

Honorable Los Angeles Unified School District Board Members and Members of the Los Angeles Unified School District Board's Integrated Pest Management Ad Hoc Committee

Comments of Sandra Schubert, Ad Hoc Committee Member

25 August 2024

My name is Sandra Schubert and I am honored to be the public representative on the Los Angeles Unified School District Board's Integrated Pest Management Ad Hoc Committee. As one of the drafters of the Los Angeles Unified School District's (District) Integrated Pest Management (IPM) Policy and an original IPM Team member, I am deeply supportive of the IPM Policy, California's Healthy School's Act and the District's historical commitment to protecting the health and safety of its students, public oversight and transparency.

However, I am concerned that this IPM Ad Hoc Committee process is not honoring either the letter or the spirit of California's public meeting requirements under the Brown Act or providing the necessary information for me to meaningfully perform my duties and for the public to participate.

The District's internationally recognized 25 year old IPM Policy was unanimously adopted in 1999 in response to parental concerns about pesticide use in the District, which were brought to light when children were sprayed with pesticides by a District employee when entering a K-12 school. The District responded quickly, directing staff to work with Community members to ensure the health and safety of the students and the staff. This resulted in the District's groundbreaking IPM Policy, the most protective policy in the nation, embracing the precautionary principle, the right-to-know, and public oversight through the IPM Team.

This successful policy has become a national and international model for school districts and communities. It led to California's Healthy Schools Act in 2000, which embraced IPM, the precautionary principle, mandatory IPM training, and the right-to-know throughout the state. For nearly 25-years, the District and the IPM Team successfully implemented the IPM Policy.

However, serious issues regarding staff implementation of the IPM Policy, the Healthy Schools Act, the Federal Insecticide, Fungicide, and Rodenticide Act (1976), and California's Food and Agricultural Code have been raised in a 2022 District Inspector General's (IG) Audit¹ and by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. These issues range from illegally applying an agricultural pesticide on multiple school sites in violation of federal law to not performing required trainings in violation of state law and LAUSD policy to refusing to provide information to the IPM Team in violation of LAUSD Policy.

As a result of the IG's Audit, the Board formed the Ad Hoc committee to undertake three tasks:

“(1) receive and consider onetime nominations of current IPM Team members for a temporary term of 60 days; (2) bring the Team and the District back into compliance with the IPM Policy; and (3) review and propose corrective actions addressing the

¹ Office of the Inspector General (IG) of Los Angeles Unified School District, *Performance Audit of Integrated Pest Management Program* (OA2 22-1350), June 29, 2022, hereinafter “IG Audit.”

findings contained in the June 29, 2022 Office of Inspector General [IG]report regarding IPM (Rep -107 – 22/23).”²

In performing our tasks, we must adhere to the IPM Policy. This Committee is not tasked with rewriting the IPM policy; it is tasked with ensuring that the IPM Policy is being complied with.

The Audit revealed widespread violations of the IPM Policy and California’s Healthy Schools Act by District Staff.³ Apparently, training programs and materials in place for decades are no longer being implemented at all levels throughout the District, including pest technicians, resulting in staff and Principals not having the required information or training, parents right-to-know no longer being honored, and M&O is not forwarding IPM Team nominations to the Board for official approval and appointment. It is concerning that the IG did not discover the use of the illegal agricultural pesticides on school sites.

The IGs concerns were significant, stating that.

“...there were no formal procedures in place for educating and training IPM participants. In addition, there was no oversight process in place by the Pest Management Team to monitor for non-compliance with IPM requirements.

“As a result, all participants were not aware of their roles and responsibilities for the IPM program and may not have complied with HSA requirements. The conditions noted increased the probability that the students and staff may have been at risk of exposure to hazardous substances due to lack of advance notice of pesticide usage.”⁴

These are critical issues to address to ensure the health and safety of the 563,083 students at 1,438 schools, the 67,845 teachers, staff, and visitors. Unfortunately, I have not been provided with any information as to on what, if any, actions the District has taken to address the Inspector General’s (IG) findings or recommendations despite requesting it from Board Members, the Secretariat and the Deputy Superintendent. The Board Secretariat directed me to M&O’s response to the IG’s report, which consists of two lines for each of the IG’s three recommendations that agrees with the IG’s recommendation and states that M&O will comply by January 1, 2023. The District has also refused to provide me with names and contact information for staff who could brief me on the District’s actions to respond to the IG’s recommendations. This complete lack of information hinders my ability to perform my responsibilities and likely violates the Brown Act and California’s open meeting requirements.

