

7.i. Oppose Letters – Members/Caucus

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Assembly California Legislature



SCOTT R. BAUGH
ASSEMBLY REPUBLICAN LEADER

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Thursday, September 14, 2000

Governor Gray Davis
State Capitol
Sacramento, CA 95814

RE: RECOMMENDED VETO OF AB 2260 (SHELLEY)

Dear Governor Davis:

I am writing to recommend that you veto AB 2260, which passed the Assembly on 8/31/00, by a vote of 43 to 28 with 27 members of the Assembly Republican Caucus voting 'No'.

1. A dramatically similar bill AB 1207 Shelly, was vetoed last year for being overly restrictive. Little has changed with this measure. Suggested amendments would have greatly reduced costs associated with this measure and would have improved school safety.
2. This bill is still overly prescriptive and introduces a definition of "Integrated Pest Management" that is inconsistent with the federal definition. The bill also introduces but fails to define the phrase "effective least toxic pest management practices" undefined leaving the door open for misinterpretation. Further, even with the lack of definition, the phrase would become a mandate, thereby, superceding any other local practice even if the local practice were effective and used because of prevailing local conditions.
3. Institutes a costly mandate on our public schools. Proponents contend that the notification requirements have been reduced over those prescribed in AB 1207, therefore, this bill is not as costly. Note:
4. Involves a number of State agencies in creating manuals and providing training for improving indoor and outdoor school environmental health while ignoring training programs that already exist.

This is the third attempt by this author to ban the use of pesticides in schools. Strong suggestions were made (and ignored) that the author redirects the bill as follows:

1. Let's find out once and for all if we really have a problem. Gut the bill and reintroduce and modify only the requirement for the Secretaries of the California Environmental Protection Agency and Health and Human Services to convene a carefully crafted, multi-agency and stakeholder, scientifically based task force to evaluate all public and environmental exposures to site-base and ambient contaminants that may adversely affect the health and

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learning abilities of pupils AND STAFF with prescribed reporting and recommendation requirements.

2. Encourage or require schools to develop an Integrated Pest Management plan and to do so by utilizing existing tools rather than creating a new, costly, cumbersome, inflexible, prescribed process. DPR has published and maintains on their Internet site, a guidance document for developing such a plan and documents the programs and practices in selected school districts. Report PM 96-01 ascribes to the federal definition of IPM and encourages the districts to develop a program crafted around their needs and their physical and social environment.
3. Require schools to utilize only licensed pesticide applicators or trained and certified personnel and provide the funding and documentation for such training. Note: Most of the training documentation and programs already exist in various statewide programs.

These suggested improvements would clearly lead to a healthier school environment and significantly reduce the mandated costs associated with this measure.

For the reasons stated above, I respectfully request that you veto AB 2260.

Sincerely,



Scott Baugh
Assembly Republican Leader

SB: dn

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California State Senate

**SENATOR
RAYMOND N. HAYNES
THIRTY-SIXTH SENATORIAL DISTRICT
REPUBLICAN WHIP**



**VICE CHAIR
HEALTH & HUMAN SERVICES
PUBLIC EMPLOYMENT &
RETIREMENT**

**COMMITTEES
EDUCATION
JUDICIARY**

**HEALTH &
HUMAN SERVICES
PUBLIC EMPLOYMENT &
RETIREMENT**

**JOINT LEGISLATIVE
AUDIT COMMITTEE**

**NATIONAL CHAIRMAN
AMERICAN
LEGISLATIVE EXCHANGE COUNCIL**

September 8, 2000

**Honorable Gray Davis
Governor, State of California
California State Capitol, First Floor
Sacramento, CA 95814**

Re: AB 2260 (Shelley)

Dear Governor Davis:

I would like to take this opportunity to urge you to VETO AB 2260, relating to the "Healthy Schools Act".

Once the schools provide parents and staff with the mandated annual written notification of "expected pesticide use," what exactly are they supposed to do with this information? Will they soon have a "veto" power over a particular product?

Moreover, this mandate will require school districts to redirect their scarce resources from educating children, to compiling and providing information of dubious value. In short, this bill ranks at about the bottom of California's list of public education-reform priorities.

For the foregoing reasons, I request your veto of this bill. If you have any questions concerning this measure, please do not hesitate to contact me.

Very Sincerely,

A handwritten signature in cursive script, reading "Ray Haynes".

