



IN SUPPORT OF SB 426 TOXIC FREE SCHOOLS

2/21/2023

Dear Chair Dembrow, Vice-Chair Weber and members of the Senate Committee on Education,

We are writing in support of SB 426, the Toxics Free Schools bill, on behalf of Beyond Toxic, a statewide environmental justice organization advancing policies that ensure meaningful participation and cultivating grassroots leadership from Oregon's frontline and impacted communities. Our team is a multicultural, intergenerational team dedicated to centering community leaders and representing the true diversity of our state's vibrant Environmental Justice movement.

Beyond Toxics has a long, dedicated history of leadership working to reduce children's exposure to pesticides. Starting in 2007, Beyond Toxics worked with former Senator Brad Avakian and former State Senator Suzanne Bonamici to bring forward SB 637, the Oregon School Integrated Pest Management Act (School IPM). That bill passed with bipartisan support in the Oregon Legislature in 2009, making Oregon a leader in pesticide reductions and systematic, science-based pest control methods for schools.

Today, we return to the Legislature to advocate for modernization and support for the School IPM Act through SB 426, the Toxics Free Schools Act. This bill is one in a suite of three bills to protect children's health by reducing their exposure to toxic chemicals. SB 426 was voted a top legislative priority by the Oregon Conservation Network, the Oregon Children's Agenda and the Oregon Just Transition Alliance.

The purpose of SB 426 is supporting school districts to work with the Oregon Department of Education and the Oregon Department of Agriculture, as well as the Oregon State University School IPM Program, to effectively and accurately implement state laws pertaining to pest management and to reduce pesticides where children learn and play. SB 426 seeks to protect children when they are on the premises of public institutions where their safety is the responsibility of the Oregon Department of Education and individual school districts. The State of Oregon has an obligation to provide necessary resources to ensure that public schools are safe places for children.

Over the past months, we have worked closely with a stakeholder group made up of representatives from ODE, Coalition of School Administrators, Oregon School Board Association, Oregon School Facility Management Association and others to discuss the needs and obstacles to least-toxic pest management and find common ground on amendments to the original SB 426 as drafted. We recently met and agreed to submit -2 amendments to Chief Sponsor and legislative counsel. We believe we have found the sweet spot of a bill we can all support.

Policies aimed at reducing children's exposures to pesticides were first considered sixteen years ago when legislators became aware of quite a number of dangerous pesticide exposure incidents at schools that resulted in school evacuations and closures, children having direct exposures, and children and teachers being sent to the emergency room.

A legislative workgroup was formed, led by Senator Bonamici. Beyond Toxics and other stakeholders worked for nearly 2 years to come to consensus on SB 637. The bill passed and took effect in 2009, however it had two strikes against it from the start:

- 1) The Oregon Department of Education was not included as a partner in School IPM implementation;
- 2) The School IPM program was an unfunded mandate.

The ensuing 14 years since the passage of the School IPM, SB 637, school districts have not received funding for staff training, staffing the IPM Coordinator position and other mandatory aspects of the law such as alternative best practices to pesticides, application record keeping, notifications and posting, risk management and more.

Then in 2017, the Oregon Legislature passed SB 1062, the Healthy and Safe Schools Act, which provides a structure for school districts to report on certain toxic chemicals for the purpose of increasing transparency to parents, students and school communities. These chemicals are lead, asbestos, radon and pesticides. However, while pesticides are listed in the original bill Healthy and Safe Schools statute, ODE has never been supported to develop protocols or forms to ensure that school districts will provide regular updates and reports on school IPM.

School IPM is necessary to protect school children from toxic exposures because children are more vulnerable to acute and chronic chemical exposures. Children's organs and neurological systems are developing and are not mature enough to excrete toxic chemicals from their bodies. They breathe more air than adults for their size. Children also interact with their environment by crawling, rolling, mouthing, fingering, licking and chewing – this creates many possible exposure pathways that are unique to child behavior.

