





California Environmental Protection Agency
Department of Pesticide Regulation

New Laws Address Pesticide Use Near Schools and Child Day Care Facilities

**Martha E. Sánchez
Worker Health and Safety Branch**

DPR's statutory purpose is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management.

Background

- The California Department of Public Health (CDPH) completed a study of the use of certain pesticides near a number of schools in California.
- In developing the regulations, DPR held public workshops at five locations throughout the state. Three separate sessions were held at each location with focused discussions for school administrators; growers and applicators; and parents, teachers and the community.
- Conducted 3 Hearings in 2016:
 - Oxnard (November 15)
 - Tulare (November 16)
 - Salinas (December 1)
- March 16th, 2017 (proposal of regulations with 15 day comment period)
- January 1, 2018 Implementation of regulation

Background

- DPR's evaluation of available data indicates health risk of pesticides to children and other is low
- This evaluation assumes compliance with current requirements
- Children may be disproportionately impacted by unintended drift
- Current requirements for schools vary by county

Responsible parties

- Grower operator of the property to be treated
- Pesticide Applicator
- School Principal
- Day Care Administrator
- County Agricultural Commissioner

CACs may allow pest control business or other person to provide notification on behalf of property operator

Regulations will affect about:

3,500 public K-12 schools and license child day care facilities

2,500 growers

Section 6692(e) – annual notification: recordkeeping

- Property operator must retain notifications for 2 years
- CACs must retain notifications for 1 year



Effective dates

- Jan 1, 2018: application restrictions effective
- April 30, 2018: annual notifications must be submitted for Jul-Jun applications, per Section 6692(a)

Objectives of regulation

- Provide minimum standards for applications near schoolsites
- Provide extra margin of safety in case of unintended drift
- Increase communication between growers and schoolsites
- Provide information to schoolsites for emergency preparedness

Section 6691 – application restrictions: time period of restrictions and responsible parties

- Application restrictions are in effect Mon – Fri, 6am – 6pm based on pesticide and application method
- Property operator and applicator are responsible for ensuring compliance

Summary of regulation

Type of Requirement	<u>Requirement Based on Drift Class</u>		
	Higher	Lower	Negligible
Minimum Distance Between Application and Schoolsite, Mon-Fri, 6:00am-6:00pm	¼ mile	25 feet	None
Annual Notification of Pesticides Expected to be Used Within ¼ mi of Schoolsite	Yes	Yes	Yes

- Grower, schoolsite, and CAC can negotiate agreement that achieves the same or greater level of protection as the regulation
- For fumigations within ¼ mile of a schoolsite, 36 hours must elapse from end of fumigation until classes start, day care opens

Actions school or day care facility could take

- Provide parents and staff copies of notifications
- Public K-12 schools /licensed child day care facilities and growers may develop alternative arrangements that provide equal or more protection than the regulation, but it must be in writing and approved by the CAC.



ANNUAL NOTIFICATION
OF PESTICIDES USED NEAR SCHOOLS AND CHILD CARE CENTERS

Waterloo Elementary
Attn: Ms Shannon Roberson
7007 N. Pezzi Road
Stockton, CA 95215

10/20/2017 1:44:07 PM

This notification is informational only. California regulations require a farmer to provide annual notification of the pesticides expected to be applied to agricultural crops within ¼ mile of a public K-12 school or a licensed child care center (schoolsites). This notification pertains to the farmer listed below. The pesticides listed are expected to be used during the July 1, 2017 – June 30, 2018 period. If a farmer needs to use a pesticide that is not included on the list, schoolsites will be informed at least 48 hours prior to use.

California regulations also prohibit specific pesticide applications to agricultural crops within the following distances of a schoolsite during Monday through Friday, from 6:00 a.m. to 6:00 p.m. which include:

- Applications with potentially higher drift are prohibited within ¼ mile (1,320 feet) of a schoolsite, such as fumigations and applications using aircraft.
- Applications with lower drift are prohibited within 25 feet of a schoolsite, such as most applications using a tractor.
- Applications with negligible drift have no distance requirement, such as applications using a hand sprayer or within a greenhouse.

