

Montana Administrative Rules

Rule Adoption, Amendments, and Repeals

37.111.8: Schools

This document provides an overview of the adopted changes to the Department of Public Health and Human Services (DPHHS) administrative rules regarding matters of public health in Montana schools. To view the rule in full detail, see the official notice in the current issue of the [Montana Administrative Register on the Secretary of State's website](#).

Newly Adopted Rules

New Rule I: INDOOR AIR QUALITY

The department has adopted the new Indoor Air Quality section and subsequent rules to ensure schools are taking reasonable steps to provide clean indoor air for their students and staff.

Reason for addition

Indoor air pollution can have significant and harmful health effects. The U.S. Environmental Protection Agency (EPA) studies of human exposure to air pollutants indicate that indoor levels of pollutants can be significantly higher than outdoor air pollution levels. Indoor air pollutants are of particular concern because most people, including students, spend significant amounts of time indoors. Nearly 1 in 13 children of school-age has asthma, the leading cause of school absenteeism due to chronic illness and one of the leading causes of absence overall. There is substantial evidence that indoor environmental exposure to allergens, such as dust mites, pests, and molds, plays a role in triggering asthma symptoms. These allergens are common in schools. There is also evidence that exposure to exhaust from school buses and other vehicles exacerbates asthma and allergies.

To address these concerns, the new rule includes requirements for the periodic inspection of ventilation systems, as well as, recommendations for air filtration.

Examples/Research/Resources

- Indoor Air Quality Laws Across the Nation: Environmental Law Institute
[Database of State Indoor Air Quality Laws- Schools Excerpt](#)
 - o Connecticut General Statutes: Duties of Boards of Education 10-220
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-220
 - o District of Columbia Code: 38-825.01
<https://code.dccouncil.us/dc/council/code/sections/38-825.01.html>
 - o New Hampshire Statutes: 200:11-a
<https://law.justia.com/codes/new-hampshire/2013/title-xv/chapter-200/section-200-11-a>
- EPA: Evidence from Scientific Literature about Improved Academic Performance
<https://www.epa.gov/iaq-schools/evidence-scientific-literature-about-improved-academic-performance>
- EPA: Indoor Air Quality Tools for Schools Toolkit
<https://www.epa.gov/iaq-schools>
- <https://www.epa.gov/iaq-schools/walk-through-inspection-checklist-indoor-air-quality-tools-schools>

Implications for Schools

- Air filters in school HVAC must meet minimum industry efficiency standards
 - Schools must perform annual indoor air quality inspections including an inspection of the school HVAC system, if applicable. Inspection records must be maintained for no less than three years.
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New Rule II: OUTDOOR AIR QUALITY

The department has adopted the new Outdoor Air Quality section to help schools mitigate the effects of unsafe outdoor air quality on the impacts of indoor air quality and limit student exposure to air pollution during periods of poor air quality.

Reason for addition

Exposing children to environmental pollutants during important times of physiological development can lead to long-lasting health problems, dysfunction, and disease. Research has also shown that children exposed to air pollution perform worse on cognitive functioning tests, have impaired neurological function, and lower IQ scores compared with other children. Typically, the main sources of poor air quality in Montana are Wildfires and cold weather inversions.

This rule contains requirements and recommendations schools should follow to minimize the infiltration of outdoor air pollution into school buildings and to limit student exposure to unhealthy air quality during poor air quality days.

Examples/Research:

- US National Library of Medicine National Institutes of Health: *Impact of School Air Quality on Children's Respiratory Health*
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6309359/>
- EPA: Air Quality and Outdoor Activity Guidance
https://cfpub.epa.gov/airnow/index.cfm?action=flag_program.outdoorguid
- EPA: Indoor Air Quality Guidelines for School Building Upgrades
https://www.epa.gov/sites/production/files/2014-10/documents/energy_savings_plus_health_guideline.pdf
- National Air Filtration Association: Recommended Practices for Filtration for Schools
<https://www.nafahq.org/wp-content/uploads/Schools-Secured.pdf>

Implications for Schools

- Schools must reference Outdoor Air Quality and Activity Guidelines developed by the DPHHS, the DEQ, and the OPI when determining to delay or cancel school sponsored events during times of poor local air quality. Schools and districts are responsible for making final decisions.
- Schools must have a written protocol for minimizing the infiltration of outdoor air into school buildings to the best of their ability during poor outdoor air quality conditions. Examples of strategies to include in written protocols will be shared by the Department.

