

01 DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

026 BOARD OF PESTICIDES CONTROL

Chapter 27: STANDARDS FOR PESTICIDE APPLICATIONS AND PUBLIC NOTIFICATION IN SCHOOLS

SUMMARY: ~~These regulations establish~~ This rule establishes procedures and standards for applying pesticides in school buildings and on school grounds. ~~This chapter rule~~ also sets forth the requirements for notifying school staff, students, visitors, parents and guardians about pending pesticide applications.

Section 1. Definitions

- A. **Integrated Pest Management.** For the purposes of this ~~regulation~~ rule, Integrated Pest Management (IPM) means the selection, integration and implementation of pest damage prevention and control based on predicted socioeconomic and ecological consequences, including:
- (1) understanding the system in which the pest exists,
 - (2) establishing dynamic economic or aesthetic injury thresholds and determining whether the organism or organism complex warrants control,
 - (3) monitoring pests and natural enemies,
 - (4) when needed, selecting the appropriate system of cultural, mechanical, genetic, including resistant cultivars, biological or chemical prevention techniques or controls for desired suppression, and
 - (5) systematically evaluating the pest management approaches utilized.
- B. **School.** For the purposes of this ~~regulation~~ rule, School means any public, private or tribally funded:
- (1) elementary school,
 - (2) secondary school,
 - (3) kindergarten or
 - (4) nursery school that is part of an elementary or secondary school.
- C. **School Building.** For the purposes of this ~~regulation~~ rule, School Building means any structure used or occupied by students or staff of any school.

- D. **School Grounds.** For the purposes of this ~~regulation~~rule, School Grounds means:
- (1) land associated with a school building including playgrounds, athletic fields and agricultural fields used by students or staff of a school, and
 - (2) any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly utilized for school activities by students and staff. School grounds do not include land utilized primarily for non-school activities, such as golf courses and museums.
- E. **Integrated Pest Management Coordinator.** An employee of the school system or school who is knowledgeable about integrated pest management and is designated by each school to implement the school pest management policy.
- F. **School Session.** For the purposes of this rule, school is considered to be in session during the school year including weekends. School is not considered to be in session during any vacation of at least one week.

Section 2. Requirements for All Schools

- A. All public and private schools in the State of Maine shall adopt and implement a written policy for the application of Integrated Pest Management techniques in school buildings and on school grounds.
- B. Each school shall appoint an IPM Coordinator who shall act as the lead person in implementing the school's Integrated Pest Management policy. The IPM Coordinator shall be responsible for coordinating pest monitoring and pesticide applications, and making sure all notice requirements as set forth in this ~~chapter~~rule are met. In addition, the IPM Coordinator shall:
- (1) complete Board-approved IPM Coordinator overview training within one month of his/her first appointment as an IPM Coordinator and obtain Board documentation thereof;
 - (2) complete Board-approved IPM Coordinator comprehensive training within one year of his/her first appointment as an IPM Coordinator and obtain Board documentation thereof;
 - (3) obtain at least one hour of Board-approved continuing education annually;
 - (4) maintain and make available to parents, guardians and staff upon request:
 - a. the school's IPM Policy,
 - b. a copy of this rule (CMR 01-026 Chapter 27),
 - c. records of all pesticide applications as required under CMR 01-026 Chapter 50—Record Keeping and Reporting Requirements a “Pest Management Activity Log,” which must be kept current. Pest

management information must be kept for a minimum of two years from date of entry, and must include:

