Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1864 (Connolly) – As Amended April 1, 2024

[Note: This bill was double referred to the Assembly Environmental Safety and Toxic Materials Committee and was heard by that committee as it relates to issues under its jurisdiction.]

SUBJECT: Pesticides: agricultural use near schoolsites: notification and reporting

SUMMARY: Requires a notice of intent (NOI) to be submitted before a person applies a pesticide within one-quarter mile of a schoolsite using an application method that is restricted under the Department of Pesticide Regulation's (DPR) Pesticide Use Near Schools regulations; requires reporting of specified types of information on applications for permits for the use of restricted materials, NOIs, and pesticide use reporting (PUR) forms to enable accurate reporting and enforcement of DPR's school regulations; and requires the DPR to adopt changes to the Pesticide Use Near Schools regulations to expand their application to private schools. Specifically, **this bill**:

1) Defines “schoolsite” to have the same meaning as defined in Section 6690 of Title 3 of the California Code of Regulations (3 CCR).

2) Requires the county agricultural commissioner (CAC) of a county in which a schoolsite is located to require a NOI to be submitted before a person applies a pesticide for the production of an agricultural commodity within one-quarter mile of the schoolsite using an application method restricted pursuant to Section 6691 of 3 CCR.

3) Requires, to enable accurate reporting and enforcement of Sections 6690 to 6692 of 3 CCR, inclusive, the DPR to do all of the following:

    a) Require a separate site identification number for the portion of an agricultural field that lies within one-quarter mile of a schoolsite;

    b) Require a permit application for agricultural use of a pesticide designated as a restricted material, as it pertains to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, reporting on the specific method of applying the pesticide as specified in Section 6691 of 3 CCR;

    c) Require for a notice of intent for pesticide use, as it pertains to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, reporting on both of the following:

        i) The specific method of applying the pesticide as specified in Section 6691 of 3 CCR; and

        ii) The allowable dates and times of the period during which the pesticide is to be applied.

d) Require, for pesticide use reporting forms and procedures, as they pertain to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, reporting on both of the following:

i) The specific method of applying the pesticide as specified in Section 6691 of 3 CCR; and

ii) The exact date and time of the start and end of the pesticide application.

4) Requires, in evaluating a county's pesticide use enforcement program, the director of the DPR to evaluate the county's effectiveness in enforcing Sections 6690 to 6692 of 3 CCR, inclusive.

5) Requires, on or before December 31, 2026, the director of the DPR to adopt regulations to revise Sections 6690 to 6692 of 3 CCR, inclusive, to additionally apply those provisions to private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils.

6) Requires, on January 1, 2025, and annually thereafter, the California Department of Education (CDE) to provide the DPR and the county commissioner of each county with information available to the CDE regarding the location of private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils.

7) States that these requirements do not apply to a school conducted in a person's residence.

8) States that these requirements do not restrict the DPR's authority to amend Sections 6690 to 6692 of 3 CCR, inclusive, to the extent that those amendments are consistent with these requirements.

EXISTING LAW:

1) Authorizes the state's pesticide regulatory program and mandates the DPR to, among other things, provide for the proper, safe, and efficient use of pesticides essential for the production of food and fiber, for the protection of public health and safety, for the protection of the environment from environmentally harmful pesticides, and to assure agricultural and pest control workers safe working conditions where pesticides are present by prohibiting, regulating, or otherwise ensuring proper stewardship of those pesticides. (Food and Agricultural Code (FAC) 11401, et seq.)

2) Regulates the use of pesticides and authorizes the director of the DPR to adopt regulations to govern the registration, sale, transportation, or use of pesticides, as prescribed. (FAC 11501, et seq.)

