



California Environmental Protection Agency  
Department of Pesticide Regulation

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

October 2016

# Outline

- Background
- Proposed regulation  
(Title 3, California Code of Regulations, sections 6690-6693)
  - Scope (Section 6690)
  - Application restrictions (Section 6691)
  - Annual notification (Section 6692)
  - Application-specific 48-hour notification (Section 6693)
- Actions school/day care could take
- Timeline and summary

# Purposes of proposed regulation

- Provide minimum standards for agricultural pesticide applications near schools and day care facilities
- Provide an extra margin of safety in case of unintended drift or problem applications occur – reduce acute exposures to children from unintended drift
- Increase communication between growers and schools/day care facilities
- Provide information to schools and day care facilities in preparing for and responding to pesticide emergencies

# Scope of proposed regulation

- **Pesticide applications included:** applications for production of an agricultural commodity within ¼ mile (1,320 feet) of a schoolsite
- **Schoolsites included:** same as Healthy Schools Act
  - Public K-12 schools
  - Licensed child day care facilities, except family day care homes
- **People included:**
  - Grower (operator of the property to be treated)
  - Pesticide applicator
  - Principal of school
  - Administrator of child day care facility
  - County agricultural commissioner (CAC)

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# Proposed application restrictions – distance between applications and schoolsite

- Production ag applications are prohibited within a minimum distance of a schoolsite, Mon – Fri, 6:00 am – 6:00 pm
- Minimum distance varies with type of application equipment and type of pesticide
  - 9 types of application equipment
  - 4 types of pesticides
- Grower and applicator shall assure distance is:
  - At least ¼ mile (1,320 feet) for potentially higher drift applications
  - At least 25 feet for lower drift applications
  - No minimum distance for negligible drift applications

# 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	¼ mile	Labels prohibit	No apps	¼ mile
Aircraft	¼ mile	Labels prohibit	¼ mile	¼ mile
Backpack Sprayer	¼ mile	Labels prohibit	None	None
Bait Station	None	Labels prohibit	None	None
Ground-Rig Sprayer	¼ mile	¼ mile	None	25 feet
Hand Pump Sprayer	¼ mile	¼ mile	None	None
Soil Injection	None	¼ mile	None	25 feet
Sprinkler Chemigation	No apps	¼ mile	No apps	¼ mile
All Other Equipment	¼ mile	¼ mile	None	25 feet

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

## 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



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# Proposed annual notification

- Grower provides **annual notification** in writing to schoolsites within  $\frac{1}{4}$  mile of all expected applications
- Notification includes:
  - Summary of regulation and required statements
  - Map showing location of field(s) and school
  - Grower and CAC contact information
  - National Pesticide Information Center (NPIC) website
  - List of pesticides expected to be used – no exclusions
  - Options available to school/day care facility
- Grower provide copies to CAC and retains notifications for 2 years

# Proposed 48-hour notification for applications within ¼ mile of schoolsite, Mon – Fri, 6:00 am – 6:00 pm

Application Equipment Type	48-hour Notification Required			
	Dust	Fumigant	Granule	All Other Pesticides
Airblast Sprayer	NA	NA	NA	NA
Aircraft	NA	NA	NA	NA
Backpack Sprayer	NA	NA	No	No
Bait Station	No	NA	No	No
Ground-Rig Sprayer	NA	NA	No	Yes
Hand Pump Sprayer	NA	NA	No	No
Soil Injection Equipment	No	NA	No	Yes
Sprinkler Chemigation	NA	NA	NA	NA
All Other Equipment	NA	NA	No	Yes

- No 48-hour notification if application in enclosed space, no classes scheduled, day care closed

# Proposed 48-hour notification

- Grower/applicator must provide notification in writing to schoolsites, and copies to CAC
- Notice of intent (NOI) for a restricted material may be used for 48-hour CAC notification
- Grower/applicator must make application within 4 days or new notification
- Option for grower, school/day care facility, and CAC to negotiate alternative notification requirements
- Grower retains notifications for 2 years

# Proposed 48-hour notification content

- Summary of notification requirements
- Grower and CAC contact info
- Map
- NPIC website
- Pesticide(s) and indication if pesticide was not included in annual notification
- Number of acres
- Method of application
- Earliest date of intended application

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## **Actions school or day care facility could take**

