

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 introduced, 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 years. Because this provision would impose additional duties on local public employees, the bill would impose a state-mandated local program.

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 six 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.
- 18 (c) Recognizing the impact of pesticides on the school
- 19 community, the Department of Pesticide Regulation has developed
- 20 an Internet Web site, written training materials, and conducted

1 regional training sessions to assist schools that have chosen to
2 adopt least-toxic integrated pest management techniques and to
3 eliminate the use of the most dangerous pesticides.

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

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

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

22 SEC. 3. Section 17610.2 is added to the Education Code, to
23 read:

24 17610.2. Only self-contained baits, gels, and pastes deployed
25 as crack and crevice treatments and spot treatments may be used
26 on schoolsites.

27 SEC. 4. Section 17610.3 is added to the Education Code, to
28 read:

29 17610.3. The use of a pesticide on a schoolsite is prohibited if
30 that pesticide contains one or more of the following ingredients:

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

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

- 35 (1) Acephate.
- 36 (2) Chlorpyrifos.
- 37 (3) Ethephon.
- 38 (4) Malathion.
- 39 (5) Methamidiphos.
- 40 (6) Propetamphos.

1 (7) Trichlorfon.

2 SEC. 5. Section 17610.4 is added to the Education Code, to
3 read:

4 17610.4. On or after January 1, 2014, the use of a pesticide on
5 a schoolsite is prohibited if that pesticide product comes within
6 any of the following descriptions:

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

9 (b) Contains active ingredients that are groundwater
10 contaminants as determined by the Director of Pesticide Regulation
11 pursuant to subdivision (d) of Section 13145 or Section 13149 of
12 the Food and Agricultural Code.

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

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

18 (e) Is labeled with the signal word “danger” or “warning”
19 pursuant to regulations adopted by the secretary pursuant to
20 provisions of Division 7 (commencing with Section 12500) of the
21 Food and Agricultural Code governing the registration and labeling
22 of pesticides.

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

25 13185. (a) The department shall establish an integrated pest
26 management training program in order to facilitate the adoption
27 of a model IPM program and least-hazardous pest control practices
28 by schoolsites. *All schoolsites, as defined in Section 17609 of the*
29 *Education Code, excluding family day care homes, as defined in*
30 *Section 1596.78 of the Health and Safety Code, shall send at least*
31 *one person to one of the department trainings at least once every*
32 *two years.* In establishing the IPM training program, the department
33 shall do all of the following:

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

36 (2) Develop curricula and promote ongoing training efforts in
37 cooperation with the University of California and the California
38 State University.

39 (3) Prioritize outreach on a regional basis first and then to school
40 districts. For outreach to child day care facilities, the department

1 shall participate in existing trainings that provide opportunities for
2 disseminating program information broadly on a regional basis.

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

5 SEC. 7. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.