

THE HEALTHY SCHOOLS ACT

In 2007, California Law AB 2865 extended the Healthy Schools Act to child care centers. The Healthy Schools Act now applies to all K–12 schools as well as public and private child care centers, but not to family child care homes.

The Healthy Schools Act (HSA)

encourages ECE centers to use IPM and requires centers to:

- 1 notify parents of pesticide use.
- 2 maintain registry of parents and staff.
- 3 post warning signs.
- 4 keep written records of pesticide use.
- 5 designate an IPM coordinator.

HSA also requires the Department of Pesticide Regulation to collect information on pesticide use in child care centers.



The Healthy Schools Act applies to some pesticides, like sprays and foggers.



What does the law require?

- ▶ **Notification.** Every year, each ECE center must provide written information for parents and staff that:
 - ▷ describes which pesticides it expects center staff or a PMP to apply in the upcoming year.
 - ▷ provides the Internet address to DPR's *School IPM Program* website: apps.cdpr.ca.gov/schoolipm
- ▶ **Registry.** Each ECE center must maintain a voluntary registry of parents and staff who choose to be notified before a nonexempt pesticide (e.g. spray or fogger) is used in the center. The HSA regulates the use of "nonexempt" pesticide application methods in child care settings; that is, broadcast methods such as spray or fogger applications. The use of pesticides contained in baits, gels, or traps are exempt from the law.
- ▶ **Notice of Pesticide Applications.** Those who enroll in the registry must be notified of nonexempt individual pesticide applications at least 72 hours before the application. The notice should include the name of the pesticide, active ingredient(s) in the product, and date the pesticide will be applied (see *Sample Notification Letter* in the *Appendix*).
- ▶ **Warning Signs.** Every ECE center must post warning signs around each area where nonexempt pesticides will be applied. These signs should be in place 24 hours before and stay in place 72 hours after pesticides are used. These signs should be large enough to prevent any adult from accidentally entering areas where pesticides have been used. See *Sample Warning Sign* in the *Appendix*.
- ▶ **Record Keeping.** Every ECE center must keep records of which pesticides have been used in the past four years. The records must be available to anyone who asks to see them.
- ▶ **Pesticide Prohibition.** Some pesticides are never allowed to be used in ECE centers. For a list of these pesticides, see the link under *Resources*, *AB 405 List of Pesticide Products Prohibited from Use in Schools*. apps.cdpr.ca.gov/schoolipm/school_ipm_law/prohibited_prods.pdf



Post warning signs where nonexempt pesticides will be applied.

- ▶ **Property Owners.** If the owner of a property where a child care center is located uses pesticides, they must provide written notice to the ECE center at least 120 hours before they apply a pesticide.
- ▶ **Information.** The Department of Pesticide Regulation (DPR) must provide information to ECE programs on the least harmful practices for getting rid of pests, such as this IPM Toolkit. Licensed pest management businesses must report yearly to DPR on pesticide applications they make to ECE centers. If a child care center hires a Pest Management Professional (PMP), the PMP must notify the center 120 hours before applying nonexempt pesticides. In California, PMPs are usually called Pest Control Operators or exterminators.
- ▶ **Notification Responsibilities of Property Owners.** If a property owner hires a PMP, then the property owner must notify the PMP that a child care facility is present on the property. The PMP then must follow notification requirements required by the Healthy Schools Act.

- ▶ **ECE Responsibilities to a PMP.** The child care staff must inform the PMP that the facility must comply with the Healthy Schools Act.

The Healthy Schools Act regulates the use of pesticides on center buildings or structures, playgrounds, lawns, vehicles, or any other area of the property visited or used by children.

The Healthy Schools Act applies to pesticides that are in the form of:

- ▷ Sprays.
- ▷ Foggers.
- ▷ Pellets or powder, if uncontained.

These pesticides are referred to as nonexempt in the Healthy Schools Act.

Exempt Pesticides

Products that use pesticides in a bait, trap, or gel or are used to kill germs (antimicrobials), such as sanitizers and disinfectants, are exempt (not covered by the law). This means that parents and staff do not need to be notified when these pesticide products are used, and records do not have to be kept of their application.

For more information on exempt pesticides, see the DPR publication *Pesticides Exempt from the School Posting, Notification, and Record Keeping Requirements of the Healthy Schools Act of 2000 (HSA)* available online at: apps.cdpr.ca.gov/schoolipm/school_ipm_law/26_exempt_text5.pdf

Who is responsible for helping to implement the Healthy Schools Act?

DPR is responsible for helping schools and child care centers implement IPM practices. You may request information from DPR about starting an IPM program in an ECE facility by contacting DPR's Growing Up Green Program. Contact information is available online at: apps.cdpr.ca.gov/schoolipm/childcare/