- i. the specific name of the pest and the IPM steps taken, as described under Section 5C of this rule; and
 - ii. a list of pesticide applications conducted on school grounds, including the date, time, location, trade name of the product applied, EPA Registration number, company name (if applicable) and the name and license number of the applicator. If the product has no EPA Registration number, then a copy of the label must be included.
- (5) authorize any pesticide application not exempted under Sections 3A(2), 3A(3), 3B, 3C, or 3D made in school buildings or on school grounds and so indicate by completing and signing an entry on the Pest Management Activity Log prior to, or on the date on which the minimum notification requirements must be implemented; and
- (6) ensure that any applicable notification provisions required under this rule are implemented as specified.
- ~~(4) copies of labels and material data safety sheets for all products applied, and~~
- ~~(5) when pesticides not exempt under Section 3 are applied, records of the IPM steps taken as described in Section 5.B. of this chapter.~~
- C. By September 1, every school shall inform the Board of the identity and the contact information for the IPM Coordinator. This requirement can be fulfilled through a Board approved reporting system.
- ~~C. Each school shall provide an annual notice to parents or guardians and school employees. This notice must be provided within two weeks of the start of the school year regardless of whether there are plans to have pesticides applied in the coming year.~~

Section 3. Exemptions

- A. The following pesticide uses are exempt from the requirements of Sections 4 and 5 of this ~~Chapter~~rule:
- (1) application of ready-to-use general use pesticides by hand or with non-powered equipment to control or repel stinging or biting insects when there is an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student, staff member or visitor,
 - (2) application of general use antimicrobial products by hand or with non-powered equipment to interior or exterior surfaces and furnishings during the course of routine cleaning procedures, and
 - (3) application of paints, stains or wood preservatives that are classified as general use pesticides.

- B. The following pesticide uses are exempt from the requirements of Section 4 of this ~~Chapter~~rule:
- (1) pesticides injected into cracks, crevices or wall voids,
 - (2) bait blocks, gels, pastes, granular and pelletized materials placed in areas inaccessible to students,
 - (3) indoor application of a pesticide with no re-entry or restricted entry interval specified on its label but entry to the treated area is restricted for at least 24 hours.
- C. When the Maine Center for Disease Control has identified arbovirus positive animals (including mosquitoes and ticks) in the area, powered applications for mosquito control are exempt from Section 4B(1) and 5B. Applicators should post the treated area as soon as practical, in a manner consistent with Section 4C(3)(a) 4B(2).
- D. School education facilities utilized for agricultural or horticultural education, and not normally used by the general school population, such as, but not limited to, greenhouses, nursery plots or agricultural fields, are exempt from the application limitations contained in Section 5E and notification provisions contained in Section 4B(1) provided that parents, staff and students are informed about the potential for pesticide applications in such areas. The posting requirements contained in Section 4B(2) must be complied with. In addition, students entering treated areas must be trained as agricultural workers, as defined by the federal Worker Protection Standard.

Section 4. Notification

- A. ~~Within two weeks of the start of every school year, notice shall be given by all schools to all school staff and parents or guardians of students advising them~~ A notice shall be included in the school's policy manual or handbook describing the school's IPM program including that a school integrated pest management policy exists and where it may be reviewed, that pesticides may periodically be applied in school buildings and on school grounds and that applications will be noticed in accordance with Sections 4B-D 4B hereof. This notice shall describe how to contact the IPM Coordinator and shall also state that records of prior pesticide applications and labels and material safety data sheets for the pesticides used and the school's IPM Policy, a copy of the Standards for Pesticide Applications and Public Notification in Schools regulation rule (CMR 01-026 Chapter 27), and the Pest Management Activity Log, are available for review.
- B. ~~Notices given as required by Section 4C shall state, as a minimum: (a) the trade name and EPA Registration number of the pesticide to be applied; (b) the approximate date and time of the application; (c) the location of the application; (d) the reasons for the application; and (e) the name and phone number of the person to whom further inquiry regarding the application may be made. These notices must be sent to school staff and parents or guardians of students at least five days prior to the planned application.~~
- C.B. ~~During the school year when classes are regularly scheduled~~ When school is in session, schools shall provide notice of pesticide applications in accordance with either Sections 4C(1) or 4C(2) and with Section 4C(3) 4B(1) and 4B(2). When classes are not regularly

~~scheduled~~ school is not in session, notice shall be accomplished by posting of signs as described in Section ~~4C(3)~~ 4B(2) of this rule.

