

THE HEALTHY SCHOOLS ACT

The Healthy Schools Act of 2000 (Assembly Bill 2260) put into place right-to-know requirements such as notification, posting, and recordkeeping for pesticides used at public schools and public child day care facilities. The legislation also put into law the Department of Pesticide Regulation's (DPR) existing School IPM Program and requirements for reporting pesticide use.

The Healthy Schools Act was amended in 2005 to prohibit the use of certain pesticides at schools and public child day care facilities that have conditional, experimental use, or interim registrations or have been canceled, suspended, or phased out. The law was amended again in 2006 to include private child day care facilities (except for family day care homes). For more information, including a copy of the laws, go to DPR's School IPM Web site: www.cdpr.ca.gov/schoolipm.

I. DEFINITIONS

🍏 1-1. What types of facilities are subject to the Healthy Schools Act?

Public K-12 schools and both public and private child day care facilities are subject to the Healthy Schools Act (HSA). Specifically the Healthy Schools Act uses the term "school site" to include kindergarten, elementary, or secondary school facilities (including charter schools), and child day care facilities. Day care centers are a type of child care facility and thus fall under the requirements of the Healthy Schools Act. According to section 1596.76 of the Health and Safety Code, the term "day care center" includes preschools, infant centers, extended day care facilities and school age child care centers. Child day care facilities which are subject to the Healthy Schools Act also include employer-sponsored child care centers. The Healthy Schools Act excludes family day care homes, colleges and universities, and private kindergarten, elementary, or secondary school facilities. The term school site also includes the buildings or structures, playgrounds, athletic fields, vehicles, and any other area of property visited or used by the pupils. [Education Code § 17609(e); Health and Safety Code §§ 1596.750, 1596.76]

🍏 1-2. Integrated pest management (IPM) has various definitions. How does the Healthy Schools Act define it?

The Healthy Schools Act defines IPM as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective

in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools and child day care facilities. [Food and Agricultural Code § 13181]

🍏 1-3. What is a pesticide?

Under state and federal law, a pesticide is any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliant, desiccants, antimicrobials, and algicides. For more information about antimicrobials (such as sanitizers and disinfectants) see 3-8 and 3-14 below. Antimicrobials, including swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting. However, similar to other pesticides, you will still need to use products that have been registered with the U.S. Environmental Protection Agency (U.S. EPA) and DPR for use in California. (To see if a product is registered in California, go to DPR's Web site, www.cdpr.ca.gov, and click on "Look up pesticide products" at the bottom right.)

Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they also include a pesticide active ingredient. For example, weed-and-feed products are considered pesticides because they contain an herbicide. If the label of a pesticide lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-13). If it lacks an U.S. EPA registration number and is not exempt from registration, then it's illegal to use it. Go to DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm) and click on "Pesticides Exempted under the Healthy Schools Act" at the bottom right for more information on exempt products. [Food and Agricultural Code § 12753]



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🍏 1-4. What is a school site designee?

The designee is the person that is assigned to carry out the requirements of the Healthy Schools Act. School districts often designate maintenance and operations directors, risk managers, or business officers. This person may also be called the IPM coordinator (see 1-6). Child day care facilities often assign the child day care facility director as the school site designee.

🍏 1-5. What are the responsibilities of the school site designee?

The designee makes sure that:

- Parents and staff receive annual written notification about pesticide products expected to be used at each school or child day care facility in the coming year.
- Parents and staff receive written notification at least 72 hours in advance if the school or child day care facility decides to use a pesticide not listed in the annual notification.
- Parents and staff have the opportunity to register if they want notification before each pesticide application at the school or child day care facility.
- Parents and staff that have registered with the school or child day care facility are notified before each pesticide application.
- Warning signs are posted from 24 hours before to 72 hours after a pesticide application.
- Records are kept of pesticide applications.

See 2-1 through 2-14, 3-1, 3-7, and 3-8 for more information. [Education Code §§ 17609(d), 17612]

🍏 1-6. What's an IPM coordinator?

Many school districts use the title "IPM coordinator" as the equivalent to the school site designee (see 1-4 and 1-5).

