

BILL ANALYSIS

SENATE RULES COMMITTEE	AB 405
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 405  
 Author: Montanez (D)  
 Amended: 9/2/5 in Senate  
 Vote: 21

SENATE ENV. QUALITY COMMITTEE : 5-2, 6/27/05  
 AYES: Lowenthal, Chesbro, Figueroa, Kuehl, Simitian  
 NOES: Runner, Cox  
 NO VOTE RECORDED: Campbell, Escutia

SENATE FLOOR : 19-15, 8/29/05  
 AYES: Alarcon, Alquist, Bowen, Cedillo, Chesbro, Dunn,  
 Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,  
 Migden, Ortiz, Romero, Simitian, Soto, Speier, Vincent  
 NOES: Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox,  
 Denham, Hollingsworth, Machado, Maldonado, Margett,  
 McClintock, Morrow, Poochigian, Runner  
 NO VOTE RECORDED: Ducheny, Dutton, Murray, Perata, Scott,  
 Torlakson

ASSEMBLY FLOOR : 46-27, 5/19/05 - See last page for vote

SUBJECT : Schools: pesticide use

SOURCE : California Safe Schools

DIGEST : This bill prohibits the use, at a school, of new or experimental pesticides which do not have full registration or testing from state agencies.

CONTINUED

AB 405  
 Page

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2

Senate Floor Amendments of 9/2/05 clarify that the bill does not impose any new labeling requirements and clarifies that a pesticide would be prohibited if it is "for a new use", but exempts conditionally registered pesticides that are approved for other uses that have fulfilled all registration requirements that relate to human health.

ANALYSIS :

Existing Law

1. Authorizes schools to use the least toxic pest management practices that are effective to manage pests at school sites in accordance with the Health Schools Act of 2000. To encourage the implementation of such practices, state agencies are directed to facilitate the adoption of effective, least toxic management practices at school sites.
2. Requires each school site to maintain records of all pesticide use at the school site for a period of four years and to make the records available to the public upon request. A person designated in each school district shall provide written notice of expected pesticide use to all staff and parents or guardians of pupils enrolled at a school on an annual basis. The school district designee must also post warning signs prior to the application of pesticide at a school site.
3. Requires the manufacturer of a pesticide product to obtain a certificate of registration from the Director of the Department of Pesticide Regulation (DPR) prior to sales or use in California. The Director of DPR may refuse to register or may cancel the registration of any pesticide based on the following determination:

- A. The pesticide poses a serious, uncontrolled adverse effect.
- B. The pesticide causes greater detriment than benefit by its use.

AB 405  
Page

3

- C. The pesticide can be replaced by a reasonable, effective, practical and less destructive alternative.
  - D. The pesticide is detrimental to public health and safety when properly used.
- 4.Requires all pesticides registered for use and sale in California to have on file with the DPR a full set of valid mandatory health effects studies that provide DPR with sufficient information to determine whether any pesticide may pose a chronic health effect, such as cancer or reproductive damage.

This bill:

- 1.Prohibits the use of a pesticide on a school site that has been granted a conditional registration, interim registration, or an experimental use permit by DPR in either of the following cases:
  - A. The pesticide is for a new use.
  - B. The pesticide contains a new active ingredient.
- 2.Prohibits the use of a pesticide on a school site if DPR cancels or suspends registration, or requires phase out of use, of that pesticide.
- 3.Prohibits vendors or manufacturers of pesticides that are prohibited for use on a school site, pursuant to the above section, from furnishing those pesticides to school districts either by sale or by gift.
- 4.Exempts pesticide products having full registration from the above listed prohibitions.
- 5.Exempts a pesticide that is granted conditional registration based on a new use if that pesticide had previously received an unconditional or full registration from DPR within the last 15 years, with certain exceptions (e.g., cancellation, suspension).
- 6.Exempts public health pesticides or antimicrobial

AB 405  
Page

4

pesticides registered with DPR. \_

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

SUPPORT : (Verified 9/2/05)

California Safe Schools (source)  
American Federation of State, County and Municipal Employees  
American Lung Association of Los Angeles County  
Asthma & Allergy Foundation of America  
Breast Cancer Fund  
Build it Green  
California Environmental Rights Alliance  
California League of Conservation Voters  
California Medical Association  
California Rural Legal Assistance Foundation  
California School Boards Association  
California State PTA  
California Teachers Association  
Center on Race, Poverty & the Environment  
Clean Water Action  
Coalition for Clean Air  
Comite Pro-Uno  
Environment California  
Learning Disabilities Association of California

Los Angeles Board of Education  
 Los Angeles Unified School District  
 Northwest Coalition for Alternatives to Pesticides  
 Organic Consumers Association  
 Pacoima Beautiful  
 People for Children's Health & Environmental Justice  
 Placer Mosquito Abatement District  
 Planning and Conservation League  
 Sierra Club  
 United Teachers Los Angeles  
 Women's Foundation of California

OPPOSITION : (Verified 9/2/05)

Clorox Company  
 Consumer Specialty Products Association  
 Reckitt Benckiser

AB 405  
 Page

5

Western Plant Health Association  
 Department of Pesticide Regulation

ARGUMENTS IN SUPPORT : The sponsors of this legislation, California Safe Schools, are concerned with the potential exposure of children and school employees to pesticide products that have not been fully registered or which may have missing health effects information or "data gaps." This bill prohibits the use of schools that have been granted a conditional registration, interim registration, or experimental use permit by DPR and the U.S. Environmental Protection Agency. It also prohibits the use of pesticides for which the state or federal agency cancels or suspends the registration for a product, or for which a phase out of its uses exists.

ARGUMENTS IN OPPOSITION : In opposing this bill, Reckitt Benckiser, a consumer products company writes, "Our products 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 California Department of Pesticide Regulations (sic) will only serve to further delay the use of these important products in California's schools." -

ASSEMBLY FLOOR :

AYES: Arambula, Baca, Bass, Berg, Bermudez, Chan, Chu, Cohn, Coto, De La Torre, Dymally, Evans, Frommer, Goldberg, Hancock, Jerome Horton, Shirley Horton, Houston, Jones, Karnette, Klehs, Koretz, Laird, Leno, Levine, Lieber, Montanez, Mullin, Nakanishi, Nation, Nava, Negrete McLeod, Oropeza, Parra, Pavley, Ridley-Thomas, Ruskin, Saldana, Salinas, Strickland, Torrico, Umberg, Vargas, Wolk, Yee, Nunez  
 NOES: Aghazarian, Blakeslee, Calderon, Canciamilla, Cogdill, Daucher, DeVore, Emmerson, Harman, Haynes, Huff, Keene, La Malfa, La Suer, Leslie, Matthews, Maze, McCarthy, Mountjoy, Niello, Plescia, Richman, Sharon Runner, Spitzer, Villines, Walters, Wyland  
 NO VOTE RECORDED: Benoit, Bogh, Chavez, Garcia, Gordon, Liu, Tran

AB 405  
 Page

6

CTW:cm 9/2/05 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

\*\*\*\* END \*\*\*\*