- (1) Notice may be given to school staff and parents or guardians of students using a school whenever pesticide applications not exempted by Section 3 are performed inside a school building or on the school grounds, or
- (2)(1) The school ~~may shall provide~~ establish a notification registry whereby persons wishing notification of each application not exempted by Section 3 performed inside a school building or on school grounds to all school staff and parents or guardians of students. may make a written request to be put on the registry list to receive notice whenever pesticide applications not exempted by Section 3 are performed. Notices given shall state, at a minimum: (a) the trade name and EPA Registration number of the pesticide to be applied; (b) the approximate date and time of the application; (c) the location of the application; (d) the reasons for the application; and (e) the name and phone number of the person to whom further inquiry regarding the application may be made. These notices must be sent at least five days prior to the planned application.
- (3)(2) In addition to the notice provisions above, whenever pesticide applications not exempted by Section 3 are performed in a school building or on school grounds, a sign shall be posted at each point of access to the treated area and in a common area of the school at least two working days prior to the application and for at least forty-eight hours following the application. Posting of the notification signs as required by this ~~Chapter rule~~ satisfies the posting requirements of Chapter 28 of the Board's regulations rules (CMR 01-026 Chapter 28).
- a. The signs shall ~~be:~~
- i. ~~at least 8.5 inches wide by 11 inches tall for indoor applications;~~
 - ii. ~~at least 5 inches wide by 4 inches tall for outdoor applications;~~
 - iii. ~~made of rigid, weather resistant material that will last at least ninety six (96) hours when placed outdoors; and~~
 - ~~iv.~~i. be light colored (white, beige, yellow or pink) with dark, bold letters (black, blue, red or green).
- b. The signs for indoor applications ~~must bear:~~
- ~~i.~~ii. bear the word CAUTION in 72 point type,
 - ~~ii.~~iii. bear the words PESTICIDE APPLICATION NOTICE in 30 point type or larger,
 - ~~iii.~~iv. state any reentry precautions from the pesticide labeling in at least 12 point type,

- iv. ~~the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,~~
- v. state the approximate date and time of the application in at least 12 point type, and
- vi. state the name of the company or licensed applicator making the pesticide application and a contact telephone number in at least 12 point type,
- b. The signs for indoor applications must:
- i. be at least 8.5 inches wide by 11 inches tall,
- ii. state the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,
- ~~vi.iii.~~ state the location of the application in at least 12 point type, and
- ~~vii.iv.~~ state the reason(s) for the application in at least 12 point type, and
- ~~viii.~~ the name and phone number in at least 12 point type of the person to whom further inquiry may be made regarding the application.
- c. The signs for outdoor applications must bear:
- i. ~~the word CAUTION in 72 point type,~~
- ii. ~~the words PESTICIDE APPLICATION in 30 point type or larger,~~
- i. be at least 5 inches wide by 4 inches tall,
- ii. be made of rigid, weather-resistant material that will last at least ninety-six (96) hours when placed outdoors,
- iii. bear the Board designated symbol (see appendix A), and
- iv. ~~any reentry precautions from the pesticide labeling in at least 12 point type,~~
- v. ~~the trade name and EPA Registration number(s) of the pesticide(s) to be applied in at least 12 point type,~~
- vi. ~~the approximate date and time of the application in at least 12 point type,~~
- vii.iv. the location of the application in at least 12 point type, state a date and/or time to remove the sign.