New Rule III (37.111.813): SCIENCE, INDUSTRIAL ARTS, AND ART LABORATORY SAFETY

The department has adopted New Rule III to ensure that hazardous chemicals maintained by schools as part of science, art, and vocational programs are used, stored, and accessed in a safe manner.

Reason for addition

The importance of laboratory safety has been recognized for many years in industry. However, educational institutions have been slower to adopt such safety practices and programs. Ensuring proper use and storage of hazardous chemicals that are part of the classroom setting is critical to the health and safety of students and school employees.



Examples & Research:

- CDC/NIOSH/US CSPC: School Chemistry Laboratory Safety Guide (2006)
<https://www.cdc.gov/niosh/docs/2007-107/pdfs/2007-107.pdf>
- American Chemical Society: Guidelines for Chemical Laboratory Safety in Secondary Schools
<https://www.acs.org/content/dam/acsorg/about/governance/committees/chemicalsafety/publications/acs-secondary-safety-guidelines.pdf>
- Michigan: Chemical Management in Schools
https://www.michigan.gov/documents/deq/deq-oppca-notebook-chemicalmanagement_293287_7.pdf
- Florida: State Requirements for Educational Facilities
<http://www.floridahealth.gov/environmental-health/group-care-facilities/documents/inspector-guidance.pdf>
- Colorado Department of Public Health and Environment: Rules & Regulations Governing Schools
<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=1055&fileName=6%20CCR%201010-6>

Implications for Schools

- Schools containing science labs, industrial arts classrooms/buildings, and art labs must maintain a Chemical Hygiene Plan (CHP) and designate a school Chemical Hygiene Officer (sCHO).
- The school Chemical Hygiene Officer must oversee implementation and enforcement of the CHP.
- Safety Data Sheets (SDS) for all materials in science labs, industrial arts classrooms/buildings, and art labs must be stored in those rooms and accessible at all times. Duplicates must also be stored in another location.
- Unused hazardous chemicals must be disposed of properly according to DEQ regulations.
- A delayed implementation date gives schools until September 1, 2021 to name a sCHO and establish a CHP.

New Rule IV: INCORPORATION BY REFERENCE

Reason for addition

This rule adopts and incorporates by reference federal rules, other state agency rules, and publications referenced within the revised rules. The rule is necessary to comply with the requirements of 2-4-307, MCA.

Significant Changes to Existing Rules

37.111.801 DEFINITIONS

Additions

- Several terms were added to the definition section to provide context and support for other adopted rule changes.

Other edits

- The definition of “school” was edited to remove the condition that the building or structure be occupied or used at least 180 days per year.
- The definition of “sanitarian” was edited to provide additional flexibility for local health authorities conducting school inspections.

Reason

New definitions have been added as a result of the other adopted rules. Definitions have also been revised and updated to reflect changes in law since the rule was last revised. The revisions are necessary to clarify the meaning of terms used throughout the rules and to provide for a better understanding of the rules.

37.111.804 PRECONSTRUCTION REVIEW

Additions

- Preconstruction plans must be submitted to the local health authority or the Department and must include location and detail of classrooms used for science labs, consumer science, art classrooms, art supply rooms, mechanic/carpentry, and industrial arts, including location and ventilation detail of lockable storage area of chemicals and other hazardous products
- Schools must be constructed in locations which present the least risk of exposure to pollutants or other health hazards originating onsite or offsite. If potential environmental concerns are identified during the preconstruction process, and the Local Education Agency (LEA) still desires to consider the site, a more comprehensive environmental review must be performed with the help of the department, or the local health authority, or DEQ
- The topography of the site must permit good drainage of surface water away from the school building to eliminate significant areas of standing water and infiltration of surface water into the school building.
- Gas supply lines serving labs, industrial arts, and other rooms utilizing multiple outlets must have master shut off valve that is readily accessible to the instructor without leaving the area.
- Rooms using electrically operated instruction equipment which presents a significant safety hazard must have a master electric switch must be readily accessible to the instructor without leaving the area.
- Janitorial storage spaces must be lockable, include storage area for equipment and chemicals, and must be vented to the outside of the building.
- Hot and cold water must be provided to handwashing sinks and shower facilities.
- Specifications for any new or modified playground equipment, which must comply with the standards of the United States Consumer Product Safety Commission's Handbook for Public Playground Safety (2010 edition) and the requirements of the 2010 ADA Standards for Accessible Design



Other edits

- The Department updated the agency approving sanitary landfill receiving waste from schools
- Local health authority may approve food services serving the school
- Sewage treatment or disposal system or water supply can be previously approved by the Department or the DEQ.