For additional information on this regulation visit: www.cdpr.ca.gov/xxxxxxx

Farmer contact information:

Operator ID: 3900435	Address: 2219 Sheridan Way
Operator: G: JR100517 Ratto, John	City: Stockton State: CA
Name: John Ratto	Zip: 95207
Email: jratto14@hotmail.com	

Section 6690 – scope and definitions: pesticide applications included

- Regulation includes **pesticide applications for production of an agricultural commodity** within ¼ mile (1,320 feet) of a schoolsite
 - Includes applications of adjuvants and 25(b) pesticides
 - Includes applications to school farms that produce agricultural commodities
 - Excludes non-production agriculture applications
 - Excludes non-agricultural applications

Section 6690 – scope and definitions: definition of schoolsites

- Regulation includes pesticide applications for production of an agricultural commodity within $\frac{1}{4}$ mile (1,320 feet) of a **schoolsite**
 - Public K-12 schools, including publicly-funded charter schools and licensed child day care facilities;
 - Includes defined K-12 school located on a college campus
 - Excludes:
 - Private schools
 - Colleges/universities, even if K-12 students attend
 - Family day care homes, as defined by Health and Safety Code

Healthy Schools Act

- In 2000 the Legislature adopted the Healthy Schools Act. (AB 2260, Chapter 718, Statutes of 2000.) This Act provides that it is the policy of the state “that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites.” (Ed. Code, § 17610.) This law was amended in 2006 to extend the protections to child day care facilities. [Ed. Code, § 17609(f).] The Healthy Schools Act established a system to notify parents and teachers when pesticides are applied on schoolsites as well as requirements for training and pesticide use. The law did not apply to agricultural pesticide applications in close proximity to schoolsites.

Healthy Schools Act Cont.

- In 2002, the Legislature gave county agricultural commissioners authority to adopt county regulations that are more stringent than state regulations, with the approval of DPR's Director. AB 947 (Chapter 457, Statutes of 2002) added section 11503.5 to the FAC. This statute gives county agricultural commissioners authority to adopt a regulation for their county regarding the timing, application method, and notification of pesticide applications within one-quarter mile of a school through a rulemaking process and contingent on DPR's approval.

Section 6690 – scope and definitions: schoolsite areas included

- Includes areas of schoolsite property used by children on weekdays
- Includes other property identified by the commissioners
 - Parks adjacent to schools that are used by schools for recess, sports, etc., particularly if there is a MOU
- Excludes vehicles or bus stops outside property



Section 6690 – scope and definitions: cannabis

- Cannabis that is cultivated for commercial purposes is an agricultural commodity
- FIFRA 25(b) pesticides are not exempted from the regulation
- The regulation applies to cannabis cultivation within $\frac{1}{4}$ mile of a schoolsite
 - Annual notification is required
 - Application restrictions for outdoor cultivation