The law defines school IPM as a proactive approach to pest management to achieve long-term pest prevention and suppression. This approach protects the health and safety of school children and staff, the campus grounds and structures, and the ecosystem by utilizing reduced risk approaches to managing and preventing pests. The regulation emphasizes non-chemical methods over the use of pesticides, including improving physical pest barriers at school facilities. The law requires that all school districts adopt a low-impact pesticides list in the event that there is an emergency situation, and a pesticide is needed.

In Oregon, the program successfully ended the most dangerous pesticide use problems and harmful outcomes. Yet, school districts have encountered significant obstacles to enacting the law. In some cases, there have been serious violations of the law resulting in school districts receiving citations and fines. The last thing any of us want is for school districts to be stymied in their ability to protect children from pesticides due to lack of training, lack of materials and lack of resources.

The goal of SB 426 is to provide resources to address 14-years of an unfinished business by providing the resources to bridge and modernize the mandates of the Healthy and Safe Schools Act with the requirements of School IPM under the Pesticide Control Act.

The positive outcomes sought by the passage of SB 426 can be accomplished in these ways:

- Provide coordination between ODE/ODA/OSU.
- Bridge the School IPM statute with Healthy and Safe Schools Act, and end years of a segregated, siloed approach.
- Establish a coordinating School IPM Stakeholder Advisory Group, convened by ODE, to assess needs & make recommendations to ODE and ODA.
- Standardized pesticide application records and initiate pilot projects to test electronic record keeping to comply with ORS 634.750.
- Prioritize equity when providing resources to support school district implementation of IPM.
- Improve transparency and reduce fees for accessing information.

We would like to share a few examples of some of the existing and underlying problems that SB 426 aims to solve.

Slide 5 in our presentation shows the persistent problem of school districts not posting their IPM plan as required under ORS 634.705 and not updating and refreshing the plan under ORS 332.331, the 2017 Healthy and Safe Schools Act. Oregon School Districts are required to have an Integrated Pest Management Plan on their website. **Out of nearly 200 School Districts, less than 50% have updated their IPM Plan in the past 5 years. Eleven percent (11%) of School Districts do not have an IPM Plan on their district Website at all. That is a total of 61% of schools that are out of compliance.**

Why is it important for school districts to regularly inspect and dust off their IPM plans on their websites? In Slide 6, we can see how essential it is to refresh IPM plans and links on a regular basis. Accuracy and transparency are paramount in educational settings. **We found that on numerous school websites, the links provided were not linked to the School District IPM plan, but led parents and students to gambling sites in other countries.**

In Slide 7 we present data showing that **67% of school districts are either using old outdated Low-Impact Lists or do not post their list on the school district website.** The law requires school districts to adopt a list of low-impact pesticide products to use if necessary. Why is this important? The Low-Impact list is a curated list required by law that ensures that only legally allowed pesticide products are applied on school grounds. **Some school districts without a Low-Impact List have been cited for using products that are illegal to use at schools because they are not safe around children and are not labeled for use on school property.** The Low Impact list was updated in 2016 and this update removed products that are not labeled for use on school grounds. For example, one School District adopted a list of forestry-specific pesticides which includes pesticides that are illegal for use on school grounds, and has failed to eliminate the use of those pesticides.

The HASS program has successfully set up structures for school districts to report on hazardous chemicals. As you can see on Slide 8, the good news is that 86% of school districts are providing annual public reporting on toxic chemicals - lead, radon and asbestos. The School IPM Plan is already referenced in the HASS plan and annual reports, however, as you saw in the preceding slides, only 39% of school districts have updated their IPM plan within the last 5 years. Why does this matter? Pesticide chemicals should be treated with the same level of transparency and accountability as other hazardous materials in school facilities. SB 426 calls for resources to coordinate School IPM requirements with the Healthy and Safe Schools Act.