Reason

The revisions are necessary to ensure the built environment is safe and healthy for students and school employees.

Examples/Research/Resources

- Utah Administrative Code: R392-200-9. Health and Safety
<https://rules.utah.gov/publicat/code/r392/r392-200.htm>
- Texas Administrative Code
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=61&rl=1033](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=61&rl=1033)
- United States Consumer Product Safety Commission's Handbook for Public Playground Safety (2010 edition)- <https://www.cpsc.gov/s3fs-public/325.pdf>
- United States Department of Justice's – 2010 ADA Standards for Accessible Design
<https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.pdf>
 - o [Guidance on the 2010 ADA Standards for Accessible Design](#)
- American National Standard for Emergency Eyewash and Shower Equipment (ANSI/ISEA Z358.1)
 - o https://safetyequipment.org/wp-content/uploads/2015/05/EWS-Guide-Feb_2015.pdf
 - o <https://blog.ansi.org/2018/07/emergency-eyewash-station-shower-ansi-z358-1/#gref>
 - o <https://webstore.ansi.org/Standards/ISEA/ANSIISEAZ3582014>

37.111.805 EXISTING BUILDING: CHANGE OF USE

Additions

- When a proposal to use an existing building as a school involves physical modification, plans must meet the requirements of subsection 37.111.804, Preconstruction Review.
- The use of modular or mobile buildings in response to temporary or permanent closure of the existing school facility, segments thereof, or classroom overflow may be granted a one-year written exemption from the requirements of ARM 37.111.804 by the Department or local health authority. Plans to continue use of modular or mobile buildings past one year must be shared with the local health authority or Department.

Reason

The Department revised this rule to conform with adopted revisions to ARM 37.111.804 and to remove an outdated reference to capital expenditures. To maintain accountability to student health, the local health authority and the Department must be aware of the conditions of temporary structures used for the instruction of students.

37.111.810 INSPECTION

Additions

- Flexibility was provided to local health authorities allowing them to determine an alternative inspection schedule.
- Upon receiving complaints, local health authority may determine if additional inspections are necessary.
- Inspections of school facilities must be done using forms approved by the Department and records must be kept on file at the school for at least three years from the time of inspection.

Other edits

- Following inspections, Department officials or local health authority representatives are required to submit a report to the school that must now include written citations for every rule violation.

Reason

The revisions are necessary to ensure school inspections are performed in a consistent and uniform manner and inspection results are made available to the public.

Examples/Research/Resources

- Pre-approved inspection forms will be made available online to schools and local health authorities ahead of the 2019-2020 school year. The Department will provide technical assistance.

37.111.811 PHYSICAL REQUIREMENTS

Additions

- Schools must follow written policies and procedures regarding the storage and administration of prescription, nonprescription, and over-the-counter medication.
- In compliance with state and federal law, school must provide nursing mothers reasonable break time and a place for employees to express breast milk after the birth of her child. The adopted rule amendments extend this accommodation to lactating students.
- Language was added to the rules requiring school to take measures to ensure safe use and secure storage of any potentially dangerous appliances, industrial arts equipment, maintenance tools, and hazardous art supplies.
- Language was added requiring that living livestock and poultry be located away from food services areas, office, and classrooms unless the space is associated with animal husbandry activities or other demonstrations as approved by the school administration.

Other edits

- The terms lockable and vented were added to the requirements for janitorial facilities, but the requirements were moved to the Preconstruction section of the rules.
- The term wrap was changed to coat/jacket in reference to adequate pupil storage space.
- School officials were encouraged to comply with building and fire safety codes in the old version of the rules. New language makes it mandatory for schools to meet requirement for building codes based on when they were constructed. All schools must comply with fire safety codes.

Reason

The revisions are necessary to provide for the safety and physical well-being of students and school employees. Many schools are already providing safe physical environments and meeting the adopted requirements. A number of these updates have been added to match with current best practices. Stylistic and other minor revisions have been made to ensure consistency with the other adopted rules.