Nonetheless, I have reviewed the IG’s Audit and Recommendations and believe that there are actions that the District can and must take to comply with the Healthy Schools Act and the IPM Policy and to ensure the health and safety of the students, staff and visitors to District schools.

IPM Team Nominations

² Office of the Board Secretariat, *Los Angeles Unified School District Board of Education Report File #: Rep-107-22/23, Version 1, Integrated Pest Management Referral*, November 15, 2022, p. 1.

³ IG Audit, pp. 4 – 5.

⁴ *Ibid*, p. 5.

I received the slate of nominees to the IPM Team at 10:30 am on August 26th, 2024. I assume the public received it at the same time. This is not within the Brown Act's requirement of at least 72 hours notice. It is unclear why the Brown Act was violated. I have requested an explanation for the delay and who prepared the slate of nominees to ascertain if the delay was unavoidable, but as of the completion of these comments have received no response.

Currently, three positions are unfilled. Two of the most important positions – that of the parent and the Medical Doctor – are open and have had nominations pending for far too long. Ryan Storms has been waiting to be appointed to the parent position for two years. Dr. Clarence Monteclaro, MD, has been waiting to be appointed to the MD position for one year. A nomination to the LAUSD Food Services position has been pending for several months. M&O has refused to forward their nominations to the Board. It has been unclear whether their nominations will be advanced by the Ad Hoc Committee until 10:30 on the 26th.

I strongly support the Ad Hoc Committee and Board approving the nominations of these three eminently qualified experts and formally appointing them to the IPM Team. The IPM Policy is clear that these positions are critical and must be filled. In addition, their appointments affect the ability of the Team to attain a quorum, which consists of ten members, and conduct business. Their appointments must not be delayed any longer. To have withheld their appointments for months to years is a violation of the IPM Policy. Not to appoint them would further exacerbate that violation of, and undermine, the IPM Policy.

I also recommend that we appoint the IPM Team members for staggered two and three year terms as required under the IPM Policy. Staggered appointments ensure the continuity of the Team and that not all positions come open at once. Thereafter, all terms would be two years. While I am not averse to the IG's recommendation of three to five year terms, I believe that we should follow the IPM Policy as approved by the Board

“Pest Management Team members will be randomly divided into two (2) classes of seven (7) and eight (8), comprised as closely as possible of equal numbers of District staff and non-District staff Pest Management Team member constituencies. The seats of the first class shall be vacated after the expiration of the second year; of the second class, at the expiration of the third year, so that approximately one-half may be chosen every year.”⁵

No rationale for the 60 day limit has been provided and it is in direct contradiction to the IPM Policy and the IG's recommendation. Our task is to ensure that the IPM Policy is being implemented as drafted. We have not been tasked with rewriting the IPM Policy.

Status of Recommended Corrections Contained in OIG Report on District IPM Operations

Recommendation 1

In response to the District's failing to train the majority of stakeholders, the IG recommended the development of a formal training program for each stakeholder group and consistent reminders to them of the availability IPM materials and trainings on the LAUSD IPM website.

⁵ Los Angeles Unified School District Integrated Pest Management Policy, Revised May 23, 2002, p. 2, hereinafter “IPM Policy.”

“Recommendation 1:

We recommend the following: (i) The IPM Coordinator should develop a formal training program for each stakeholder based on their roles and responsibilities, and (ii) periodically remind IPM participants of the IPM information/training opportunities that are available on the M&O website.

Maintenance & Operations Divisions Response: Maintenance and Operations agrees with this recommendation. Appropriate and consistent trainings and reminders will be implemented and utilized by January 1, 2023.⁶”

For example:

- 76% of School Principals reported not receiving required training and materials on IPM from M&O;⁷
- 51% of Plant Managers, the front line for IPM, had not received the required initial 6-hour training and/or the required 4-hour refresher-training course from M&O;⁸
- 53% of Cafeteria Managers reported not receiving any of the required initial and/or annual training from M&O;⁹
- 89% of School Principals said there was no community training;¹⁰
- 26% of Pest Technicians report not receiving the required training or required annual refresher training from M&O.¹¹

As the District has refused to provide an any information beyond the two sentences response to the recommendation above, I am unaware of any actions the District has taken to develop a formal training program for each stakeholder group, whether those trainings have occurred, if they are adequate, or if the District has consistently reminded stakeholders of materials on the IPM website.