Section 6691(a-c) – application restrictions: minimum distance

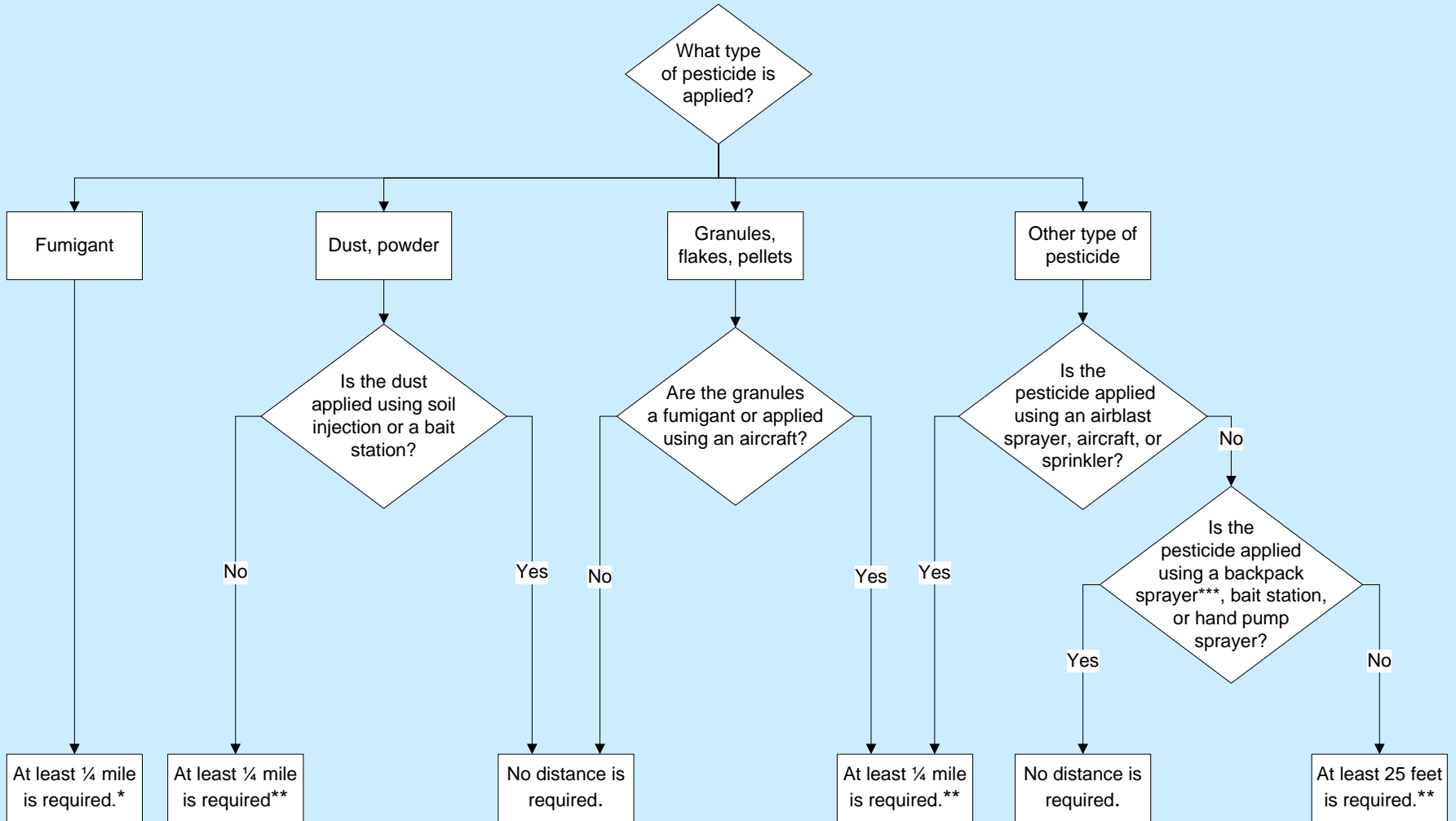
- Minimum distance between application and schoolsite depends on drift potential of application
 - ¼ mi for potentially higher drift applications
 - 25 ft for lower drift applications
 - No minimum distance for negligible drift applications
- Drift potential based on 4 types of pesticides and 9 types of application equipment

Section 6691(a-c) – application restrictions:

- 4 types of pesticides
 - Dust/powder
 - Fumigant
 - Granule/flake/pellet
 - All other pesticides
- 9 types of equipment
 - Airblast sprayer
 - Aircraft
 - Backpack sprayer
 - Bait station
 - Ground-rig sprayer
 - Hand pump sprayer
 - Soil injection
 - Sprinkler chemigation
 - All other equipment



Minimum distance from application to schoolsite, Mon–Fri, 6am–6pm



*No minimum distance is required if classes are not scheduled, child day care facility is closed. However, at least 36 hours must elapse from the end of fumigation until classes start, or child day care facility opens.

**No minimum distance is required if classes are not scheduled, child day care facility is closed, or application occurs within an enclosed space.

***If a backpack sprayer incorporates an airblast sprayer a ¼ mile distance is required.

Section 6691 – application restrictions: exceptions

- 6691(c)(1) – No minimum distance for non-fumigant applications in enclosed spaces (defined in section 6000)
- 6691(d) – No minimum distance when classes are not scheduled for entire day or day care facility is closed for entire day (unless a fumigation)
- 6691(f) – Exception for 3-party agreements that achieve same or greater level of protection as application restrictions

Section 6691(f) – application restrictions: possible situations for 3-party agreements

- Extracurricular/weekend activities
- Non-production ag or non-ag applications
- Non-adjacent schoolsite areas
- Alternate time restrictions
- Unusual application methods
- Enclosed space clarification
- Application-specific notification

Section 6692 – annual notification: overview

- CACs must
 - Verify affected property operators, fields/sites, schoolsites
 - Enforce notification requirements
- Property operators must
 - Identify affected fields/sites
 - Prepare and submit notifications
- Schoolsites should
 - Check schoolsite contact info
 - Verify schoolsite location and boundaries
- All tasks can be accomplished with CalAgPermits

