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SUBCHAPTER 13. INTEGRATED PEST MANAGEMENT IN SCHOOLS

7:30-13.1 Scope and Purpose; Integrated Pest Management Policy

(a) Integrated Pest Management (IPM) is a way to manage pest control through practical and preventive methods that eliminate or reduce damage caused by pests with a goal of reducing the reliance on pesticide use. This subchapter establishes the requirements for IPM in schools in accordance with the School Integrated Pest Management Act, N.J.S.A. 13:1F-19 et seq. A school shall outline its obligations to perform IPM by adopting an IPM Policy as described in (b) below.

(b) The superintendent of a school district for each school in the district, the board of trustees of a charter school, and the principal or lead administrator of a private school shall adopt an IPM Policy that covers the following elements:

1. A description of IPM procedures to be followed at the school;
2. The local school board, board of trustees, principal or lead administrator, as appropriate, that is responsible for designating an IPM coordinator for the school;
3. Education of the school community about IPM fundamentals;
4. The establishment of record keeping requirements for pesticide and pest information;
5. The establishment of notification and posting requirements;
6. The establishment of re-entry requirements after a pesticide application;
7. The establishment of pesticide applicator oversight requirements;
8. Requirements for the development and implementation of an IPM Plan; and
9. The requirement for an annual evaluation of the IPM Plan.

7:30-13.2 Integrated Pest Management Plan

(a) As a requirement of its IPM Policy, each school shall develop and implement a site-specific IPM Plan that describes how the school will manage pests through IPM methods and comply with all aspects of the IPM Policy. The site specific IPM Plan shall be maintained at the school for which it was developed. The Department shall provide a model IPM Plan for schools and make this available as part of training and compliance assistance materials.

1. For public schools, the local school board, in collaboration with the school building administrator (principal), is responsible for the development of the IPM Plan for the school.
2. For charter schools and non-public schools, the board of trustees or principal or the lead administrator is responsible for the development of the IPM Plan.
3. The IPM Plan shall contain at minimum, the following:
 - i. The school's goals regarding the management of pests and the use of pesticides;
 - ii. The school's site-specific needs regarding the management of pests;
 - iii. A description of how each component of the school's IPM Policy will be implemented at the school;

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- iv. The name of the IPM coordinator designated by the appropriate school authority identified in accordance with N.J.A.C. 7:30-13.1(b)2.

- (b) When implementing its IPM Plan, each school shall use IPM methods to determine when to control pests, including:
 - 1. Considering the full range of pest management options, including no action at all;
 - 2. Using non-pesticide pest management methods whenever possible; and
 - 3. Choosing to use a pesticide based on a review of all other available options and a determination that these options are not effective or not reasonable.
- i. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.

- (c) As part of its IPM Plan, the school and the IPM coordinator shall be responsible for educating the school community, including, but not limited to, teachers, staff, students, and parents or guardians, about potential pest problems and IPM methods used to achieve pest management objectives.
 - 1. School staff involved with implementation of the school IPM Policy and Plan shall be trained by the IPM coordinator in appropriate components of IPM as it pertains to the school environment.
 - 2. Students, their parents or guardians, and school staff, shall be provided information and instructed by the IPM coordinator on how they can contribute to the success of IPM in their school.

- (d) Annually, at the close of each school year, each school shall report on the effectiveness of its IPM Plan and make recommendations for improvements as needed.
 - 1. For public schools, the principal shall be responsible for reporting to the local school board.
 - 2. For non-public schools and charter schools, the lead administrator or principal shall be responsible for reporting to the governing boards.

7:30-13.3 Integrated pest management coordinator

- (a) Each local school board of a school district, each board of trustees of a charter school, and each principal or lead administrator of a private school, as appropriate, shall designate an IPM coordinator to implement the IPM Plan.
 - 1. The IPM coordinator shall be responsible for:
 - i. Implementing the IPM Policy and Plan;
 - ii. Maintaining information about the school or school district's school IPM Policy and Plan, and about pesticide applications on the school property of the school or the schools within the school district;
 - iii. Acting as a contact for inquiries about the school IPM Policy and Plan;
 - iv. Maintaining material safety data sheets, when available, and labels for all pesticides that are used on the school property of the school or of the schools in the school district; and
 - v. Ensuring that commercial pesticide applicators operating on school property are in compliance with the following:

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- (1) Licensing requirements at N.J.A.C. 7:30-6 and 7.1;
- (2) Applicable notification and posting requirements at N.J.A.C. 7:30-9;
- (3) Label precautions from the Federal registered label of each pesticide used on school property; and
- (4) All applicable provisions of the school IPM Policy and Plan.

(b) The IPM coordinator for a school or school district shall obtain Department-approved training sufficient to implement an IPM Policy and IPM Plan. This training may include classroom training, publicly available website presentations, or other means. The training shall include at a minimum, the following:

1. A general overview of the principles of IPM;
2. Information on regulations pertaining to IPM in schools; and
3. An overview of a model IPM Policy, and a model IPM Plan that can be adapted to address the site-specific conditions at the IPM coordinator's school or schools.