The appropriate place for these “corrective actions” to be documented and the proper procedures laid out would be the IPM Policy and Procedures Manual, which should be posted on the IPM website at <https://www.lausd.org/Page/18939>. The Manual should clearly delineate the roles and responsibilities of all of the stakeholders, the schedule for training each stakeholder group, all IPM documents, all forms and notices and instructions for their use, protocols for reporting issues and concerns, and provide contact information for the IPM Coordinator and IPM Team.

In addition, the IPM Policy and Procedures Manual and training materials for each individual stakeholder group should be posted on the [District’s IPM website](#) or linked to from the District’s IPM website.

A review of the IPM website does not provide any insight as to whether the deficiencies noted by the IG have been addressed. The IPM Policy and Procedures Manual is not posted to the website and the training materials do not meet the training requirements noted by the IG.

⁶ IG Audit, p. 5.

⁷ *Ibid*, p. 4.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ *Ibid*, p. 5.

¹¹ *Ibid*.

For instance, the [IPM Basics – 2023 Training](#).¹² While it clearly does not meet the training requirements noted by the IG, it is also inaccurate in significant respects. Its provisions regarding application of unauthorized pesticides are insufficient. First, the definition of an unauthorized pesticide is “defined as any individual who uses pesticides on district property and is not a trained and licensed member of the IPM department.”¹³ However, use of a pesticide contrary to its label is also an unauthorized use. In fact, it is illegal. The District did just this from 2017-2021. The Training also states that unauthorized pesticide applications must be reported to OEHS (the District’s Office of Environmental Health & Safety). However, the Los Angeles Agricultural Commissioner/Department of Pesticide Regulation (DPR) must also be informed when pesticides are applied illegally. Notably, when the District illegally applied agricultural pesticides on school grounds from 2017 through 2021, they did not inform OEHS or DPR. Nor did the District provide the 72 hour required notice to all parents for applying a pesticide not on the approved list. Inaccurate training materials lead to inaccurately and poorly trained staff.

Likewise, the Basics Training does not accurately reflect the IPM Policy’s notice procedures. It states that “A warning sign must be posted where pesticide will be applied at least 24-hours before the application and left posted for no less that 72 hours after the application.”¹⁴ While this is sufficient for pesticides on the Districts Approved List, it is not what the IPM Policy requires for pesticides not on the Approved List. “Signs shall be conspicuously posted around any area where pesticides not on the Approved List are to be applied in a non-emergency situation at least 72-hours before and for five (5) half-lives after any pesticide application.”¹⁵ As lack of notice is one of the reasons the IG found that students and staff were put at risk, it is critical that all trainings and materials accurately reflect the notice requirements and have put students and staff at risk.

Likewise, none of the “[IPM Training Videos](#)”¹⁶ meet the training requirements either. They are short videos produced by DPR that provide insight on IPM in general.

In order to ensure that training is accurate and of the highest caliber, the IPM Coordinator and Independent IPM Expert must have certification in Integrated Pest Management within the last five years and should be required to be recertified every five years. The slate of acceptable certifying organizations¹⁷ should be approved by the IPM Team within two months of the Ad Hoc Committee meeting, by October 27, 2024. The IPM Coordinator and Independent IPM Expert should be required to be certified within four months of the Ad Hoc Committee meeting, by December 27, 2024.

The oversight of the IPM Policy must be placed back into OEHS’s hands and the IPM Coordinator and Independent IPM Expert must also undergo training on the IPM Policy as they appear not to understand its requirements. This has been demonstrated through the IG’s report, but continues through inaccurate training materials, refusal to provide information to the IPM Team and improperly running meetings. For instance, the IPM Coordinator stated in the LAUSD Integrated Pest Management Agenda for August 9, 2024, that the Team approved the use of Catchmaster Final

¹²LAUSD Integrated Pest Management Basic Training at https://www.lausd.org/site/handlers/filedownload.ashx?moduleinstanceid=76990&dataid=127604&FileName=IPM%20Basics%20training_2023.pdf.

¹³*Ibid*, p.12.

¹⁴ *Ibid*, p. 11.

¹⁵ IPM Policy, p. 4.

¹⁶ LAUSD Integrated Pest Management web site at <https://www.lausd.org/Page/18947>

¹⁷ Examples of certifying organizations include: Entomological Society of America, University of California Agriculture & Natural Resources, Purdue University, Green Shield.

Feed Mosquito Bait by a vote of nine to zero.¹⁸ However, only eight team members were at the meeting according to his posted Agenda. And, the IPM Policy requires a quorum of ten to conduct business.¹⁹ It is clear that the IPM Coordinator is not appropriately briefed on the requirements of the IPM Policy that he is responsible for implementing.