🍏 1-7. Under the law, child day care facilities must be given 120-hour notice by property managers of a pesticide application. Are preschool programs located at other schools considered to be child day care facilities; and therefore, subject to the 120-hour notice requirement?

Yes, they are child day care facilities since they meet the definition of a child day care facility (see 1-1). [Health & Safety Code §1596.750]. Therefore, the property owner or property owner's representative would notify the preschool

120 hours before any pesticide application and all other requirements of the Healthy Schools Act must be met.

🍏 1-8. For preschool programs located at schools, could the district IPM coordinator also be considered the child day care facility designee?

Yes, the school district IPM coordinator could also be the child day care facility designee for a preschool that is located on a public school site.

2. NOTIFICATION AND POSTING

🍏 2-1. How do schools and child day care facilities carry out the annual notification requirement?

Each school or child day care facility must give a written notice to parents and staff identifying pesticides expected to be used in the coming year. The list of pesticides must also include the DPR Web site that provides information on pesticides and reduced-risk alternatives (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right). The Legislature intended that the notification would be included with other one-time notices sent to parents by school districts or child day care facilities, usually at the beginning of the year. Putting this information in a packet with other notices will reduce costs. See DPR's School IPM Web site (go to www.cdpr.ca.gov/schoolipm and click on "Tools & Templates" in the column on the left) for examples. [Education Code § 17612]. School districts and child day care facilities may want to coordinate with pest control businesses to develop a notification system.

🍏 2-2. What are the requirements if a pesticide is to be applied that was not listed in the annual notification?

If a school or child day care facility decides to use a pesticide product that wasn't listed in the annual notification, the school site designee must provide written notification to parents and staff at least 72 hours before application. The notice should identify the product name and active ingredients, and provide DPR's School IPM Web site address, www.cdpr.ca.gov/schoolipm. [Education Code § 17612(a)(2)]

🍏 2-3. When is advance notification of a pesticide application not required?

Advance notification is not required in "emergency conditions."

🍏 2-4. What are “emergency conditions”?

“Emergency conditions” means any circumstances in which the school or child day care facility designee or property owner or property owner’s agent deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, other persons, or the facility. [Education Code §17609(c)]

🍏 2-5. Are there any additional notification requirements that child day care facilities must provide other than the notification requirements set forth in the original Healthy Schools Act?

For child day care facilities, a 120-hour notification is required from either the property owner or property owner’s agent to the child day care facility before a pesticide application. In cases where a contractor is hired at a child day care facility to apply pesticides, the property owner or owner’s agent must notify the contractor that a child day care facility is located on the property to enable the contractor to comply with the 120-hour notification requirement.

The purpose of the notification is to ensure that the child day care facility is aware of the scheduled pesticide application and that the designee responsible for carrying out the provisions of the Healthy Schools Act at the child day care facility has enough time to notify individuals on the registry at least 72 hours in advance and can post the area with warning signs 24 hours before the pesticide application.

🍏 2-6. What information is required to be included in the 120-hour notice given to child day care facilities?

The 120-hour notification to the child day care facility must include the following information [Education Code §17610(b)(2), Food & Agricultural Code §13186(d)]:

1. Product name.
2. Manufacturer’s name.
3. Active ingredients of each pesticide.
4. U.S. EPA product registration number.
5. Intended date of application.
6. Areas of application.
7. Reason for application.

🍏 2-7. If a pesticide is applied to a building where a child day care facility is located but not inside the child day care facility itself, would the 120-hour notice be required?

If pesticides are applied within 10 feet of the child day care facility, the property owner or property owner’s agent is subject to the 120-hour notice requirement unless an

emergency condition, as defined in Section 17609 of the Education Code exists. Applications more than 10 feet from the facility are exempt from the notification requirement. [Education Code §17610]

🍏 2-8. How does the pesticide registry work?

The registry takes notification one step further. The law requires that schools and child day care facilities allow parents and staff to register if they want to be notified of individual pesticide applications. The school or child day care facility must notify those on the list at least 72 hours before an application. This notice must include the product name, pesticide active ingredient, and the scheduled date of application. [Education Code § 17612(a)(1)]

🍏 2-9. How long before and after a pesticide application occurs must warning signs be posted?

