

7.i. Oppose Letters – Members/Caucus



CALIFORNIA Senate Republican Caucus

AB 405

Sponsors:
CHARLES S. POOCHIGIAN
ASST. REPUBLICAN LEADER
GEORGE RUNNER
CAUCUS CHAIR
DENNIS HOLLINGSWORTH
REPUBLICAN WRAP

POLICY AND FISCAL OFFICE
DICK ACKERMAN, SENATE REPUBLICAN LEADER

SAM AARNSTAD
BOY ASHBURN
JIM BATH
JOHN CAMPBELL
DAVE COX
JEFF DENHAM
ROBERT DUTTON
ABEL MALDONADO
BOB MARGETT
TOM McCLINTOCK
BILL MORROW

September 15, 2005

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of AB 405 (Montanez)

Dear Governor Schwarzenegger:

AB 405 (Montanez) will come before you soon for your signature. I respectfully urge you to veto this measure.

Assembly Bill 405 prohibits the use on a school site of a pesticide that is granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation (DPR) or that is subject to an experimental registration issued by the United States Environmental Protection Agency.

The bill does not require school districts to utilize trained personnel to apply appropriate pest control even though a number of problems resulting from a pesticide exposure are the result of that pesticide being misapplied by an untrained individual.

Products such as disinfectants and sanitizers (which could fall under the provisions of this bill) undergo rigorous testing and must be approved by both the Environmental Protection Agency and Department of Pesticide Regulation before being offered for sale in California. To prohibit the use of conditional registration products that are approved by DPR will only serve to further delay the use of important products in California's schools.

Finally, this bill could include products that have health benefits for children, such as disinfectants which sanitize school cafeterias and classrooms to control the spread of illnesses among children.

For the above reasons, I respectfully request that you veto AB 405.

Sincerely,

DICK ACKERMAN
Senate Republican Leader



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California State Senate

SENATOR
BOB DUTTON
THIRTY-FIRST SENATE DISTRICT

COMMITTEES
VICE-CHAIR
REVENUE & TAXATION
GOVERNMENT MODERNIZATION,
EFFICIENCY & ACCOUNTABILITY
MEMBER:
APPROPRIATIONS
BUDGET & FISCAL REVIEW
EDUCATION
NATURAL RESOURCES & WATER
SELECT COMMITTEE ON
PERCHLORATE CONTAMINATION



September 9, 2005

Governor Arnold Schwarzenegger
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

RE: Request for Veto of AB 405 (Montanez)

I am writing to ask that you to veto AB 405 -- an unnecessary bill that does not rectify, nor address the problem of pesticide misuse. This measure does not require that school districts utilize trained personnel to apply appropriate pest control; however a number of problems resulting from a pesticide exposure are the result of pesticide being misapplied by an untrained individual.

To prohibit the use of conditional registration products that are approved by the California Department of Pesticide Regulations will only serve to further delay the use of these important products in California schools.

For example, products that have health benefits for children, such as disinfectants which sanitize school cafeterias and classrooms, could be prohibited from use.

For all of these reasons mentioned above, I respectfully ask that you veto AB 405.

Sincerely,

BOB DUTTON
State Senator, 31st District

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Assembly
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KEVIN MCCARTHY
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September 19, 2005

Governor Arnold Schwarzenegger
State Capitol, First Floor
Sacramento, CA 95814

RE: RECOMMENDED VETO OF AB 405 (MONTANEZ)

Dear Governor Schwarzenegger:

This letter serves to memorialize a veto request for Assembly Bill 405, which passed the Assembly on September 7, 2005, by a vote of 44 to 31, with 29 members of the Assembly Republican Caucus voting 'No'.

AB 405 prohibits the use at a school site of a pesticide that is granted conditional registration, interim registration or an experimental use permit by the Department of Pesticide Regulation (DPR) and contains a new active ingredient or is intended for a new use.

Pesticides used in California are adequately controlled and managed by existing law. The bill does not require school districts to utilize trained personnel to apply appropriate pest control; however a number of problems resulting from a pesticide exposure are the result of that pesticide being misapplied by an untrained individual. Products, such as disinfectants and sanitizers (which could fall under the provisions of this bill), undergo rigorous testing and must be approved by both the Environmental Protection Agency and DPR before being offered for sale in California.

AB 405 fails to recognize the clear benefits of using disinfectants and other ready-to-use pesticides to help keep schools clean, and reduce the spread of germs that can cause disease. Many household cleaning products, generically referred to as 'antimicrobial' products, are regulated as 'pesticides' under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Pesticides are substances used to prevent, destroy, repel or mitigate any pest ranging from insects, animals and weeds to microorganisms such as fungi, molds, bacteria and viruses. It is because FIFRA defines 'pest' to include viruses, bacteria, and other microorganisms that such antimicrobials fall within the pesticide category.