Examples/Research/Resources

- Utah Administrative Code: R392-200-9. Health and Safety
<https://rules.utah.gov/publicat/code/r392/r392-200.htm>
- Colorado Department of Public Health and Environment: Rules & Regulations Governing Schools
<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=1055&fileName=6%20CCR%201010-6>

37.111.812 SAFETY REQUIREMENTS

Additions

- Janitorial closets, boiler rooms, and other areas where hazardous or poisonous compounds are stored must be inaccessible to students.
- Chemicals must be stored according to Safety Data Sheets
- First Aid kits and AEDs must be stored in accessible locations, easily identifiable and accessible to staff and trained personnel.
- Requirements for internal monthly playground inspections were added. Inspection records must be kept on site and made available to local health authority upon request. The Department will provide playground inspection checklists.
- Language was added requiring periodic maintenance of playground equipment according to manufacturers specifications. Repairs must be documented.

Other edits

- Language was added requiring that hot and cold water be provided at handwashing sinks, but this was moved to the preconstruction section of the rules and will apply only to new construction and remodels.
- Master shut off switch requirements for gas lines and electrical equipment serving industrial arts and labs were moved to the Preconstruction section.
- Language requiring topography permitting good drainage of surface water away from the building was moved to the Preconstruction section of the rules.

Reason

The revisions are necessary to provide for the safety and physical well-being of students and school employees. The majority of these actions under these requirements are already standard operating procedure in most schools. These revisions bring the rules in line with current safety practices while calling for improved record keeping and transparency.

Examples/Research/Resources

- US Department of Labor: Occupational Safety and Health Administration: Safety Data Sheets
<https://www.osha.gov/Publications/OSHA3514.html>
- American Chemical Society: Guidelines for Chemical Laboratory Safety in Secondary Schools
<https://www.acs.org/content/dam/acsorg/about/governance/committees/chemicalsafety/publications/acs-secondary-safety-guidelines.pdf>
- Indian law: Safety Data Sheets
https://www.in.gov/isdh/files/Chemicals_in_Schools.pdf
- National Program for Playground Safety
<http://playgroundsafety.org/standards/cpsc>
- US Consumer Product Safety Commission
 - Public Playground Safety Handbook, 2010 edition
<https://www.cpsc.gov/s3fs-public/325.pdf>
 - Playground Safety Checklist
<https://www.cpsc.gov/safety-education/safety-guides/playgrounds/public-playground-safety-checklist>

37.111.825 HEALTH SUPERVISION AND MAINTENANCE

Additions

- Beginning September 1, 2021, schools must establish and follow written policies and procedures regarding the storage and administration of prescription, nonprescription, and over-the-counter medication.
- The American Health and Safety Institute was added as an organization from which school staff can obtain a valid first aid and CPR certification.
- In addition to the previous requirement that schools maintain and enforce policies and procedures to be followed in the event of accidents or injuries, language was added that would require that schools to maintain and enforce policies on first aid for chronic disease exacerbations.
- Mental health screenings were added as a recommended evaluation, to identify health problems which have the potential for interfering with learning. Scoliosis screenings were removed from the recommended group of health evaluations.

Other edits

- Staff experiencing symptoms of reportable communicable or infectious diseases must be isolated the same as students and the case reported to the local health authority if confirmed by a qualified medical professional.
- Health history and tracking forms, emergency contact forms, and chronic disease management training were added as forms of support that schools can access from the Public Health and Safety Division at Department of Public Health and Human Services.
- Tobacco rules were edited to include references to the current legislation, MCA 20-1-220 and MCA 50-40-104, which prohibit smoking in enclosed public places and the use of tobacco of any kind in public schools.
- In accordance with the long-standing rule that no smoking signs must be posted in schools, the Department changed the language to “no tobacco use” signs to be more inclusive of the other prohibited tobacco products like smokeless tobacco and vaping products.

Reason

The revisions are necessary to provide for the health and safety of students and school employees. A number of these updates have been added to match current practices already adopted by most schools. Stylistic and other minor revisions have been made to ensure consistency with the other adopted rules.