Signs must be posted from 24 hours before to 72 hours after the pesticide application. [Education Code § 17612(d)]

🍏 2-10. What should the warning signs say?

Signs must prominently display the words, “Warning–pesticide treated area,” and must include the product name, manufacturer’s name, the U.S. EPA product registration number, scheduled date and areas of application, and reason for the application (that is, the target pest). The law does not specify text, color, or size of lettering, but the sign must be visible to anyone entering a treated area. The word Warning on the sign does not refer to the pesticide toxicity signal words (danger, warning, caution), but is universal language for “Watch out!” You can download sample warning signs in English and Spanish from DPR’s School IPM Web site. Go to www.cdpr.ca.gov/schoolipm, click on “Tools & Templates” in the column on the left, then click on “Pesticide Sample Application Warning Sign.” (See also 3-6.) Some school districts and child day care facilities place reusable laminated signs in outdoor areas, and a few are experimenting with silk-screened metal signs. In both cases, the designee writes information on the signs and the information can be erased 72 hours after a pesticide application. [Education Code § 17612(d)]

🍏 2-11. What about vandalism of signs? What happens when a sign is removed before the posting period is over?

The law does not specifically address this.

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🍎 2-12. Do schools or child day care facilities have to notify and post when they make applications during breaks?

The Healthy Schools Act does not make any special provisions for notification, posting, and recordkeeping when the school or child day care facility is not in session. However, even when closed, students or other people may enter the grounds for various reasons. Teachers often stop in during vacations to plan lessons or organize their classrooms. School districts and child day care facilities should try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and always post a treatment area.

🍎 2-13. If a school or child day care facility is contiguous with an agricultural parcel – for example, an orange grove – and the school district owns the land on which the crop is planted, does the district have to notify and post when the crop is sprayed? The parcel is completely fenced with locked gates and off-limits to students.

The agricultural parcel, although owned by the school district, is not a school site under the law [Education Code § 17608(e)]. The term “school site” includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used on the parcel. However, the school, as property owner of a production agriculture site, may have other posting or notification requirements for a pesticide application based upon the pesticide label and/or permit conditions established by the county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the county agricultural commissioner (go to www.cdpr.ca.gov, click on “Ag commissioners” in the “Quick Finder”). The commissioner follows up on any reported illness that may be pesticide-related or any complaint about pesticide applications.

🍎 2-14. How do schools operated by the Division of Juvenile Justice comply with the Healthy Schools Act?

The school administrator is required to notify the facility’s chief medical officer (CMO) at least 72 hours before an application. The CMO must then take any steps necessary to protect the health of the pupils. The California Department of Public Health (CDPH) recommends the following: (1) the CMO of each facility should provide a list of all pesticides

expected to be used in the facility during the year with a copy of the product label (or U.S. EPA registration number) and the material safety data sheet (MSDS) for each item on the list; (2) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (3) pest control businesses should provide the CMO specific pesticide use information for school applications; (4) staff assigned to pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. Suspected illnesses also must be reported to the county health officer. [Education Code § 17612(e) and information provided by CDPH].

🍎 2-15. Are schools and child day care facilities reimbursed for paperwork and mailing?

No. The Commission on State Mandates has concluded that the legislation does not impose any reimbursable state-mandated duties since existing state law does not require the application of pesticides. To view the Commission decision, go to www.csm.ca.gov, click on the “Reports to Legislature” tab at the top, click on “Denied mandates”, then click on “January 1, 2004 – December 31, 2004.”

🍎 2-16. Does the law require posting before an aerial application by a mosquito abatement district or California Department of Public Health (CDPH) Vector Control?

No, the law does not require notification and posting since the school or child day care facility manager, or property owner or owner’s agent are not applying the pesticides to the facility. However, it is a best management practice to notify the pupils, staff, and public by posting information distributed by the mosquito abatement district or CDPH Vector Control. [Education Code § 17613; Health & Safety Code § 116180]

3. PESTICIDE USE, RECORDKEEPING, AND REPORTING

🍎 3-1. Who is required to keep records?