As such, pesticides include government-registered household bleach, mildew removers, and toilet bowl cleansers to name a few. These products help protect children and adults against serious public health threats, including E. coli, Salmonella, Staphylococcus, Streptococcus, and other microorganisms. They are also essential to effectively controlling and eliminating cockroaches and their feces. Cockroach allergens, bacteria, viruses and other contaminants rid

pests that make children and adults sick, are a significant cause of indoor air problems, spreading infectious diseases and aggravating allergic responses.

These products are properly labeled for safe use and are strictly regulated under federal and state laws. Also, with the enactment of the federal Food Quality Protection Act, the U.S. Environmental Protection Agency does include an assessment of safety to protect children's health in their review and approval of these products. Many pesticides, including disinfectant and sanitizer products, have "conditional" registrations under USEPA. A conditional registration may be granted by USEPA where certain confirmatory data are needed to further substantiate a regulatory decision or fulfill other minor conditions such as label changes.

Before being offered for sale in California, products must be approved by both the EPA and DPR. To gain approval, products are subjected to over 100 tests depending on use. The tests include data requirements for product chemistry, physical and chemical characteristics, toxicology, reentry protection and environmental fate. Registrations are not granted if there are concerns about the safe use of the product. The EPA may classify a registration as conditional for a variety of reasons that have nothing to do with the safe use of a product. While a product that is conditionally registered for administrative purposes could represent a new use or contain a new inert, there is rarely any relationship between the conditions of registration and the new ingredient or use which are put through a rigorous review.

To prohibit the use of conditional registration products that are approved by DPR will only serve to further delay the use of important products in California's schools. This bill could include products that have health benefits for children, such as disinfectants which sanitize school cafeterias and classrooms to control the spread of illnesses among children.

For the reasons stated above, I respectfully request that you veto Assembly Bill 405.

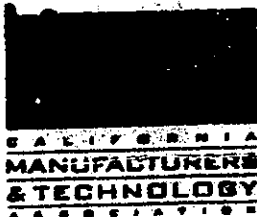
Sincerely,



Kevin McCarthy
Assembly Republican Leader

cc: Richard Costigan

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



AB 405 - 0

September 20, 2005

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: AB 405 (Montanez) - Veto Request

Dear Governor Schwarzenegger:

The California Manufacturers and Technology Association (CMTA) is opposed to AB 405 (Montanez) as amended on September 2, 2005, regarding pesticide use in schools.

If the bill had been amended to exclude the prohibition against the use of conditionally registered disinfectants and sanitizers that do not cause any unreasonable adverse effect on human health or safety and the environment, then we could have supported the bill. Unfortunately, that amendment was not taken.

Many pesticides, including disinfectant and sanitizer products, have "conditional registration" status with the California Department of Pesticide Regulation. The agency considers all available data on the risks associated with a product's use, application methods and rates, and level and extent of potential exposure, prior to issuing a conditional registration. To exclude the use of conditionally registered sanitizers and disinfectants will cause confusion in California schools concerning the use of acceptable products and may jeopardize the health of children and adults if products are not used when warranted.

For the above reason, CMTA is opposed to AB 405 and we respectfully urge you to veto this bill.

Sincerely,


Michael J. Rogge
Director, Environmental Policy

cc: Mr. Richard Costigan, Legislative Secretary, Office of the Governor
Mr. Dennis Albiani, Deputy Legislative Secretary, Office of the Governor



September 14, 2005

The Honorable Arnold Schwarzenegger
Governor
State of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

Re: VETO REQUEST - A.B. 405 (Montanez) - School Pesticide Use

The Clorox Company urges your veto of Bill 405 (Montanez) regarding pesticide use in schools.

Clorox, with world headquarters in Oakland, California, for ninety years manufactures and markets some of the best known brands, including Clorox bleach, Formula 409 and Pine-Sol home cleaning products, Fresh Step cat litter, Kingsford barbecue products, Hidden Valley Ranch salad dressing, Brita water filters, STP and Armor All auto care products, and Glad plastic bags and wraps. We remain strongly committed to understanding the human health and safety and environmental impacts of our products and manufacturing processes, as well as the public health benefits that our products provide.

Clorox had continued to suggest that AB 405 be amended to exclude from the prohibition requirement conditionally registered disinfectants and sanitizers that do not cause any unreasonable adverse effect on human health or safety and the environment. These products are essential in providing schools with a safe and healthy environment.

