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 schools/sites
- Provide extra margin of safety in case of unintended drift
- Increase communication between growers and schools/sites
- Provide information for emergency 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 ¼ 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
<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Facilities Included Based on Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Licensed</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>Yes</td>
</tr>
<tr>
<td>Day Care Center – Ill Center</td>
<td>Yes</td>
</tr>
<tr>
<td>Infant Center</td>
<td>Yes</td>
</tr>
<tr>
<td>School Age Day Care Center</td>
<td>Yes</td>
</tr>
<tr>
<td>Family Day Care Home</td>
<td>No</td>
</tr>
</tbody>
</table>

*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**

<table>
<thead>
<tr>
<th>Application Equipment Type</th>
<th>Dust</th>
<th>Fumigant</th>
<th>Granule</th>
<th>All Other Pesticides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airblast Sprayer</td>
<td>¼ mile</td>
<td>Labels prohibit</td>
<td>No apps</td>
<td>¼ mile</td>
</tr>
<tr>
<td>Aircraft</td>
<td>¼ mile</td>
<td>Labels prohibit</td>
<td>¼ mile</td>
<td>¼ mile</td>
</tr>
<tr>
<td>Backpack Sprayer</td>
<td>¼ mile</td>
<td>Labels prohibit</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Bait Station</td>
<td>None</td>
<td>Labels prohibit</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Ground-Rig Sprayer</td>
<td>¼ mile</td>
<td>¼ mile</td>
<td>None</td>
<td>25 feet</td>
</tr>
<tr>
<td>Hand Pump Sprayer</td>
<td>¼ mile</td>
<td>¼ mile</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Soil Injection</td>
<td>None</td>
<td>¼ mile</td>
<td>None</td>
<td>25 feet</td>
</tr>
<tr>
<td>Sprinkler Chemigation</td>
<td>No apps</td>
<td>¼ mile</td>
<td>No apps</td>
<td>¼ mile</td>
</tr>
<tr>
<td>All Other Equipment</td>
<td>¼ mile</td>
<td>¼ mile</td>
<td>None</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

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

What type of pesticide is applied?

- Fumigant
- Dust, powder
- Granules, flakes, pellets
- Other type of pesticide

Is the dust applied using soil injection or a bait station?

- No
- Yes

At least ¼ mile is required.*

Are the granules a fumigant or applied using an aircraft?

- Yes
- No

No distance is required.

Is the pesticide applied using an airblast sprayer, aircraft, or sprinkler?

- Yes
- No

At least ¼ mile is required.**

Is the pesticide applied using a backpack sprayer, or bait station, or hand pump sprayer?

- Yes
- No

At least 25 feet is required.***

*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 ¼ 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

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>Requirement Based on Drift Class</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Distance Between Application and Schoolsite, Mon-Fri, 6:00am-6:00pm</strong></td>
<td>• Higher: ¼ mile</td>
</tr>
<tr>
<td><strong>Annual Notification of Pesticides Expected to be Used Within ¼ mi of Schoolsite</strong></td>
<td>• Yes</td>
</tr>
</tbody>
</table>
The End