Section 6692(c) – annual notification: means and content of notification

- Notification in writing, can be transmitted electronically
- Notification must include:
 - Summary of regulation and required statements
 - Map showing location of field(s) and schoolsite
 - Grower and CAC contact information
 - National Pesticide Information Center (NPIC) website
 - List of pesticides expected to be used Jul-Jun – information for pesticides not on list must be provided at least 48 hrs prior to use
 - Options available to school/day care facility

Section 6692 – annual notification: notification templates

- Standard template
- Amendment template
- New grower template
- Optional text and additional pesticide list template

- Find on the DPR website

Summary of regulation

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Implementation issues: CalAgPermits

- CalAgPermits
 - Identify affected schoolsites and fields
 - Provide notifications
 - Check compliance with requirements
- CalAgPermits will include separate interfaces for
 - County agricultural commissioner staff
 - Growers/applicators
 - Schoolsites – CalSchoolNotify.org

Implementation issues: CalAgPermits for growers

The screenshot shows a web browser window with the address bar displaying `localhost:60033/Portal.aspx`. The page title is "San Joaquin" and the logo "CalAgPermits" is visible in the top left. A navigation menu includes links for Home, Query, RMP - Op-ID, Pesticide Use Report, Maps, Schools, Admin, and Help. The user is logged in as "calico39" and has access to "Assume Webuser Identity", "Change Password", "Change Q and A", and "Logout".

The main content area is titled "Welcome calico39" and includes a timestamp: "Your current login began at 2:58 PM on 8/17/2017." Below this are several interactive panels:

- PERMITS**: Represented by a notepad and pencil icon.
- NOIS**: Represented by a document icon.
- PURS**: Represented by a document icon with a red stamp.
- MSPURS**: Represented by a calendar icon.
- MAPS**: Represented by a map icon with a compass.
- CONTACTS**: Represented by an email icon.
- SCHOOL NOTIFICATIONS**: Represented by a house icon. It contains the following text: "15 growers need to send due notifications", "26 Schools; 48 Day Care Centers await notifications", and "189 notifications have been sent this year".

The browser's address bar at the bottom shows the URL: `http://localhost:60033/CalAgPermitsMVC/Contact/Index`.

Implementation issues: CalAgPermits for growers

San Joaquin

CalAgPermits

Home Product Lookup PUR/NOI Query RMP - Op-ID Pesticide Use Report Schools Help

Active Permit: You are logged in as: FARIADAIRYINC
 Active Site: Resume my login Change Password Change Q and A Logout

Welcome

Ag PURs

- Enter a new 7 Day Job Report for Commercial Applicators
- Enter a new Monthly Report for Grower Applications

MSPURs

- Enter a new Structural Monthly Summary report (MSPUR)
- Enter a new Non-structural MSPUR
- Enter a new Zero Usage Report

NOIs

- Enter a new Notice of Intent

Permits

Select Permit for viewing

3903431: FARIA DAIRY INC.

View Permit

CEDTS

Upload pre-formatted CEDTS data

Help and Training

- Training Videos **New!**
- FAQs Under Construction

My Licenses and Certifications - FRANK FARIA

License/Cert. #	Type	Expiration	Registered On
No records to display.			

My PUR/NOI Activity

Show Activity

Report Type	Drafts	Submitted	County Entered	Sent to DPR
Ag. Job Reports	View	View	View	View
Ag. Monthly Reports	View	View	View	View
MSPURs	View	View	View	View
NOIs	View	View	View	

School Notifications

- 1 School; 3 Day Care Centers are within ¼ miles
- 5 sites are effected
- 2 Notifications are due**
- 3 Notifications have been sent

Useful Links

- California Department of Pesticide Regulation
 - Pesticide Use Reporting (PUR) Forms
 - Licensing and Certification Program
 - DPR News and Publications
 - Restricted Materials Use Requirements
- CalAgPermits Contact Information
- Contact Tech Support

