

Oregon Revised Statute 634.700 to 634.750

Oregon Senate Bill 637 was incorporated into Oregon Revised Statute Chapter 634 upon finalization in 2009. Below is the full text of ORS 634.700 - 634.750.

634.700 Definitions for ORS 634.700 to 634.750. As used in ORS 634.700 to 634.750:

- (1) “Campus” means the buildings, other structures, playgrounds, athletic fields and parking lots of a school and any other areas on the school property that are accessed by students on a regular basis.
- (2) “Governing body” means a board of directors, agency or other body or person having policymaking and general oversight responsibility for a community college district, education service district, school district, other unit of education governance, private school or other educational entity.

(3) “Integrated pest management plan” means a proactive strategy that:

- (a) Focuses on the long-term **prevention** or suppression of pest problems through economically sound measures that:
 - (A) Protect the health and safety of students, staff and faculty;
 - (B) Protect the integrity of campus buildings and grounds;
 - (C) Maintain a productive learning environment; and
 - (D) Protect local ecosystem health;
- (b) Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;
- (c) 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;
- (d) Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;
- (e) Evaluates the need for pest control by identifying acceptable pest population density levels;
- (f) Monitors and evaluates the effectiveness of pest control measures;**

(g) Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;

(h) Excludes the application of pesticides for purely aesthetic purposes;

(i) Includes school staff education about sanitation, monitoring and inspection and about pest control measures;

(j) Gives preference to the use of nonchemical pest control measures;

(k) Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective; and

(L) 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.

(4) “Low-impact pesticide” means a product that does not contain a pesticide product or active ingredient described in ORS 634.705 (5).

(5) “Pest” means:

(a) An insect or other arthropod;

(b) A weed, moss, slime or mildew or a plant disease caused by a fungus, bacterium or virus;

(c) A nematode, snail, slug, rodent or predatory animal;

(d) A bacteria, spore, virus, fungus or other microorganism that is harmful to human health; or

(e) Other forms of plant or animal life that may infest or be detrimental to vegetation, humans, animals, structures, managed landscapes or other human environments.

(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.

(7) “Registration number” means the pesticide registration number assigned by the United States Environmental Protection Agency.

(8) "School" means:

- (a) A facility operating an Oregon prekindergarten or a federal Head Start program;
- (b) A public or private educational institution offering education in all or part of kindergarten through grade 12;
- (c) An education service district as defined in ORS 334.003;
- (d) A community college as defined in ORS 341.005;
- (e) The Oregon School for the Blind;
- (f) The Oregon School for the Deaf; and
- (g) A regional residential academy operated by the Oregon Youth Authority. [2009 c.501 §2]

Note: The Oregon School for the Blind was closed in 2009 pursuant to section 1, chapter 562, Oregon Laws 2009. The text of 634.700 was not amended by enactment of the Legislative Assembly to reflect the school's closure. Editorial adjustment of 634.700 for the school's closure has not been made.

634.705 Adoption of integrated pest management plan and related provisions; exceptions; low-impact pesticide list.

- (1) The governing body responsible for a school shall adopt an integrated pest management plan for use on the campuses of the school. The governing body shall also adopt provisions for:
 - (a) Designating an integrated pest management plan coordinator;
 - (b) Identifying plan coordinator responsibilities;
 - (c) Giving notices under ORS 634.740;
 - (d) Retaining pesticide application records under ORS 634.750;
 - (e) Providing a process for responding to inquiries and complaints about noncompliance with the integrated pest management plan; and
 - (f) Conducting outreach to the school community about the school's integrated pest management plan.

- (2) If a governing body has control over only part of a building, a structure or property where a campus is located, the governing body may limit an integrated pest management plan to those parts of the building, structure or property over which the governing body exerts substantial control.
- (3) A governing body is not required to adopt an integrated pest management plan for off-campus buildings, structures or property, notwithstanding any incidental use for instruction.
- (4) Unless a governing body expressly provides otherwise, the application of a germicide, disinfectant, sanitizer, deodorizer, antimicrobial agent or insecticidal soap at a campus is not subject to the requirements for a pesticide application under an integrated pest management plan. However, this subsection does not permit the application at a campus of a germicide, disinfectant, sanitizer, deodorizer, antimicrobial agent or insecticidal soap that is a pesticide in a manner that is inconsistent with the goal of the integrated pest management plan.
- (5) A governing body shall adopt a list of low-impact pesticides for use with the integrated pest management plan. The governing body may include any product on the list except products that:
 - (a) Contain a pesticide product or active ingredient that has the signal words “warning” or “danger” on the label;
 - (b) Contain a pesticide product classified as a human carcinogen or probable human carcinogen under the United States Environmental Protection Agency 1986 Guidelines for Carcinogen Risk Assessment; or
 - (c) Contain a pesticide product classified as carcinogenic to humans or likely to be carcinogenic to humans under the United States Environmental Protection Agency 2003 Draft Final Guidelines for Carcinogen Risk Assessment. [2009 c.501 §3]

634.710 Plan selection. A governing body may adopt, improve or continue any integrated pest management plan that provides protection against pesticide exposure equal to or greater than the protection against pesticide exposure required by ORS 634.700 to 634.750. [2009 c.501 §9]

Note: Sections 11 and 12, chapter 501, Oregon Laws 2009, provide:

Sec. 11.