IG Recommendation 2

“Recommendation 2:

We recommend that the IPM Coordinator, establish a process to review school documents to help ensure that they were complying with HSA requirements.

Maintenance & Operations Division Response: Maintenance and Operations agrees with this recommendation. Appropriate and consistent processes will be implemented and utilized across all schools January 1, 2023.”²⁰

Specifically, the IG noted that:

- 76% of School Principals reported not receiving required training and materials on IPM from M&O;²¹
- 89% of School Principals said there was no community training;²²
- 50% of Principals do not maintain the required list of individuals who wish to have notice.²³

Again, I have no information as to whether this has occurred and what documents have been deemed necessary or developed to comply with the Healthy Schools Act.

The IPM Policy and Procedures Manual should clearly delineate the roles and responsibilities of all of the parties and stakeholders and include all the training documents for Principals, the schedule for training Principals, the IPM materials required by the IPM Policy to be included in the annual notification packets (see below), the Pesticide Use Notification Forms and all other forms, instructions and protocols for their use, instructions for reporting issues and concerns, and provide contact information for the IPM Coordinator and IPM Team. All training materials should be posted to the District’s IPM website.

“The District will provide annual notification to parents or guardians in the “Registration Packet” distributed at the beginning of each school year or upon enrollment. Notification will include:

- a) the IPM policy statement;
- b) the Approved List.
- c) The availability of IPM activity records in the main office of each school;
- d) A request that parents or guardians notify the school principal if their child’s health and/or behavior would be influenced by exposure to pesticide products; and
- e) A mechanism by which parents or guardians can request notification of all

¹⁸ See LAUSD Integrated Pest Management Agenda for August 9, 2024 at <https://www.lausd.org/site/handlers/filedownload.ashx?moduleinstanceid=77022&dataid=178155&FileName=IPM%20Meeting%20Agenda%20August%202024%20IPM%20Website.pdf>

¹⁹ IPM Policy, p. 1.

²⁰ IG Audit, p. 5

²¹ IG Audit, p.4

²² *Ibid*, p. 5.

²³ *Ibid*.

pesticides applications.”²⁴

IG Recommendation 3

The IG recommended more specificity in the IPM Policy and Procedures Manual regarding the IPM Team member terms, recruitment, selection and approval. Much of this is already provided for in the IPM Policy.

“Recommendation 3:

We recommend that the IPM Procedures manual be updated and include the following:

- Current changes in federal and state IPM regulations, if applicable.
- Clarification as to whether assigned team members can serve in another team assignment after their initial term has expired.
- Term limits for team members not exceeding 3 – 5 years. Limits should be established and strictly enforced.
- Specific guidelines on how open positions will be recruited for to help ensure that vacancies are filled in a timely manner.
- Specific procedures for the selection and approval of IPM Team members. Final approval of Team members should be the responsibility of a separate committee assigned by the District or by M&O, Pest Management Unit Senior Managers.

Maintenance & Operations Division Response: Maintenance and Operations agrees with these recommendations and will implement these recommendations by January 1, 2023.²⁵”

I have requested a copy of the newly updated IPM Policy and Procedures Manual to ascertain what, if any, actions the District has taken, but the District refused to provide me a copy of the Manual or any details. Instead, I was directed to M&O’s 2022 response to the IG’s recommendation, which provides no information on what actions have or have not been recommended or taken, beyond the fact M&O did not meet their target date. Thus, I do not have the necessary information to assess if the District is in compliance with the Policy or to review and comment on their actions.

I have provided recommendations below for ensuring compliance with the IPM Policy.

Going forward, District M&O Staff should return to the IPM Policy’s procedure for appointing Committee members to ensure robust oversight of the IPM Policy. M&O can no longer be allowed to hold nominations for years.

Nominations should be publicly noticed and solicited from the affected constituencies. The nominations should be presented to the IPM Team to review and provide its recommendations to the Board of Education’s Safety Committee for approval by a simple majority. If the Safety Committee is disbanded, appointments should go to the full Board until, and if, the Board assigns it to another committee. M&O staff should be required to forward any nominations to the Safety Committee at the next Safety Committee meeting following the IPM Team meeting at which the nominations were reviewed and the recommendations finalized.

²⁴ IPM Policy, pp. 3 and 4.

²⁵ IG Audit, p. 7.

Since all reappointments are occurring at the same time, the terms should be staggered at two and three years as required under the IPM Policy. Staggered appointments ensure the continuity of the Team and that not all positions come open at once. Thereafter, all terms should be two years as required under the IPM Policy.

