

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 426**

1 On page 1 of the printed bill, line 3, delete the second comma and insert
2 “and” and delete “and 634.750”.

3 Delete lines 5 through 26 and delete page 2.

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

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

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

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

1 cation in the method, location, scope, frequency or other aspects of address-
2 ing environmental conditions, the district or school shall revise the plan as
3 necessary to address the change in information and provide a copy of the
4 revised plan to the department.

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

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

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

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

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

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

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

23 “(g) Provisions for carrying out integrated pest management as provided
24 under ORS 634.700 to 634.750.

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

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

1 authority.

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

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

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

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

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

24 “(8) **The Department of Education, in consultation with the State**
25 **Department of Agriculture, shall develop a process that may be used**
26 **by district and school staff to update and implement integrated pest**
27 **management plans under ORS 634.700 to 634.750. In developing the**
28 **process, the Department of Education shall engage in outreach activ-**
29 **ities with school districts serving low-income and diverse populations**
30 **and populations with proportionally higher environmental burdens, as**

1 **defined in ORS 182.535.”.**

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

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

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

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

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

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

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

15 **“(f) At least one representative of an environmental health organ-**
16 **ization;**

17 **“(g) A representative of the Oregon State University school inte-**
18 **grated pest management program; and**

19 **“(h) Other education and health stakeholders, as determined by the**
20 **Department of Education.**

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

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

25 **“(b) A process for the adoption of and updates to a model low-**
26 **impact pesticide list that governing bodies, as defined in ORS 634.700,**
27 **may adopt to satisfy the requirements of ORS 634.705;**

28 **“(c) Recommendations for school integrated pest management plan**
29 **coordinators and others for the implementation of an integrated pest**
30 **management plan under ORS 634.700 to 634.750;**

1 “(d) Standardized practices for periodically updating and reviewing
2 school integrated pest management plans; and

3 “(e) Technical assistance needed for school districts to better im-
4 plement school integrated pest management plans and resources to
5 support school districts in addressing implementation problems.

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 school
10 districts to operate pilot programs to test an electronic pesticide
11 applicator records system to determine if the system is suitable for
12 satisfying the requirements of ORS 634.750.

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

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

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

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

29 On page 5, line 29, delete “effective”.

30 On page 6, delete lines 17 through 45.

1 Delete pages 7 and 8 and insert:

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

3 “634.705. (1) The governing body responsible for a school shall adopt an
4 integrated pest management plan for use on the campuses of the school. The
5 governing body shall also adopt provisions for:

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

7 “(b) Identifying plan coordinator responsibilities;

8 “(c) Giving notices under ORS 634.740;

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

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

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

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

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

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

30 “(5) A governing body shall adopt **and maintain a current** list of low-

1 impact pesticides for use with the integrated pest management plan. The
2 governing body may include any product on the list except products that:

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

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

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

12 “**(b) Contain a pesticide product classified as a human carcinogen,**
13 **a probable human carcinogen or likely to be carcinogenic to humans**
14 **under United States Environmental Protection Agency guidelines for**
15 **carcinogen risk assessment.**

16 “**SECTION 9. (1) The amendments to ORS 332.331, 332.334, 634.700**
17 **and 634.705 by sections 1, 2, 7 and 8 of this 2023 Act become operative**
18 **on January 1, 2024.**

19 “**(2) The Department of Education, the Oregon Health Authority**
20 **and the State Department of Agriculture may take any action before**
21 **the operative date specified in subsection (1) of this section that is**
22 **necessary to enable the Department of Education, the Oregon Health**
23 **Authority or the State Department of Agriculture to exercise, on and**
24 **after the operative date specified in subsection (1) of this section, all**
25 **the duties, functions and powers conferred on the Department of Ed-**
26 **ucation, the Oregon Health Authority and the State Department of**
27 **Agriculture by the amendments to ORS 332.331, 332.334, 634.700 and**
28 **634.705 by sections 1, 2, 7 and 8 of this 2023 Act.**

29 “**SECTION 10. The Department of Education shall convene the**
30 **Healthy and Safe Schools Integrated Pest Management Advisory**

1 **Committee under section 3 of this 2023 Act no later than January 1,**
2 **2024.**

3 **“SECTION 11. This 2023 Act takes effect on the 91st day after the**
4 **date on which the 2023 regular session of the Eighty-second Legislative**
5 **Assembly adjourns sine die.”**

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