

### **3. Finance EBR**

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: September 2, 2005  
RECOMMENDATION: Veto  
SPONSOR: California Safe Schools  
ASSEMBLY: 44/31  
SENATE: 21/14

BILL NUMBER: AB 405  
AUTHOR: C. Montanez

**BILL SUMMARY: Schools: Pesticide Use**

AB 405 would prohibit the use of a pesticide on a school site if the pesticide contains a new active ingredient or is for a new use, and the pesticide is granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation (DPR), or is subject to an experimental registration issued by the United States Environmental Protection Agency (EPA). Additionally, the bill would prohibit the use of a pesticide on a school site if DPR cancels or suspends registration, or requires phase out of use of that pesticide, and would also prohibit vendors or manufacturers from furnishing prohibited pesticides to school districts by sale or by gift.

**FISCAL SUMMARY**

The bill could increase local costs to school districts by limiting the number of pesticides available for use on school sites and training staff on which pesticides may not be used.

Additionally, DPR estimates an increase in the number of inquiries it receives from school districts checking to see if certain pesticides are prohibited, resulting in support costs of \$68,000 annually and proposes creating a website where districts and the public could access the pesticide database. While DPR has not furnished a cost estimate for creating and maintaining the website, Finance estimates a minimum of \$100,000 in one-time set up costs and \$30,000 in ongoing maintenance costs, based on past experience with other state agencies to create similar website databases. Although DPR indicates these costs may not be appropriate to charge to special funds, we believe these costs would legitimately be chargeable to the Pesticide Regulation Fund if sufficient fund balances are available.

**COMMENTS**

The Department of Finance recommends vetoing this bill for the following reasons:

- This bill appears unnecessary. According to DPR, most pesticides are labeled with conditional or interim registration because the registrant needs to submit additional efficacy and phytotoxicity data to DPR. Since these data do not relate to "human health" issues, DPR says there is no scientific justification for banning the use of the pesticides in schools. Moreover, all pesticides must receive approval from both the EPA and DPR before they can be sold in California. Each product is evaluated for any potential human health or environmental effects and none is fully or conditionally registered by DPR if it is likely to have unmitigated adverse effects on human health. (DPR advises they recommended a veto of this bill because it is unnecessary.)
- This bill's restrictions appear to exceed existing statutory policy for use of pesticides in schools. Current policy, per the Healthy Schools Act of 2000 (ECS Section 17608, et. seq.), encourages least toxic pest management practices, provides for annual parent notifications, and warning signs for application of all pesticides used in schools. Since, there is no evidence of unacceptable toxicity to human health with

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<i>John Lloyd</i>	9/23/05		

ENROLLED BILL REPORT

Form DE-43 (Rev 03/95 Pink)

(2)  
**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**Form DF-43**  
**BILL NUMBER**

**AUTHOR**

**AMENDMENT DATE**

C. Montanez

September 2, 2005

AB 405

respect to experimental, conditional or interim registered substances, banning their use would appear to exceed the restrictions and requirements of the policy.

- This bill would unnecessarily limit the availability of pesticides that school districts can use at school sites which could likely impact the cost of the remaining authorized pesticides, thereby creating indeterminable cost pressures on school districts. DPR indicates up to 40 percent of current pesticides used in schools would likely be banned by this measure.
- The bill would drive additional one time and ongoing workload for DPR to set up and maintain a web based database of registered pesticides as a means of keeping school districts and the public advised on authorized pesticides, and to respond to inquiries. Because pesticide product labels would not indicate whether the product is approved for use at a school site, a school pesticide applicator would have to check the database on a frequent basis to verify the product's status.

Code/Department Agency or Revenue Type	SO			(Fiscal Impact by Fiscal Year)			Fund Code
	LA	CO	PROP	(Dollars in Thousands)			
	RV	98	FC	2005-2006 FC	2006-2007 FC	2007-2008	
3930/PesticideReg	SO	No	C	\$168 C	\$98 C	\$98	0106
6110/Dept of Educ	LA	Yes		Indeterminable cost pressures on local schools			0001
<b>Fund Code</b>	<b>Title</b>						
0001	General Fund						
0106	Pesticide Regulation Fund, Dept of						

SUGGESTED VETO MESSAGE

AB 405

(as amended September 2, 2005)

I am returning Assembly Bill No. 405 without my signature.

While I agree that California's school children should not be exposed to harmful pesticides, this bill is unnecessary. All pesticides must undergo a thorough scientific review by the California Department of Pesticide Regulation to ensure there are no potential human health or environmental effects before they can be sold in California. By prohibiting certain pesticides from being used on school sites, this bill would unnecessarily limit districts' options, may increase the cost of authorized pesticides and drive other local administrative costs to schools, and impose additional regulatory costs on the Department of Pesticide Regulation.

For these reasons, I am unable to sign this bill.