(c) Each school shall submit the following information to the Department:

1. The full name and title of the IPM coordinator; and
 - i. The birth date of the IPM Coordinator; and
 - ii. The telephone number, work address and electronic mail address.
2. Name and physical address (and mailing address if different) of the school(s) or school district for which the IPM coordinator is responsible; and
 - i. The name, title, mailing address and telephone number of the head of the local school board or the lead administrator of a private or charter school.
3. County, district and school code of each school for which the IPM Coordinator is responsible, or any other identifying school information;
4. A statement certifying that the IPM coordinator has received DEP approved training in order to implement the IPM Policy and Plan; and
5. Any changes in the designation of the IPM coordinator shall be submitted to the Department within 30 days, including the name of the former IPM coordinator, and the name of the newly designated IPM coordinator.

7:30-13.4 Records

(a) The local school board of a school district, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall request from the commercial pesticide applicator and shall maintain records of pesticide applications used on school property in accordance with the following:

1. Records for all pesticide applications at a school shall be maintained at that school;
2. Records shall be maintained for three years after the application, and maintained for five years after the application of a pesticide designed to control termites;
3. Records shall be available upon request to the public for review;
4. Records shall be immediately provided to the Department upon request; and
5. Records shall be provided immediately to medical personnel in emergency situations; and
6. Records shall include, at a minimum, the application records required at N.J.A.C.

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7:30-6.8 and 7.3.

(b) Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

7:30-13.5 Annual Notification

(a) Annually, at the beginning of each school year, each local school board, each board of trustees of a charter school, or each principal or lead administrator of a private school, as appropriate, shall include a notice of the school IPM Policy of the school or school district in school calendars or other forms of universal notification.

1. The notice shall include:
 - i. The IPM Policy of the school or school district;
 - ii. A list of any pesticide that is in use or that has been used in the last 12 months on school property;
 - iii. The name, address, and telephone number of the IPM coordinator of the school or school district;
 - iv. A statement that:
 - (1) The IPM coordinator maintains the product label and material safety data sheet, when available, of each pesticide that may be used on school property;
 - (2) The label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and
 - (3) The IPM coordinator is available to parents, guardians, staff members, and students to provide information for, and receive comments about, IPM activities and pesticide use;
 - v. The time and place of any meetings that will be held to adopt the school integrated pest management policy; and
 - vi. The statement: "As part of a school pest management plan, (insert school name) may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

(b) After the beginning of each school year, each local school board, each board of trustees of a charter school, or each principal or lead administrator of a private school, as appropriate, shall provide the notice required in (a) above to:

1. Each new staff member who is employed during the school year; and
2. The parent or guardian of each new student enrolled during the school year.

7:30-13.6 Notification: Other than Low Impact Pesticide Use

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(a) If a local school board, board of trustees of a charter school or principal or lead administrator of a private school, as appropriate, determines that a pesticide, other than a low impact pesticide, must be used on school property, such pesticide shall be used only in accordance with this section.

1. The provisions of this section shall apply to a school during the school year, and during holidays and the summer months, only if the school is in use by children during those periods. During those periods, notices shall be provided to all staff members and the parents or guardians of the students that are using the school in an authorized manner; and
2. The provisions of this section shall apply if any person applies a pesticide, other than a low impact pesticide, on school property, including a custodian, staff member, or commercial applicator.

(b) At least 72 hours before a pesticide, other than a low impact pesticide, is used on school property, the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall provide to a parent or guardian of each student enrolled at the school and each staff member of the school, notice that includes:

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.

(c) The local school board of a school district, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, may provide the notice required in (b) above by any of the methods listed at (c)1 through 5, below. This notice may be combined with any other notice provided to students, parents or guardians, and staff:

1. Written notice sent home with the student and provided to each staff member;
2. A telephone call;
3. Direct contact;
4. Written notice mailed at least one week before the application; or
5. Electronic mail.

(d) If the date of the application of the pesticide must be extended beyond the period

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required for notice under this section, the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall reissue the notice required under this section for the new date of application.

(e) The local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall post signs that provide notice of the application of a pesticide, other than a low impact pesticide.

1. Signs shall be posted at least 72 hours before a pesticide is used on school property:
 - i. In a prominent place that is in or adjacent to the location to be treated; and
 - ii. At each entrance to the building or school ground to be treated.
2. The sign for the application of a pesticide shall:
 - i. Be at least 8 ½ inches by 11 inches; and
 - ii. State the same information as that required for prior notification of the pesticide application required in (b) above.
3. Signs shall remain posted for at least 72 hours after the end of the treatment.

(f) In the case of outdoor pesticide applications, each sign shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding application date is canceled due to weather. A sign shall be posted after an outdoor pesticide application as required by (e) above.

(g) The Department shall develop and make available to commercial pesticide applicators a form, which a commercial pesticide applicator may request an IPM coordinator to sign prior to the application of a pesticide, other than a low impact pesticide, on school property.