Under the Healthy Schools Act, each school or child day care facility must keep records of almost all pesticide applications for four years (see 3-6). Some pesticide applications are exempt from the recordkeeping requirement (see 3-8). The law also requires licensed pest control

businesses hired by a school or child day care facility to keep records of pesticide use and report that use to DPR (see 3-2). This requirement is intended for commercial applicators and is in addition to the pesticide use report applicators already submit to the county agricultural commissioner. Commercial applicators include pest control businesses that are licensed by either DPR or the Structural Pest Control Board. [California Code of Regulations §§ 6624, 6627]

🍏 3-2. Who has to report pesticide use at schools and child day care facilities?

Pest control businesses contracted by schools or child day care facilities have two reports to submit for pesticide use: (1) the Monthly Summary Pesticide Use Report to the county agricultural commissioner that includes pesticides used at schools or child day care facilities, and (2) the School Site Pesticide Use Reporting form that is submitted to DPR. (To access this form, go to www.cdpr.ca.gov/schoolipm and click on Pest Control Businesses in the column on the left, then click on Reporting pesticide use and maintaining records.) The law states that the School Site Pesticide Use Reporting form must be submitted by pest control business to DPR at least annually. For those applying pesticides at the end of December, the form must be submitted as soon as possible as it is due to DPR by January 30th.

Applications made by school or child day care facility personnel do not need to be reported to the county agricultural commissioner, except when a restricted-use pesticide is used (as defined in California Code of Regulations § 6400). Only a person holding either a qualified applicator certificate or a qualified applicator license can make restricted-use pesticide applications. That person must report the use of restricted-use pesticides to the county agricultural commissioner each month (see 3-5). School and child care facility personnel do not need to report pesticide use to DPR. See 3-1 and 3-6 for additional information about recordkeeping for restricted-use pesticides. [California Code of Regulations § 6624(a)(3); 6625; Food and Agricultural Code § 13186(a)(b)(c)]

🍏 3-3. When a licensed pest control business applies a pesticide at a school or child day care facility, who must report the application?

The licensed pest control business is responsible for completing DPR's School Site Pesticide Use Reporting form and submitting it to DPR. The school or child day care facility, although not responsible for use reporting, must keep records of almost all pesticide applications for four years, including those made by licensed pest control businesses (see 3-8 for exemptions). The school district or child day care

facility may include the Healthy Schools Act reporting requirements when they contract for services of licensed pest control businesses. [Food and Agricultural Code § 13186]

🍏 3-4. Are licensed pest control businesses required to report pesticide applications at schools or child day care facilities as part of their existing monthly reports to the county agricultural commissioner?

Yes. Pest control businesses must continue to report school or child day care facility applications on their Monthly Summary Pesticide Use Report to the county agricultural commissioner. Pest control businesses must also submit the School Site Pesticide Use Reporting form at least annually to DPR. (See 3-2 and 3-5.) [Food and Agricultural Code § 13186(b)(c); California Code of Regulations §§ 6624, 6627]

🍏 3-5. For instances where schools or child day care facilities have their own qualified applicator on staff, what pesticide use must be reported?

When restricted-use pesticides are used on school or child day care facility property, the qualified applicator must report the applications to the county agricultural commissioner in the Monthly Summary Pesticide Use Report. The Healthy Schools Act does not change this requirement. Note that restricted use pesticides can only be used by individuals who hold a valid DPR qualified applicator certificate (QAC) or license (QAL). Use of CA restricted materials additionally requires a permit from the county agricultural commissioner, with some exemptions. Consult with your local County Agricultural Commissioner prior to restricted use pesticide application. [California Code of Regulations §§ 6624, 6625, 6627]

🍏 3-6. Does the law require that records be kept of every pesticide used and each application?

Under the Healthy Schools Act, each school or child day care facility must keep records of every pesticide application for a period of four years (see 3-7), except for exempt pesticides (see 3-8). The records must include the pesticide product name, manufacturer's name, U.S. EPA registration number, date and areas of application, reason for application, and amount of pesticide used. Records must be available to the public upon request. As a simple way to keep records, schools or child day care facilities may want to keep a copy of the posted warning sign that includes a written record of the amount of pesticide used. DPR recommends that records be kept of all pest management practices, including those that are exempt from notification and posting. [Education Code §§ 17611, 17612(d)]

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Additionally, existing regulations require each school or child day care facility to keep records for two years after each application of a restricted-use pesticide (separate from the four-year requirement under the Healthy Schools Act). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(e)]

🍏 3-7. How do schools and child day care facilities make records available to the public?

