

AMENDED IN SENATE MAY 9, 2011
AMENDED IN SENATE APRIL 14, 2011
AMENDED IN SENATE APRIL 5, 2011

SENATE BILL

No. 394

Introduced by Senator DeSaulnier

February 16, 2011

An act to ~~add Sections 17610.2 and 17610.3 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 gels and pastes deployed as crack and crevice treatments, self-contained baits, 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 ingredients identified by the Department of Pesticide Regulation, except as specified.~~ The bill would also require all schoolsites, as defined and except as specified, to send at least one person to one of the ~~department~~ *Department of Pesticide Regulation* trainings at least once every 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
16 brains are still developing, exposure to pesticides can have
17 irreversible detrimental effects. Our greatest care and caution in
18 the use of pesticides should be employed when children are present.

1 (c) Recognizing the impact of pesticides on the school
2 community, the Department of Pesticide Regulation has developed
3 an Internet Web site, written training materials, and conducted
4 regional training sessions to assist schools that have chosen to
5 adopt least-toxic integrated pest management techniques and to
6 eliminate the use of the most dangerous pesticides. Many school
7 districts and pest control operators have implemented Integrated
8 Pest Management (IPM) programs that operate with greatly reduced
9 use of pesticides. We desire that children attend schools with IPM
10 programs functioning at a high level.

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

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

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

29 ~~SEC. 3. Section 17610.2 is added to the Education Code, to~~
30 ~~read:~~

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

34 ~~SEC. 4. Section 17610.3 is added to the Education Code, to~~
35 ~~read:~~

36 ~~17610.3. The use of a pesticide on a schoolsite is prohibited if~~
37 ~~that pesticide contains one or more of the following ingredients:~~

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

1 ~~(b) Any cholinesterase-inhibiting ingredients, as identified by~~
2 ~~the Department of Pesticide Regulation.~~

3 ~~(c) This section does not apply to any of the following:~~

4 ~~(1) Sanitizers and disinfectants.~~

5 ~~(2) Activities undertaken at a school by participants in the state~~
6 ~~program of agricultural career technical education, pursuant to~~
7 ~~Article 7 (commencing with Section 52450) of Chapter 9 of Part~~
8 ~~28 of Division 4 of Title 2, if the activities are necessary to meet~~
9 ~~the curriculum requirements prescribed in Section 52454. Nothing~~
10 ~~in this subdivision relieves schools participating in the state~~
11 ~~program of agricultural career technical education of any duties~~
12 ~~pursuant to this section for activities that are not directly related~~
13 ~~to the curriculum requirements of Section 52454.~~

14 ~~(3) Agricultural uses.~~

15 ~~(d) This section does not abrogate the authority of county health~~
16 ~~officers, the Department of Food and Agriculture, mosquito and~~
17 ~~vector control districts, the State Department of Public Health, or~~
18 ~~other state agencies that are responsible for pest management~~
19 ~~decisions that may affect public schools in California.~~

20 ~~(e) This section does not preclude a school district from adopting~~
21 ~~stricter pesticide use policies or from enforcing stricter policies~~
22 ~~that have already been adopted.~~

23 ~~SEC. 5.~~

24 ~~SEC. 3.~~ Section 13185 of the Food and Agricultural Code is
25 amended to read:

26 13185. (a) The department shall establish an integrated pest
27 management training program in order to facilitate the adoption
28 of a model IPM program and least-hazardous pest control practices
29 by schoolsites. All schoolsites, as defined in Section 17609 of the
30 Education Code, excluding family day care homes, as defined in
31 Section 1596.78 of the Health and Safety Code, shall send at least
32 one person to one of the department trainings at least once every
33 three years. The person from a single school district may attend
34 the training on behalf of multiple schoolsites within that school
35 district. In establishing the IPM training program, the department
36 shall do all of the following:

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

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

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

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

10 ~~SEC. 6.~~

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