3) Establishes DPR's Pesticide Use Near Schools regulations, pertaining to pesticide applications made for the production of an agricultural commodity, within one-quarter mile of a schoolsite. (3 CCR 6690-6692)

4) Defines "schoolsite" to mean any property used as a child day care facility, as specified, or for a kindergarten, elementary, or secondary school. This includes all areas of the property used on weekdays by children who attend such facilities or schools, or other property identified by the commissioner as a park adjacent to a school that is used by the school for recess, sports, or other school activities. Defines "schoolsite" to not include: family day care homes, as specified; any postsecondary educational facility attended by secondary pupils; private kindergarten, elementary, or secondary school facilities; or vehicles or bus stops not on schoolsite property. (3 CCR 6690)

5) Applies the provisions to pertain to pesticide applications made for the production of an agricultural commodity within ¼ mile of a schoolsite. (3 CCR 6690)

6) Requires pesticide application restrictions to apply Monday through Friday, during the hours of 6:00 a.m. to 6:00 p.m., depending on the distance from the treated area to a schoolsite, the application equipment used, and type of pesticide applied. Requires, during these time periods, the operator of the property and the applicator to assure that an application is not made within the distance of the schoolsite, as specified. (3 CCR 6691)

7) States there is no distance restriction when 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. Prohibits fumigants from being applied when school classes are scheduled or child daycare facilities are open within 36 hours following fumigation. (3 CCR 6691)

8) Requires, for all applications of pesticides expected to be made for the production of an agricultural commodity within one-quarter mile of a schoolsite, the operator of the property to be treated to provide annual notification, no later than April 30 of pesticide(s) expected to be used from July 1 of the current year through June 30 of the next year. Requires the annual written notification, with specified information to be provided to:

   a) The principal of the public K-12 school;

   b) The administrator of the child day care facility; and

   c) The county agricultural commissioner. (3 CCR 6692)

9) Authorizes the CAC of any county to adopt regulations applicable to his or her county that are supplemental to those of the director of DPR, which govern the conduct of pest control operations and records and reports of those operations; and requires that each regulation of the CAC be approved by the director before it becomes operative; requires the director, in reviewing a CAC's regulations, to consider the necessity, authority, clarity, and consistency of the regulations. (FAC 11503)

10) Authorizes a CAC to apply the authority granted above (under FAC 11503) to the agricultural use of any pesticide for agricultural production within one-quarter mile of a school with respect to the timing, notification, and method of application; requires that any regulations adopted pursuant to this authority become operative unless specifically disapproved in writing by the director within 30 calendar days of their submission by the CAC. (FAC 11503.5)

11) Establishes the Healthy Schools Act of 2000 (HSA) under the Education Code (EC) and FAC. Defines "schoolsite" as any facility used for K-12 school purposes or for child care (including day care centers, employer-sponsored child care centers, but excludes family day care homes). The term includes buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by students. "Schoolsite" does not include any postsecondary educational facility attended by secondary pupils or private K-12 facilities. (EC 17608 and FAC 13180-13188)

12) Authorizes a comprehensive school safety plan to include, at the local discretion of the governing board of the school district, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. (EC 32284)

13) Provides that it is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state shall take the necessary steps to facilitate the adoption of effective least toxic pest management practices at schools. Expresses the intent of the Legislature to encourage appropriate training to be provided to school personnel involved in the application of a pesticide at a schoolsite. (EC 17610 and FAC 13182)

14) Requires schools to annually provide a written notice to staff and parents with the name of all pesticide products expected to be applied at the school during the upcoming year. Requires schools to provide written notification at least 72 hours prior to any application of pesticides that were not included in the annual notification. Requires schools to post a warning sign at each area of the schoolsite where pesticides will be applied. Requires schools to provide the opportunity for parents and staff to register to receive notification at least 72 hours prior to a pesticide application. Exempts agriculture vocational programs if the activity is necessary to meet curriculum requirements. (EC 17612)

