



California Environmental Protection Agency
Department of Pesticide Regulation

Regulation to Address Pesticide Use Near Schools and Child Day Care Facilities

November 2017

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

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 preparedness



Estimated Timeline

- September 2017: DPR submitted regulation to Office of Administrative Law for review
- November 2017: Office of Administrative Law approves regulation
- January 1, 2018: Regulation is effective, except notification requirements for new grower effective 4/1/18

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: ¼ mile

- Regulation includes pesticide applications for production of an agricultural commodity within ¼ mile (1,320 feet) of a schoolsite
 - Distance measured from treated area to areas of schoolsite property used by children on weekdays
 - Distance can be measured from part of a field
 - Normally use horizontal distance, but can account for unusual topography

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
 - Excludes private schools
 - Excludes colleges/universities, even if K-12 students attend
 - Includes defined K-12 school located on a college campus
 - Licensed child day care facilities, except family day care homes, as defined by Health and Safety Code

Section 6690 – scope and definitions: child day care facilities included

Facility Type	Facilities Included Based on Status				
	Licensed	On Probation	Pending	Inactive	Closed
Day Care Center	Yes	Yes	Will be*	Will be*	No
Day Care Center – III Center	Yes	Yes	Will be*	Will be*	No
Infant Center	Yes	Yes	Will be*	Will be*	No
School Age Day Care Center	Yes	Yes	Will be*	Will be*	No
Family Day Care Home	No	No	No	No	No

*Annual notification must be provided and application restrictions effective when licensed.

Section 6690 – scope and definitions: schoolsite areas included

- Includes areas of schoolsite property used by children on weekdays
- Includes other similar areas identified by county agricultural commissioner (CAC), such as
 - 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



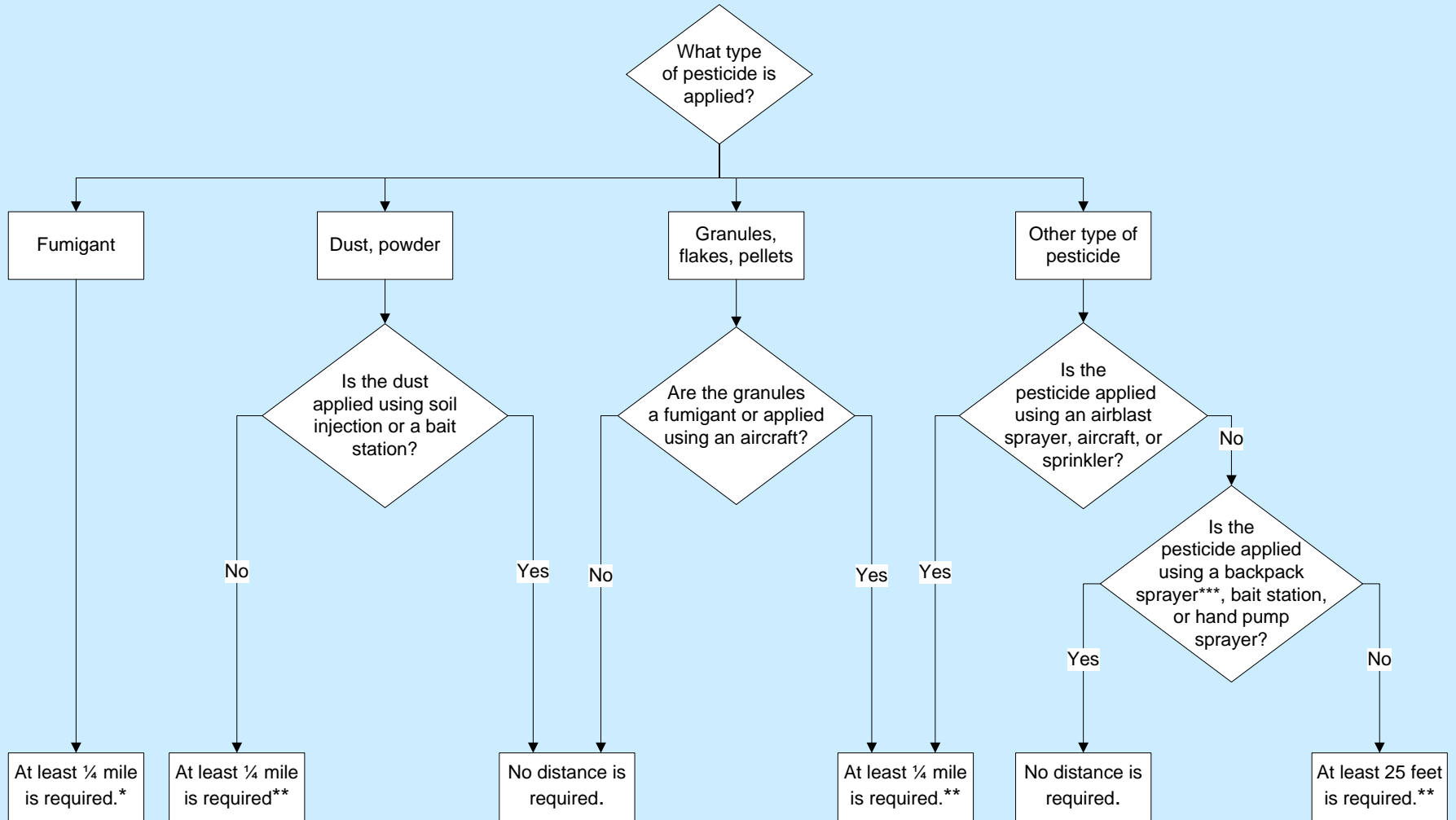
Proposed minimum distance from application to schoolsite, Mon – Fri, 6:00 am – 6:00 pm

