Regulation to Address Pesticide Use Near Schools and Child Day Care Facilities

March 2018
Objectives and scope of regulation

• Provide extra margin of safety and minimum standards for applications near schools and child day care facilities (school sites)

• Increase communication between growers and schoolsites

• Provide information for emergency preparedness

• Regulation includes application restrictions and annual notification
Pesticide applications and schoolsites affected

• **Pesticide applications included:** applications to an agricultural commodity within ¼ mile (1,320 feet) of a schoolsite

• **Schoolsites include:**
  
  – Public K-12 schools
  
  – Licensed child day care facilities, except family day care homes
  
  – Adjacent parks regularly used by schoolsite, as identified by county agricultural commissioner (CAC)
Application restrictions: minimum distance

• A minimum distance between application and schoolsite is required Mon – Fri, 6am – 6pm, with some exceptions
  – ¼ mi (1,320 ft) for potentially higher drift applications, such as by aircraft
  – 25 ft for lower drift applications, such as most tractor (ground-rig) applications
  – No minimum distance for negligible drift applications, such as within a greenhouse
  – No minimum distance when no classes scheduled or child day care closed
Minimum distance from application to schoolsite, Mon–Fri, 6am–6pm

What type of pesticide is applied?

- **Fumigant**
- **Dust, powder**
- **Granules, flakes, pellets**
- **Other type of pesticide**

Is the dust applied using soil injection or a bait station?

- No
- Yes

- No distance is required.**
- At least ¼ mile is required.*

Are the granules a fumigant or applied using an aircraft?

- No
- Yes

- No distance is required.**
- At least ¼ mile is required.*

Is the pesticide applied using an airblast sprayer, aircraft, or sprinkler?

- No
- Yes

- No distance is required.
- At least ¼ mile is required.**

Is the pesticide applied using a backpack sprayer***, bait station, or hand pump sprayer?

- No
- Yes

- At least ¼ mile is required.*
- At least 25 feet is required.**

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*No minimum distance is required if classes are not scheduled, child day care facility is closed. However, at least 36 hours must elapse from the end of fumigation until classes start, or child day care facility opens.

**No minimum distance is required if classes are not scheduled, child day care facility is closed, or application occurs within an enclosed space.

***If a backpack sprayer incorporates an airblast sprayer a ¼ mile distance is required.
Other application restrictions

• Grower, school principal or day care administrator, and CAC can negotiate a written agreement that achieves the same or greater level of protection as the regulation

• For fumigant applications within ¼ mile of a schoolsite, 36 hours must elapse from end of fumigation until classes start, day care opens
Notification to schoolsites and CAC

• Grower must provide **annual** notification to schoolsites within ¼ mile and CAC by Apr 30 and include:
  – Summary of regulation and required statements
  – Map showing location of field(s) and schoolsite
  – Grower and CAC contact information
  – National Pesticide Information Center (NPIC) website
  – List of pesticides expected to be used Jul-Jun – pesticides not on list must be added at least 48 hours prior to use
  – Option for 3-party agreement

• Grower retains notifications for 2 years
Actions school or day care facility **could** take

- Provide parents and staff copies of notifications
- Check schoolsite contact information and location
- Negotiate an agreement with grower and CAC for alternative application restrictions that achieve the same or greater level of protection as the regulation
Timeline

• January 1, 2018: application restrictions went into effect

• No later than April 30, beginning in 2018: annual notifications must be submitted for Jul-Jun applications
  
  – New growers must provide notification within 30 days of assuming control of property
Implementation: www.cdpr.ca.gov/schoolnotify/
Implementation: outreach and training

**Grower fact sheet**

**Schoolsite fact sheet**

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**Addressing Pesticides Used Near Schools and Child Day Care Facilities**

**California Code of Regulations, Title 3, sections 6690 – 6692**

**Effective January 1, 2018:**

- Regulations apply to pesticide applications made for the production of an agricultural commodity within ¼ mile of public K-12 schools and licensed child day care facilities, except family day care homes (collectively referred to as schoolsites).

- Pesticide application restrictions will apply Monday through Friday, from 6:00 a.m. to 6:00 p.m., within a specified distance of a schoolsite:
  - Two types of restriction distances: ¼ mile (1,320 feet) or 25 feet, depending on the type of application equipment used and type of pesticide applied (some application types are prohibited by labels or do not occur).

