

ASSEMBLY BILL

No. 2865

Introduced by Assembly Member Torrico

February 24, 2006

An act to amend Sections 17609, 17610.1, and 17612 of the Education Code, and to amend Sections 13183, 13185, and 13186 of the Food and Agricultural Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2865, as introduced, Torrico. School safety.

Existing law, the Health Schools Act of 2000 requires that the preferred method of managing pests at schoolsites use effective, least toxic pest management practices and requires schoolsites to maintain records of all pesticides used at the schoolsite for a period of 4 years. Existing law requires schools to provide all staff and parents or guardians of pupils enrolled at a school written notification of, among other things, expected pesticide use at that site.

This bill would expand the definition of "schoolsites" as used in these provisions to also include private child care and development programs, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17609 of the Education Code is
2 amended to read:
3 17609. The definitions set forth in this section govern the
4 construction of this article unless the context clearly requires
5 otherwise:

1 (a) “Antimicrobial” means those pesticides defined by the
 2 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
 3 Sec. 136(mm)).

4 (b) “Crack and crevice treatment” means the application of
 5 small quantities of a pesticide consistent with labeling
 6 instructions in a building into openings such as those commonly
 7 found at expansion joints, between levels of construction and
 8 between equipment and floors.

9 (c) “Emergency conditions” means any circumstances in
 10 which the school ~~district~~ designee deems that the immediate use
 11 of a pesticide is necessary to protect the health and safety of
 12 pupils, staff, or other persons, or the schoolsite.

13 (d) “School ~~district~~ designee” means the individual identified
 14 by ~~the~~ *a schoolsite* or school district to carry out the requirements
 15 of this article at the schoolsite.

16 (e) “Schoolsite” means any facility used for ~~public day care~~
 17 *any child care and development program, as defined in*
 18 *subdivision (i) of Section 8208*, kindergarten, elementary, or
 19 secondary school purposes. The term includes the buildings or
 20 structures, playgrounds, athletic fields, ~~school~~ vehicles, or any
 21 other area of ~~school~~ property visited or used by pupils.
 22 “Schoolsite” does not include any postsecondary educational
 23 facility attended by secondary pupils or ~~private day care or~~
 24 *kindergarten, elementary, or secondary* school facilities.

25 SEC. 2. Section 17610.1 of the Education Code is amended to
 26 read:

27 17610.1. (a) (1) The use of a pesticide on a schoolsite is
 28 prohibited if that pesticide is granted a conditional registration,
 29 an interim registration, or an experimental use permit by the
 30 Department of Pesticide Regulation, or if the pesticide is subject
 31 to an experimental registration issued by the United States
 32 Environmental Protection Agency, and either of the following is
 33 applicable:

34 (A) The pesticide contains a new active ingredient.

35 (B) The pesticide is for a new use. This paragraph does not
 36 apply to a conditionally registered pesticide that is approved for
 37 other uses that has fulfilled all registration requirements that
 38 relate to human health, including, but not limited to, the
 39 completion of mandatory health effect studies pursuant to the
 40 Birth Defect Prevention Act of 1984 (Art. 14 (commencing with

1 Sec. 13121), Ch. 2, Div. 7, F.& A.C.). The requirements of this
2 section are not intended to impose any new labeling
3 requirements.

4 (2) The use of a pesticide on a schoolsite is prohibited if the
5 Department of Pesticide Regulation cancels or suspends
6 registration, or requires phase out of use, of that pesticide.

7 (b) Vendors or manufacturers of pesticides that are prohibited
8 for use on a schoolsite pursuant to subdivision (a) are prohibited
9 from furnishing those pesticides to school districts *or schoolsites*
10 either by sale or by gift.

11 (c) This section does not apply to public health pesticides or
12 antimicrobial pesticides registered pursuant to Section 12836 of
13 the Food and Agricultural Code.

14 SEC. 3. Section 17612 of the Education Code is amended to
15 read:

16 17612. (a) The school-~~district~~ designee shall annually
17 provide to all staff and parents or guardians of pupils enrolled at
18 a schoolsite a written notification of the name of all pesticide
19 products expected to be applied at the ~~school facility~~ *schoolsite*
20 during the upcoming year. The notification shall identify the
21 active ingredient or ingredients in each pesticide product. The
22 notice shall also contain the Internet address used to access
23 information on pesticides and pesticide use reduction developed
24 by the Department of Pesticide Regulation pursuant to Section
25 13184 of the Food and Agricultural Code and may contain other
26 information deemed necessary by the school-~~district~~ designee. No
27 other written notification of pesticide applications shall be
28 required by this act except as follows:

29 (1) In the written notification provided pursuant to this
30 subdivision, the school-~~district~~ designee shall provide the
31 opportunity for recipients to register with the ~~school-district~~
32 *schoolsite* if they wish to receive notification of individual
33 pesticide applications at the ~~school facility~~ *schoolsite*. Persons
34 who register for such notification shall be notified of individual
35 pesticide applications at least 72 hours prior to the application.
36 The notice shall include the product name, the active ingredient
37 or ingredients in the product, and the intended date of
38 application.

39 (2) If a pesticide product not included in the annual
40 notification is subsequently intended for use at the schoolsite, the

1 school-district designee shall, consistent with this subdivision and
2 at least 72 hours prior to application, provide written notification
3 of its intended use.

4 (b) The school designee shall make every effort to meet the
5 requirements of this section in the least costly manner. Annual
6 notification to parents and guardians shall be provided pursuant
7 to Section 48980.3. Any other notification shall, to the extent
8 feasible and consistent with the act adding this article, be
9 included as part of any other written communication provided to
10 individual parents or guardians. Nothing in this section shall
11 require the school-district designee to issue the notice through
12 first-class mail, unless he or she determines that no other method
13 is feasible.