Slide 9 gives a snapshot of consistent problems encountered by school districts to implement the School IPM law. These include failure to maintain records and ensure their accuracy, licensing violations, lack of compliance with notification requirements and failure to adopt the low-impact pesticide list. In one case, a school district allowed the application of a pesticide labeled “Danger” and Restricted Use Pesticide (RUP) on multiple school grounds while children were in school. In some cases, records have been falsified. Ongoing hazard communication problems are a risk management issue for school districts. There needs to be better hazard and risk reduction strategies and best management practices for safe use of pesticides on school grounds.

In summary, SB 426 will help end 14-years of an unfunded mandate and support an existing program that has consistently been understood as necessary for the health and safety of children. School districts need similar support to comply with requirements to ensure children are healthy and safe in the event a pesticide is used. Students need toxic free indoor and outdoor environments to learn and grow to be their very best selves. Let’s acknowledge the visionary School IPM program Oregon started and end the 14 years of an unfunded mandate. We urge your support for SB 426.

Lisa Arkin, Executive Director

Jennifer Eisele, Pesticide Projects Manager

Beyond Toxics

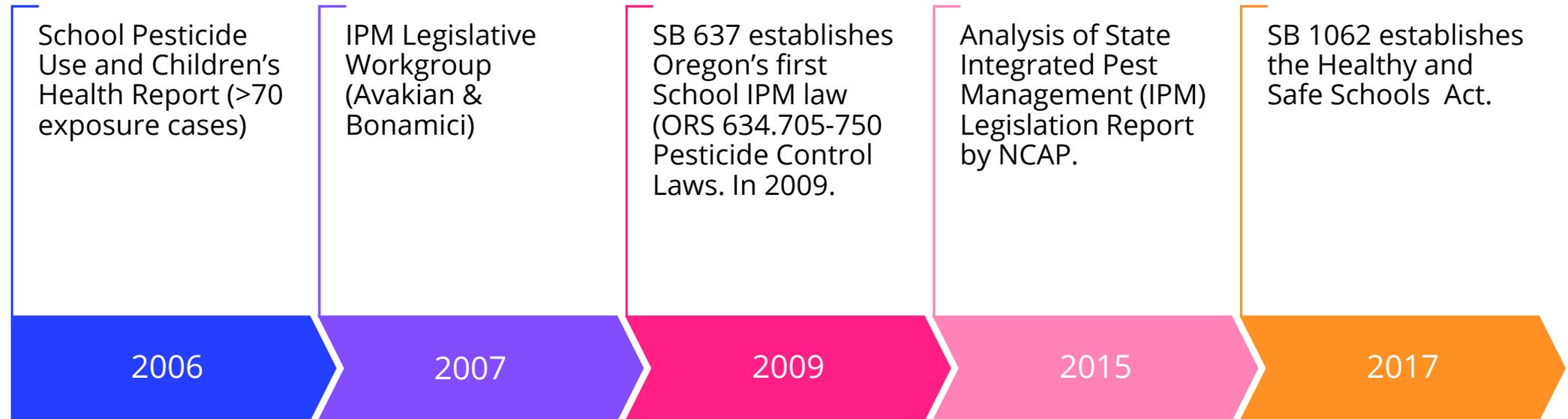
SB 426 TOXIC FREE SCHOOLS



Senate Committee on Education
2/21/2023

Presented by Lisa Arkin and Jennifer Eisele, Beyond Toxics

Timeline – Years in the Making!



**School IPM is a 14-year mandate in Oregon.
This year we can take of unfinished business!**

Stakeholder Amendment Process

Collaboration

- Adds ODA to HASS
- ODA & ODE create processes
- Diverse Stakeholder Advisory Committee under ODE

Resources

- Support for school districts through the Office of School Facilities
- Pilot projects to test streamlined electronic record keeping