Application Equipment Type	<u>Minimum Distance</u>			All Other Pesticides
	Dust	Fumigant	Granule	
Airblast Sprayer	1/4 mile	Labels prohibit	No apps	1/4 mile
Aircraft	1/4 mile	Labels prohibit	1/4 mile	1/4 mile
Backpack Sprayer	1/4 mile	Labels prohibit	None	None
Bait Station	None	Labels prohibit	None	None
Ground-Rig Sprayer	1/4 mile	1/4 mile	None	25 feet
Hand Pump Sprayer	1/4 mile	1/4 mile	None	None
Soil Injection	None	1/4 mile	None	25 feet
Sprinkler Chemigation	No apps	1/4 mile	No apps	1/4 mile
All Other Equipment	1/4 mile	1/4 mile	None	25 feet



No minimum distance if application in enclosed space (unless fumigant), or no classes scheduled, day care closed

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.

Other Proposed Application Restrictions

- For fumigant applications within $\frac{1}{4}$ mile of a schoolsite, 36 hours must elapse from end of fumigation until classes start, day care opens
- Grower, school principal or day care administrator, and CAC can negotiate a written agreement that achieves the same or greater level of protection as the regulation
- Airblast sprayer includes equipment with a pump that delivers spray into an air stream created by a fan



From Virginia Tech



From Ontargetspray.com

Proposed notification

- **Grower must provide annual notification to schoolsites within ¼ mile and CAC by Apr 30 and 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**
- **Grower retains notifications for 2 years, CAC for 1 year**

Proposed Notification Requirements for New Growers/Property Operator Changes

- New growers must provide notification within 30 days of assuming control of property and at least 48 hours prior to use
- Notification includes list of expected pesticides through **June 30 of following year**, for example:
 - If assume control on 11/29/18 and notification provided on 12/29/18, list includes pesticides for 12/31/18 through 6/30/19, a 6-month period
 - If assume control on 1/1/19 and notification provided on 1/1/19, list includes pesticides for 1/3/19 through 6/30/20, an 18-month period

Summary of proposed 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	1/4 mile	25 feet	None
Annual Notification of Pesticides Expected to be Used Within 1/4 mi of Schoolsite	Yes	Yes	Yes



The End