

Assembly Bill No. 405

CHAPTER 566

An act to add Section 17610.1 to the Education Code, relating to schoolsites.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 405, Montanez. Schools: pesticide use.

Existing law, the Healthy Schools Act of 2000, provides that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and requires that the state take the necessary steps, pursuant to specified provisions, to facilitate the adoption of effective pest management practices at schoolsites. The existing act requires each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and to make the records available to the public upon request. The existing act requires, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use. The existing act requires that the recipients be afforded the opportunity to register with the school district to receive information regarding individual pesticide applications. The existing act requires the school district designee to post warning signs prior to application of pesticides at a schoolsite.

This bill would prohibit, in specified circumstances, the use on a schoolsite of specified pesticides that have been granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation, or a pesticide that is subject to an experimental registration issued by the United States Environmental Protection Agency. The bill would prohibit the use on a schoolsite of a pesticide if the Department of Pesticide Regulation cancels or suspends registration, or requires phaseout of use, of the pesticide. The bill would also prohibit a vendor or manufacturer from making those pesticides available to a school district either by sale or by gift.

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

SECTION 1. The Legislature finds and declares all of the following:

- (a) The maintenance of a safe, clean, healthy environment for pupils is essential to learning and is a goal of the state.
- (b) The use of toxic chemicals to control pests and weeds may itself threaten pupil health and ability.

(c) The National Education Association and numerous other national and local public interest organizations support the reduction or elimination of pesticide use in schools.

(d) Pesticides contain toxic substances, many of which have a detrimental effect on human health and the environment and, in particular, have a developmental effect on children. Children are more susceptible to hazardous impacts from pesticides than are adults.

(e) Information regarding the utilization of pesticides in schools that have a conditional registration or an experimental use permit is not maintained in a manner that is useful to the public, making it difficult to assess and address the potential health and environmental impact of their use in schools.

(f) Historically, pesticide products that have conditional registration or experimental use permits are sold and used for years without completing outstanding data requirements. This significant flaw can allow for chemicals with incomplete databases to be used in schools, increasing undue exposure potential to pupils.

(g) Schools regularly endeavor to control and eliminate recognized and suspected hazards, including nonagricultural pesticides, as an integral part of school safety programs in order to protect the health and well-being of pupils and school staff.

SEC. 2. Section 17610.1 is added to the Education Code, to read:

17610.1. (a) (1) The use of a pesticide on a schoolsite is prohibited if that pesticide is granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation, or if the pesticide is subject to an experimental registration issued by the United States Environmental Protection Agency, and either of the following is applicable:

(A) The pesticide contains a new active ingredient.

(B) The pesticide is for a new use. This paragraph does not apply to a conditionally registered pesticide that is approved for other uses that has fulfilled all registration requirements that relate to human health, including, but not limited to, the completion of mandatory health effect studies pursuant to the Birth Defect Prevention Act of 1984 (Art. 14 (commencing with Sec. 13121), Ch. 2, Div. 7, F.& A.C.). The requirements of this section are not intended to impose any new labeling requirements.

(2) The use of a pesticide on a schoolsite is prohibited if the Department of Pesticide Regulation cancels or suspends registration, or requires phase out of use, of that pesticide.

(b) Vendors or manufacturers of pesticides that are prohibited for use on a schoolsite pursuant to subdivision (a) are prohibited from furnishing those pesticides to school districts either by sale or by gift.

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

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