Equity

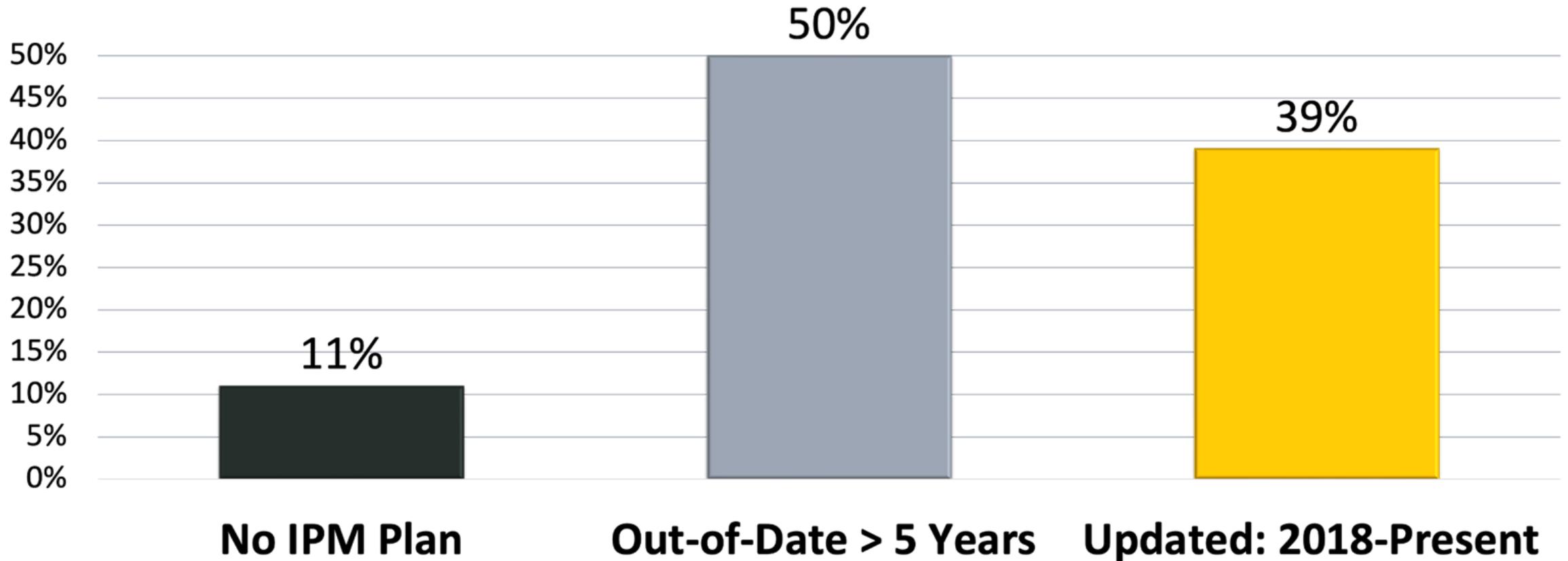
- Engage districts with low-income and diverse populations
- Improve transparency in pesticide notifications and recordkeeping

Support for Existing School IPM Programs



- SB 426 addresses unfinished business
- Supports collaboration for an existing program
- Adds diverse expert input through a stakeholder process
- Prioritizes equity and transparency
- Protects >600,000 students & faculty

Compliance with State Requirement to have IPM Plan on School District Websites



Sixty-one percent (61%) of Oregon school districts have outdated IPM Plans or no IPM Plan at all.

Why annual review and updates are needed

Fern Ridge School District adheres to the list of approved low-impact pesticides that is kept maintained by Oregon State University. The university keeps their list updated and FRSD reviews as necessary.

