

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 426**

1 On page 1 of the printed bill, delete lines 5 through 26.

2 Delete page 2.

3 On page 3, delete lines 1 through 12 and insert:

4 **“SECTION 1.** ORS 332.331 is amended to read:

5 “332.331. (1) A school district, education service district or public charter
6 school shall develop and adopt a plan, to be known as the Healthy and Safe
7 Schools Plan, for the district or school. The plan must address environmental
8 conditions at the facilities owned or leased by the district or school where
9 students or staff are present on a regular basis. The Department of Educa-
10 tion, in consultation with the Oregon Health Authority, the Department of
11 Environmental Quality, **the State Department of Agriculture** and other
12 interested stakeholders, shall develop and adopt a model plan to provide
13 guidance to the districts and schools in developing and adopting plans under
14 this section.

15 “(2) A school district, education service district or public charter school
16 shall provide a copy of a plan developed and adopted under this section to
17 the Department of Education. The district or school shall annually review
18 the plan. If the information contained in a plan has changed since the pre-
19 ceding annual review due to the acquisition or remodeling of a facility, the
20 termination of regular use of the facility by students and staff or a modifi-
21 cation in the method, location, scope, frequency or other aspects of address-

1 ing environmental conditions, the district or school shall revise the plan as
2 necessary to address the change in information and provide a copy of the
3 revised plan to the department.

4 “(3) A plan developed and adopted under this section must, at a minimum,
5 include the following:

6 “(a) The identification of, and contact information for, a position within
7 the administration of the school district, education service district or public
8 charter school having responsibility for maintaining and overseeing per-
9 formance of the plan.

10 “(b) A list of all facilities of the school district, education service district
11 or public charter school that are subject to the plan.

12 “(c) Provisions regarding testing for, and reducing exposure to, elevated
13 levels of lead in water used for drinking or food preparation as required
14 under guidelines adopted by the authority.

15 “(d) Provisions consistent with the United States Environmental Pro-
16 tection Agency Renovation, Repair and Painting Rule set forth in 40 C.F.R.
17 section 745 regarding testing for, and reducing exposure to, lead-based paint.

18 “(e) Provisions consistent with federal law regarding testing for, and re-
19 ducing exposure to, asbestos.

20 “(f) Provisions consistent with ORS 332.345 regarding testing for, and re-
21 ducing exposure to, elevated levels of radon.

22 “(g) Provisions for carrying out integrated pest management as provided
23 under ORS 634.700 to 634.750, **including provisions for:**

24 “(A) **The annual adoption of a current low-impact pesticide list, as**
25 **required by ORS 634.705;**

26 “(B) **The adoption of and updates to record keeping and reporting**
27 **policies that satisfy the requirements of ORS 634.750; and**

28 “(C) **Ongoing training for school personnel or contractors respon-**
29 **sible for updating and implementing integrated pest management**
30 **plans.**

1 “(h) Provisions for installing carbon monoxide detection devices in prox-
2 imity to fuel burning appliances that emit carbon monoxide, if installation
3 is required under the state building code.

4 “(4) A plan described in subsection (3) of this section must provide for
5 any laboratory analysis on test samples to be carried out by a laboratory
6 having a type and level of accreditation recognized as appropriate by the
7 authority.

8 “(5) The authority, in consultation with the department, school districts,
9 education service districts, public charter schools and other interested
10 stakeholders, may provide districts and schools with recommendations re-
11 garding evidence-based practices for the reduction of environmental condi-
12 tions not addressed in subsection (3) of this section that may present health
13 concerns if present in district or school facilities. The recommendations may
14 include, but need not be limited to, recommendations regarding:

15 “(a) Methods for limiting or reducing exposure to high levels of diesel
16 engine exhaust; and

17 “(b) Identification of mold, including but not limited to advice regarding
18 how to recognize the presence of mold.

19 “(6) The authority **and the State Department of Agriculture** shall de-
20 velop information sheets for use by school districts, education service dis-
21 tricts and public charter schools to inform staff, students, parents of minor
22 students and other interested stakeholders about substances that may present
23 health concerns if present in district or school facilities.

