

Overview of the Law

The School IPM Law supplements existing laws and rules at the federal and state level regarding pesticides. Detailed requirements already exist for pesticide applicator licensing, proper pesticide use, sale, storage, and transport. Pesticide product labels are an important component related to school IPM. It is important to note that label directions on pesticide products are the equivalent of federal law and must be followed. However, states can be more stringent than the pesticide label, but never less stringent (since less stringent would violate federal law). One example in the School IPM Law where New Jersey is more stringent than pesticide labels is student re-entry into a pesticide treated area. The use of certain pesticides will trigger a seven-hour wait before students may re-enter the area, whereas those pesticide label directions may say the students may re-enter after "the spray has dried".

The requirements of the **School IPM Act** to be implemented by June 12, 2004 are listed below. 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.

1. **IPM Policy and Plan:** The law required that DEP develop a **Model IPM Policy** in cooperation with the New Jersey School Boards Association, the Department of Education, and Rutgers Cooperative Extension, by December 12, 2003. Part of this Policy requires the development of an **Model IPM Plan** which is a more detailed and site-specific document that covers how the school will carry out IPM on a day-to-day basis, and covers all elements of the Policy in greater detail.
2. **Schools Adopt the Policy:** The law requires the superintendent of each public school district, the board of trustees of a charter school, or the principal or lead administrator of a private school to **adopt and implement a School IPM Policy** consistent with the model mentioned above. 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).
3. **IPM Coordinator:** Each public school board, charter school, or private school must **appoint an IPM Coordinator** to implement all aspects of the School IPM Policy and related Plan.
4. **Record Keeping:** The **school must keep records of pesticide application** on school property at each school for three years after the date of application and for five years after the application of a pesticide for termite control. Records are obtained from the licensed pesticide applicator performing the work.
5. **Use of Low Impact Pesticides:** Schools must consider the full range of pest management options that IPM requires, and the law additionally **requires a school to consider using a "low impact" pesticide when it has been determined that pesticide use is needed.**

6. **Annual Notice:** The school must provide **Annual Notification** at the beginning of each school year to all staff and parents or guardians. This notice includes the school's IPM Policy and other information about pesticide use at the school, and a contact for further information. After the annual notice is distributed at the beginning of the school year, **new staff and parents or guardians of new students must receive this notice** upon employment or enrollment, respectively.
7. **72 Hour Notification and Posting:** The school must provide prior notice and post signs before the use of any pesticide (except that notification and signs are not needed when low impact pesticides as defined by the law are used). The **notice must be given at least 72 hours before** the pesticide application to all staff and parents or guardians of students enrolled at the school. **Additionally, signs must be posted** at least 72 hours before the pesticide application. These requirements apply when school is in session. During holiday periods or during the summer months when school is not in session, only staff and the parents or guardians of students using the school in an authorized manner need to be notified.

The notice to staff and parents or guardians may be by:

- ▶ Written note that the student takes home;
- ▶ Written note mailed at least one week prior;
- ▶ Phone call;
- ▶ Direct contact;
- ▶ Electronic mail.

The posted notice requirements are:

- ▶ Signs must be posted in or adjacent to area of the pesticide application
- ▶ Signs must also be posted at each entrance to the building or school ground being treated with pesticides
- ▶ The sign must be posted from 72 hours before to 72 hours after the application
- ▶ The size of the sign must be at least 8.5 inches by 11 inches

Communication with the pest control professional is essential for obtaining all necessary information about the planned use of pesticides. Name and EPA Registration number of pesticides to be used, dates and times for the pesticide use, pesticide product labels, and Material Safety Data Sheets (MSDS) should all be available from the pesticide applicator. Since the notices and signs must contain pesticide label precautions that relate to public safety, and possible adverse effects from the MSDS, IPM Coordinators must familiarize themselves with these documents.

8. **Emergency Pesticide Use:** The law provides for **slightly different notification requirements in the event of a "school pest emergency"** that is defined as an "urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member." It is the responsibility of a school official such as the IPM Coordinator to

determine if an emergency exists. One example of an emergency 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, but the posting must be done at the time of the application, and the **Emergency Notification** to parents and staff must be done within 24 hours (or by the next school morning, whichever is earlier) 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.

9. **Re-entry:** The law requires **schools and pesticide applicators to carefully time applications and strictly control when students re-enter pesticide treated areas.** The following is a summary of these requirements:

- ▶ Applications of pesticides (except for low impact pesticides) are not allowed in a school building when students are present, unless the area being treated is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors.
- ▶ For applications of pesticides (except for low impact pesticides) indoors or outdoors, students are not allowed in treated areas prior to the time allowed for re-entry on the pesticide product label. If the label gives no hour-specific time for re-entry, then the law mandates that seven (7) hours must pass before students can re-enter.
- ▶ For applications of low impact pesticides, students are not allowed to re-enter until the pesticide application has dried or settled, or if the label specifies a re-entry or ventilation time, until that time has passed.

10. **Additional Information Responsibilities:** The IPM Coordinator for the school is jointly responsible along with the school itself, for carrying out all aspects of the IPM program. Additional logistical items the IPM Coordinator must comply with are:

- ▶ Maintaining information about the IPM Policy and Plan in place at the school
- ▶ Maintaining information about pesticide applications on school property including records obtained from the pesticide applicator, MSDS when available for pesticides used, and labels for all pesticide products used.
- ▶ Maintaining records of any pest monitoring or other IPM-related evaluations.
- ▶ Responding to inquiries and providing information to students, staff, and parents or guardians regarding IPM.
- ▶ Providing access to the above information for public review.