



Mary-Ann Warmerdam  
Director

Arnold Schwarzenegger  
Governor

March 16, 2007

TO: Pest Control Businesses (Main and Branch Offices)  
Maintenance Gardener Pest Control Businesses

SUBJECT: ASSEMBLY BILL 2865 ADDS PRIVATE CHILD DAY CARE FACILITIES  
TO HEALTHY SCHOOLS ACT OF 2000

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Governor Schwarzenegger signed into law Assembly Bill (AB) 2865 (Chapter 865, Statutes of 2006). It amends the Healthy Schools Act of 2000 (HSA) to require that private child day care facilities<sup>1</sup> (excluding family day care homes) comply with the same notification, pesticide recordkeeping, and reporting requirements that currently apply to kindergarten through grade twelve public schools and public child day care facilities.

**This law became effective on January 1, 2007**, and added provisions to existing law that require:

- Licensed pest control businesses to provide the following information at least 120 hours (5 days) before any pesticide application (except in the case of an emergency condition<sup>2</sup>):
  - pesticide product name
  - pesticide manufacturer's name
  - U.S. Environmental Protection Agency's product registration number
  - active ingredient(s) of each pesticide product
  - areas of application
  - intended date of application
  - reason for the pesticide application

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<sup>1</sup> "Child day care facility" means a facility that provides nonmedical care to children less than 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers (infant centers, preschools, extended day care facilities, and school-age child care centers), employer-sponsored child care centers, and family day care homes. "Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away.

<sup>2</sup> "Emergency conditions" means any circumstances in which the school designee or a property owner of a property where a privately operated child day care facility is located, or the property owners' agent, deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the school site.



This information is to be provided to the “designee<sup>3</sup>” at the child day care facility (excluding family day care homes).

- A property owner (where a private child day care facility [excluding family day care homes] is located) to notify the pest control business that a child day care facility is being operated on the property to enable the pest control business to comply with the above requirements.
- The private child day care facility (excluding family day care homes) must inform the licensed pest control business hired to apply pesticides at the site that the facility must comply with HSA.

Before AB 2865 passed, persons engaged for hire in the business of pest control at a school site (defined in Education Code section 17609[e]) were required to report at least yearly the use of pesticides on a specific form to the Director of the Department of Pesticide Regulation (DPR) when they applied pesticides at a public school or a public child day care facility. This new law expands pesticide use reporting requirements to include pesticide applications made at private child day care facilities (excluding family day care homes).

The School Site Pesticide Use Report form (or an equivalent form approved by the Director) must be submitted by the 30th day following the end of the calendar year during which a pesticide is applied (for example, by January 30, 2008, for applications made in 2007). You may download the School Pesticide Use Report form at <http://www.cdpr.ca.gov/docs/enfcmpli/prenffrm/prenf117.pdf>.

Enclosed you will find the text of the chaptered version of AB 2865 (Chapter 865, Statutes of 2006), and a DPR fact sheet, entitled “What You Need to Know About the Healthy Schools Act and Child Care Facilities.”

If you have any questions regarding the new pesticide use reporting requirements or the School Site Pesticide Use Report form, please feel free to call Ms. Linda Lichtenberger, of my staff, at (916) 445-4127 or e-mail her at [lichtenberger@cdpr.ca.gov](mailto:llichtenberger@cdpr.ca.gov).

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<sup>3</sup> School designee means the individual identified by a child day care facility, as defined in Section 1596.750 of the Health and Safety Code, to carry out the requirements of the HSA.

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For questions about DPR's Child Care IPM-Growing Up Green program, please feel free to call Dr. Madeline Brattesani, of my staff, at (916) 324-4082 or e-mail her at [mbrattesani@cdpr.ca.gov](mailto:mbrattesani@cdpr.ca.gov).

Sincerely,

*Original signed by*

David Duncan, Chief  
Pest Management and Licensing Branch  
(916) 445-3870

Enclosures

cc: Ms. Linda Lichtenberger, DPR Program Specialist (w/Enclosures)  
Dr. Madeline Brattesani, DPR Senior Environmental Research Scientist (w/Enclosures)  
Mr. James Shattuck, DPR County Agricultural Commissioner Liaison (w/Enclosures)