

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 967

Introduced by Assembly Member Ma

February 26, 2009

~~An act to amend Section 11501 of the Food and Agricultural Code,~~
An act to add Chapter 2.7 (commencing with Section 5420) to Division 5 of the Public Resources Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as amended, Ma. Pesticides: safety: *playgrounds and dog parks.*

Existing law provides that the purpose of certain statutes relating to pesticides is to provide for the proper, safe, and efficient use of pesticides, protect the environment, assure worker safety, permit control of licensees by the Director of Pesticide Regulation and county commissioners, assure consumers of proper and appropriate labeling, and encourage pest management systems.

~~This bill would make technical, nonsubstantive changes in that provision~~ *establish the Healthy Parks Act of 2009. The bill would prohibit the use on a playground or dog park of certain pesticides. The bill would require the owner or operator of a playground or dog park to maintain records of all pesticide use at the playground or dog park for a period of 4 years and to make the records available to the public upon request. The bill would require the owner or operator of a playground and dog park to post warning signs in an area of pesticide application at least 24 hours prior to application and to maintain the posting until 72 hours after the application.*

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

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

1 SECTION 1. Chapter 2.7 (commencing with Section 5420) is
2 added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 2.7. HEALTHY PARKS ACT OF 2009
5

6 5420. This chapter shall be known, and may be cited, as the
7 Healthy Parks Act of 2009.

8 5420.2. For the purposes of this chapter, the following terms
9 shall have the following meanings:

10 (a) "Antimicrobial" means those pesticides defined by the
11 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
12 136(mm)).

13 (b) "Crack and crevice treatment" means the application of
14 small quantities of a pesticide, consistent with the labeling
15 instructions, in a building into openings such as those commonly
16 found at expansion joints, between levels of construction, and
17 between equipment and floors.

18 (c) "Emergency condition" means any circumstance in which
19 the owner or operator of a playground or a dog park deems that
20 the immediate use of a pesticide is necessary to protect the health
21 and safety of persons using the playground or dog park.

22 (d) "Pesticide" means the same as that set forth in Section
23 12753 of the Food and Agriculture Code.

24 5420.5. (a) It is the policy of the state that effective least toxic
25 pest management practices should be the preferred method of
26 managing pests at playgrounds and dog parks and that the state,
27 in order to reduce the public's exposure to toxic pesticides, shall
28 take the necessary steps, pursuant to Article 17 (commencing with
29 Section 13180) of Chapter 2 of Division 7 of the Food and
30 Agricultural Code, to facilitate the adoption of effective least toxic
31 pest management practices at playgrounds and dog parks. It is
32 the intent of the Legislature to encourage appropriate training to
33 be provided to playground and dog park personnel involved in the
34 application of a pesticide at a playground or a dog park.

1 (b) (1) An owner or operator of a playground or dog park, or
2 the owner's or operator's agent, who personally applies any
3 pesticides on any area in the playground or dog park, or any area
4 specified in paragraph (2) shall provide notice to the person using
5 the playground or dog park as described in paragraph (3) at least
6 120 hours before the application, unless an emergency condition,
7 as defined in Section 5420.2, exists.

8 (2) This subdivision also applies when an owner or operator,
9 or his or her agent, intends to personally apply pesticides on any
10 area within 10 feet of the perimeter of a playground or dog park.

11 (3) The notice required by paragraph (1) shall include the
12 following:

13 (A) The product name.

14 (B) The manufacturer's name.

15 (C) The active ingredients of each pesticide.

16 (D) The United States Environmental Protection Agency's
17 product registration number.

18 (E) The intended date of application.

19 (F) The areas of application.

20 (G) The reason for application.

21 (4) If the playground or dog park ceases to operate on the
22 property, this act shall no longer apply to the property.

23 5421. (a) (1) The use of a pesticide on a playground or dog
24 park is prohibited if that pesticide is granted a conditional
25 registration, an interim registration, or an experimental use permit
26 by the Department of Pesticide Regulation, or if the pesticide is
27 subject to an experimental registration issued by the United States
28 Environmental Protection Agency, and either of the following is
29 applicable:

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

31 (B) The pesticide is for a new use. This paragraph does not
32 apply to a conditionally registered pesticide that is approved for
33 other uses that has fulfilled all registration requirements that relate
34 to human health, including, but not limited to, the completion of
35 mandatory health effect studies pursuant to the Birth Defect
36 Prevention Act of 1984 (Article 14 (commencing with Section
37 13121) of Chapter 2 of Division 7 of the Food and Agriculture
38 Code). This section does not impose any new labeling
39 requirements.