24 “(7) The Department **of Education**, in consultation with the authority,
25 representatives of school districts, education service districts and public
26 charter schools and other interested stakeholders, shall make opportunities
27 for professional development available to district and school staff regarding
28 plan requirements under this section and the provision of information as
29 required under ORS 332.334.

30 “(8) **The Department of Education, in consultation with the State**

1 Department of Agriculture, the Oregon Health Authority, represen-
2 tatives of school districts, education service districts and public char-
3 ter schools and other interested stakeholders, shall provide technical
4 assistance to district and school staff for updating and implementing
5 integrated pest management plans under ORS 634.700 to 634.750. The
6 Department of Education shall give priority in providing technical as-
7 sistance for implementation to districts and schools serving diverse
8 and low-income populations.”.

9 On page 4, delete lines 6 through 35 and insert:

10 **“SECTION 3. (1) The Department of Education shall convene a**
11 **Healthy and Safe Schools Integrated Pest Management Advisory**
12 **Committee. The advisory committee shall consist of no more than 15**
13 **members appointed as follows:**

14 **“(a) A representative of the State Department of Agriculture;**

15 **“(b) A representative of the Oregon Health Authority;**

16 **“(c) Representatives of urban and rural school districts, including**
17 **a school administrator, facility manager, integrated pest management**
18 **plan coordinator and school garden manager;**

19 **“(d) At least one children’s health professional;**

20 **“(e) At least one representative of an environmental justice organ-**
21 **ization;**

22 **“(f) A representative of the Oregon State University integrated pest**
23 **management program; and**

24 **“(g) Other education and health stakeholders, as determined by the**
25 **Department of Education.**

26 **“(2) The advisory committee shall advise the Department of Edu-**
27 **cation on:**

28 **“(a) Standardized practices to increase the transparency of the in-**
29 **formation required under ORS 634.750;**

30 **“(b) A process for the development of, adoption of and updates to**

1 a model low-impact pesticide list that governing bodies, as defined in
2 ORS 634.700, may adopt to satisfy the requirements of ORS 634.705; and

3 “(c) Recommendations for school integrated pest management plan
4 coordinators and others for the implementation of an integrated pest
5 management plan under ORS 634.700 to 634.750.

6 “(3) The Department of Education shall determine the number and
7 frequency of meetings to be held by the advisory committee.

8 **“SECTION 4. (1) The Department of Education, in consultation with
9 the State Department of Agriculture, shall provide grants to three
10 school districts to operate pilot programs to test a web-based pesticide
11 applicator records system to determine if the system is suitable for
12 satisfying the requirements of the amendments to ORS 634.750 by sec-
13 tion 9 of this 2023 Act. The system must be similar to a system devel-
14 oped and used by a metropolitan service district organized under ORS
15 chapter 268.**

16 **“(2) Each school district operating a pilot program must implement
17 the pesticide applicator records system no later than July 1, 2024, and
18 use the system throughout the 2024-2025 and 2025-2026 school years.**

19 **“(3) Each school district operating a pilot program must period-
20 ically provide progress reports to the Department of Education in the
21 form and manner prescribed by the department. The Healthy and Safe
22 Schools Integrated Pest Management Advisory Committee shall review
23 the progress reports and advise the department on the suitability of
24 the pesticide applicator records system for satisfying the requirements
25 of the amendments to ORS 634.750 by section 9 of this 2023 Act.**

26 **“(4) The Department of Education shall submit a report on the
27 outcomes of the pilot programs in the manner provided by ORS 192.245,
28 and may include recommendations for legislation, to the interim
29 committees of the Legislative Assembly related to education no later
30 than September 15, 2026.”.**

1 In line 40, delete “2026” and insert “2027”.

2 On page 6, delete lines 17 through 45.

3 On page 7, delete lines 1 through 9 and insert:

4 **“SECTION 8.** ORS 634.705 is amended to read:

5 “634.705. (1) The governing body responsible for a school shall adopt an
6 integrated pest management plan for use on the campuses of the school. The
7 governing body shall also adopt provisions for:

8 “(a) Designating an integrated pest management plan coordinator;

9 “(b) Identifying plan coordinator responsibilities;

10 “(c) Giving notices under ORS 634.740;

11 “(d) Retaining pesticide application records under ORS 634.750;

12 “(e) Providing a process for responding to inquiries and complaints about
13 noncompliance with the integrated pest management plan; and

14 “(f) Conducting outreach to the school community about the school’s in-
15 tegrated pest management plan.