<table>
<thead>
<tr>
<th>Application Equipment Type</th>
<th>Minimum Distance to Schoolsite by Equipment and Pesticide Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dust, Fumigant, Granule</td>
<td>¼ mile, Prohibited, Doesn’t occur, ¼ mile.</td>
</tr>
<tr>
<td>All Other Pesticide</td>
<td>¼ mile, Prohibited, Doesn’t occur, ¼ mile.</td>
</tr>
<tr>
<td>Airblast Sprayer</td>
<td>¼ mile, Prohibited, Doesn’t occur, ¼ mile.</td>
</tr>
<tr>
<td>Aircraft</td>
<td>¼ mile, Prohibited, Doesn’t occur, ¼ mile.</td>
</tr>
<tr>
<td>Backpack Sprayer</td>
<td>¼ mile, Prohibited, None, None*</td>
</tr>
<tr>
<td>Belt Sprayer</td>
<td>None, Prohibited, None, None</td>
</tr>
<tr>
<td>Ground-Sprayer</td>
<td>¼ mile, Prohibited, None, None</td>
</tr>
<tr>
<td>Hand Pump Sprayer</td>
<td>¼ mile, Prohibited, None, None</td>
</tr>
<tr>
<td>Soil Injection</td>
<td>None, Prohibited, None, None</td>
</tr>
<tr>
<td>Sprayer Chemigation</td>
<td>Doesn’t occur, None, Doesn’t occur, ¼ mile.</td>
</tr>
<tr>
<td>All Other Equipment</td>
<td>¼ mile, Prohibited, None, None</td>
</tr>
</tbody>
</table>

*Backpack sprayers that incorporate an airblast sprayer to apply “other” pesticides are prohibited within ¼ mile.

- Exceptions to application restrictions: The prohibitions do not apply if school classes are not scheduled for the day of application or the child day care facility is closed during the entire day of the application. This allows applications during the day on holidays and school breaks.

- An option for an agreement between a schoolsite, property operator, and County Agricultural Commissioner with alternative application restrictions that provide the same or a greater level of protection as provided by the prohibitions.

- Field fumigations within ¼ mile of a schoolsite must be completed at least 36 hours before the start of classes.

- An annual notification by property operators to schoolsites and County Agricultural Commissioners by April 30 that includes contact information and a list of all pesticides expected to be used within ¼ mile of a schoolsite during July through June.

- A new grower (through purchase or lease of a field) must provide the first notification within 30 days of assuming control of the property.

For more information contact:

- County Agricultural Commissioner:
  - www.cdfa.ca.gov/exec/countymap/
  - Department of Pesticide Regulation:
  - www.cdpr.ca.gov/pestnotif/---

**Addressing Pesticides Used Near Schools and Child Day Care Centers**

California has adopted regulations that address agricultural pesticide applications near public K-12 schools and licensed child day care facilities. These regulations provide minimum distance standards for certain agricultural pesticide applications near schoolsites and require annual notifications to schoolsites. The goal is to reduce the chances of unintended pesticide exposure to children and increase communication between growers, County Agricultural Commissioners, and schoolsite administrators.

**WHO**

- Schoolsite Administrators
- Receive annual pesticide use notification from nearby growers.
- County Agricultural Commissioners
- Enforce the regulations and answer questions.
- Growers
- Follow pesticide use restrictions during set days and times, and provide annual pesticide use notification to Schoolsite Administrators and County Agricultural Commissioners.

**WHAT**

**Pesticide Use Restrictions**

Within ¼ mile of a schoolsite, growers cannot make certain types of agricultural applications on Monday through Friday between 6:00 am to 6:00 pm. Some exceptions apply, such as when a schoolsite is closed for the day. Requests to extend restriction days and times, like during extracurricular activities on the weekends, can be handled through a written agreement between the schoolsite, County Agricultural Commissioner, and grower. The written agreement must achieve the same or greater level of protection as the regulations.

**Annual Pesticide Use Notification**

Growers must provide written, annual notification of all agricultural pesticides that may be used on fields within ¼ mile of a schoolsite. There are no exceptions.

- Included in the notification will be:
  - Map of field and schoolsite
  - List of pesticides that may be applied
  - Contact information for grower and County Agricultural Commissioner

**Questions?**

- County Agricultural Commissioner:
  - www.cdfa.ca.gov/exec/countymap/
- Department of Pesticide Regulation:
  - www.cdpr.ca.gov/pestnotif/
Implementation: CalAgPermits and CalSchoolNotify websites

- Growers can prepare and submit notifications using CalAgPermits website
- CACs can verify compliance using CalAgPermits
- Schoolsites can view notifications and other information using CalSchoolNotify website
### Summary of regulation

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>Requirement Based on Drift Class</th>
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<tbody>
<tr>
<td></td>
<td>Higher</td>
</tr>
<tr>
<td>Minimum Distance Between Application and Schoolsite, Mon-Fri, 6:00am-6:00pm</td>
<td>¼ mile</td>
</tr>
<tr>
<td>Annual Notification of Pesticides Expected to be Used Within ¼ mi of Schoolsite</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- Grower, schoolsite, and CAC can negotiate agreement that achieves the same or greater level of protection as the regulation
- For fumigations within ¼ mile of a schoolsite, 36 hours must elapse from end of fumigation until classes start, day care opens
Additional information

- DPR website: www.cdpr.ca.gov/schoolnotify/

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