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them. Depending on what filing system the school or child day care facility has available, this could either be in a paper (kept in filing folders, for instance) or electronic copy form. [Education Code § 17611]

🍏 3-8. Which pesticide active ingredients are exempt from the provisions of this law?

Certain requirements of the law (recordkeeping, written notification, and posting) do not apply to pesticide products deployed in the form of a self-contained bait or trap; gel or paste deployed as a crack-and-crevice treatment; pesticides exempted from registration by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the recordkeeping, written notification, and posting provisions of this law. (For further information about pesticides exempt from registration in California, go to www.cdpr.ca.gov/schoolipm, click on "Pesticides Exempted Under the Healthy Schools Act" on the right. Questions 3-9, 3-10, and 3-11 also pertain to this topic.) [Education Code § 17610.5]

🍏 3-9. What are self-contained baits or traps?

The law does not define self-contained. The interpretation and practice of school officials and pest management professionals has been to consider tamper- and child-resistant bait stations (whether they be for rodents, general pests, or termites) to be self-contained bait stations.

Bait stations that are sold without bait are not pesticide products. Such bait stations are considered to be application equipment, and therefore are not regulated by U.S. EPA. U.S. EPA lists eight criteria for tamper-resistant bait boxes – but they apply only to rodent bait boxes:

- Resistant to weather.
- Strong enough to prohibit entry by large non-target species.
- Equipped with a locking lid and/or secured rebaiting hatches.
- Equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species.
- Capable of being anchored securely to resist efforts to move the container or to displace its contents.
- Equipped with an internal structure for containing bait.
- Made in such a way as not to be an attractive nuisance.
- Capable of displaying proper precautionary statements in a prominent location. [www.epa.gov/PR_Notices/pr94-7.html]

Starting June 2011, U.S. EPA requires that all rodenticide manufacturers sell their products that are marketed to general and residential customers be contained in a self-contained bait station, while loose baits (e.g pellets, meal) are prohibited. Four tiers of bait stations will be manufactured to meet the new requirements. The four tiers were designed to provide a variety of cost and protection options for the consumer. [www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm] Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, www.epa.gov/REDs/2100red.pdf]

🍏 3-10. Is granular gopher bait – the kind put into gopher runways underground – exempt from requirements of the Healthy Schools Act?

No. Only bait in a self-contained bait station is exempt.

🍏 3-11. What's a crack-and-crevice treatment?

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

🍏 3-12. Which pesticides are exempted from registration by the U.S. EPA?

The U.S. EPA (under Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] Section 25[b]), exempts pesticides from registration if they contain certain active and inert ingredients. These are primarily food-grade materials such as

mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in shampoos and detergent). DPR allows similar exemptions, although some DPR-exempt products require additional wording on labels. See www.cdpr.ca.gov/schoolipm and click on “Pesticides Exempted Under the Healthy Schools Act” located on the right. [California Code of Regulations § 6147]

🍏 3-13. How can I tell if a particular product is exempted from registration by the U.S. EPA?

Look at the product label for a U.S. EPA or a California registration number. If the label does not have a registration number, then the product may be exempt. (Note: very few products are exempt from registration). To ensure you have an exempt product in the absence of a registration number, check to see if all the product’s active and inert ingredients are listed on the FIFRA section 25(b) list and the U.S. EPA 4A list, respectively. (See www.cdpr.ca.gov/schoolipm and click on “Pesticides Exempted Under the Healthy Schools Act” located on the right for the lists of exempt active and inert ingredients.)

🍏 3-14. What are antimicrobials?

Antimicrobials (such as disinfectants and sanitizers) are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, you will still need to use products that have been registered with the U.S. EPA for use in California. Antimicrobials are also not exempt from the licensed pest control business requirements to report pesticide use. [Food and Agricultural Code § 12995; Education Code § 17609(a); www.epa.gov/oppad001]

🍏 3-15. How do I get information about pesticide products? Active ingredients? Human health impacts? Environmental fate?