Examples/Research/Resources

- Colorado Department of Public Health and Environment: Rules & Regulations Governing Schools
<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=1055&fileName=6%20CCR%201010-6>
- American Academy of Pediatrics Policy Statement: Guidance for the Administration of Medication in School
<https://pediatrics.aappublications.org/content/124/4/1244>
- Wisconsin School Nursing Handbook
<https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/snhandbookch3.pdf>
- Montana Tobacco Use Prevention Program
<https://dphhs.mt.gov/publichealth/mtupp>
- Office of Public Instruction: Tobacco Use Prevention
<http://opi.mt.gov/Families-Students/Family-Student-Support/Tobacco-Use-Prevention>

37.111.832 WATER SUPPLY SYSTEM

Additions

- The Department adopted language requiring schools to regularly test human consumption water fixtures for lead and implement remedial measures should the testing reveal unsafe lead levels.
 - o Effective January 17, 2020, schools are required to perform initial testing of all human consumption fixtures for lead by December 31, 2021. The definition of human consumption fixture was added to the definition section. After initial testing, schools will be required to test every three years. A waiver can be submitted to the DEQ's Lead Reduction in Schools Water Program to test on an alternative schedule based on plumbing inventory and initial test results. Funding to support initial testing will be provided by the DEQ through a federal EPA WIIN Grant and other internal sources.
 - o As part of the new testing requirement, schools must submit a basic floor plan of the school building or buildings used for instruction, along with an inventory identifying plumbing materials and fixture locations. Specifications for how to test and report results are included in the rule, as well as remediation action levels. The Department of Environmental Quality will be reviewing floor plans and proposed alternative testing plans, collecting the results, and providing technical assistance to the schools on the testing process and remediation options.
 - o By September 1, 2021, schools must create and implement a water flushing program unless the school meets waiver requirements indicated in the rule. Flushing is required after any period of inactivity (defined as 3 days). The definition of inactivity was added to the definitions section. Schools may apply to DEQ for a flushing program waiver based on plumbing materials inventory and/or certification that the school meets the lead-free definition as defined in the Safe Drinking Water Act.

Other edits

- A number of out of date references to outdated DEQ circulars and DPHHS nonpublic water supply rules were updated to match current requirements in updated DEQ and DPHHS rules.
- Health Policy and Services Division was updated to Public Health and Safety Division.
- When water under pressure cannot be made available, drinking water from approved source must be stored in a clean and sanitized container. Sanitized was an important distinction added to this rule.

Reason

Exposure to lead is a significant health concern, especially for children whose growing bodies tend to absorb more lead than the average adult. Lead is a neurotoxin that can accumulate in the body over time with long lasting effects, particularly for children. According to the Centers for Disease Control and Prevention, lead in drinking water can cause health effects if it enters the bloodstream and causes an elevated blood lead level. High lead levels can cause multiple and irreversible health problems, which include learning disabilities, attention deficit-hyperactivity disorder (ADHD), developmental or cognitive delays, growth stunting, seizures, coma, or, at high levels, death.

Even though water delivered from the community's public water supply must meet Environmental Protection Agency (EPA) standards for lead, a building may still have too much lead in the drinking water because of lead-containing plumbing materials and water use patterns. The EPA strongly encourages schools to test water for lead. Testing water in schools is important because students spend a significant portion of their days at school, and likely consume water while there. The longer water remains in contact with leaded plumbing, the more opportunity exists for lead to

leach into water. As a result, facilities with on-again/off-again water use patterns, such as schools, may have elevated lead concentrations in the water.

The adopted lead testing and remediation requirements are necessary to ensure the health and physical well-being of students and school employees.

Examples/Research/Resources

- CDC: Childhood Lead Poisoning Prevention Program
<https://www.cdc.gov/nceh/lead/default.htm>
- EPA- Learn About Lead/3Ts for Reducing Lead in Drinking Water Toolkit
<https://www.epa.gov/lead>
<https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>
<https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit>
- Agency for Toxic Substances and Disease Registry
<https://www.atsdr.cdc.gov/csem/csem.asp?csem=34&po=7>
- Minnesota Statutes
<https://www.health.state.mn.us/communities/environment/water/schools.htm>
- Utah’s Response: Lead Sampling in Schools
<https://deq.utah.gov/drinking-water/utahs-lead-free-learning-initiative>
- California’s Water Boards: Lead Sampling of Drinking Water in California Schools Program
https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/leadsamplinginschools.html
- New York Lead Testing in School Drinking Water
<https://regs.health.ny.gov/book/export/html/56608>
- New Jersey Schools Lead Sampling Information
<https://www.state.nj.us/dep/watersupply/schools.htm>
- Spring Lake Board of Education Sampling Plan
<https://www.hwmountz.k12.nj.us/cms/lib/NJ01000652/Centricity/Domain/1/Lead%20Sampling%20Plan%2020170320-2.pdf>

37.111.840 LAUNDRY FACILITIES

Edits

- The Department adopted a rule change that slightly altered existing rules related to the length and heat at which towels and laundry items must dried. Towels and laundry items must be washed at a minimum temperature of 120 degrees for a minimum time of ten minutes instead of eight. Another language change requires that laundry must be dried at no less than 130 degrees in a hot air tumble dryer.

