

Division of Juvenile Justice Guidelines

Excerpt from the Healthy Schools Act, California Education Code, section 17612:

(e) Subdivisions (a) and (d) shall not apply to schools rated by the Division of Juvenile Justice. The school administrator of a school operated by the Division of Juvenile Justice shall notify the chief medical officer of that facility at least 72 hours prior to application of pesticides. The chief medical officer shall take any steps necessary to protect the health of pupils in that facility.

For reference, subdivisions (a) and (d) of section 17612 include the notification and warning sign requirements of the Healthy Schools Act.

The following information will help Division of Juvenile Justice facilities to comply with the Healthy Schools Act (HSA) and to achieve effective, low-risk pest management.

- The school administrator must notify the Chief Medical Officer (CMO) of the facility at least 72 hours prior to pesticide applications. The CMO is required to take all necessary steps to protect pupil health.
- The school administrator should provide a list of all pesticides anticipated to be used during the calendar year to the CMO. The list should include a copy of the product label, EPA registration number, and Safety Data Sheet (SDS) for each item.
- The CMO should review the labels, SDS information, and consult the Department of Pesticide Regulation's website to determine if the listed pesticides are acceptable and appropriate for use. At their discretion, the CMO may restrict use.
- The CMO should investigate any complaints and suspected illnesses due to pesticide applications, take appropriate action, and report incidents to the local County Agricultural Commissioner's (CAC) office.
- To achieve the desired level of pest management, facilities may institute an integrated pest management (IPM) policy that promotes reduced risk pest management, such as improved sanitation and exclusion measures.
- Staff assigned pest management duties should keep detailed records of each pesticide application including the brand name and EPA registration number of the product, amount used, date and location of application, and targeted pests.
- Staff assigned pest management duties should contact the CAC to determine applicable local pesticide restrictions.
- The Healthy Schools Act exempts certain pesticide products from some requirements. The exempt categories include: pesticides deployed in the form of self-contained baits or traps, gels or pastes deployed indoors as "crack and crevice" treatments, pesticides exempt from registration by the U.S. EPA, and antimicrobial pesticides, including sanitizers and disinfectants. Annual HSA training is still required when using any pesticides, including the exempt products listed above.
- Employees are required to take a DPR-approved HSA training course annually before applying any pesticides. Employers will provide training. [California Education Code section 17614.]
- A written notification of all listed and approved pesticides anticipated to be used should be posted at the facility entryway and a copy should be provided to all staff annually.
- Existing federal and state law requires any user of a pesticide to comply with the label.
- The existing requirements for licensed Pest Control Businesses regarding training and reporting for pesticide applications made at schoolsites are detailed in the California Code of Regulations section 6625; Food and Agricultural Code sections 13186 and 13186.5; and Business and Professions code section 8593.2.

Fitzmaurice, P., "Implementation of Healthy Schools Act-You Authority," August 27, 2001, office communication (2001).