See www.cdpr.ca.gov/schoolipm and select “School IPM HELPR” from the featured links list on the right, then click on the pest-specific information you need.

4. ENFORCEMENT AND COMPLIANCE

🍏 4-1. Who enforces requirements for posting, annual written notification and pesticide use recordkeeping?

The Healthy Schools Act contains no specific enforcement authority for these requirements. Since these requirements are under the Education Code, the school district superintendent and the district’s elected school board members, or a child day care facility’s director are responsible for enforcement. The California Department of Education’s (CDE) School Facility Planning Division is available as a resource to school districts (www.cde.ca.gov/ls/fa/sf). For interpretation of Healthy Schools Act requirements as it applies to your school district, consult your district’s legal counsel.

🍏 4-2. Are private schools exempt from the Healthy Schools Act? What about community colleges?

The law applies to public facilities used for child day care, kindergarten, elementary, or secondary school and private child day care facilities. The law exempts private schools, family day-care homes, and colleges and universities even when attended by secondary school students. However, DPR will provide any interested public or private educational institution with information on starting an IPM program. [Education Code § 17609(e)]

🍏 4-3. Are schools and child day care facilities on federal property (such as military bases) exempt from the Healthy Schools Act?

The law does not apply to schools and child day care facilities under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if they were under state jurisdiction. However, state-funded schools and child day care facilities that operate on military bases are not exempt. Schools and child day care facilities located on Indian reservations and rancherias are exempt from requirements of the Healthy Schools Act.

🍏 4-4. Which pesticides can be used legally at schools or child day care facilities? Does the label have to specify this type of use?

First read the label to identify the terms used. A product label does not have to specify school or child day care facility use. Pesticide labels registered by U.S. EPA and DPR may use such terms as: for institutional use; for use in kitchens, dining areas; or in and around buildings, such as schools, hospitals, etc. When indicating outdoor use, terms include for use on turf and ornamentals, and for use on playing fields. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as (for control of mice) place bait along runways, or place bait in main (gopher) tunnel. In a few instances, the manufacturer may indicate that the product should not be used in schools or other settings where

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children are likely to be present. Contact your county agricultural commissioner's office for additional help in determining if a product is appropriate to use in school buildings, on school grounds, or at child day care facilities.

4-5. What situations on school or child day care facility property require a qualified applicator or licensed pest control business?

Only a person holding a DPR qualified applicator certificate (QAC) or license (QAL), or a person holding a Structural Pest Control Board license may apply federally restricted-use pesticides. Federal restricted-use pesticides are identified as such on their label. Only a person holding one of these certificates or licenses plus a pesticide use permit issued by the county agricultural commissioner may apply state-listed restricted-use pesticides. Some school districts or child day care facilities require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire. Check DPR's Web site and the Structural Pest Control Board's Web site to determine if a pest control business is licensed. For DPR's license information, (go to www.cdpr.ca.gov, click on "Licensing" in the "Quick Finder," then click on "List of Persons and Businesses with Valid DPR Licenses.") To see the "California Restricted Materials Requirements" list, go to www.cdpr.ca.gov, click on "A-Z Index," then "Restricted materials – California list."

4-6. What happens when a public park adjoins a school or child day care facility and functions as a playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a school site as defined under the law. Some school districts and local agencies have signed a formal memorandum of understanding or joint-use agreement so that the park property becomes school property. Then the requirements of the Healthy Schools Act would apply, including notification, posting, and recordkeeping.

4-7. What if my school district or child day care facility has planned its pesticide applications well in advance, on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?

The school or child day care facility has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year and the notification includes 1) the name of all pesticide products expected to be applied at the schoolsite during the upcoming year, 2) the active ingredient(s) in each pesticide product, and 3) DPR's School IPM website www.cdpr.ca.gov/schoolipm so that they may access information on pesticides and pesticide use reduction. However, the law also specifies that the designee must notify parents and staff, who register in advance, of individual applications at least 72 hours before the application. This individual application notification must include 1) the product name, 2) the active ingredient(s) in the product, and 3) the intended date of application. The law does not specify how early you can notify those who have registered. Keep in mind that the Healthy Schools Act is a right-to-know law that advocates IPM. Notifying people too far in advance may defeat the law's purpose because the registered individuals may fail to remember when the individual application is scheduled to take place. Notifications well in advance also likely means pesticide use is being decided by a calendar versus an actual need or IPM threshold exceedance. Individual school districts and child day care facilities should decide the most appropriate approach that also complies with the intent of the law.