- Provide parents and staff copies of annual and 48-hour notifications using same method as Healthy Schools Act
- Designate up to 2 employees to receive notifications, in addition to principal/day care administrator
- Waive right to 48-hour notifications
- Negotiate an agreement with grower and CAC
  - Alternative application-specific notification requirements
  - Alternative application restrictions that achieve the same or greater level of protection as the regulation

# Estimated timeline

- Public hearings
  - November 15, 2016 in Oxnard
  - November 16, 2016 in Tulare
  - December 1, 2016 in Salinas
- December 9, 2016: Public comment period ends
- Spring 2017: Possible 2<sup>nd</sup> comment period
- July 2017: Regulation submitted to Office of Administrative Law for review
- September 2017: Regulation becomes effective



# 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	¼ mile	25 feet	None
Annual Notification of Pesticides Expected to be Used Within ¼ mi of Schoolsite	Yes	Yes	Yes
48-hr Notification of Applications Within ¼ mi of Schoolsite, Mon-Fri, 6:00am-6:00pm	No (not applicable)	Yes	No

# Summary of proposed regulation (not to scale)

## Within ¼ mi of schoolsite

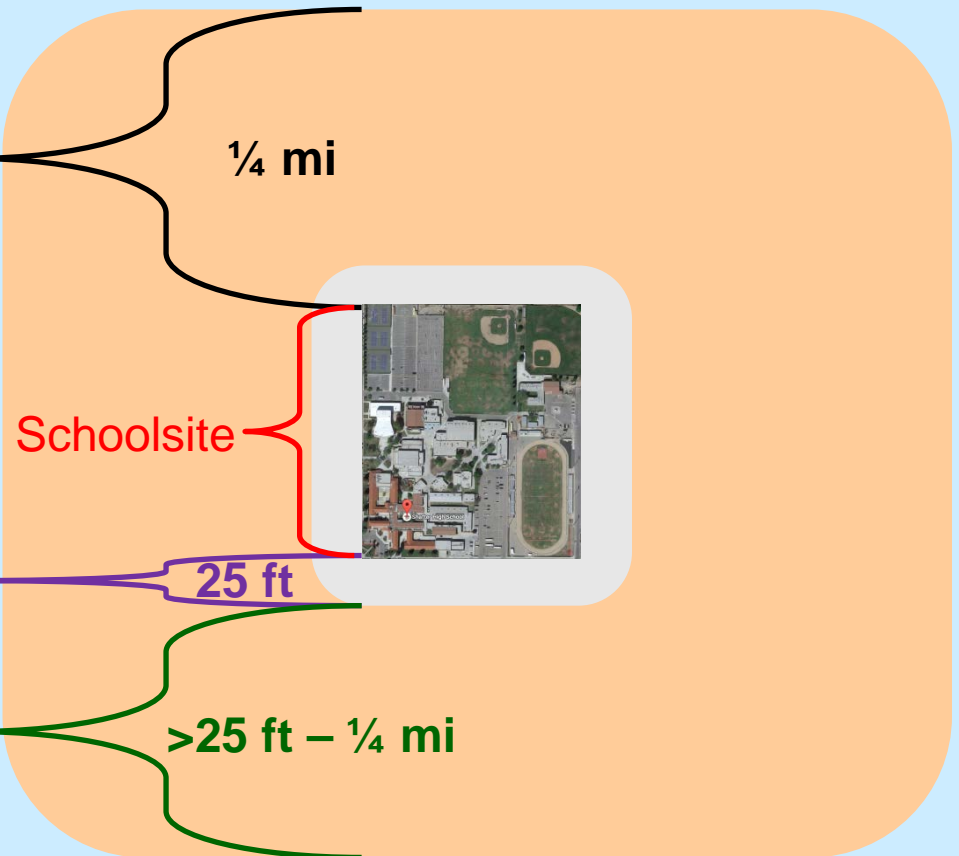
- Annual notification of expected pesticides
- Prohibition of higher drift applications Mon-Fri, 6:00am-6:00pm

## Within 25 ft of schoolsite

- Prohibition of lower drift applications Mon-Fri, 6:00am-6:00pm

## Between >25 ft and ¼ mi

- 48-hr notification of lower drift applications Mon-Fri, 6:00am-6:00pm



**No prohibitions or 48-hr notification for negligible drift applications**

# Additional information and submitting comments

- Additional information is available at <http://www.cdpr.ca.gov/docs/legbills/rulepkgs.htm>
- [www.cdpr.ca.gov](http://www.cdpr.ca.gov)
  - “Quick Links”
  - “Regulations”
  - “Proposed and Recently Adopted Regulations”