

3. Finance EBR

DEPARTMENT OF FINANCE ENROLLED BILL REPORT

AMENDMENT DATE: August 30, 2000

BILL NUMBER: AB 2260

RECOMMENDATION: Veto

AUTHOR: K. Shelley

SPONSOR: Cal-PIRG

ASSEMBLY: 43/28

SENATE: 24/13

BILL SUMMARY: School Posting: Pesticides

This bill, to be known as the "Healthy Schools Act of 2000", would require: (1) schools to maintain school site records of all pesticide use for a period of four years, provide written notification to parents of pesticide use, and post signs where pesticides have been applied, and (2) the Department of Pesticide Regulation (DPR) to develop a model guidebook regarding integrated pest management (IPM) for school districts, and maintain an Internet site with information regarding pesticides and their ingredients.

FISCAL SUMMARY

AB 2260 would result in State-reimbursable mandated costs of approximately \$33.5 million annually. Activities that would generate these costs include:

- Notifying parents or guardians and staff of pesticide application(s), including notifications within the annual parent notice of information at the beginning of each school year
- Posting requirements at the site(s) of application(s), and associated record-keeping
- Establishing the State's preferred policy for schools with respect to least-toxic pest management

The voluntary adoption of IPM programs by school districts, the provision of appropriate training to school personnel, and the implementation of IPM programs would result in costs to school districts that would not be reimbursable by the State, as these activities would be undertaken at the discretion of school districts.

The DPR indicates that the development of a web site dedicated to this issue could cost \$1 million, with ongoing costs of \$0.1 million to maintain the website. The DPR also indicates that any other costs associated with the implementation of this bill, including manuals, training, and technical assistance, would be absorbed within existing resources.

COMMENTS

Finance recommends veto of this bill for the following reasons:

- This bill would result in reimbursable state-mandated local programs, with costs in excess of \$33.5 million annually.

(Continued)

Analyst/Principal (0331) M. Wilkening	Date	Program Budget Manager Kathryn Radtkey-Gaither	Date
		<i>K. Radtkey-Gaither</i>	9/11/00
Department Director	Date		
<i>[Signature]</i>	9/12/00		

ENROLLED BILL REPORT

Form DF-43 (Rev. 03/95 Pink)

K. Shelley

August 30, 2000

AB 2260

COMMENTS (continued)

- By establishing the State's preferred policy with respect to least-toxic pest management, this bill could result in significant State-reimbursable mandated costs by discouraging local educational agencies from pursuing other methods of pest control.
- Requiring that school districts comply with certain provisions related to pesticide application and notice may expose the State to potential liability for adverse pesticide incidents, or incidents arising from lack of their use.

ANALYSIS**A. Programmatic Analysis**

A 1997 report by the California Public Interest Research Group (Cal-PIRG) indicated that 87 percent of the sampled school districts reported using potentially harmful pesticides. In addition, on March 29, 1999, the California Medical Association recommended that the State implement a least-toxic school pest management program, which would preclude the use of highly toxic pesticides, reduce over-all pesticide use on school grounds, and involve parents in pest management decision making. School districts in California currently use a variety of pest control agents and methods in school facilities.

This bill would establish as state policy that effective least-toxic pest management practices should be the preferred method of managing pests at school facilities. Specifically excluded would be self-contained baits or traps, gel or paste deployed as a crack and crevice treatment, antimicrobial pesticides (sanitizers and disinfectants), emergency pest control measures, and any pesticide exempted from regulation by the United States Environmental Protection Agency.

AB 2260 would do the following:

- Require schools or school districts (except those operated by the California Youth Authority, or those entities signatory to an agreement with the Department of Health Services for vector control) to:
 1. Maintain school site records of all pesticide use for a period of 4 years
 2. Provide written notification to parents or guardians of planned pesticide use
 3. Provide written notification of each pesticide application, if requested by the parent or guardian
 4. Post signs for specified periods of time, containing specific information at locations where pesticides have been, or will be, applied
- Authorize, for schools or school districts that voluntarily choose to do so, the adoption and implementation of a least-hazardous IPM plan and the training of school personnel in the use of that plan.

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K. Shelley

August 30, 2000

AB 2260

ANALYSIS (continued)**A. Programmatic Analysis** (continued)

- Require the DPR to:
 1. Develop least-toxic pest control practices for school districts
 2. By July 1, 2001, promote and facilitate the voluntary adoption of IPM programs for school facilities, including the distribution of a model program guidebook
 3. Develop an IPM training program, as specified, for school district officials
 4. Establish and maintain an Internet web site describing and promoting least-hazardous practices at schools, making the model program guidebook available on that site, links with all appropriate information regarding health and environmental impacts of pesticide active ingredients, and links to assist schools in the proper identification and listing of active ingredients in pesticides
 5. Prepare a school pesticide use reporting form, to be used at least annually beginning on or after January 1, 2002, by persons required to submit pesticide use records

B. Fiscal Analysis

AB 2260 would require school districts to notify parents or guardians, within the annual parent information notice distributed at the beginning of each school year, of planned pesticide use at each school site. This notification would be required to include the name and active ingredients of the product to be used, the intended purpose of each application, the Internet address used to access information on pesticides and other information deemed necessary by the school district designee. Based on the cost of the existing parent notification mandate, and assuming this information could be provided within one page, the annual cost of this notification would be approximately six cents per pupil, or approximately \$0.3 million ($\0.058×6 million). An additional \$34,800 would be incurred annually to provide this notification to staff as well ($\$0.058 \times 600,000$). We would note that it is unclear whether the active ingredient in all pesticides is known to all school districts. To the extent that a notation of "unknown" would not be allowed by this statute, additional costs would likely be incurred to determine and include this information from the DPR's web site.