4-8. Are there any pesticide products that are specifically prohibited from use in schools and child day care facilities?

The use of a pesticide on a school or child day care facility is prohibited if the pesticide has a conditional, experimental use, or interim registration, and the pesticide contains a new active ingredient or is for a new use. A pesticide is also prohibited if it has been canceled, suspended, or phased out. [Education Code § 17610.1] A list of pesticides that are prohibited for use in schools or at child day care facilities can be found at DPR's School IPM Web site at www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right. This prohibition does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.

5. DEVELOPING AN IPM PROGRAM

5-1. Where do I get information about IPM programs, policies, and practices?

See DPR's School IPM Web site, www.cdpr.ca.gov/schoolipm, for links to school IPM information. The Web site offers information on pesticide products, a directory of resources describing least-hazardous pest management practices, a

model IPM program guidebook, and ways to reduce pesticide use. The Web site also has information on the public health and environmental impacts of pesticides, and much more. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

🍏 5-2. How is DPR getting information to staff at school and child day care facilities?

DPR routinely provides information to IPM coordinators and child day care facility managers. DPR also works with the CDE and groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, California Childcare Health Program, California Department of Public Health, and California Child Care Resource & Referral Network. In addition, DPR has a listserv available for those who would like to receive updates about DPR's School IPM Program. Go to www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm to sign up.

6. TRAINING

🍏 6-1. What do the school IPM workshops offered by DPR cover?

Under the Healthy Schools Act, DPR must offer IPM training to help school districts establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and emphasize training on a regional basis before focusing on individual school districts. Our regional workshops highlight school IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. Each year, DPR offers workshops around the state. For specific dates and locations, see DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm). [Food and Agricultural Code § 13185]

🍏 6-2. What training is available for child day care facility owners and managers about the Healthy Schools Act?

On DPR's School IPM Web site and Child Care IPM Web site, you will find handouts that summarize the Healthy Schools Act. Go to www.cdpr.ca.gov, click on the "Pest Management" tab. From there you can click on the "Schools" tab or the "Child Care" tab for IPM information and resources. You can also find templates in the left column under "Tools and Templates." DPR also provides a train-the-trainer program and provides outreach to child day care facilities and schools. Additionally for child day care facilities, the California Department of Social Services (DSS) is required to provide

information about the Healthy Schools Act and IPM practices at the orientations the DSS gives before issuing a new child care license or special permit. For more information on the Healthy Schools Act and contact names, phone numbers, and email addresses, see the bottom of DPR's Web site, www.cdpr.ca.gov/schoolipm/childcare.

7. RESOURCES

🍏 7-1. What are some resources to learn more about IPM and the Healthy Schools Act?

- DPR's School IPM Web site: www.cdpr.ca.gov/schoolipm
- DPR's home page: www.cdpr.ca.gov
- County Agricultural Commissioners: go to www.cdpr.ca.gov, click on "Ag Commissioners" in "Quick Finder"
- California Department of Education: www.cde.ca.gov/ls/fa/sf
- University of California Statewide IPM Program: www.ipm.ucdavis.edu/index.html
- University of California IPM Cooperative Extension Offices: www.ipm.ucdavis.edu/GENERAL/ceofficefinder.html
- U.S. EPA's IPM in Schools Web site: www.epa.gov/pesticides/ipm/index.htm
- National School IPM Information Source: <http://schoolipm.ifas.ufl.edu/>

🍏 7-2. Does the Healthy Schools Act have a list of approved pesticides for use by schools or child day care facilities?

The Healthy Schools Act does not establish a list of pesticides approved for schools or child day care facilities. However, DPR does maintain a list of pesticides that are prohibited for use in schools or at child day care facilities. See DPR's Web site (www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right).

For help selecting the correct pest treatment option, the School IPM HELPR provides pest notes, control methods, and hazard information. See DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right).



SCHOOL IPM PROGRAM
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CHILD CARE IPM PROGRAM
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