Reason

As previously constituted, the rule did not match established laundry rules for other types of facilities in Montana. The adopted revisions are necessary to address concerns related to mold and bedbugs. These changes ensure at least the same level of healthful practices at schools, as is required of other public and private institutions in Montana. The previous version of the school rules did not address bedbugs or mold, both of which are a common concern in MT schools. Both the EPA and the CDC support heat treatment for effective mortality of all life stages of bedbugs, and International mechanical code requires clothes dryers to convey moisture outside of the building.

Examples/Research/Resources

- Montana Laundry Facilities Rule 37.111.121
<http://www.mtrules.org/gateway/RuleNo.asp?RN=37%2E111%2E121>
- EPA: Bed Bugs and Schools
<https://www.epa.gov/managing-pests-schools/bed-bugs-and-schools>
- CDC: Environmental Infection Control
<https://www.cdc.gov/infectioncontrol/guidelines/environmental/background/laundry.html>

37.111.841 CLEANING AND MAINTENANCE

Additions

- The Department added language recommending that schools phase out non-environmentally friendly cleaning products and replace them green cleaning products.
- Safety data sheets for must be kept with potentially hazardous cleaning supplies in cleaning supply storage areas.
- Cleaning supplies must have a label with product information and they must be stored in a location that is inaccessible to students.
- Schools must have a policy in place for the safe cleanup of vomit, blood, and fecal matter. The policy must also include a protocol for disposing used cleaning supplies used in these instances.

Reason

The revisions are necessary to ensure schools are maintained in a clean and sanitary manner that protects the health and safety of students and school employees.

Examples/Research/Resources

- Healthy Schools Campaign
<https://healthyschoolscampaign.org/environment/>
<https://healthyschoolscampaign.org/programs/green-clean-schools/>
- School Environmental Health Guidelines
<https://www.epa.gov/schools/about-state-school-environmental-health-guidelines#importance>
- OSHA: Protecting Workers Who Use Cleaning Chemicals
<https://www.osha.gov/Publications/OSHA3512.pdf>
- OSHA: Safety Data Sheets- <https://www.osha.gov/Publications/OSHA3514.html>

Subsection: 37.111.846 NOXIOUS PLANT AND ANIMAL CONTROL

Additions

- New language was added requiring schools to develop and implement approved Integrated Pest Management (IPM) programs beginning September 1, 2021.
 - o The school IPM must include strategies to prevent the spread of pests and ensure the use of nonchemical methods to control pests whenever practical.
 - o Schools will be required to follow the included guidelines for how to notify students, staff, and parents or guardians of pesticide use.
 - o If pesticides are used outside of the school term and the school is open to the public, notification of pesticide use must be prominently posted.
 - o A comprehensive list of pesticide applications not subject to the notification and posting requirements of the rule is included.
 - o Records of pesticide applications must be kept for at least five years and must be
 - o made available to the local health authority, the Department, or the public for review upon request. Details on what must be recorded are included in the new rule language.

Edits

- The terms vermin, rodents, and insects were simplified to the term pests.

Reason

The Department adopted these changes to set a standard for how schools can prevent the spread of bedbugs, lice, rodents, and other pests. The rule also includes IPM plan requirements that are designed to ensure transparency about the use of pesticides within schools and on school grounds.



Examples/Research/Resources

- EPA: Managing Pests in Schools
<https://www.epa.gov/managing-pests-schools>
- CDC: NIOSH- Reducing Pesticide Exposure at Schools
<https://www.cdc.gov/niosh/docs/2007-150/default.html>
- California Department of Pesticide Regulation
<https://apps.cdpr.ca.gov/schoolipm/>
- Oregon IPM in Schools Requirements
<https://www.oregon.gov/ODA/shared/Documents/Publications/PesticidesPARC/IPMInSchoolsFags.pdf>
- Maryland IPM in Schools Requirements
[https://mda.state.md.us/plants-pests/Pages/Integrated-Pest-Management-\(IPM\)-in-Schools.aspx](https://mda.state.md.us/plants-pests/Pages/Integrated-Pest-Management-(IPM)-in-Schools.aspx)
- Virginia School Requirements
http://www.doe.virginia.gov/administrators/superintendents_memos/2010/163-10a.pdf