**RAYMOND N. HAYNES
Senate Republican Whip**

7.ii. Oppose Letters – Organizations/Local Gov't



1700 I Street, Suite 130, Sacramento, CA 95814 (916) 441-1584 • FAX 916-441-2569

September 12, 2000

The Honorable Governor Gray Davis
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: AB 2260, VETO REQUEST

Dear Governor Davis:

On behalf of the CA Fertilizer Association (CFA), I am writing to request your veto of AB 2260, authored by Assemblyman Kevin Shelley. CFA believes that every sound effort should be made to reduce risks to children's health, however, we do not believe that AB 2260 accomplishes that goal, and may in fact increase health risks to children in schools.

CFA supports the use of sound Integrated Pest Management systems in schools. We believe that the state should work closely with schools to monitor the use and effectiveness of pest management plans. CFA also supports more state-approved training of those individuals who make pesticide recommendations and applications in school settings. We believe these efforts would be helpful in improving pest management systems in schools.

Unfortunately, we do not believe that AB 2260 will accomplish the goal of reducing health risks to children in schools. AB 2260 disregards scientifically established posting guidelines developed through years of testing and already stringent regulatory guidelines established by the Department of Pesticide Regulation. It requires a 72-hour posting schedule, regardless of whether there is any scientific basis for such a requirement. This will result in increased costs to schools already taxed budgets. We are very concerned that AB 2260 will in fact make Integrated Pest Management systems less effective with a biased definition of Integrated Pest Management, and will restrict the ability of professionals to use the best variety of techniques to eliminate pests in an environmentally and economically sound manner. Finally, with the restrictions placed on schools and pest management professionals through AB 2260, we are concerned that children will face an even greater health risk from the pests that we are trying to eliminate. Real and immediate health risks are faced by children from diseases carried by pests like, fleas, roaches, and lice, as well as air borne diseases and illnesses from molds and weeds. We believe that AB 2260 overly restrictive definitions and guidelines for pest management in schools will make it more difficult for schools to safeguard children from these pests.

CFA appreciates Assemblyman Shelley's concern and commitment to reducing health risks to children in schools, however, we do not believe that AB 2260 will accomplish this worthy goal, but will instead result in increased costs to schools and health risks to children. As such, we ask that you veto AB 2260. We thank you for your consideration of our request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Pinel', is written over a horizontal line.

Renee Pinel
Director of Government/Environmental Affairs

1975



2000

25th Anniversary

P. O. Box 3014
Sacramento, CA 95812
530-673-5237

September 12, 2000

The Honorable Gray Davis
Governor of California
State Capitol
Sacramento, California 95814

RE: AB 2260 (Shelley): REQUEST VETO

Dear Governor Davis:

California Women for Agriculture (CWA) is the largest all volunteer agricultural support organization with over 3,500 members in California. CWA joins with other agricultural organizations in requesting you **VETO AB 2260**.

As mothers, the safety of our children is important to each and everyone of us. For that reason, CWA supports policies that protect human health, particularly children's health, and the environment. With regard to the use of pesticides in schools, we support:

- Annual parental notification with prior notification upon request (based on a registry).
- Adoption of integrated pest management (IPM) programs focusing on reduced-risk pest management.
- State leadership in working cooperatively with schools to facilitate the adoption of viable IPM programs.
- State monitoring and evaluation of the effectiveness of school IPM programs.
- State approved training of school employees who recommend and/or apply pesticides.

CWA requests you **VETO AB 2260** (Shelley) for the following reasons:

- **Pesticides used as part of an integrated pest management (IPM) program and when applied by trained professionals result in safer schools for our children.** Regretfully, the definition of IPM found in AB 2260 is biased and impractical, as it prescribes certain types of pest management practices.

Over 3,500 volunteers promoting agriculture through education, legislation and public relations

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The Honorable Gray Davis
September 12, 2000
Page 2

IPM is not a unilateral, single-minded pest management system. Instead, IPM is a balanced approach that employs a variety of techniques to eliminate pests in a safe, economical and environmentally sound manner. Governor, whether you sign or veto AB 2260, we encourage your Administration to sponsor legislation next year that establishes in statute a more universally accepted definition of IPM, e. g., the definition contained in the federal Food Quality Protection Act of 1996 and put forth this year by Assemblywoman Reyes in AB 2796 (which died in the Senate).