1. The form shall set forth a certification by the IPM coordinator that the notice and posting requirements for the application of a pesticide, or the posting requirement, established pursuant to The School Integrated Pest Management Act and this subchapter, have been complied with.
2. Upon being presented by a commercial pesticide applicator with a form pursuant to this paragraph, the signature of the IPM coordinator shall be required as a condition for the application of the pesticide.

7:30-13.7 Notification: Emergency Application of a Pesticide Other than a Low Impact Pesticide

(a) A pesticide, other than a low impact pesticide, may be applied on school property in response to an emergency, without complying with the requirements of N.J.A.C. 7:30-13.6, provided the requirements of subsection (b) below are met.

(b) Within 24 hours after the application of a pesticide pursuant to this section, or on the morning of the next school day, whichever is earlier, the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall provide to each parent or guardian of a student enrolled at the school, and staff member of the school, notice of the application of the pesticide for emergency pest control that includes:

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1. The information required for a notice under N.J.A.C. 7:30-13.6;
2. A description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and
3. If necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide pursuant to this section.

(c) When a pesticide is applied pursuant to this section, the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall post a sign warning of the pesticide application at the time of the application of the pesticide, in accordance with the provisions N.J.A.C. 7:30-13.6(e).

(d) The local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, may provide the notice required by subsection b. of this section by:

1. Written notice sent home with the student and provided to the staff members;
2. A telephone call;
3. Direct contact; or
4. Electronic mail.

(e) If there is an application of a pesticide pursuant to this section, the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, shall modify the IPM Plan of the school or school district if necessary, to minimize the future emergency applications of pesticides under this section.

7:30-13.8 Other than Low Impact Pesticide Applications: Prohibitions

(a) A pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities prior to the time prescribed for re-entry to the application site by the United State Environmental Protection Agency on the pesticide label, except that if no specific numerical re-entry time is prescribed on a pesticide label, such a pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities within seven hours of the application.

(b) A pesticide, other than a low impact pesticide, shall not be applied in a school building when students are present, unless in accordance with (a) above, and (b)1 and 2 below:

1. Students may not be present in an untreated portion of a school building unless the area being treated with a pesticide, other than a low impact pesticide, is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors; and
2. Residential areas for students not used by school children during normal school hours may be treated during normal school hours, provided that the notification requirements of N.J.A.C. 7:30-9.12(b) have been carried out.

(c) A low impact pesticide may be applied in areas of a school building where

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students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

(d) This section shall not apply when pesticides are applied on school property for student instructional purposes or by public health officials during the normal course of their duties, such as inspections of food service locations.

(e) A commercial pesticide applicator shall not be liable to any person for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the local school board, the board of trustees of a charter school, or the principal or lead administrator of a private school, as appropriate, to provide the notice required prior to the application of a pesticide pursuant to the School Integrated Pest Management Act, and this subchapter at N.J.A.C. 7:30-13.5, 13.6 and 13.7.

7:30-13.9 Enforcement Action

(a) The Department may issue an administrative order against a local school board, the board of trustees of a charter school, or a principal or chief administrator of a private school that fails to comply with the provisions of this subchapter or the provisions of the IPM Act, N.J.S.A. 13:1F-19 et seq.

(b) Upon identification of a violation, the Department will notify the violator by certified mail (return receipt requested) or by personal service. The notice shall:

1. Identify each section or requirement of this subchapter violated;
2. Concisely state the facts alleged to constitute the violation;
3. Specify action necessary to cure the violation; and
4. Advise the violator of the right to request an adjudicatory hearing.

(c) A person requesting an adjudicatory hearing shall provide the following information in writing to the Department at the address in (e) below within 20 days from receipt of the notice:

1. The name, address, and telephone number of the person requesting the hearing;
2. A copy of the administrative order;
3. A brief description of any findings of fact or conclusions of law which are challenged or contested;
4. A description of any facts or issues which the person believes constitutes a defense to the administrative order;
5. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;
6. An estimate of the time required for the hearing (in days and/or hours); and
7. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(d) If the person fails to include all of the information required by (c)1 through 7 above, the Department may deny the hearing request.

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(e) A request for an adjudicatory hearing shall be submitted to the Department at the address listed below, with a copy to the Pesticide Control Program at P.O. Box 411, Trenton, New Jersey 08625-0411:

Office of Legal Affairs
New Jersey Department of Environmental Protection
P.O. Box 402
Trenton, New Jersey 08625-0402
Attention: Adjudicatory Hearing Requests

- (f) A notice of administrative order shall become a final order as follows:
1. If no hearing is requested, a notice of administrative order becomes a final order on the 21st day after the violator receives the notice;
 2. If the Department denies a hearing request, a notice of administrative order becomes a final order upon the violator's receipt of the denial; or
 3. If the Department grants an adjudicatory hearing, the resolution of the contested case shall constitute a final order. Hearings shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(g) The penalty provisions of the "Pesticide Control Act of 1971," N.J.S.A. 13:1F-10, shall not apply to this subchapter.