15) Subjects each person between the ages of 6 and 18 years is not exempt, as specified, from compulsory full-time education. Requires each person subject to compulsory full-time education and each person subject to compulsory continuation education not exempted, as specified, to attend the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil to send the pupil to the public full-time day school or continuation school or classes and for the full time designated as the length of the schoolday by the governing board of the school district in which the residence of either the parent or legal guardian is located. Prohibits, unless otherwise provided, a pupil from being enrolled for less than the minimum schoolday established by law. (EC 48200)

16) Requires children who are being instructed in a private full-time day school by persons capable of teaching to be exempted from compulsory education (see EXISTING LAW #15). Requires such schools to, except as specified, be taught in the English language and to offer instruction in the several branches of study required to be taught in the public schools of the state. Requires the attendance of the pupils to be kept by private school authorities in a register and the record of attendance to clearly indicate every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Requires exemptions to be valid only after verification by the attendance supervisor of the district or other person designated by the board of education that the private school has complied, as specified, with requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction (SPI). Requires the verification required by this section to not be construed as an evaluation, recognition, approval, or endorsement of any private school or course. (EC 48222)

17) Requires every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level to, between the first and 15th day of October of each year file with the SPI an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year, including the address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California; and the school enrollment by grades. (EC 33190)

FISCAL EFFECT: This bill has been keyed as possible state mandated local program by The Office of Legislative Counsel.

COMMENTS:

Key provisions of the bill. AB 1864 would require:

- Reporting on the specific method of pesticide application and the exact date, start time, and end time of the pesticide application for pesticide use reporting forms and procedures as they pertain to an agricultural field of which any portion lies within one-quarter mile of a schoolsite.

- Reporting on the specific method of pesticide application, as specified, and the allowable dates and times of the period during which the pesticide is to be applied as it pertains to an agricultural field of which any portion lies within one-quarter mile of a schoolsite for an NOI for pesticide use.

- The submission of NOIs for both restricted and non-restricted materials, as they pertain to an agricultural field of which any portion lies within one-quarter mile of a schoolsite; the latter comprise the majority of pesticides used in California agriculture. ***The Committee may wish to consider,*** because NOIs are currently required only for pesticides classified as restricted materials, this provision would represent a major change in the way that pesticides are regulated in California, at least with respect to the use of non-restricted materials in school buffer zones. However, according to the Assembly Environmental Safety and Toxic Materials Committee, this requirement would also provide CACs with an opportunity to assess, in advance, the potential effects of the proposed application for any pesticide—whether it is a restricted material, or not—on nearby school populations.

- The DPR to revise Pesticide Use Near Schools regulations to additionally apply those provisions to private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils on or before December 31, 2026.

- The CDE to provide the DPR and the county commissioner of each county with information available to the CDE regarding the location of private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils on January 1, 2025, and annually thereafter.

By requiring the inclusion of specified types of information on applications for restricted material permits, NOIs, and PUR forms, AB 1864 could enable more accurate reporting and enforcement of DPR's Pesticide Use Near School regulations. AB 1864 would also require the expansion of these regulations to private schools and the submission of NOIs for all planned pesticide applications subject to the Pesticide Use Near School regulations. In doing so, this bill could expand protections for children from pesticide drift while they are at school or in childcare facilities.

Need for the bill. According to the author, "Strengthening the enforcement of pesticide regulations in school zones is critical to student health, particularly in our rural school districts. Children are particularly vulnerable to the health impacts of pesticides, and insufficient enforcement of pesticide regulations disproportionally impacts students of color. Enforcing the restriction of pesticide use within ¼ mile of a school site during school hours will help keep our students safe from the harmful effects of prolonged exposure."

Pesticides and human health effects. The United States Environmental Protection Agency (US EPA) defines a pesticide as any substance or mixture of substances, intended for preventing, destroying, repelling, or mitigating pests; use as a plant regulator, defoliant, or desiccant; or use as a nitrogen stabilizer. These chemicals are designed to kill unwanted organisms—including animals, plants, and microbes—and many pesticides can also pose risks to people. The US EPA notes that to determine human health risk, either the toxicity or hazard of the pesticide and the likelihood of exposure must be considered. For example, a low level of exposure to a very toxic pesticide may pose a similar risk as a high level of exposure to a relatively low toxicity pesticide. The specific health effects of pesticides depend on the type of pesticide. Some, such as organophosphates and carbamates, affect the nervous system. Others may act as carcinogens, affect the body's endocrine (hormone) systems, or irritate the skin or eyes.

