

AMENDED IN SENATE APRIL 5, 2011

SENATE BILL

No. 394

Introduced by Senator DeSaulnier

February 16, 2011

An act to add Sections 17610.2, 17610.3, and 17610.4 to the Education Code, and to amend Section 13185 of the Food and Agricultural Code, relating to the Healthy Schools Act of 2011.

LEGISLATIVE COUNSEL'S DIGEST

SB 394, as amended, DeSaulnier. Healthy Schools Act of 2011.

Existing law, the Healthy Schools Act of 2000, requires that the preferred method of managing pests at schoolsites, as defined, is to 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 schoolsite. These provisions also require the Department of Pesticide Regulation to establish an integrated pest management training program in order to facilitate the adoption of a model Integrated Pest Management program and least-hazardous pest control practices by schoolsites.

This bill would enact the Healthy Schools Act of 2011. The bill would provide that only self-contained baits, gels, and pastes deployed as crack and crevice treatments and spot treatments may be used on schoolsites. The bill would prohibit use of a pesticide on a schoolsite if that pesticide contains an ingredient known to the state to cause cancer or reproductive toxicity, as specified, or any one of specified cholinesterase-inhibiting pesticides. The bill would prohibit, on and after January 1, 2014, the use of a pesticide on a schoolsite if that product contains certain toxic

or dangerous ingredients, as described, including any cholinesterase-inhibiting active ingredient, as identified by the Department of Pesticide Regulation, an active ingredient that is a groundwater or toxic air contaminant, as specified, or a fumigant, as identified by the Department of Pesticide Regulation.

The bill would also require all schoolsites, as defined and except as specified, to send at least one person to one of the department trainings at least once every 2 3 years. Because this provision would impose additional duties on local public employees, the bill would impose a state-mandated local program. *The bill would further authorize a person from a single school district to attend the training on behalf of multiple schoolsites within that school district.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Healthy Schools Act of 2011.
- 3 SEC. 2. The Legislature hereby finds and declares all of the
- 4 following:
- 5 (a) Pesticides have been linked to numerous acute and chronic
- 6 illnesses, including cancer and asthma.
- 7 (b) According to the federal Centers for Disease Control and
- 8 Prevention, children between 6 and 11 years of age have higher
- 9 levels of commonly used pesticides in their bodies than any other
- 10 age group, with an average of six pesticides per child. According
- 11 to research conducted by the University of California, San
- 12 Francisco, children’s disease and conditions linked to pesticide
- 13 exposure, which include learning disabilities, cancer of the brain
- 14 and leukemia, birth defects, and asthma, have increased
- 15 dramatically over the past 30 years. Because children’s bodies and

1 brains are still developing, exposure to pesticides can have
2 irreversible detrimental effects.

3 (c) Recognizing the impact of pesticides on the school
4 community, the Department of Pesticide Regulation has developed
5 an Internet Web site, written training materials, and conducted
6 regional training sessions to assist schools that have chosen to
7 adopt least-toxic integrated pest management techniques and to
8 eliminate the use of the most dangerous pesticides.

9 (d) However, many California public schools continue to use
10 highly toxic pesticides. Least-toxic pest management activities
11 have actually decreased from 2004 to 2007, inclusive, as measured
12 by the report titled 2007 Integrated Pest Management Survey of
13 California School Districts, prepared for the Department of
14 Pesticide Regulation. Forty-two percent of school districts that
15 responded to the survey stated that they were still broadcast
16 spraying pesticides, one of the highest risk practices for exposing
17 children and staff and contaminating the environment. Of the
18 school districts that claimed to be implementing integrated pest
19 management practices, 62 percent stated that the costs were the
20 same or less than using chemical-intensive methods.

21 (e) According to the State Department of Education, there are
22 over 1,000 school districts, and about 9,900 school sites in
23 California servicing over 6,000,000 pupils.

24 (f) It is necessary to take precautionary measures to protect the
25 health and safety of California schoolchildren and teachers, and
26 better ensure a safe learning and working environment.

27 SEC. 3. Section 17610.2 is added to the Education Code, to
28 read:

29 17610.2. Only self-contained baits, gels, and pastes deployed
30 as crack and crevice treatments and spot treatments may be used
31 on schoolsites.

32 SEC. 4. Section 17610.3 is added to the Education Code, to
33 read:

34 17610.3. The use of a pesticide on a schoolsite is prohibited if
35 that pesticide contains one or more of the following ingredients:

36 (a) An ingredient known to the state to cause cancer or
37 reproductive toxicity in accordance with Section 25249.8 of the
38 Health and Safety Code.

39 (b) Any of the following cholinesterase-inhibiting pesticides:

40 (1) Acephate.

- 1 (2) Chlorpyrifos.
- 2 (3) Ethephon.
- 3 (4) Malathion.
- 4 (5) Methamidophos.
- 5 (6) Propetamphos.
- 6 (7) Trichlorfon.

7 SEC. 5. Section 17610.4 is added to the Education Code, to
8 read:

9 17610.4. On or after January 1, 2014, the use of a pesticide on
10 a schoolsite is prohibited if that pesticide product comes within
11 any of the following descriptions:

12 (a) Contains any cholinesterase-inhibiting active ingredients as
13 identified by the Department of Pesticide Regulation.

14 (b) Contains active ingredients that are groundwater
15 contaminants as determined by the Director of Pesticide Regulation
16 pursuant to subdivision (d) of Section 13145 or Section 13149 of
17 the Food and Agricultural Code.

18 (c) Contains active ingredients that are designated as toxic air
19 contaminants pursuant to Section 14021 or 14023 of the Food and
20 Agricultural Code.

21 (d) Contains active ingredients that are fumigants as identified
22 by the Department of Pesticide Regulation.

23 (e) Is labeled with the signal word “danger” or “warning”
24 pursuant to regulations adopted by the secretary pursuant to
25 provisions of Division 7 (commencing with Section 12500) of the
26 Food and Agricultural Code governing the registration and labeling
27 of pesticides.

28 SEC. 6. Section 13185 of the Food and Agricultural Code is
29 amended to read:

30 13185. (a) The department shall establish an integrated pest
31 management training program in order to facilitate the adoption
32 of a model IPM program and least-hazardous pest control practices
33 by schoolsites. All schoolsites, as defined in Section 17609 of the
34 Education Code, excluding family day care homes, as defined in
35 Section 1596.78 of the Health and Safety Code, shall send at least
36 one person to one of the department trainings at least once every
37 ~~two~~ three years. *The person from a single school district may*
38 *attend the training on behalf of multiple schoolsites within that*
39 *school district.* In establishing the IPM training program, the
40 department shall do all of the following:

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

3 (2) Develop curricula and promote ongoing training efforts in
4 cooperation with the University of California and the California
5 State University.

6 (3) Prioritize outreach on a regional basis first and then to school
7 districts. For outreach to child day care facilities, the department
8 shall participate in existing trainings that provide opportunities for
9 disseminating program information broadly on a regional basis.

10 (b) Nothing in this article shall preclude a schoolsite from
11 adopting stricter pesticide use policies.

12 SEC. 7. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.