Fern Ridge School District IPM Plan

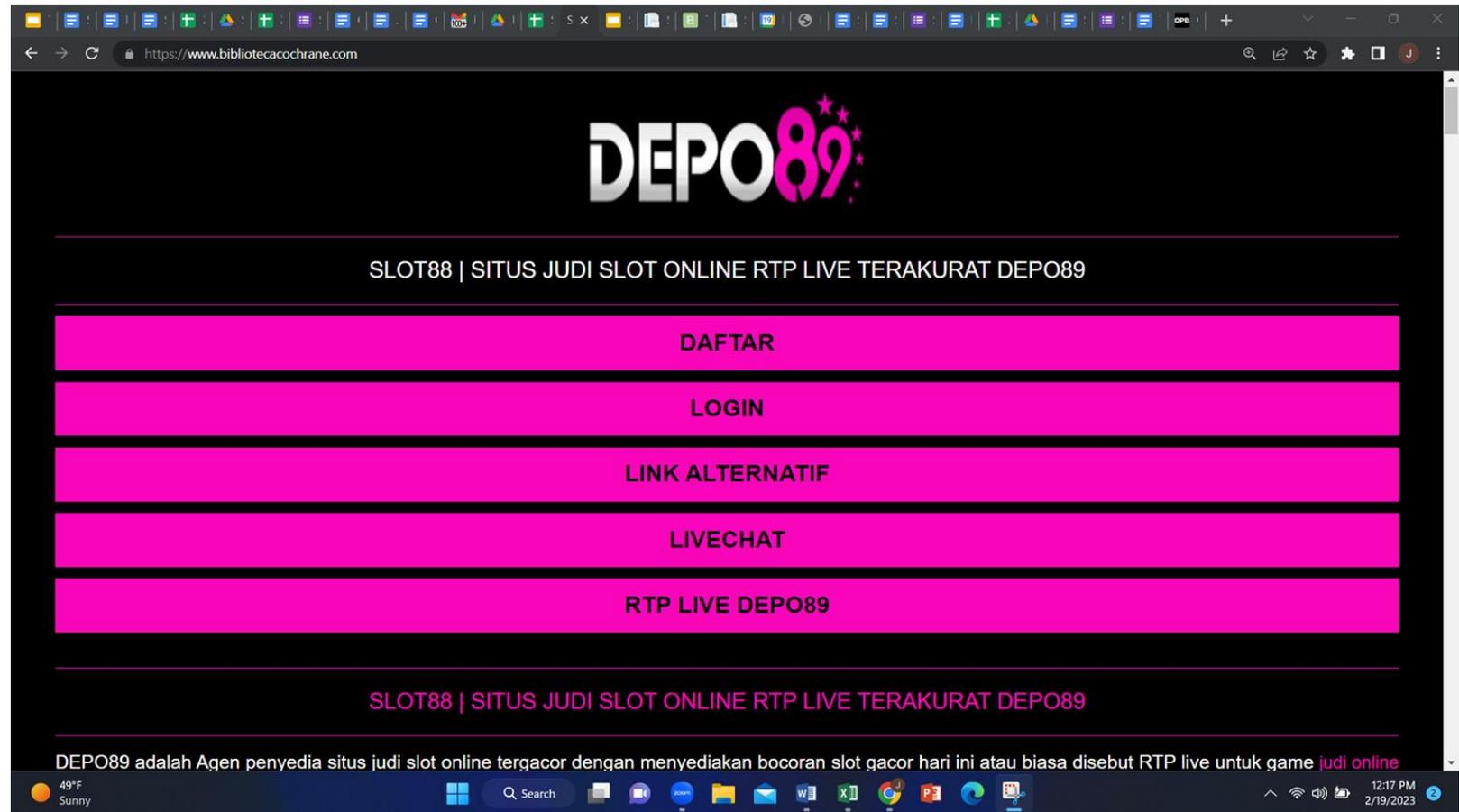
<https://www.fernridge.k12.or.us/specialservices/wp-content/uploads/sites/30/2016/09/Fern-Ridge-School-District-IPM-Plan.pdf>

The most current list of approved low-impact pesticides is available at:

http://www.ipmnet.org/tim/IPM_in_Schools/IPM%20Materials/Low_Impact_Pesticide_List.pdf



Links to an Indonesian gambling website!