California pesticide use near schools and children's health. According to a 2014 California Department of Public Health and the Public Health Institute report, *Agricultural Pesticide Use Near Public Schools in California*, which focused on the 15 counties with the highest total reported agricultural pesticide use in 2010 and included 2,511 public schools attended by over 1.4 million students, most schools did not have any pesticides of public health concern applied nearby. However, a small percentage of schools had many pounds of pesticides of public health concern applied nearby: the top 5% of schools with any pesticide use nearby had amounts of pesticides applied within one-quarter mile ranging from 2,635–28,979 lbs. Pesticide use near schools varied among counties. Fresno County had the highest number of schools (131) with any pesticides applied nearby, whereas Tulare County had the highest percentage of its schools (63.4%) with any pesticides applied nearby. Ventura County had the highest number of schools (12) and the highest number of students (13,045) in the top 5% of schools. Monterey County had the highest percentage of its schools (8%) and the highest percentage of its students (13%) in the top 5% of schools. Hispanic children were more likely to attend schools near the highest use of pesticides of public health concern. Hispanic children were 46% more likely than White children to attend schools with any pesticides of concern applied nearby, and 91% more likely than White children to attend schools in the highest quartile of use.

The 2014 study, which preceded the development of DPR's Pesticide Use Near Schools regulations (described further below), notes that, compared with adults who do not work in agricultural settings, children are more likely to be exposed to pesticides and more susceptible to the health effects of pesticides. Reasons for this increased susceptibility include:

- Behavior: Certain childhood behaviors—such as spending more time outdoors, playing on the ground, and putting objects in their mouths—can increase children's risk for pesticide exposure;

- Physiological development: Children's bodies are still maturing, so their physiology undergoes rapid changes, leaving them vulnerable to interruptions or delays in key developmental milestones; and,

- Body size: Relative to their weight, children eat, drink, and breathe more than adults, increasing their exposure on a per pound basis.

The six categories of pesticides considered in the 2014 study are:

- Carcinogens, which are chemicals or physical agents that can cause cancer;

- Reproductive and developmental toxicants, which are chemical, physical, or biological agents that can affect children's ability to develop normally and at a normal pace;

- Cholinesterase inhibitors, which are chemicals that block the normal breakdown of an important chemical in the body that regulates nerve cell activity;

- Toxic air contaminants, which cause or contribute to increased mortality, increased cancer risk, or other serious health impacts such as birth defects, adverse reproductive outcomes, or other effects on the immune, nervous, and respiratory systems;

- Fumigants, which are pesticides that are used in gaseous form. According to the 2014 Study, fumigants account for 20% of all pesticides used in California, and the fumigants most often used include chemicals that are reproductive or developmental toxicants, toxic air contaminants, and carcinogens. Because fumigants are gaseous, there is a high potential for measurable amounts to distribute into the air and drift away from their original application site; and,

- Priority pesticides for assessment and monitoring, which have been identified by DPR as priorities for additional risk assessment or monitoring, due to evolving understanding of their toxicological properties, exposure pathways, health effects, and/or their increasing use.

According to the 2019 DPR report, *California School and Child Care Pesticide Use Report Summary*, pesticide applications were reported at 6,863 schools and 1,579 child care centers in California. Insecticides were to be the most reported class of pesticide applied at California schools and child care centers in 2019. Rodenticide application patterns remained consistent with past years, however single-feed gopher targeting rodenticides decreased. Glyphosate was the most commonly used herbicide active ingredient. However, in 2019, the number of glyphosate applications reported decreased by 34% from 2018. This was the first significant

decrease in glyphosate applications reported since 2015 when school employee pesticide use records were first collected.