1 (2) *The use of a pesticide on a playground or dog park is*
2 *prohibited if the Department of Pesticide Regulation cancels or*
3 *suspends registration, or requires phaseout of use, of that pesticide.*

4 (b) *Vendors or manufacturers of pesticides that are prohibited*
5 *for use on a playground or dog park pursuant to subdivision (a)*
6 *are prohibited from furnishing those pesticides to an owner or*
7 *operator of a playground or dog park either by sale or by gift.*

8 (c) *This section does not apply to public health pesticides or*
9 *antimicrobial pesticides registered pursuant to Section 12836 of*
10 *the Food and Agricultural Code.*

11 5421.5. *Sections 5420.5 and 5421 do not apply to a pesticide*
12 *product deployed in the form of a self-contained bait or trap, to*
13 *gel or paste deployed as a crack and crevice treatment, to any*
14 *pesticide exempt from regulation by the United States*
15 *Environmental Protection Agency pursuant to the Federal*
16 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et*
17 *seq.), or to antimicrobial pesticides, including sanitizers and*
18 *disinfectants.*

19 5422. *An owner or operator of a playground or dog park shall*
20 *maintain records of all pesticide use at the playground or dog park*
21 *for a period of four years and shall make this information available*
22 *to the public, upon request, pursuant to the California Public*
23 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
24 *Division 7 of Title 1 of the Government Code). A owner or operator*
25 *of a playground or dog park may meet the requirements of this*
26 *section by retaining a copy of the warning sign posted for each*
27 *application required pursuant to Section 5422.5, and recording*
28 *on that copy the amount of the pesticide used.*

29 5422.5. *The owner or operator of a playground or dog park*
30 *shall post each area of the playground or dog park where*
31 *pesticides will be applied with a warning sign. The warning sign*
32 *shall prominently display the term “Warning/Pesticide Treated*
33 *Area” and shall include the product name, manufacturer’s name,*
34 *the United States Environmental Protection Agency’s product*
35 *registration number, intended date and areas of application, and*
36 *reason for the pesticide application. The warning sign shall be*
37 *visible to all persons entering the treated area and shall be posted*
38 *24 hours prior to the application and remain posted until 72 hours*
39 *after the application. In case of a pest control emergency, the*

1 *warning sign shall be posted immediately upon application and*
2 *shall remain posted until 72 hours after the application.*

3 *5423. Section 5422.5 does not apply to an agency signatory*
4 *to a cooperative agreement with the State Department of Health*
5 *Care Services pursuant to Section 116180 of the Health and Safety*
6 *Code.*

7 ~~SECTION 1. Section 11501 of the Food and Agricultural Code~~
8 ~~is amended to read:~~

9 ~~11501. The purposes of this division and Chapter 1~~
10 ~~(commencing with Section 12501), Chapter 2 (commencing with~~
11 ~~Section 12751), Chapter 3 (commencing with Section 14001), and~~
12 ~~Chapter 3.5 (commencing with Section 14101) of Division 7 are~~
13 ~~as follows:~~

14 ~~(a) To provide for the proper, safe, and efficient use of pesticides~~
15 ~~that are essential for production of food and fiber and for protection~~
16 ~~of the public health and safety.~~

17 ~~(b) To protect the environment from environmentally harmful~~
18 ~~pesticides by prohibiting, regulating, or ensuring proper~~
19 ~~stewardship of those pesticides.~~

20 ~~(c) To ensure the agricultural and pest control workers of safe~~
21 ~~working conditions where pesticides are present.~~

22 ~~(d) To permit agricultural pest control by competent and~~
23 ~~responsible licensees and permittees under strict control of the~~
24 ~~director and commissioners.~~

25 ~~(e) To ensure consumers and users that pesticides are properly~~
26 ~~labeled and are appropriate for the use designated by the label and~~
27 ~~that state or local governmental dissemination of information on~~
28 ~~pesticidal uses of any registered pesticide product is consistent~~
29 ~~with the uses for which the product is registered.~~

30 ~~(f) To encourage the development and implementation of pest~~
31 ~~management systems, stressing application of biological and~~
32 ~~cultural pest control techniques with selective pesticides when~~
33 ~~necessary to achieve acceptable levels of control with the least~~
34 ~~possible harm to nontarget organisms and the environment.~~