- AB 2260 brushes aside many years of careful research, safe practice, and California law. Ignoring the Department of Pesticide Regulation's stringent and advanced regulatory scheme, AB 2260 requires every pesticide application to be posted, no matter how miniscule. This bill requires all application areas to be posted for an inflexible 72 hours, even if the area is safe to enter immediately or shortly after application and when no children may be present, e. g., during summer vacation. There is no scientific basis to warrant either the blanket-posting mandate or the 72-hour posting schedule.
- **The pest is the problem.** AB 2260 would place overly prescriptive requirements on the use of pesticides in schools. In 1999 alone, two northern California schools were closed for an extended period of time because molds were detected in their ventilation systems. Additionally, lice, fire ants, bees, roaches, vectors, weeds, termites and other pests continually threaten the health and safety or economic vitality of our schools. AB 2260 runs contrary to many of the sound principles supported by WCPA and others (outlined above) and as a result could inhibit a school's ability to properly manage pest outbreaks.

AB 2260 places unnecessary and costly burdens on schools' ability to effectively manage pests and it is intended to exploit fears in parents and students. Again, CWA urges you to **VETO AB 2260**. Thank you.

Respectfully submitted,



Barbara LeVake
State Legislative Director



Gateway to Silicon Valley

GOVERNOR GRAY DAVIS
Governor's Office
State Capitol
Sacramento, CA 95814

September 9, 2000

The Milpitas Chamber of Commerce urges you to **VETO AB 2260 (Shelley)** that would create vague and undefined pesticide use policy at school facilities. Definitions proposed are in conflict with federal rules.

Thank You,

THE MILPITAS CHAMBER OF COMMERCE

Frank J. De Smidt
Chairman: Government Affairs Committee

M I L P I T A S C H A M B E R O F C O M M E R C E

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September 12, 2000

The Honorable Gray Davis
Governor of California
State Capitol
Sacramento, California 95814

RE: AB 2260 (Shelley): REQUEST VETO

Dear Governor Davis:

The Western Crop Protection Association (WCPA) is a nonprofit trade association representing manufacturers, formulators, distributors and retailers of crop protection products and services in ten western states, including California.

As a parent and a citizen, the safety of our children is important to me. I can assure you that the people who serve in our association, many of whom are also parents, feel the same as I do about the safety of our children. For that reason, we support policies that protect human health, particularly children's health, and the environment. With regard to the use of pesticides in schools, we support:

- Annual parental notification with prior notification upon request (based on a registry).
- Adoption of integrated pest management (IPM) programs focusing on reduced-risk pest management.
- State leadership in working cooperatively with schools to facilitate the adoption of viable IPM programs.
- State monitoring and evaluation of the effectiveness of school IPM programs.
- State approved training of school employees who recommend and/or apply pesticides.

I am writing you to request that you VETO AB 2260 (Shelley) for the following reasons:

- **Pesticides used as part of an integrated pest management (IPM) program and when applied by trained professionals result in safer schools for our children.** Regretfully, the definition of IPM found in AB 2260 is biased and impractical, as it prescribes certain types of pest management practices. IPM is not a unilateral, single-minded pest management system. Instead, IPM is a balanced approach that employs a variety of techniques to eliminate pests in a safe, economical and environmentally sound manner. Governor, whether you sign or veto AB 2260, we encourage your Administration to sponsor legislation next year that establishes in statute a more universally accepted definition of IPM, e. g., the definition contained in the federal Food Quality Protection Act of 1996 and put forth this year by Assemblywoman Reyes in AB 2796 (which died in the Senate).

- AB 2260 brushes aside many years of careful research, safe practice, and California law. Ignoring the Department of Pesticide Regulation's stringent and advanced regulatory scheme, AB 2260 requires every pesticide application to be posted, no matter how miniscule. This bill requires all application areas to be posted for an inflexible 72 hours, even if the area is safe to enter immediately or shortly after application and when no children may be present, e. g., during summer vacation. There is no scientific basis to warrant either the blanket-posting mandate or the 72-hour posting schedule.
- **The pest is the problem.** AB 2260 would place overly prescriptive requirements on the use of pesticides in schools. In 1999 alone, two northern California schools were closed for an extended period of time because molds were detected in their ventilation systems. Additionally, lice, fire ants, bees, roaches, vectors, weeds, termites and other pests continually threaten the health and safety or economic vitality of our schools. AB 2260 runs contrary to many of the sound principles supported by WCPA and others (outlined above) and as a result could inhibit a school's ability to properly manage pest outbreaks.

Governor, the sponsors of AB 2260 have run a media campaign suggesting that exposure to pesticides on school grounds was the cause of three tragic deaths in the Fontana Unified School District over a five year period. These allegations were raised last year in the context of AB 1207. At that time, I forwarded to you copies of letters from Dr. Thomas Prendergast, MD, San Bernardino County Health Officer and Dr. Robert Krieger, Ph.D., Extension Toxicologist at the University of California Riverside, that refuted those allegations. They are attached for your review. I recently spoke with Dr. Prendergast about these allegations and he assured me that he stands by his previous conclusion. Further, he stated to me that the cause of death in each of the three incidents referenced above was related to inherited, pre-existing medical conditions, including, in one case, a cardiac conduction condition known as "Long QT Syndrome".