Restricted materials, NOIs, and PURs. According to the DPR, restricted materials are pesticides deemed to have a higher potential to cause harm to public health, farm workers, domestic animals, honeybees, the environment, wildlife, or other crops compared to other pesticides. With certain exceptions, restricted materials may be purchased and used only under a permit issued by the CAC by or under the supervision of a certified commercial or private applicator.

The restricted material permit process involves two steps: a property owner or business operator must first obtain a permit to use the restricted materials and then send an NOI to the CAC at least 24 hours before the scheduled treatment.

Agricultural PURs, which growers must submit monthly to the CAC, capture information about pesticide applications that have already occurred for both restricted and non-restricted materials. PURs provide government officials, scientists, growers, policymakers, and public interest groups with information about regional and statewide pesticide use, including the dates and times of application, field location and site identification number, application method, and the amount of pesticide used. To allow for location-specific tracking of pesticide use, site identification numbers are assigned for each location or field where pesticides will be used for the production of an agricultural commodity; these numbers are also recorded on restricted material permits. According to DPR, the use of PUR data allows for risk assessments and policy decisions to be based on actual reported pesticide use rates; these data are also used to support the enforcement of pesticide laws.

For additional information regarding restricted materials, NOIs, and PURs, please refer to the Assembly Environmental Safety and Toxic Materials analysis of this bill.

DPR's Pesticide Use Near Schools Regulations. In an effort to reduce the chances of unintended pesticide exposure to children at school, and increase communication between growers, CACs, and schoolsites, DPR standardized school buffer zone requirements across counties on January 1, 2018, when its Pesticide Use Near Schools regulations took effect. To help manage the risk of pesticide drift, these regulations provide minimum distance standards for certain agricultural pesticide application methods near schoolsites; the regulations also require growers to provide annual notifications about the pesticides they expect to use in the upcoming year to school and child day care administrators. "Schoolsites" are defined to mean public K-12 schools, licensed child day care facilities (not including family day care homes), and parks adjacent to a schoolsite that are regularly used by the school for recess, sports, or other school activities. The application restrictions require a minimum distance between pesticide application and a schoolsite, Monday through Friday from 6 a.m. to 6 p.m., as follows:

- One-quarter mile for potentially higher drift applications, such as by aircraft;
- 25 feet for lower drift applications, such as most tractor applications;
- No minimum distance for negligible drift applications, such as within a greenhouse; and,
- No minimum distance when no classes are scheduled or a child daycare is closed.

Potential violations of the Pesticide Use Near Schools regulations. To examine the efficacy of the Pesticide Use Near Schools regulations, California Rural Legal Assistance, Inc. (a nonprofit law firm) undertook an analysis of PUR data for 2018-19, for fields within one-quarter mile of public schools in five counties (Fresno, Kern, Tulare, Ventura, and Sonoma), and examined the number of notices of violations issued for the Pesticide Use Near Schools application restrictions.

Restricting the analysis to 4-6 schoolsites per county and to fields that were 100% treated with classes of pesticides that are likely to be restricted under the Pesticide Use Near Schools regulations (fumigants, aerial applications, ground applications of fungicide, spreader-stickers, or insecticides), California Rural Legal Assistance, Inc. found what it determined to be a "large number of potential violations": 97 in Fresno, 99 in Kern, 25 in Sonoma, and 89 each in Tulare and Ventura counties. However, the number of formal notices of violation or proposed action issued by CACs for each county in the same timeframe were "just 2 each in Fresno and Sonoma, 1 each in Kern and Ventura, and none at all in Tulare."