Implementation issues: CalAgPermits for growers

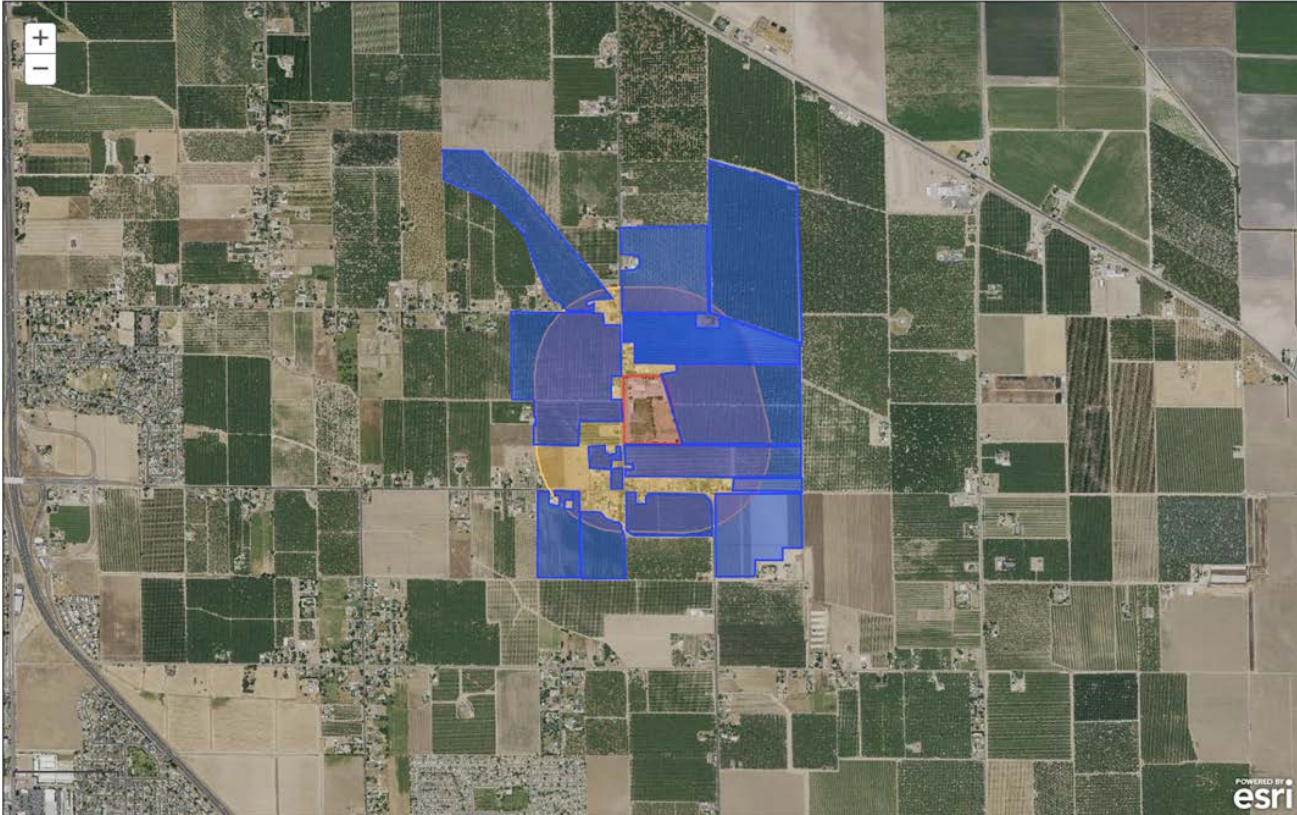
Boundary - NEW HAVEN ELEM X

schoolsdev.calicosol.com/Home/Boundary

Pesticide Use Near Schools and Child Care Facilities

Home | Boundary | Notifications | Information | Growers | How-To | Log Out

Schoolsite Boundary and Buffer Area for NEW HAVEN ELEMENTARY



Show 1/4 mile buffer area

Map Key

The above map shows the location of your schoolsite in red, the 1/4 mile buffer area in yellow, and the field(s) within 1/4 mile of your boundary in blue.

Current Notifications

POWERED BY esri

Implementation issues: CalSchoolNotify.org for schoolsite administrators



Implementation issues: outreach

Schoolsites

- Overview fact sheet for schoolsites and public
- CalSchoolNotify fact sheet for schoolsite administrators

ADDRESSING PESTICIDES USED NEAR SCHOOLS AND CHILD DAY CARE CENTERS

California has adopted regulations that address agricultural pesticide applications near public K-12 schools and licensed child day care centers (collectively referred to as schoolsites). These regulations provide minimum distance standards for certain agricultural pesticide applications near schoolsites and require annual notifications to schoolsites. The goal is to reduce the chances of unintended pesticide exposure to children and increase communication between growers, County Agricultural Commissioners, and schoolsites.

