



ADMINISTRATIVE RULES OF MONTANA



37.111.846 NOXIOUS PLANT AND ANIMAL CONTROL

- (1) The school and school site must be maintained free of harborage for insects, rodents, and other pests. Extermination methods and other measures to control pests must conform with the requirements of the department or the local health authority.
- (2) All areas must be maintained free of accumulation of debris or standing water which may provide harborage for pests.
- (3) Storage areas must be maintained so as to prevent pest harborage. Lumber, pipe, and other building materials must be stored neatly.
- (4) The growth of brush, weeds, and grass must be controlled to prevent harborage of pests. School grounds must be maintained to prevent the growth of noxious weeds considered detrimental to health.
- (5) Schools must develop and implement an approved Integrated Pest Management (IPM) program beginning September 1, 2021. Students, parents, and staff must be notified when chemicals for IPM are going to be used.
- (6) The school IPM must include strategies to prevent the spread of pests.
- (7) The school administrator must, whenever practical, ensure the use of nonchemical methods to control pests, including proper sanitation practices, structural repair, and window screens.
- (8) Except as provided in (9)(c), at least 24 hours before the application of a pesticide to an area of the school that is used by or is accessible to students, the school administrator must notify parents or guardians of students of the application. A notice of application must include:
 - (a) a description of the area where the pesticide will be applied;
 - (b) the date and approximate time of application;
 - (c) the common or brand name of each pesticide to be used;
 - (d) the targeted pests to be controlled by the pesticide;
 - (e) each active ingredient in the pesticide;
 - (f) the EPA registration number;
 - (g) the telephone contact number, if any, on the label of the pesticide for additional information about each pesticide; and
 - (h) a contact name and telephone number at the school.

- (i) If the application will be outdoors, the notification must also include three dates in chronological order in case the preceding date is canceled due to weather.
- (9) During the school term the required notification must be made by individual notice delivered by phone, face-to-face oral communication, electronic mail, postal mail, or facsimile. A school or school district may also develop a registration system to provide this notification only to those parents who wish to receive the notification. If the school or school district develops a registration system, the school administrator must provide written notice to the parents or guardians of the students at the beginning of the school year, or upon a student's enrollment, that pesticides may be used in or around the school, and must explain to each parent or guardian how to register to be notified at least 24 hours before a pesticide treatment.
 - (a) If pesticides are used outside the school term and the school is open or to be accessible by the public, the notification required must be prominently posted in a conspicuous location on the school premises at least 24 hours before the pesticide treatment is scheduled to begin.
 - (b) Immediately before starting the application of a pesticide, the certified applicator must post in the area of the school where the pesticide is to be applied, a sign 8.5x11-inch in size, or greater. Fonts must be no smaller than 26 point (one-fourth inch). The school administrator must ensure the sign remains posted and students are kept out of the treated area until the reentry interval on the label, if any, has expired, or, if the label does not specify a reentry interval, for at least 24 hours.
 - (c) A school administrator may authorize an immediate pesticide treatment without prior notification if the school administrator determines an emergency exists. An emergency includes an immediate and unanticipated threat to the health and safety of the individuals at the school. An emergency does not exempt the school from the requirements of (10).
 - (d) The following pesticide applications are not subject to the notification or posting requirements of this rule:
 - (i) applications of antimicrobial pesticides;
 - (ii) an application where the school remains unoccupied for a continuous 72-hour period following the application of the pesticide;
 - (iii) applications of rodenticides in tamper-resistant bait stations or in areas inaccessible to students; and
 - (iv) applications of silica gels and other ready-to-use pastes, foams, or gels that will be used in areas inaccessible to students.
- (10) A school administrator must keep records of pesticide applications subject to the notification and posting requirements of this rule.
 - (a) Records must include:
 - (i) a copy of each notice issued;
 - (ii) the date of application;
 - (iii) the name and employer of the individual who applied the pesticide, including the individual's certification number;

- (iv) the rate of application;
 - (v) the concentration of the pesticide applied; and
 - (vi) the total amount of pesticide used.
- (b) If a school administrator authorizes a pesticide application under (9)(c), all the information that is required in a notice under (8) must be included in the record.
- (c) Records must be kept for at least five years and must be made available to the local health authority, the department, or the public for review upon request.

Authorizing statute(s): 50-1-206, MCA

Implementing statute(s): 50-1-203, 50-1-206, MCA

History: NEW, 1986 MAR p. 546, Eff. 4/11/86; TRANS, from DHES, 2001 MAR p. 2425; AMD, 2020 MAR p. 47, Eff. 1/18/20.