On the basis of the above investigation, Californians for Pesticide Reform (CPR), submitted a written letter to DPR on March 9, 2021, stating significant concerns with the compliance of the Pesticide Use Near Schools regulations, and suggested the need to improve enforcement to reduce future violations. In a written letter dated February 25, 2022, the DPR responded to the CPR, stating that the CPR's suggested actions would require regulation. The DPR also stated, “DPR is actively working on identifying immediate actions in close coordination with CACs to enhance the tools available for tracking compliance with the Pesticide Use Near Schools regulations. This includes increasing outreach to growers and applicators. The Department [DPR] has issued guidance to CACs for distribution at permitting times, and during Spray Safe and grower meeting events to increase compliance. We also will evaluate regulatory options to clarify field application reporting."

Healthy Schools Act (HSA). The HSA, established by AB 2260 (Shelley), Chapter 718, Statutes of 2000, defines pesticide use and reporting requirements for California public schools and licensed child care centers—collectively known as schoolsites. The HSA applies to anyone (school staff, volunteers, and pest management businesses) applying any type of pesticide at a schoolsite. The DPR develops training and other outreach materials to assist with HSA compliance and facilitate the adoption of least-toxic pest management strategies. Schoolsite pesticide use information is required to be reported to DPR.

The HSA established a process for notifying school staff and parents or guardians of pesticide use, including through posting warning signs at schoolsites 72 hours prior to pesticide application and through an annual written notification. Schools are required to keep records of pesticide use for four years. AB 2260 also required the DPR to assist schools in the development of IPM programs that include a model program guidebook, resources provided through the DPR's Internet Web site, and a training program.

Under the HSA, schoolsites are defined as public K-12 schools and licensed childcare centers. Private schools and family day care homes are not schoolsites. Schoolsites also include buildings or structures, playgrounds, athletic fields, vehicles, and any other area of the property visited or used by students.

Private school affidavit information. EC 33190 states that persons, firms, associations, partnerships, or corporations offering or conducting private school instruction at the elementary or high school level for students between the ages of six and eighteen years shall annually file the Private School Affidavit (PSA) with the California Department of Education (CDE). California's compulsory education law requires that children age six through eighteen attend a public day school. Per EC 48222, students who are enrolled in a private school that has complied with the affidavit filing requirements are exempt from the compulsory education law. This bill would require the CDE to annually provide affidavit information to the DPR regarding the location of private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils. The information collected by the CDE includes addresses, but does not include property boundaries.

Arguments in support. The Californians for Pesticide Reform write, "Exposure to pesticides is linked to acute poisoning and chronic diseases, such as cancer, respiratory disease and developmental disorders in children. Compared with adults, children are more susceptible to the health effects of pesticides, because of their behavior, physiological development, and body size. Efforts to evaluate the impact of the school buffer zone regulation at a sample of 25 public schools across 5 counties revealed an extraordinarily large number of likely violations – 399 in the space of 11 months, an average of 16 per school site. However, there were just six actual notices of violation from County Agricultural Commissioners across the same timeframe for all schools in the five counties. The remaining likely violations were unverifiable because the required pesticide use reporting did not match the restrictions in the regulation. In some cases, the start and end time of the applications were not reported or were improperly reported; in others, it was impossible to confirm with certainty that the application used a prohibited method because the application method does not have to be reported. Finally, for agricultural fields that are both outside and within the school buffer zone, it was impossible to verify whether an application took place within the buffer zone.

Furthermore, the protections of DPR's school regulation do not extend to students at private schools. In January 2023, the Fire Department was called to Modesto Christian School, where up to 20 students and several teachers experienced symptoms, including headaches and itchy eyes, when they went outside for a fire drill while pesticides were being sprayed in the orchard across the fence."

Arguments in opposition. The California Agriculture Commissioners and Sealers Association writes, "The new enforcement responsibilities would fall largely on the county agricultural commissioners, and would need to be accomplished using existing resources which already fail to adequately fund currently mandates and core program objectives.