WHO
Schoolsite Administrators
Receive annual pesticide use notification from nearby growers.
County Agricultural Commissioners
Enforce the regulations and answer questions growers.
Follow pesticide use restrictions during set days and times, and provide annual pesticide use notification to Schoolsite Administrators and County Agricultural Commissioners.

WHAT
Pesticide Use Restrictions
Within ¼ mile of a schoolsite, growers cannot make certain types of agricultural applications on Monday through Friday between 6:00 am to 6:00 pm. Some exceptions apply, such as when a schoolsite is closed for the day.
Requests to extend restriction days and times, like during extracurricular activities on the weekend, can be handled through a written agreement between the schoolsite, County Agricultural Commissioner, and grower. The written agreement must achieve the same or greater level of protection as the regulations.
Annual Pesticide Use Notification
Growers must provide written, annual notification of all agricultural pesticides that may be used on fields within ¼ mile of a schoolsite. There are no exceptions.
Included in the notification will be:
• Map of field and schoolsite
• List of pesticides that may be applied
• Contact information for grower and County Agricultural Commissioner
Pesticides not on the annual notification may be used as long as the grower amends the notification at least 48 hours before use.

WHEN
The new regulations take effect on January 1, 2018. Annual pesticide use notifications must be sent to schools by April 30 of every year beginning in 2018. A new grower, through purchase or lease of field, must provide pesticide use notification to schoolsites within 30 days of assuming control of the property, and by April 30 for subsequent years.

HOW
Schoolsite Administrators will have access to a website to verify schoolsite boundaries and to view the annual pesticide use notification(s) provided by grower(s) within ¼ mile of the schoolsite.
If the boundaries of the schoolsite are incorrect, Schoolsite Administrators can redraw them in the website. The County Agricultural Commissioner will review and approve any changes.
Using this website will make it easier to receive annual pesticide use notifications from nearby growers.

QUESTIONS?
County Agricultural Commissioner:
www.cdffa.ca.gov/exec/county/countymap/
Department of Pesticide Regulation:
www.cdpr.ca.gov/schoolnotify/

Contact your local County Agricultural Commissioner's office for questions and additional information.

California Department of Pesticide Regulation

A Factsheet for Schoolsite Administrators REV. 9/28/2017

Growers

- Notification templates
- Training powerpoint
- Grower/applicator fact sheets

Cal SchoolNotify.ORG

ANNUAL NOTIFICATION OF PESTICIDES USED NEAR SCHOOLS AND CHILD CARE CENTERS

Westmorland Union Elementary School Date: 6/28/2017
Attn: Nancy Johnson
200 South C Street
Westmorland, CA 92281
n.johnson@wues.org

This notification is informational only. California regulations require a farmer to provide annual notification of the pesticides expected to be applied to agricultural crops within ¼ mile of a public K-12 school or a child care center (schoolsites). This notification pertains to **Gallo Vineyards Inc.** The pesticides listed are expected to be used during the July 1, 2017 – June 30, 2018 period. If a farmer needs to use a pesticide that is not included on the list, schoolsites will be informed at least 48 hours prior to use.

California regulations also prohibit pesticide applications to agricultural crops within the following distances of a schoolsite during Monday through Friday, from 6:00 a.m. to 6:00 p.m.

- Applications with potentially higher drift are prohibited within ¼ mile (1,320 feet) of a schoolsite, such as fumigations and applications using aircraft.
- Applications with lower drift are prohibited within 25 feet of a schoolsite, such as most applications using a tractor.
- Applications with negligible drift have no distance requirement, such as applications using a hand sprayer or within a greenhouse.

For additional information of this regulation visit: www.cdpr.ca.gov/xxxxxxx

Farmer contact information:

Operator ID: 3900007	Address: 14000 S. WING LEVEE RD		
Operator: GALLO VINEYARDS INC			
Name: SILVEIRA, JOE A	City: STOCKTON	State: CA	
Email: gallo.vineyards@wine.com	Zip: 95206		

Additional information and questions

- **Martha.Sanchez@cdpr.ca.gov**
916-323-2377
- DPR's website: www.cdpr.ca.gov/schoolnotify/
- County Agricultural Commissioner:
951-955-3011