

BILL ANALYSIS

SENATE RULES COMMITTEE	AB 2260
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 445-6614 Fax: (916)	
327-4478	

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THIRD READING

Bill No: AB 2260
 Author: Shelley (D), et al
 Amended: 8/30/00 in Senate
 Vote: 21

SENATE ENV. QUALITY COMMITTEE : 9-1, 7/5/00
 AYES: Sher, Alarcon, Alpert, Chesbro, Hayden, McPherson,
 O'Connell, Rainey, Solis
 NOES: Wright

SENATE APPROPRIATIONS COMMITTEE : 9-4, 8/23/00
 AYES: Johnston, Alpert, Bowen, Burton, Escutia, Karnette,
 McPherson, Perata, Vasconcellos
 NOES: Johnson, Kelley, Leslie, Mountjoy

ASSEMBLY FLOOR : 44-32, 6/1/00 - See last page for vote

SUBJECT : Healthy Schools Act of 2000

SOURCE : Californians for Pesticide Reform
 California Public Interest Research Group

DIGEST : This bill establishes the Healthy Schools Act of 2000 to do the following:

1. Require each schoolsite to maintain records of all pesticides used at the site for four years.
2. Allow a schoolsite to meet the requirement in #1 by retaining a copy of a required warning sign posted for each application of a pesticide.

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3. Require school districts to annually provide to staff and parents a written notification of the pesticide products expected to be applied in the upcoming school year.
4. Define, for the purposes of this bill, "integrated pest management (IPM)."
5. Require the Department of Pesticide Regulation (DPR) to establish an IPM program for school districts and to adopt a training program.

Senate Floor Amendments of 8/30/00:

1. Change the term "school facilities" to the term "school site" in order to make the language consistent throughout and to use a more precise term.
2. Add clarifying language to ensure that the use of effective least toxic pest management practices ("integrated pest management") at schoolsites is voluntary and not mandated.
3. Exempt agricultural vocational education programs from the notice and posting requirements of the bill when pesticides are used as part of the course requirements of these programs.

ANALYSIS : Existing law generally requires schools to comply with the environmental protection laws in the same manner as is required of other persons, businesses, institutions and governmental entities. Because of concerns about the health of young children, however, legislation has been enacted in the past that directs or encourages schools to place particular emphasis on preventing the exposure of school children to specific

environmental hazards. Schools are:

1. Directed to ensure that school science laboratories follow proper safety procedures, that outdated chemicals are properly handled and disposed of, and that hazardous materials are properly stored.

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2. Prohibited from purchasing art and craft supplies that contain ingredients found to be toxic by the Office of Environmental Health Hazard Assessment.
3. Required to address environmental problems associated with building and insulation materials that contain asbestos and that are in a loose or friable condition.
4. Required to investigate prospective schoolsites on which new school construction is planned and to take action as required by the state Superfund law when hazardous materials are present on the schoolsite.

This bill does the following:

1. Enacts a definition of the term "integrated pest management." The term, as it applies to schoolsites, refers to strategies for preventing and suppressing pest problems by using non-chemical methods for controlling pest populations to the maximum extent feasible. Chemical pesticides are used as a means of control only after monitoring shows that pest populations have exceeded preestablished thresholds, the pesticides chosen for any given use are those that present the least hazard to human health and they are used in a manner that minimizes risk.
2. Requires DPR to develop a model Integrated Pest Management (IPM) program and guidebook for school districts that voluntarily choose to adopt IPM programs, distribute it to those school districts by July 1, 2001, establish an internet website that contains the guidebook and other IPM information for schoolsites and, in cooperation with the University of California and the state university system, provide training to school district personnel in the use of IPM.
3. Requires schoolsites, when they use any pesticide (except self-contained baits or traps, crack and crevice gels or pastes, unregulated pesticides, or antimicrobials) to do all of the following:

A. Maintain records of the use at the schoolsite for four years.

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B. Post the area to be treated with warning signs containing specified information at least 24 hours before treatment (except in emergencies) and for 72 hours afterward.

C. Notify parents in the annual "notice of parental rights and responsibilities" of pesticide uses that are expected in the coming year. In addition, school districts must (except in emergencies) provide notices to parents at least 72 hours prior to a pesticide use if: (a) the parent requests the notice, or (b) the pesticide use was not included in the annual notice.

Comments :

Purpose of bill . Last year, the author of this bill carried AB 1207, The Healthy Schools Act of 1999. That bill addressed concerns about a range of potential toxic hazards in schools that may pose a threat to the health of school children. The measure contained detailed requirements governing integrated pest management and the use of pesticides in schools, required a study of indoor environments in portable classrooms, required schools to implement a "healthy indoor environmental quality" manual and be certified in its use, imposed, if funding was made available, radon testing requirements and a program for

testing school drinking water for lead, and established a state-level task force to survey environmental problems in schools.

AB 1207 was vetoed by the Governor primarily because he objected to the "overly prescriptive requirements on the use of pesticides on school sites." These requirements, according to the Governor's veto message, were too costly for schools and were "not reasonable or optimal approaches to pest management."