The Pesticide Use Enforcement Program (PUE) strives to ensure that pesticides are used in a responsible and appropriate manner that protects the public, environment, employees, and the end user (i.e. applicators). Under the guidance and direction of the DPR, the Agricultural Commissioner administers the PUE program with jurisdiction over the use of pesticides in each county. Our Agricultural & Standards Inspectors conduct inspections at farm facilities, pest control businesses (agricultural & structural), pesticide dealers, municipalities (including cemeteries, parks, and golf courses) and any other businesses/agencies that use agricultural or structural use pesticides. CACs issue permits for the use of California Restricted Pesticides, register pest control businesses annually, and investigate complaints of pesticide misuse and reports of illnesses due to pesticides.

The Pesticide Enforcement Program is funded primarily by a tax on all pesticides sold in California. This tax called the mill tax provides funding for both county and state programs that regulate pesticides. A recent Legislative Analyst's Office (LAO) report on the Mill Fee highlighted a current $10.2 million shortfall specific to the enforcement programs administered by the county agricultural commissioners.

AB 1864 would trigger major unfunded mandates on the local enforcement responsibilities for county agricultural commissioners, again, without corresponding or dedicated funding for the immense workload. Further, there would also be significant costs incurred for upfront and ongoing programming for the School Pesticide Use Reporting database housed at the DPR.

CACASA has met with the Author's staff and will continue to provide Pesticide Use Enforcement expertise to ensure that the proposals fit within existing programs and are achievable using existing and available resources to administer. Otherwise, unfortunately, AB 1864 will compete with and likely overshadow current statutory responsibilities which will suffer as a result."

Related legislation. AB 2491 (Choi) of the 2019-20 Session would have required the California Department of Education, upon appropriation by the Legislature, to establish a 5-year pilot program to provide funding to school districts using only organic pesticides for the purpose of determining the benefits of organic pesticide use and the financial impact on school districts of using organic pesticides instead of chemical pesticides. This bill was held in the Assembly Education Committee.

AB 468 (Muratsuchi) of the 2019-20 Session would have prohibited the outdoor use of pesticides that contain glyphosate on schoolsites. This bill was held in the Assembly Education Committee.

AB 2816 (Muratsuchi), Chapter 720, Statutes of 2018, requires the DPR, on or before January 1, 2021, to submit a report to the Legislature that evaluates the implementation, and the effect of the implementation, of the provisions of the Healthy Schools Act of 2000; and provides recommendations on improving the implementation and efficacy of the Healthy Schools Act of 2000. Authorizes the DPR to consult, as appropriate, with relevant local, state, or federal agencies, stakeholders, and experts in the preparation of the report.

SB 1405 (DeSaulnier), Chapter 848, Statutes of 2014, requires a school designee to post an IPM plan on the schoolsite webpage if certain pesticides are used at a schoolsite, requires reporting of specified pesticide use at a schoolsite, and requires individuals applying pesticides at schoolsites to complete an annual training.

AB 2865 (Torrico), Chapter 865, Statutes of 2006, expanded the Healthy Schools Act to include private child care facilities.

AB 622 (Swanson), of the 2009-10 Session would have established a safety zone of no less than three and three tenths miles for the aerial application of a pesticide for residential areas and known sensitive sites such as schools, hospitals, day care centers, senior citizen centers, residential care homes, and farm labor camps. This bill was held in the Assembly Agriculture Committee.

AB 1721 (Swanson), of the 2009-10 Session would have created the "Healthy and Safe School Zone Act" and prohibited specific types of pesticide applications and purposes, within one-half or one-quarter mile of a school zone. This bill was held in the Assembly Agriculture Committee.

AB 2260 (Shelley), Chapter 718, Statutes of 2000, established the Healthy Schools Act of 2000 which defines pesticide use and reporting requirements for California public schools and licensed child care centers.