Disinfectants and sanitizers help protect children and adults against serious public health threats, including E. coli, Salmonella, Staphylococcus, Streptococcus, and other microorganisms. They are also essential to effectively controlling and eliminating cockroaches and their feces. Cockroach allergens, bacteria, viruses and other contaminants and pests that make children and adults sick, are a significant cause of indoor air problems, spreading infectious diseases and aggravating allergic responses.

Many pesticides, including disinfectant and sanitizer products, have "conditional" registrations under the Department of Pesticide Regulation. AB 405 would restrict the use of conditionally registered pesticides in California schools where safe use of the product is not an issue. A conditional registration may be granted by California where certain confirmatory data are needed to further substantiate a regulatory decision or fulfill other minor conditions such as label changes.

Before issuing a "conditional registration," the agency considers all available data on the risks associated with the product's use, as well as the nature and pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the agency makes a thorough health and safety determination showing that use of the product during the period of conditional registration will not cause any unreasonable adverse effect on human health or safety and the environment and use of the product is in the public interest. Otherwise, no registration is issued.

We appreciate the opportunity to express Clorox's concerns regarding AB 405. Please feel free to contact our lobbyist, Ms. Laurie Nelson, 916-446-1111, if you have any questions or if we can provide additional information.

Sincerely,


Victoria Jones
Director, Government Affairs

c: Mr. Dennis Albani, Deputy Legislative Secretary
Ms. Laurie E. Nelson, Randlett/Nelson Associates

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September 20, 2005

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Subject: Request for Veto of AB 405 (Montañez)

Dear Governor Schwarzenegger:

The Consumer Specialty Products Association (CSPA)¹ respectfully requests that you veto AB 405, a bill that (in pertinent part) would prohibit school use of many pesticide products that are granted a conditional registration even if the condition of registration is not related to the safety of the new use or new ingredient.

CSPA supports integrated pest management (IPM) programs such as those created by California's Healthy Schools Act of 2000 that allow appropriate use of products such as disinfectants, insecticidal and/or rodenticidal baits, or other products that are vital to effectively maintaining hygienic and sanitary conditions in school settings. In addition, CSPA supports IPM programs that provide for appropriate use of pesticide products to eliminate wasps and other stinging insects that can pose potentially fatal situations to susceptible children.

However, CSPA opposes AB 405 because the bill ignores the fact that the California Department of Pesticide Regulation (DPR) conducts extensive reviews of *all* pesticides before these products are offered for sale or use in California. These tests include data requirements for product chemistry, physical and chemical characteristics, toxicology, reentry protection and environmental fate. It is a well-established fact that DPR does *not* grant registrations if there are concerns about safety or the safe use of the product.

As a general matter, DPR classifies registrations as "conditional" for a variety of reasons that have *nothing* to do with the safe use of a product. While a product that is conditionally registered for administrative purposes could represent a new use or contain a new active ingredient, there is rarely any relationship between the conditions of registration and the new ingredient or use that are put through DPR's rigorous review process.

¹ CSPA is a voluntary, non-profit national trade association representing more than 250 companies engaged in the manufacture, formulation, distribution, and sale of chemical specialties products for household, institutional, commercial and industrial use. CSPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products. These products are formulated and packaged in many forms and are generally marketed nationally.

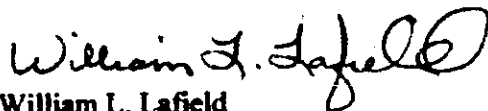
The Honorable Arnold Schwarzenegger
September 20, 2005
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Disinfectant (*i.e.*, antimicrobial) products help sanitize school cafeterias to control the spread of food poisoning and diseases caused by E. coli, Salmonella, Staphylococcus and other microorganisms. These products also are used to disinfect sinks, desktops, bathrooms and locker rooms. Moreover, the prudent use of pest control products is also essential to effectively control and eliminate cockroaches which are acknowledged to be one of the leading triggers for asthma. CSPA is concerned that, if enacted, AB 405 could ban the use of certain disinfectant and pest management products in schools simply because they have received a conditional registration from DPR.

In conclusion, CSPA supports the goal of protecting children in schools. However, we believe that AB 405 could actually increase risks to school children by banning the use of products that provide important health benefits.

For these reasons, CSPA respectfully requests that you veto AB 405.

Respectfully submitted,



William L. Lafield
Vice President, State Affairs and Communications

cc: The Honorable Cindy Montañez
Dennis Albiani, Office of the Governor
Laurie E. Nelson, Randlett / Nelson Associates