14 (c) Pest control measures taken during an emergency condition
15 as defined in Section 17609 shall not be subject to the
16 requirements of paragraphs (1) and (2) of subdivision (a).
17 However, the school-district designee shall make every effort to
18 provide the required notification for an application of a pesticide
19 under emergency conditions.

20 (d) The school-district designee shall post each area of the
21 schoolsite where pesticides will be applied with a warning sign.
22 The warning sign shall prominently display the term
23 “Warning/Pesticide Treated Area” and shall include the product
24 name, manufacturer’s name, the United States Environmental
25 Protection Agency’s product registration number, intended date
26 and areas of application, and reason for the pesticide application.
27 The warning sign shall be visible to all persons entering the
28 treated area and shall be posted 24 hours prior to the application
29 and remain posted until 72 hours after the application. In case of
30 a pest control emergency, the warning sign shall be posted
31 immediately upon application and shall remain posted until 72
32 hours after the application.

33 (e) Subdivisions (a) and (d) shall not apply to schools operated
34 by the California Youth Authority. The school administrator of a
35 school operated by the California Youth Authority shall notify
36 the chief medical officer of that facility at least 72 hours prior to
37 application of pesticides. The chief medical officer shall take any
38 steps necessary to protect the health of pupils in that facility.

39 (f) This section and Section 17611 shall not apply to activities
40 undertaken at a school by participants in the state program of

1 agricultural vocational education, pursuant to Article 7
2 (commencing with Section 52450) of Chapter 9 of Part 28, if the
3 activities are necessary to meet the curriculum requirements
4 prescribed in Section 52454. Nothing in this subdivision relieves
5 schools participating in the state program of agricultural
6 vocational education of any duties pursuant to this section for
7 activities that are not directly related to the curriculum
8 requirements of Section 52454.

9 SEC. 4. Section 13183 of the Food and Agricultural Code is
10 amended to read:

11 13183. The Department of Pesticide Regulation shall, ~~by July~~
12 ~~1, 2001,~~ promote and facilitate the voluntary adoption of
13 integrated pest management programs for all ~~school districts~~
14 ~~schoolsites~~ that voluntarily choose to do so. For these ~~school~~
15 ~~districts~~ *schoolsites*, the department shall do all of the following:

16 (a) Establish an integrated pest management program for
17 ~~school districts~~ *schoolsites* consistent with Section 13181. In
18 establishing the program, the department shall:

19 (1) Develop criteria for identifying least-hazardous pest
20 control practices and encourage their adoption as part of an
21 integrated pest management program at each *schoolsites*.

22 (2) Develop a model program guidebook that prescribes
23 essential program elements for a ~~school district~~ *schoolsites* that
24 has adopted a least-hazardous integrated pest management
25 program. At a minimum, this guidebook shall include guidance
26 on all of the following:

27 (A) Adopting an IPM policy.

28 (B) Selecting and training an IPM coordinator.

29 (C) Identifying and monitoring pest populations and damage.

30 (D) Establishing a community-based school district advisory
31 committee.

32 (E) Developing a pest management plan for making
33 least-hazardous pest control choices.

34 (F) Contracting for integrated pest management services.

35 (G) Training and licensing opportunities.

36 (H) Establishing a community-based right-to-know standard
37 for notification and posting of pesticide applications.

38 (I) Recordkeeping and program review.

1 (b) Make the model program guidebook available to ~~school~~
2 ~~districts~~ *schoolsites* and establish a process for systematically
3 updating the guidebook and supporting documentation.

4 SEC. 5. Section 13185 of the Food and Agricultural Code is
5 amended to read:

6 13185. (a) The department shall establish an integrated pest
7 management training program in order to facilitate the adoption
8 of a model IPM program and least-hazardous pest control
9 practices by ~~school districts~~ *schoolsites*. In establishing the IPM
10 training program, the department shall do all of the following:

11 (1) Adopt a “train-the-trainer” approach, whenever feasible, to
12 rapidly and broadly disseminate program information.

13 (2) Develop curricula and promote ongoing training efforts in
14 cooperation with the University of California and the California
15 State University.

16 (3) Prioritize outreach on a regional basis first and then to
17 school districts.

18 (b) Nothing in this article shall preclude a ~~school district~~
19 *schoolsite* from adopting stricter pesticide use policies.

20 SEC. 6. Section 13186 of the Food and Agricultural Code is
21 amended to read:

22 13186. (a) The Legislature finds and declares that the
23 Department of Pesticide Regulation, pursuant to Section 12979
24 of the Food and Agricultural Code and Sections 6624 and 6627
25 of Title 3 of the California Code of Regulations, requires persons
26 engaged for hire in the business of pest control to maintain
27 records of pesticide use and report a summary of that pesticide
28 use to the county agricultural commissioner or director. The
29 Legislature further finds and declares that it is in the interest of
30 the state, in implementing a school integrated pest management
31 program pursuant to this article, to collect specified information
32 on the use of pesticides at ~~school facilities~~ *schoolsites*.

33 (b) The Department of Pesticide Regulation shall prepare a
34 school pesticide use form to be used by licensed and certified
35 pest control operators when they apply any pesticides at a
36 schoolsite. The form shall include, for each application at a
37 schoolsite, the name and address of the schoolsite, date and
38 location of application, pesticide product name, and the quantity
39 of pesticide used. Nothing in this section shall change any
40 existing applicable pesticide use reporting requirements.

1 (c) ~~On and after January 1, 2002, persons~~ *Persons who are*
2 required to submit pesticide use records to the county agricultural
3 commissioner or director shall complete and submit to the
4 director the school pesticide use forms established pursuant to
5 this section. The forms shall be submitted annually and may be
6 submitted more often at the discretion of the pest control operator
7 maintaining the forms.

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