- viii. ~~the reason(s) for the application in at least 12 point type, and~~
- ix. ~~the name and phone number of the person to whom further inquiry regarding the application may be made in at least 12 point type.~~

Section 5. Integrated Pest Management Techniques

- A. All pest management activities shall be undertaken with the recognition that it is the policy of the State to work to find ways to use the minimum amount of pesticides needed to effectively control targeted pests in all areas of application. In all cases, applications should be conducted in a manner to minimize human risk to the maximum extent practicable using currently available technology.
- B. All pest management activities should be conducted using appropriate elements of integrated pest management as described in the latest Cooperative Extension or Department of Agriculture training manuals for pest management in and/or on school property. Pest management activities should also be conducted in accordance with the Best Management Practices for Athletic Fields & School Grounds, or other applicable Best Management Practices approved by the Board. ~~In all cases, applications should be conducted in a manner to minimize human risk to the maximum extent practicable using currently available technology.~~
- BC. Prior to any pesticide application the following steps must be taken and recorded:
 - (1) monitor for pest presence or conditions conducive to a pest outbreak,
 - (2) identify the pest specifically,
 - (3) determine that the pest population exceeds acceptable safety, economic or aesthetic threshold levels, and
 - (4) utilize non-pesticide control measures that have been demonstrated to be practicable, effective and affordable.
- CD. When a pesticide application is deemed necessary, the applicator must comply with all the requirements of CMR 01-026 Chapter 31–Certification and Licensing Provisions/Commercial Applicator. The applicator must also take into account the toxicity of recommended products and choose lowest risk products based on efficacy, the potential for exposure, the signal word on the pesticide label, the material safety data sheet, other toxicology data and any other label language indicating special problems such as toxicity to wildlife or likelihood of contaminating surface or ground water.
- DE. Indoor pesticide use must be limited to placement of baits and wall void or crack and crevice and pool and spa disinfectant treatments unless the pest threatens the health and safety of persons in the buildings as determined by the school's integrated pest management coordinator.

- ~~EF.~~ Pesticide applications must not be conducted when people are in the same room to be treated except that applicators may set out bait blocks, pastes or gels when only informed staff members are present. When space, spot, surface or fumigation applications are conducted the ventilation and air conditioning systems in the area must be shut off or the entire building must be evacuated. Applications should be planned to occur on weekends or vacations to allow maximum time for sprays to dry and vapors to dissipate.
- ~~FG.~~ Outdoor applications should be scheduled so as to allow the maximum time for sprays to dry and vapors to dissipate and shall not occur when unprotected persons are in the target area or in such proximity as to likely result in unconsenting exposure to pesticides. Applications must also be conducted in accordance with all other applicable Board rules designed for minimizing pesticide drift and posting of treated sites. Spot treatments should be considered in lieu of broadcast applications.
- ~~H.~~ ~~The Integrated Pest Management Coordinator must maintain records of pest monitoring as well as the same pesticide application information required in Section 1.A. of Chapter 50—Record Keeping & Reporting Requirements for a period of two years following all pesticide applications performed along with the labels and material safety data sheets for all products used in or on school property.~~

Section 6. Requirements for Commercial Pesticide Applicators Making Applications in School Buildings or on School Grounds

- A. Prior to conducting a pesticide application not exempted in Section 3 in a school building or on school grounds, commercial pesticide applicators shall obtain written authorization from the IPM Coordinator. Authorization must be specific to each application and given no more than 10 days prior to the planned application.
- B. Commercial pesticide applicators shall, within one business day of each pesticide application, provide the IPM Coordinator with a written record of the application including the date, time, location, trade name of the product applied, EPA Registration number and the name of the licensed applicator. If the product has no EPA Registration number then the applicator will provide a copy of the label.
- C. Commercial pesticide applicators shall inform the IPM Coordinator about any pest monitoring activity and results. If it is acceptable to the IPM Coordinator, this may be achieved by recording them in the Pest Management Activity Log.

STATUTORY AUTHORITY: 7 M.R.S.A. §§ 601-625 and 22 M.R.S.A. §§ 1471-A-X.

EFFECTIVE DATE:

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Appendix A

Board Designated Symbol for Posting Outdoor Pesticide Applications to School Grounds

