non low impact pesticides happen, call the contact at the school with the other information described in # 5 above.

7. Question: Can pesticide applications take place on school property while the children are in school?

Yes (the following answer is specifically directed at outdoor applications- there is a slightly different answer for indoor applications). Low-impact pesticides can be applied during school hours as long as students will not contact treated areas until the pesticide has dried or settled, or the prescribed re-entry time on the pesticide label (if there is one) has elapsed. For all other pesticides, they can be applied during school hours in areas that students are not expected to be for academic instruction or extracurricular activities prior to the re-entry time on the pesticide label, or if the label has no specific time in hours for re-entry, for a minimum of seven hours.

Important Note: DEP has a regulatory requirement to take "...reasonable precautions, before, during, and after..." a pesticide application to avoid exposure to people or the environment. Thus, whether or not an applicator is allowed to apply to school grounds caution and common sense should prevail when students are using school property.

8. Question: What are the exceptions for mosquito control personnel for the timing of their notification to a school?

It is expected that the nature of mosquito control activities including larviciding and adulticiding, will not always allow for notice to schools far enough in advance for the school to comply with its own 72-hour notice to parents and staff.

For Adulticiding and Larviciding: When possible, notification must be given to schools more than 72 hours in advance if a non low-impact pesticide is being used. If this is not possible, the provision in the School IPM Act that allows for pest control in an "emergency" will be applicable. The school must give notice to parents and staff as soon as possible, but no later than 24 hours after the application, or on the morning of the next school day, whichever is earlier. The school must also post signs on school property at the time of application (or as soon as possible after an application, if an emergency). This means that mosquito control personnel must notify the school with the information in Answer #5 in order for the school to post signs at the time of application, and follow up with the notices to parents and staff.

9. Question: What must schools do with notification given to them for right-of-way and mosquito control pesticide applications?

Information about right-of-way and mosquito control pesticide applications must be included in the annual notice schools must provide under N.J.A.C. 7:30-13.5. Mosquito adulticide, larvicide, and right-of-way pesticide applications using non low-impact pesticides must conform to the 72-hour notification or emergency notification procedures, whichever is legally appropriate. These applications will also trigger the school to post signs at the entrances to the treated area with the information required in N.J.A.C. 7:30-13.6(e).

10. Question: Does a school have to ask for notification, or do right-of-way and mosquito control pesticide applicators have to provide notice without being asked?

The DEP position is that either may be applicable depending on the scenario. Since not all pesticide applicators may know exactly when they are on school property or when a facility on a given tract of land is considered a school, DEP will promote through its outreach efforts the fact that schools must request from utility companies, departments of transportation, and county mosquito agencies advance notice in order that they can fulfill their notification obligations. On the other hand, if right-of-way or mosquito control pesticide applicators know they are going to make an application on the property of a school that has not yet requested notification, they must provide it so the school can fulfill its legal obligation for notification. The DEP will also promote awareness of the notification obligations through outreach to utility companies, mosquito control agencies, and departments of transportation. Schools will be educated to include the possibility of right-of-way or mosquito control pesticide applications in their annual notices, depending on the characteristics of the school property.