

New Mexico Administrative Code

Pesticide Use in Schools

(Pesticide use on school properties in New Mexico requires:

- **Posting**
- **Parental and school staff notification**
- **Pesticide use record keeping**

There currently is no state-mandated program of IPM, nor are there any specific forms mandated for use.)

1978;

(3) Safe for conducting experiments and school projects in all school laboratories and shops as established in school safety procedures. These procedures must include, but are not limited to, appropriate eyewear, clothing, and body washes. Appropriate procedures for the storing, handling, and removal of toxic or dangerous substances must be established and implemented. All school programs must comply with standard safety practices and all applicable state and federal regulations.

(4) Use of pesticides will be governed by the following standards:

(a) Definitions as used in this section:

(i) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.

(ii) "Pest" means any living organism injurious to other living organisms, except man, viruses, bacteria or other microorganisms in or on other living organisms other than plants, which is declared to be a pest pursuant to the Pesticide Control Act, Sections 76-4-1 through 76-4-39 NMSA 1978.

(b) Districts will develop procedures for the implementation of pest management with consideration for reducing the possible impact of pesticide use on human health and the environment, including people with special sensitivities to pesticides. Procedures will include, but are not limited to the following:

(i) No pesticide may be applied to public school property and no pest control device as defined in the New Mexico Pesticide Control Act may be used on public school property except those pesticides and devices currently registered for legal use in the state by the New Mexico Department of Agriculture.

(ii) No pesticide may be applied to public school property except by those persons certified in the applicable category and currently licensed by the New Mexico Department of Agriculture or by employees under their direct supervision.

(iii) Pesticides will only be applied in or on the outside of school buildings when a pest is present and will not be applied on a regular or "calendar" basis unless it is to treat an infestation and is a part of a pest management system being implemented to address a particular target pest. A pest is considered to be present when it is observed directly or can reasonably be expected to be present based on finding evidence such as droppings, body parts, or damage that is typically done by the pest. This section of the regulation does not apply to pre-construction termite treatments or the use of outdoor herbicides.

(iv) Pesticides that are applied in a liquid, aerosolized, or gaseous form through spraying, aerosol cans, bombs, fumigation, or injections into the ground, foundation, or plants will not be applied on public school property when students, staff, or visitors

are present or may reasonably be expected to be present within 6 hours of the application. In emergency cases where a pest infestation threatens the health and/or safety of the occupants of public school property, and which requires the immediate application of a pesticide to remediate, students, staff, and other school occupants will be removed from the treatment area prior to the application. Small amounts of gel or liquid pesticides applied to cracks and crevices or baits used to treat pest infestation are exempt from this section.

(v) At the beginning of each year, and when new students register, schools will develop a list of parents and guardians who wish to be notified prior to pesticide application during the school year. These parents/guardians will be notified in writing prior to pesticide application. General notification of anticipated pesticide applications will occur by posting or dissemination of notices or oral communication or other means of communication. In emergency cases where a pest infestation threatens the health and/or safety of the occupants of public school property, no pre-notification is required. Immediately following the application of a pesticide in emergency cases, signs will be posted indicating an application was made.

(vi) Written records of pesticide applications will be kept for three (3) years at each school site and be available upon request to parents, guardians, students, teachers, and staff.

(vii) The State Department of Public Education may coordinate technical assistance for implementation of paragraph (4) of subsection E of 6.30.2.10. NMAC.

(viii) If any part of paragraph (4) of subsection E of 6.30.2.10. NMAC is found to be in conflict with the provisions of the Pesticide Control Act, the remainder of the regulation will remain in full force and effect.