REGISTERED SUPPORT / OPPOSITION:

Support

350 South Bay Los Angeles
A Voice for Choice Advocacy
Active San Gabriel Valley
Agriculture and Land-based Training Association
Alliance of Nurses for Healthy Environments
American Nurses Association/California
Ban Sup (Single Use Plastic)
Bay Area-system Change Not Climate Change
Breast Cancer Prevention Partners
California Association of Private School Organizations
California Association of Professional Scientists
California Environmental Justice Alliance
California Environmental Voters
California Federation of Teachers AFL-CIO
California Food and Farming Network
California Health Coalition Advocacy
California Nurses for Environmental Health & Justice
California Rural Legal Assistance Foundation
California Rural Legal Assistance Foundation (CRLA Foundation)
California School Employees Association
Californians for Pesticide Reform
CalPIRG, California Public Interest Research Group
Caps 805
CAUSE
Ceja
Center for Biological Diversity
Center for Farmworker Families
Center for Food Safety; the
Center of Race, Poverty and The Environment
Center on Race, Poverty and The Environment
Center on Race, Poverty, & the Environment
Central California Asthma Collaborative
Central California Environmental Justice Network
Central Coast Alliance United for A Sustainable Economy
Central Valley Air Quality Coalition (CVAQ)
Centro Binacional Para El Desarrollo Indígena Oaxaqueno
Ceres Community Project

Children Now
Children's Environmental Health Network
Clean Water Action
Clean Water and Air Matter
Cleanearth4kids.org
Coalition Advocating for Pesticide Safety
Coalition for Clean Air
Community Land Shepherds
Dietrick Institute for Applied Insect Ecology
Educate. Advocate.
Environment California
Environmental Working Group
Facts Families Advocating for Chemical and Toxics Safety
Facts: Families Advocating for Chemical & Toxics Safety
Families Advocating for Chemical and Toxics Safety
Fibershed
Future Leaders of Change
Gmo Science
Indivisible California Green Team
Interfaith Sustainable Food Collaborative
Latino Community Roundtable
Little Manila Rising
Long Beach Environmental Alliance
Madrone Audubon Society
National Association of Hispanic Nurses - Golden Gate (sf Bay Area) Chapter
Nontoxic Schools
Pajaro Valley Federation of Teachers, Aft 1936
Pajaro Valley Food, Farming and Health Policy Council
Paula Lane Action Network
Paula Lane Action Network (PLAN), Sonoma County, CA
Pesticide Action Network North America
Pesticide Research Institute
Physicians for Social Responsibility - Los Angeles
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Poison Free Malibu
Puma Springs Vineyards
Recolte Energy
Resource Renewal Institute
Safe Ag Safe Schools - Monterey Bay
San Francisco Bay Physicians for Social Responsibility
Sierra Club
Sierra Club California
Socioenvironmental and Education Network (SEEN)
Sonoma County Climate Activist Network (SOCOCAN!)
Sonoma Safe Agriculture Safe Schools (sonoma Sass)
Sunflower Alliance
The Praxis Project
Ufcw - Western States Council
Union of Concerned Scientists

United Food and Commercial Workers Union, Western States Council
Valley Improvement Projects
Valley Improvement Projects (VIP)
Veggielution
West Berkeley Alliance for Clean Air and Safe Jobs
Www.gmoscience.org
2 individuals

Opposition

Agricultural Council of California
American Pistachio Growers
California Agricultural Aircraft Association
California Apple Commission
California Agricultural Commissioners & Sealers Association
California Association of Pest Control Advisers
California Association of Wheat Growers
California Association of Winegrape Growers
California Avocado Commission
California Bean Shippers Association
California Blueberry Association
California Blueberry Commission
California Chamber of Commerce
California Cotton Ginners and Growers Association
California Farm Bureau Federation
California Food Producers
California Grain & Feed Association
California Pear Growers Association
California Seed Association
California Strawberry Commission
California Walnut Commission
Family Winemakers of California
Milk Producers Council
Olive Growers Council of California
Pacific Egg and Poultry Association
Western Agricultural Processors Association
Western Growers Association
Western Plant Health Association

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