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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 2816 **Hearing Date:** June 27, 2018  
**Author:** Muratsuchi  
**Version:** April 26, 2018  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Pesticides: schoolsites: report.

### SUMMARY

This bill requires the Department of Pesticide Regulation (DPR) to submit a report to the Legislature by January 1, 2020 evaluating the implementation of the Healthy Schools Act and recommending whether restrictions on schoolsite pesticide use should be considered.

### BACKGROUND

Existing law, under the Healthy Schools Act:

- 1) Requires schools to annually provide a written notice to staff and parents with the name of all pesticide products expected to be applied at the school during the upcoming year.
- 2) Requires schools to post a warning sign at each area of the school site where pesticides will be applied.
- 3) Requires schools to keep records for four years of all pesticides used at the schoolsite.
- 4) Requires schools to post specified information on their websites.
- 5) Prohibits the use of a pesticide that has been granted conditional registration, an interim registration, or an experimental use permit.
- 6) Exempts agriculture vocational programs if the activity is necessary to meet curriculum requirements.
- 7) Requires the DPR to promote and facilitate the voluntary adoption of Integrated Pest Management (IPM) programs for schools and child daycare facilities.
- 8) Requires DPR to maintain a website with specific information, and requires DPR to ensure that adequate resources are available to respond to inquiries from schools regarding the use of IPM practices.
- 9) Requires DPR to establish an IPM training program to facilitate the adoption of a model integrated pest management program and least-hazardous pest control practices by schools.

- 10) Requires Department of Pesticide Regulation (DPR) to prepare a school pesticide use form to be used by licensed and certified pest control operators when they apply any pesticides at a school.

## ANALYSIS

This bill requires the DPR to submit a report to the Legislature by January 1, 2020 evaluating the implementation of the Healthy Schools Act and recommending whether restrictions on schoolsite pesticide use should be considered. Specifically, this bill:

- 1) Requires DPR, on or before January 1, 2020, to submit a report to the Legislature that does the following:
  - a) Evaluates the implementation, and the effect of the implementation, of the provisions of Healthy Schools Act of 2000; and,
  - b) Recommends whether the restriction or prohibition of the use of one or more pesticides at schoolsites should be considered.
- 2) Requires DPR, in determining whether to recommend that the use of a pesticide should be restricted or prohibited, to do the following:
  - a) Consider the potential health impacts of exposure to the pesticide to pupils, staff, and school visitors;
  - b) Consider the potential environmental impacts of the use of the pesticide, including, but not limited to, the impact on nontarget wildlife;
  - c) Consider what alternatives to the pesticide are available to schoolsites; and,
  - d) Consult, as appropriate, with relevant local, state, or federal agencies, stakeholders, and experts.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “under current law, the least toxic pest management practices are the preferred method of managing pests at school sites. A 2010 CA Department of Pesticide Regulation (DPR) survey revealed that most schools using these practices found them to be more effective and no more costly than the conventional practices they had used in the past. The last survey in 2010 survey found that 40 percent of school districts continue to use high-exposure methods for treating weed problems, and only 60 percent use low-exposure baits for ant management.

AB 2816 ensures children are protected from exposure to highly toxic pesticides on school sites. Children are more exposed and susceptible to pesticides than adults, since their bodies are still growing and developing. This measure is a first step to protect school children from exposure to highly toxic pesticides by requiring the Department of Pesticide Regulation to evaluate the implementation

of Integrated Pest Management plans and recommend whether certain pesticides should be banned at schools sites.”

- 2) ***Healthy Schools Act (HSA)***. The HSA, established in 2000, expresses the policy of the state that the least toxic pest management practices are the preferred method of managing pests at schoolsites to reduce children's exposure to toxic pesticides. The HSA established a process for notifying school staff and parents or guardians of pesticide use, including through posting warning signs at schoolsites 72 hours prior to pesticide application and through an annual written notification. Schools are required to keep records of pesticide use for four years. The HSA also required the Department of Pesticide Regulation (DPR) to assist schools in the development of Integrated Pest Management programs that include a model program guidebook, resources provided through the DPR’s Internet Web site, and a training program.
- 3) ***Integrated Pest Management (IPM) Programs***. Under the HSA, IPM is defined as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. The IPM strategy offers use of the least toxic pesticides only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds.

The HSA exempts certain pesticides from the requirements of the HSA, including pesticide that is in the form of a self-contained bait or trap, gel or paste deployed as a crack and crevice treatment, any pesticide exempted from regulation by the US Environmental Protection Agency, or antimicrobial pesticides, including sanitizers and disinfectants. All other pesticides are commonly referred to as “non-exempt pesticides.”

The DPR offers two school IPM workshops and two specialized IPM workshops per year. The DPR also administers an online training video pursuant to existing law.

## **SUPPORT**

Association of Regional Center Agencies  
 California Federation of Teachers  
 California Guild  
 California Rural Legal Assistance Foundation  
 California School Employees Association  
 California Teachers Association  
 Californians for Pesticide Reform  
 Center for Environmental Health  
 Center on Race, Poverty, and the Environment  
 Central California Environmental Justice Network  
 Moms Across America  
 Moms Advocating Sustainability

Monterey Bay Central Labor Council  
Pesticide Action Network  
Physicians for Social Responsibility – Los Angeles

**OPPOSITION**

American Chemistry Council  
Household & Commercial Products Association  
RISE  
Western Plant Health Association

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