16 “(2) If a governing body has control over only part of a building, a
17 structure or property where a campus is located, the governing body may
18 limit an integrated pest management plan to those parts of the building,
19 structure or property over which the governing body exerts substantial con-
20 trol.

21 “(3) A governing body is not required to adopt an integrated pest man-
22 agement plan for off-campus buildings, structures or property, notwithstand-
23 ing any incidental use for instruction.

24 “(4) Unless a governing body expressly provides otherwise, the application
25 of a germicide, disinfectant, sanitizer, deodorizer, antimicrobial agent or
26 insecticidal soap at a campus is not subject to the requirements for a pesti-
27 cide application under an integrated pest management plan. However, this
28 subsection does not permit the application at a campus of a germicide,
29 disinfectant, sanitizer, deodorizer, antimicrobial agent or insecticidal soap
30 that is a pesticide in a manner that is inconsistent with the goal of the in-

1 tegrated pest management plan.

2 “(5) A governing body shall **annually** adopt a **current** list of low-impact
3 pesticides for use with the integrated pest management plan. The governing
4 body may include any product on the list except products that:

5 “(a) Contain a pesticide product or active ingredient that has the signal
6 words ‘warning’ or ‘danger’ on the label; **or**

7 “[*(b) Contain a pesticide product classified as a human carcinogen or*
8 *probable human carcinogen under the United States Environmental Protection*
9 *Agency 1986 Guidelines for Carcinogen Risk Assessment; or]*

10 “[*(c) Contain a pesticide product classified as carcinogenic to humans or*
11 *likely to be carcinogenic to humans under the United States Environmental*
12 *Protection Agency 2003 Draft Final Guidelines for Carcinogen Risk Assess-*
13 *ment.*]

14 “**(b) Are classified as a human carcinogen, a probable human**
15 **carcinogen or likely to be carcinogenic to humans under United States**
16 **Environmental Protection Agency guidelines for carcinogen risk as-**
17 **essment.”.**

18 In line 31, after “web-based” delete the comma.

19 Delete lines 35 through 45.

20 Delete page 8 and insert:

21 “**SECTION 10. (1) The amendments to ORS 634.750 by section 9 of**
22 **this 2023 Act become operative on January 1, 2028.**

23 “**(2) The State Department of Agriculture may take any action be-**
24 **fore the operative date specified in subsection (1) of this section that**
25 **is necessary to enable the department to exercise, on and after the**
26 **operative date specified in subsection (1) of this section, all the duties,**
27 **functions and powers conferred on the department by the amendments**
28 **to ORS 634.750 by section 9 of this 2023 Act.**

29 “**SECTION 11. (1) The amendments to ORS 332.331, 332.334, 634.700**
30 **and 634.705 by sections 1, 2, 7 and 8 of this 2023 Act become operative**

1 on January 1, 2024.

2 “(2) The Department of Education, the Oregon Health Authority
3 and the State Department of Agriculture may take any action before
4 the operative date specified in subsection (1) of this section that is
5 necessary to enable the Department of Education, the Oregon Health
6 Authority or the State Department of Agriculture to exercise, on and
7 after the operative date specified in subsection (1) of this section, all
8 the duties, functions and powers conferred on the Department of Ed-
9 ucation, the Oregon Health Authority and the State Department of
10 Agriculture by the amendments to ORS 332.331, 332.334, 634.700 and
11 634.705 by sections 1, 2, 7 and 8 of this 2023 Act.

12 “SECTION 12. The Department of Education shall convene the
13 Healthy and Safe Schools Integrated Pest Management Advisory
14 Committee under section 3 of this 2023 Act no later than January 1,
15 2024.

16 “SECTION 13. This 2023 Act takes effect on the 91st day after the
17 date on which the 2023 regular session of the Eighty-second Legislative
18 Assembly adjourns sine die.”.

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