



Enhancing Enrollment Through First Impressions®

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How the Children's and Families Protection Act Affects You

As of November 2000, the Children's and Families Protection Act has been in effect in Massachusetts. If you fit the below category and are unaware of this act, read on to ensure you are in compliance.

The act is in effect for:

- All public and private schools for preschool, elementary, middle, or high school students that are regulated by the Department of Education or licensed by the Department of Early Education and Care (EEC).
- Day Care Centers and School Age Child Care Programs including any public or private program or facility operated on a regular basis which provides supervised group care for children who are enrolled in kindergarten and are old enough to enter first grade or an older child who is not more than 14 years old or not more than 21 years old if that child has special needs.
- Additionally, if a town own field is used by children attending institutions listed in the first bullet for more than 50% of the field's use time, it is also subject to the act.

HOWEVER, the following exemptions apply:

- Family day care homes; periodic religious instruction classes conducted by religious institutions; facilities operated by religious institutions where children are cared for short periods of time while persons responsible for such children are

attending religious services.

- Colleges are also exempt, even if they are hosting a summer camp for school age children. Colleges are NOT exempt if they have an EEC licensed daycare on site.

The Children's and Families Protection Act requires that all organizations that meet the above criteria have an Integrated Pest Management (IPM) plan on file with the Pesticide Bureau at the Department of Agricultural Resources. An IPM plan seeks to prevent unnecessary exposure of children to pesticides, ensure that clear notification regarding the use of pesticides (within the aforementioned organizations) is given to all those affected, and reduce the reliance on chemical pesticides. An ideal IPM plan is a three ring binder with both an indoor and outdoor section and contains:

- Pest sighting/inspection sheets
- Application records
- Blank forms and waivers
- Chemical fact sheets
- Copies of notifications
- Compliance checklist
- Labels and Material Safety Data Sheets for pesticides
- A copy of the Children's and Families Protection Act

For explicit instructions on creating your IPM program, the Department of Agriculture has set up an interactive website (www.mass.gov/agr/ipm).

This integrated plan should be updated annually and all application records must be kept for five years.

Important Notes:

INDOOR PROCEDURES

The only products allowed for indoor application are:

- Baits in tamper resistant containers
- Ready to use dust and gels, and baits placed in areas that are inaccessible
- Termiticides if there is an active infestation

When applying an indoor application, the following steps should be followed:

1. Ensure you have a copy of the application's label in your IPM plan
2. Check the label to ensure that the applicator is using an allowed formulation
3. Keep a copy of the record/invoice from the company. Review it to ensure that what has been applied was of the correct formulation.

OUTDOOR PROCEDURES

When applying an outdoor application, there are additional actions necessary. The following steps will ensure compliance:

1. Ensure you have a copy of the application's label in your IPM plan

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How the Children's and Families Protection Act Affects You (cont.)

2. Check the label to ensure that the active ingredient is not a probable/likely carcinogen
3. Check the label to ensure that it does not have a statement that reads: "Inert ingredients are of toxicological concern"
4. If the product has passed steps 2 and 3, then you MUST list it on your outdoor IPM plan. Failure to do this but using the product regardless constitutes a violation.
5. Get the standard written notification from the pest control company
6. You must send home the notification to parents and employees so that they receive it two working days before the application takes place.
Exception: If school is closed for 5 consecutive days, there is no need for step 6. However, in its place, applicator must receive written notification from school documenting that the school is closed for said amount of time.
7. Make a copy of what was sent home and date when it was sent home.
8. Keep a copy of the invoice/record of what was done in the plan. Review the record to ensure that what was done was legal.

It is not permitted to make outdoor applications for aesthetic purposes. (Athletic fields are not considered aesthetics)

It is the applicator's responsibility to provide notification to the school regarding:

1. Who will be applying, what they will be applying, where they will be applying and why
2. Consumer bulletin
3. Chemical fact sheet
4. Applicator must also make sure that the correct chemicals are being listed in the IPM plan

Failure to comply with the regulations of the Children's and Families Protection Act will result in enforcement actions:

1. Letter of warning
2. Administrative orders (directed at applicator or school system)
3. Notice of assessments

This information is from the Department of Agriculture's website. For more information, to find out if you're in compliance, for assistance in creating an IPM plan, or for standard written work documents, visit their site at www.mass.gov/agr/ipm

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