The bill would further require that if any pesticide not previously noticed was intended for use, each school district would be required to notify parents or guardians. The cost of any additional notification would be mandated by the State. If we assume twenty percent of school districts (twenty percent of all pupils) would be impacted by this provision *only once* and assume one page, then potential annual costs would be approximately \$1.7 million (1.2 million pupils \times $\$0.058$ per page = $\$69,600$; development, reproduction, and addressing of the notice @ approximately $\$1,000$ per school \times $1,660$ schools = $\$1,660,000$).

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AUTHOR

AMENDMENT DATE

BILL NUMBER

K. Shelley

August 30, 2000

AB 2260

ANALYSIS (continued)**B. Fiscal Analysis** (continued)

AB 2260 would allow parents or guardians of enrolled pupils to request to be notified of each pesticide application at least 72 hours in advance of each application. If we assume that the parent or guardian of ten percent of enrolled pupils (ten percent of schools) would make such a request, and we assume an average of 20 pesticide applications per school site per year, then the direct cost of this provision would be \$17.3 million ($\0.058 per page \times 600,000 pupils \times 20 notices = \$696,000; development, reproduction, and addressing of the notice @ \$1,000 \times 20 notices \times 830 schools = \$16,600,000). Additional but less significant costs would be incurred to compile and maintain the list of parents making such a request.

The bill would require school districts to post a specified warning of all pesticide applications. The cost of this posting mandate would be slightly less than costs incurred under the existing Open Meetings Act mandate, for which the State pays the cost of posting an agenda (\$84). Assuming approximately \$70 per posting would be incurred for each of 20 applications would result in costs of \$11.6 million statewide ($\70 per posting \times 20 postings \times 8,300 schools).

The bill also would require that each school site maintain records of all pesticide use for four years, and make those records available to the public upon request. Maintaining these records would require school districts to, at a minimum, retain a copy of the posted pesticide application request a copy of these documents at the school site, and assume clerical time costs of 10 minutes per request at \$30 per hour, then the cost of this provision would be approximately \$2.8 million (80 records \times \$0.15 per record \times 8,300 schools = \$99,600 for storage; 300,000 requests \times \$5 clerical time ($\$30/6$) = \$1.5 million; 300,000 \times \$0.05 cents per copy \times 80 records = \$1.2 million).

By declaring least-toxic pest management to be the preferred state policy for school districts, this bill would effectively discourage school districts from whatever different method of pest control may currently be utilized. In addition, the State could be liable for the "mandated" costs of implementing and operating IPM programs.

For schools that voluntarily choose to do so, this bill would encourage them to establish and implement an IPM program and train their staff. Assuming statewide participation and that an average school district has ten persons that would be required to receive some kind of training pursuant to this bill, 10,550 people would need this training (10 \times 1,055 school districts), at a cost of \$1.5 million annually (10,550 \times \$140 per day, based on classified staff professional development costs). These costs would not be reimbursable by the State.

The DPR indicates that the development of a web site dedicated to this issue could cost \$1 million, with ongoing costs of \$0.1 million to maintain the website. The DPR also indicates that any other costs associated with the implementation of this bill, including manuals, training, and technical assistance, would be covered within existing resources.

BILL CHAMBERLAIN'S 2000 BELL REPORT - CONTINUED

AUTHOR

AMENDMENT DATE

**ISSUE NO. AND
BILL NUMBER**

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August 30, 2000

AD 2268

Code/Department Agency or Revenue Type	SO LA CG RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code	
				2000-2001	2001-2002	2002-2003		
				FC	FC	FC		
1930/Parishwide Reg	SO	No	C	\$1,000	C	\$100	C	\$100 0001
6398/St Mand K-12	LA	Yes		-	C	\$33,739	C	\$33,739 0001

SUGGESTED VETO MESSAGE

AB 2260

(as amended August 30, 2000)

I am returning Assembly Bill No. 2260 without my signature.

A significant number of responsible school districts in the State have already adopted pest management practices designed to reduce reliance on pesticides, and many of these districts also make information regarding their pesticide use available to the public. The State should take an active role in encouraging additional school districts to consider implementation of similar practices, not only from a health-related perspective, but also as a cost-saving measure.

However, AB 2260 would result in state-mandated costs in excess of \$33.5 million annually to accomplish these goals. The bill would mandate the method by which schools must inform the public of planned pesticide use, and would require all schools to post notices of pesticide applications, regardless of whether or not schools already undertake these activities. Additionally, by doing so, this bill may expose the State to potential liability for adverse pesticide incidents, and I am therefore unable to support this measure.