M&O should have no role in appointments to the IPM Team outside of its role as a member of the IPM Team. It would be highly unusual and inappropriate to have M&O appoint the members of a public committee created to oversee M&O's own implementation of the IPM Policy. It would also violate the letter and the spirit of IPM Team and the IPM Policy.

The IPM clearly lays out the required procedures.

“The School Safety and Campus Environment Committee must approve all assignments to this Pest Management Team by a simple majority of all members.

“ . . . [N]ominations will be submitted to the Pest Management Team by the fifteen (15) named constituencies. Nominations to a particular slot must be made by a member of that slot's constituency. Pest Management Team membership will be solicited through the Spotlight, recognized parent and teacher organizations, unions, and notification and outreach to other independent community groups. Nominations will be screened by the Pest Management Team, then submitted to the School Safety and Campus Environment Committee for approval at a public meeting.
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“Positions should be recruited through public notice as outreach to IPM Team members and interested groups, such solicited through the Spotlight, recognized parent and teacher organizations, unions, and notification and outreach to other independent community groups, and open for 60 days.

“Nominations will be screened by the Pest Management Team, then submitted to the School Safety and Campus Environment Committee for approval at a public meeting.”²⁶

In addition, reappointments to the IPM Team should continue. It is allowed under the IPM Policy and has been the practice since its passage. The policy's drafters, of which I am one, intentionally allowed reappointments. The combination of new viewpoints and institutional knowledge are critical to oversight, decision-making and progress, which is why reappointment to Boards, Commissions and Committees is more common than not at all levels of government.

In addition, the IPM Team must be provided with timely, transparent and sufficient information to perform their oversight and monitor for non-compliance with IPM requirements.²⁷ The Pest Management Team's purpose is “to provide guidance and verification regarding procedures and program implementation, and will recommend resolutions for District policies that conflict with this policy.”²⁸

²⁶ IPM Policy, p. 2.

²⁷ See IG Audit, p. 5.

²⁸ IPM Policy, p. 1

For decades, the IPM Team meetings operated under standard sunshine practices. Notice of meetings, meeting agendas and back up materials were provided to Team members with at least 72 hours notice and meeting minutes were kept. Sufficient information was provided for Team members to assess compliance with the IPM Policy and to recommend changes as needed. However, since the IG's Audit was released, District M&O staff have refused to follow transparent public processes. M&O can no longer be allowed to violate the IPM Policy by stonewalling the IPM Team members, refusing to advance Team nominations, refusing to provide critical information and refusing to abide by the Brown Act's open meeting requirements.

IPM Committee Meetings should be noticed, and all agendas supporting material be posted and provided to IPM Team members seven days in advance of the meeting. The meetings are on Fridays and all public members are volunteers. Providing the Committee members a weekend to review the materials is reasonable.

The IPM Team must once again receive detailed pesticide usage data and reports, pest inspection details, and details on preventive measures pursued at individual school sites versus general bar graphs comparing one month of activity at all schools to the previous months at all schools. No longer can the team track patterns of pest activity, IPM efforts or pesticide use at individual schools. Beginning in 2020, M&O refused to provide this information any longer. They have asserted that it is because there is personally identifiable information on the forms and it would violate employees' privacy rights. However, M&O requires that this personally identifiable information be publicly available at every school site via the "Site Activity Log" and "Pest Site Inspection Detail" report. Clearly, these two are inconsistent. However, M&O can easily delete that information from the records provided to the Team.

The Brown Act and Robert's Rules of Order must be followed for all meetings. Appropriate training on the Brown Act and Robert's Rules of Order must be provided to District staff running the meetings and made available to every Committee member.

Representatives from LA Public Health Department and Office of Environmental Health Services should have a set slot on every agenda to respond to issues and to provide relevant updates at every meeting, such as pesticide inquiries, approvals and denials.

The IPM Team should also meet with and brief the Board Safety Committee and Superintendent/Deputy Superintendent annually.

And, finally, the oversight of the IPM Policy should once again lie within the purview of OEHS. The purpose of the Policy is to protect the health and safety of students, staff and visitors which is uniquely within the purview of OEHS, not Facilities. Since Facilities has taken over the implementation of the IPM Policy, it has not been implemented appropriately, trainings are not happening and training materials are inaccurate, nominations have not been forwarded and insufficient information is being provided to the IPM Team to fulfill their obligations under the established IPM Policy.

This is an important issue. A Policy is only as good as it's implementation and M&O has failed on its implementation the last few years. It is time to return to the letter and spirit of the IPM Policy.

We must protect the health and safety of our children.