

AMENDED IN SENATE JANUARY 10, 2012

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 ~~amend Section 13185 of the Food and Agricultural Code~~ *add Sections 17610.2 and 17610.3 to the Education Code*, relating to the Healthy Schools Act of ~~2011~~ *2012*.

LEGISLATIVE COUNSEL'S DIGEST

SB 394, as amended, DeSaulnier. Healthy Schools Act of ~~2011~~ *2012*.

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~~ *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 require all schoolsites, as defined and except as specified, to send at least one person to one of the 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. 2012. The bill would prohibit the indoor and outdoor use of pesticides on a schoolsite, except as specified, unless a local public health officer determines that a public health emergency exists requiring emergency application of a pesticide.~~

~~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-no*. State-mandated local program: *yes-no*.

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~~ 2012.
- 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.
- 19 (c) Recognizing the impact of pesticides on the school
- 20 community, the Department of Pesticide Regulation has developed

1 an Internet Web site, written training materials, and conducted
2 regional training sessions to assist schools that have chosen to
3 adopt least-toxic integrated pest management techniques and to
4 eliminate the use of the most dangerous pesticides. Many school
5 districts and pest control operators have implemented ~~Integrated~~
6 ~~Pest Management (IPM)~~ *integrated pest management* programs
7 that operate with greatly reduced use of pesticides. ~~We desire that~~
8 ~~children attend schools with IPM programs functioning at a high~~
9 ~~level. Many schools, maintenance staff, and pest control operators~~
10 ~~have made substantial progress since 2000 in reducing the use of~~
11 ~~pesticides on school campuses.~~

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

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

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

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

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

1 district. In establishing the IPM training program, the department
2 shall do all of the following:

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

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

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

12 (b) ~~Nothing in this article shall preclude a schoolsite from~~
13 ~~adopting stricter pesticide use policies.~~

14 ~~SEC. 4. If the Commission on State Mandates determines that~~
15 ~~this act contains costs mandated by the state, reimbursement to~~
16 ~~local agencies and school districts for those costs shall be made~~
17 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
18 ~~4 of Title 2 of the Government Code.~~

19 *SEC. 3. Section 17610.2 is added to the Education Code, to*
20 *read:*

21 *17610.2. (a) The indoor use of a pesticide on a schoolsite,*
22 *excluding family day care homes, as defined in Section 1596.78*
23 *of the Health and Safety Code, is prohibited unless a local public*
24 *health officer determines that a public health emergency exists*
25 *requiring emergency application of a pesticide.*

26 *(b) This section does not apply to any of the following:*

27 *(1) Antimicrobial pesticides and products.*

28 *(2) Rodent bait used in a tamper-resistant, secured container.*

29 *(3) Ready-to-use gel formulations of insecticide applied in areas*
30 *inaccessible to pupils and the general public.*

31 *(4) Insect bait used in a tamper-resistant container, or placed*
32 *in an area inaccessible to pupils and the general public.*

33 *(5) Pesticides classified by the federal Environmental Protection*
34 *Agency as exempt under Section 152.25 of Title 40 of the Code of*
35 *Federal Regulations.*

36 *(6) Boric acid and disodium octaborate tetrahydrate.*

37 *(7) Horticultural soaps and oils containing no synthetic*
38 *pesticides or synergists and exempt under Section 25(b) of the*
39 *Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.*
40 *136w(b)).*

1 (c) No pesticide shall be sprayed, released, deposited, or applied
2 indoors while pupils are present or connected through the same
3 ventilation system.

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

9 (e) This section does not preclude a school district from adopting
10 or enforcing stricter pesticide use policies.

11 SEC. 4. Section 17610.3 is added to the Education Code, to
12 read:

13 17610.3. (a) The outdoor use of a pesticide on a schoolsite,
14 excluding family day care homes, as defined in Section 1596.78
15 of the Health and Safety Code, is prohibited unless a local public
16 health officer determines that a public health emergency exists
17 requiring emergency application of a pesticide.

18 (b) This section does not apply to any of the following:

19 (1) Antimicrobial pesticides and products.

20 (2) An aerosol product exempt under Section 25(b) of the
21 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
22 136w(b)) with a direct spray, in a container of 18 fluid ounces or
23 less, when used to protect individuals from an imminent threat
24 from stinging and biting arthropods.

25 (3) Insect or rodent bait used in a tamper-resistant, secured
26 container.

27 (4) Pesticides classified by the federal Environmental Protection
28 Agency as exempt under Section 152.25 of Title 40 of the Code of
29 Federal Regulations.

30 (5) Boric acid and disodium octaborate tetrahydrate.

31 (6) Horticultural soaps and oils containing no synthetic
32 pesticides or synergists and exempt under Section 25(b) of the
33 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
34 136w(b)).

35 (7) Activities undertaken at a school by participants in the state
36 program of agricultural career technical education, pursuant to
37 Article 7 (commencing with Section 52450) of Chapter 9 of Part
38 28 of Division 4 of Title 2, if the activities are necessary to meet
39 the curriculum requirements prescribed in Section 52454. Nothing
40 in this subdivision relieves schools participating in the state

1 *program of agricultural career technical education of any duties*
2 *pursuant to this section for activities that are not directly related*
3 *to the curriculum requirements of Section 52454.*

4 *(8) Agricultural uses.*

5 *(c) No pesticide shall be sprayed, released, deposited, or applied*
6 *outdoors on a schoolsite while pupils are located in, on, or*
7 *adjacent to the area of the pesticide application.*

8 *(d) This section does not abrogate the authority of county health*
9 *officers, the Department of Food and Agriculture, mosquito and*
10 *vector control districts, the State Department of Public Health, or*
11 *other state agencies that are responsible for pest management*
12 *decisions that may affect public schools in California.*

13 *(e) This section does not preclude a school district from adopting*
14 *or enforcing stricter pesticide use policies.*