This bill and a second measure, AB 1043 (Shelley), in Senate Appropriations Committee, are reintroductions of the key parts of AB 1207. AB 1043 establishes the basis for a study of indoor air quality of portable classrooms. This bill, AB 2260, is a slimmed down version of the other parts of AB 1207. It addresses the use of pesticides in schools,

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and requires the publication and distribution of a "healthy indoor environmental quality" manual to schools but does not require a detailed program to ensure and certify that schools implement it.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

According to Senate Appropriations Committee:

Fiscal Impact (in thousands)

<u>Major Provisions</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
<u>Fund</u>			
State-mandate (new pesticide handling requirements)	Unknown, major costs	General	
DPR requirements	Unknown, substantial costs	General/ Special*	

* Department of Pesticide Regulation Fund

SUPPORT : (Verified 8/28/00) (Unable to reverify at time of this writing)

Californians for Pesticide Reform (source)
California Public Interest Research Group (source) _
Action Now

Albany Coalition for the Environmental Health
American Academy of Pediatrics
American Cancer Society
American Lung Association of California
American Preventive Medical Association
Bay Coejl - Bay Area Coalition on the Environment and Jewish Life
Beyond Pesticides of Santa Clara County
Biological Urban Gardening Services
Breast Cancer Action
Breast Cancer Fund
Butte Environmental Council
California Federation of Teachers
California League of Conservation Voters
California Medical Association

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California Nurses Association
California Rural Legal Assistance Foundation
California School Employees Association
California Teachers Association
Center for Environmental Health
Center on Race, Poverty and the Environment
Children's Health Environmental Coalition
City of Berkeley
Clean Water Action
Coalition for Clean Air
Coleman Advocates for Youth
Coleman Advocates for Youth
Communities for a Better Environment
Community & Children's Advocates Against Pesticide Poisoning
Community Health Councils
Consumer Attorneys of California

Consumers Union

Earth Communications Office
Earth Island Institute
Ecology House
Environmental Health Association
Environmental Health Association of Los Angeles
Environmental Health Coalition
Environmental Health Project
Environmental Media Association
Environmental Ministries of Southern California
Fearless Foods
Gildea Resource Center Community Environmental Council
Greenaction

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Health and Habitat

Health Council of Marin
 Healthy Children Organizing Project
 Labor/Community Strategy Center
 Latino Network
 Madera County Greens
 Marin Beyond Pesticides Coalition
 Marin Breast Cancer Watch
 Mendocino Cancer Resource Center
 National Brain Tumor Foundation
 Natural Resources Defense Council
 Northcoast Environmental Center
 Oakland Education Association
 Pax Organica
 People's Community Organization for Reform and Empowerment
 Pesticide Action Network
 Pesticide Watch
 Physicians for Social Responsibility - Los Angeles
 Physicians for Social Responsibility - SF Bay
 Sierra Club Arguello Group - Santa Barbara
 Southern California Federation of Scientists
 Sustainable Economic Enterprises of Los Angeles
 Tarzana Treatment Center, Inc.
 Water Keepers
 Willits Environmental Center
 Women's Cancer Resource Center

Planning and Conservation League
Political Ecology Group
Pomona Valley Audubon Society
PTA of California
Safe Air For Everyone
Seven Bridges Cooperative
Sierra Club

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OPPOSITION : (Verified 8/28/00)

Agricultural Council of California

California Chamber of Commerce
California Farm Bureau Federation
Western Crop Protection Association
Western Growers Association

ARGUMENTS IN SUPPORT : According to the Californians for Pesticide Reform (CPR), this bill is based on two concepts:

(1) parents should receive basic information regarding the use of pesticides at their children's schools, and (2) schools should have the information and tools necessary to reduce their pesticide use through effective integrated pest management (IPM) practices.

CPR points out that this bill is a narrower and more specific version of last year's AB 1207, which was vetoed. The changes in AB 2260 are designed specifically to respond to the concerns expressed by the Governor.

CPR strongly believes that the combination of informing interested parents of pest management plans and providing practical information and training to school personnel will lead to reduced use of dangerous pesticides at schools. Already several school districts, including Los Angeles Unified, San Francisco Unified, Ventura Unified, Arcata, Mendocino Unified, and Placer Hill Union, have adopted least-toxic pest management policies that avoid or minimize the use of highly toxic pesticides and instead rely on other techniques like improved sanitation, screens, caulking, inspections, and traps and bait stations.

Finally, this bill is specifically and explicitly limited to schools, because the need to reduce pesticide use in

schools is clear and because pest control experts consistently agree that integrated pest management is readily achievable in institutional settings like schools. There are no provisions of AB 2260 that will have any effect on pesticide use in agriculture or any other setting than schools.

ARGUMENTS IN OPPOSITION : The California Farm Bureau Federation (prior version) is opposed to AB 2260 unless amended. They state their primary concern is with the proposed definition of integrated pest management (IPM) and its placement within the California Food and Agriculture code. Even though the proposed definition is intended to apply only to school facilities, it could be the first action taken by the California Legislature to adopt a definition of IPM. At the very least, they recommend that this definition be moved out of the Food and Agriculture code.

The California Farm Bureau (prior version) further states there are also duplicative and unnecessary notice provisions within the legislation that should be deleted. Finally, other minor amendments may be necessary to further clarify the legislation. _

ASSEMBLY FLOOR :

AYES: Alquist, Aroner, Bock, Calderon, Cardenas, Cedillo, Corbett, Cunneen, Davis, Ducheny, Dutra, Firebaugh, Floyd, Gallegos, Havice, Honda, Jackson, Keeley, Knox, Kuehl, Lempert, Longville, Lowenthal, Machado, Maldonado, Mazzoni, Migden, Nakano, Papan, Romero, Scott, Shelley, Steinberg, Strom-Martin, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wesson, Wiggins, Wildman, Hertzberg
 NOES: Aanestad, Ackerman, Ashburn, Baldwin, Bates, Battin, Baugh, Briggs, Campbell, Correa, Cox, Dickerson, Florez, Frusetta, Granlund,
 House, Kaloogian, Leach, Leonard, Maddox, Margett, McClintock, Olberg, Oller, Robert Pacheco, Rod Pacheco, Pescetti, Reyes, Runner, Strickland, Thompson, Zettel

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****