AB 2260 places unnecessary and costly burdens on schools' ability to effectively manage pests and it is intended to exploit fears in parents and students. Again, I urge you to **VETO AB 2260**. Thank you.

Respectfully submitted,



Steve Forsberg
President & CEO

cc: Dr. Thomas J. Prendergast, Jr., M.D., MPH
Director of Public Health
County of San Bernardino

February 24, 1998

**Larry Wilkie
Risk Management Office
Fontana Unified School District
9680 Citrus Avenue
Fontana, CA 92335**

Dear Mr. Wilkie:

As we have previously discussed, I have reviewed the deaths of three young women in the Fontana area over a 5-year period. In my opinion the three deaths are not related to each other nor are they related to pesticide use.

I do not believe that the continued use of the pesticides currently employed, when applied according to recommendations, constitutes a health threat to students or others in the community. If I can answer questions/concerns about these issues, I can be reached at (909) 387-6219 and County Vector Control can be reached at (909) 387-4600.

Sincerely,

**Thomas J. Prendergast, Jr., M.D., MPH
Director of Public Health**

TJP:al

**cc: Pamella Bennett, Environmental Health Director
Edouard Layaye, Agricultural Commissioner**

Subject: Daily Bulletin Letter

4/21/98

Dear Editor:

This letter is prompted by questions and expressions of concern to me from University Extension faculty, pesticide applicators, a homeowner, and a commodity group public information staffer about the quality and truthfulness of information presented in Anderson's recent Toxic Legacy series in the Daily Bulletin.. I am a toxicologist, Fellow of The Academy of Toxicological Sciences, and an Extension Toxicologist, University of California, Riverside. My special area of expertise is pesticide chemistry and toxicology, and I direct human exposure studies in the Personal Chemical Exposure Program, Department of Entomology.

I am extremely disappointed in the lack of facts about pesticide use in articles resulting from a "four-month Daily Bulletin investigation" which "involved several hundred interviews, the review of thousands of pages of documents and computer analysis of the data." My remarks are confined to several issues related to pesticides. Information about health effects of pesticides ascribed to unnamed "experts" or "the investigation" is without scientific or regulatory foundation. People who buy and read the Daily Bulletin deserve much better information.

Linkage of human health effects to a neighborhood portrayed as "saturated...with pesticides" is irresponsible. Is there evidence that pesticides in any amount, let alone "saturating" amounts, were present and were absorbed in harmful amounts by people in that area? Readers are not even provided the name(s) of "pesticides" of concern. Just what are they and how does their use result in human exposure in Fontana? Determination of "How much?" is a critically important issue in establishing cause-and-effect relationships in toxicology. Has any "direct evidence" that any pesticide is involved been put forth by any individual or agency? Measurement of levels of pesticides which might effect human health in indoor or outdoor environments is not rocket science--if that question has merit, it can be answered with widely-used and well-established analytical procedures.

Exposure and absorption of trace levels of pesticide [a few millionths of a gram of pesticide per pound of body weight] after home use for flies, ants, fleas or roaches is expected. The low levels absorbed following use of a pesticide in a neighborhood would likely be even less (probably undetectable). Such low levels do not have health effects in humans (or pests) unintentionally or unavoidably exposed.

Chemical technologies including those which provide a bountiful supply of food and beverages, pharmaceuticals (natural and synthetic), industrial process materials, and pesticides are important features of contemporary life. Our institutions and regulatory agencies seem to have chemical technologies under continual evaluation. In the U.S. we routinely regulate miniscule risks--normal pesticide exposures are among them because of their duration and low magnitude.

Most misinformation in the Daily Bulletin articles represent a failure to distinguish hazard (a chemical's ability to produce harmful effects) and risk (the likelihood of a harmful effect resulting from a particular chemical exposure). Hazard-driven assessments and worst-case assumptions usually bear no relation to reality. Uncertainty and fear created by statements in the Bulletin such as "evidence suggesting", "evidence that pesticides contributed", "the link that might have existed", and "signs of what experts say" make me wonder how much time during the "four-month investigation" of the Daily Bulletin. was devoted toward understanding pesticide use practices in Fontana.

Respectfully submitted.

Sincerely,

Robert I. Krieger
Extension Toxicologist, UCR