- (1) Notwithstanding section 9 of this 2009 Act [634.710], the Oregon State University Extension Service, in cooperation with the Department of Human Services, shall develop one or more model integrated pest management plans for use in schools subject to sections 2 to 9 of this 2009 Act [634.700 to 634.750]. The extension service shall make

the model plans available to school governing bodies no later than July 1, 2011. However, a school governing body may adopt any integrated pest management plan that complies with the requirements of sections 2 to 9 of this 2009 Act.

- (2) Except as provided in subsection (3) of this section, a governing body required under section 3 of this 2009 Act [634.705] to adopt one or more integrated pest management plans shall implement the plans on or before July 1, 2012.
- (3) The deadline established in subsection (2) of this section does not apply to a school established after the effective date of this 2009 Act [January 1, 2010]. [2009 c.501 §11]

Sec. 12. Section 11 of this 2009 Act is repealed January 2, 2014. [2009 c.501 §12]

634.720 Plan coordinators.

- (1) The governing body shall provide for the designation of one or more persons as integrated pest management plan coordinators for the governed schools. A plan coordinator must be an employee of the governed district, unit, school or entity, unless the governing body delegates pest management duties to an independent contractor. Each school shall have the services of at least one integrated pest management plan coordinator. A plan coordinator may serve more than one school. **The responsibilities of the plan coordinator shall include,** but need not be limited to:
 - (a) Giving notice and posting warnings under ORS 634.740;
 - (b) Overseeing pest prevention efforts;
 - (c) Providing for the identification and evaluation of pest situations;**
 - (d) Determining the means of appropriately managing pest damage that will cause the least possible hazard to people, property and the environment;
 - (e) Ensuring the proper and lawful performance of pesticide applications;
 - (f) Evaluating pest management results; and**
 - (g) Keeping records as required by ORS 634.750.
- (2) A plan coordinator shall complete not less than six hours of training each year. The training shall include at least a general review of integrated pest management principles and the requirements of ORS 634.700 to 634.750. [2009 c.501 §4]

634.725 Application of low-impact pesticide. If a school has followed the integrated pest management plan and nonchemical pest control measures were ineffective, subject to ORS 634.730 the integrated pest management plan coordinator may authorize the application of a low-impact pesticide. The low-impact pesticide application must be made by a pesticide applicator or by a public applicator. The use of a pesticide applicator or public applicator to make an application does not cancel, alter or reassign any of the duties imposed under ORS 634.740 or 634.750. [2009 c.501 §5]

634.730 Reentry into sprayed area; exception; declaration of pest emergency.

(1) Subject to subsection (2) of this section:

- (a) If the labeling of a pesticide product specifies a reentry time, a pesticide may not be applied to an area of a campus where the school expects students to be present before expiration of that reentry time.
- (b) If the labeling of a pesticide product does not specify a reentry time, a pesticide may not be applied to an area of a campus where the school expects students to be present before expiration of a reentry time that the integrated pest management plan coordinator determines to be appropriate based on the times at which students would normally be expected to be in the area, area ventilation and whether the area will be cleaned before students are present.

(2)

- (a) The application restrictions described in subsection (1) of this section do not apply if the pesticide is applied outdoors by a pesticide applicator or public applicator as a component of academic instruction in agriculture.
- (b) The application restrictions described in subsection (1)(b) of this section do not apply if the integrated pest management plan coordinator declares a pest emergency under subsection (3) of this section.

(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. [2009 c.501 §6]

634.740 Written notice requirements; warning signs; failure to notify or warn.

- (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.
- (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.
- (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.
- (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.
- (5) Failure to give notice or post warnings as required by this section does not create a cause of action for damages and may not be asserted as the basis for a per se negligence claim.
[2009 c.501 §7]

634.750 Pesticide application records.

- (1) If a pesticide is applied at a campus, the integrated pest management plan coordinator or a designee of the coordinator shall place the labeling information and material data safety sheet for the pesticide on file at a school on the campus. The plan coordinator or designee shall record and make available the following information:

- (a) The brand name or trademark of the pesticide product;
 - (b) The United States Environmental Protection Agency registration number assigned to the pesticide product;
 - (c) The pest condition that prompted the application;
 - (d) A description of the area on campus where the application occurred;
 - (e) The approximate amount and concentration of pesticide product applied;
 - (f) The type of application and whether the application proved effective;
 - (g) The pesticide applicator or public applicator license numbers and pesticide trainee or public trainee certificate numbers of the persons applying the pesticide;
 - (h) The names of the persons applying the pesticide;
 - (i) The dates on which the plan coordinator gave any notices required by ORS 634.740; and
 - (j) The dates and times for the placement and removal of warning signs under ORS 634.740.
- (2) Pesticide application records must include copies of all notices given under ORS 634.740.
- (3) A school shall retain pesticide application records required by this section for at least four years following the application date. [2009 c.501 §8]