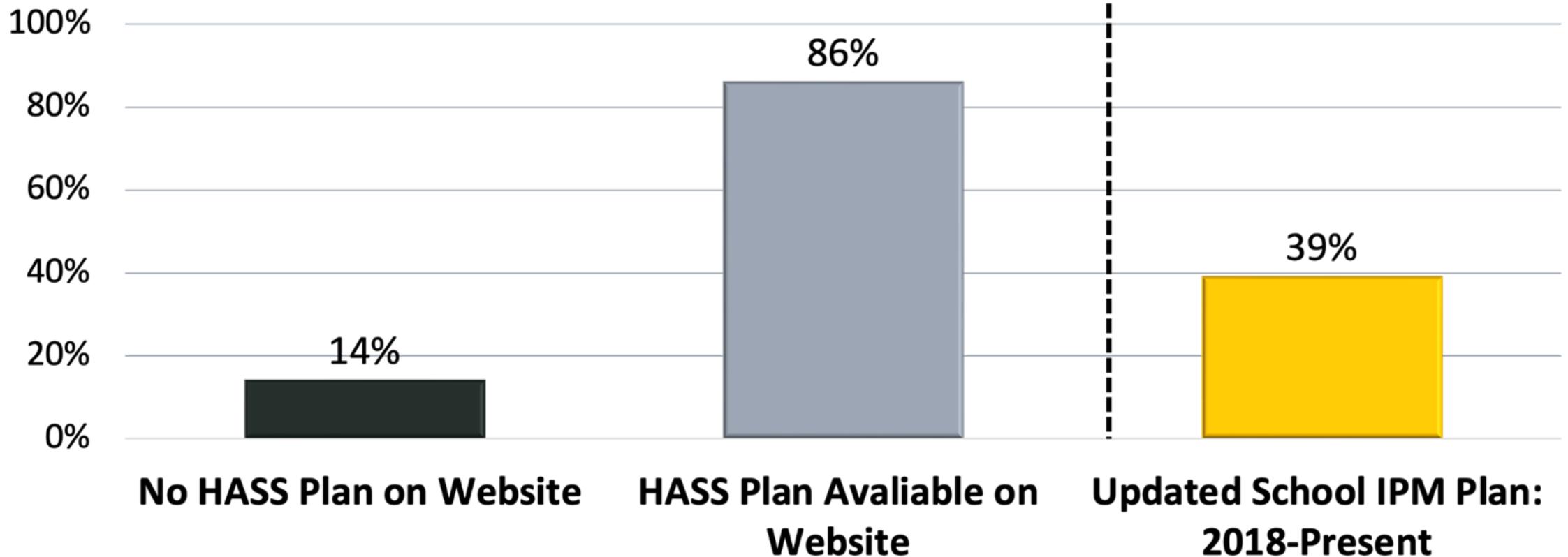


Accessibility of Low-Impact Pesticide Lists on District Websites



Seventy-nine percent (79%) of school districts don't have a low-impact pesticide list or have not updated their list in more than 5 years.

Compliance with State Requirement to have HASS Plan on School District Websites Compared to Updated IPM



While over 86% of districts have updated HASS plans and annual statements on their websites, less than 40% have updated their Integrated Pest Management Plan as required under HASS since 2018.

RECENT SCHOOL IPM VIOLATIONS

- Faulty, negligent, careless.
 - Sprayed RUP/Danger products.
 - Failure to maintain records.
 - >\$13,000 civil penalties.
- Unlicensed applicator.
 - Failure to notify.
 - Sprayed products labeled "Danger."
- **Unlicensed applicator.**
 - **Failure to notify.**
 - **Faulty, careless, negligent.**
 - **Outdated low-impact list.**
- **No IPM Plan.**
 - **No IPM Coordinator.**
 - **Failure to maintain records.**

2021 Hillsboro School District

2019 Grants Pass School District

2019 South Lane School District

2018 Jefferson School District



Summary

SB 426 will protect kids by:

- Enhance School **IPM Coordination** under HASS
- Establish a diverse **Stakeholder Advisory Group**
- Support districts with lower socio-econ demographics
- Electronic records **pilot projects** for compliance efficiency
- Fulfill an unfunded mandate!