

Assembly Bill No. 1864

CHAPTER 552

An act to add Article 17.5 (commencing with Section 13189) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to pesticides.

[Approved by Governor September 25, 2024. Filed with
Secretary of State September 25, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1864, Connolly. Pesticides: agricultural use near schoolsites: notification and reporting.

(1) Existing law authorizes the agricultural commissioner of a county to adopt regulations applicable in the county that are supplemental to those of the Director of Pesticide Regulation that govern the conduct of pest control operations and records and reports of those operations. Existing law authorizes the commissioner to adopt regulations on the agricultural use of any pesticide for agricultural production within $\frac{1}{4}$ mile of a school with respect to the timing, notification, and method of application. Existing regulations restrict specified applications of pesticides made for the production of an agricultural commodity within $\frac{1}{4}$ mile of a schoolsite.

This bill would require the Department of Pesticide Regulation to require a separate site identification number for the portion of an agricultural field that lies within $\frac{1}{4}$ mile of a schoolsite. The bill would also require the department, for permit applications for agricultural use of pesticides designated as restricted materials, notices of intent for use of a pesticide designated as a restricted material, and pesticide use reporting forms and procedures, as they pertain to an agricultural field of which any portion lies within $\frac{1}{4}$ mile of a schoolsite, to require reporting on the specific method, or the specific anticipated method, of applying the pesticide, as applicable, and certain information relating to the dates and times of the pesticide application, as applicable, as specified. The bill would require the director, in evaluating a county's pesticide use enforcement program, to evaluate the county's effectiveness in enforcing specified laws and regulations regarding applying pesticides near schoolsites. The bill would require the director, on or before December 31, 2026, to expand the scope of specified related regulations to also apply to private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of 6 or more pupils. The bill would require the department and the county agricultural commissioners to use private school directory information and maps available on the internet website of the State Department of Education to determine the location of private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of 6 or more pupils.

The bill would exempt a school conducted in a person's residence from these provisions.

(2) Existing law, unless a different penalty is expressly provided, makes a violation of the Food and Agricultural Code a crime.

By expanding the duties of county agricultural commissioners, and by expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Article 17.5 (commencing with Section 13189) is added to Chapter 2 of Division 7 of the Food and Agricultural Code, to read:

Article 17.5. Pesticide Use Near Schoolsites

13189. For purposes of this article, "schoolsites" has the same meaning as defined in Section 6690 of Title 3 of the California Code of Regulations.

13189.1. To enable accurate reporting and enforcement of Sections 6690 to 6692, inclusive, of Title 3 of the California Code of Regulations, the department shall do all of the following:

(a) Require a separate site identification number for the portion of an agricultural field that lies within one-quarter mile of a schoolsite.

(b) For a permit application for agricultural use of a pesticide designated as a restricted material, as it pertains to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, require reporting on the specific anticipated method of applying the pesticide as specified in Section 6691 of Title 3 of the California Code of Regulations.

(c) For a notice of intent for use of a pesticide designated as a restricted material, as it pertains to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, require reporting on both of the following:

(1) The specific method of applying the pesticide as specified in Section 6691 of Title 3 of the California Code of Regulations.

(2) The allowable dates and times of the period during which the pesticide is to be applied.

(d) For pesticide use reporting forms and procedures, as they pertain to an agricultural field of which any portion lies within one-quarter mile of a schoolsite, require reporting on both of the following:

(1) The specific method of applying the pesticide as specified in Section 6691 of Title 3 of the California Code of Regulations.

(2) The exact date and time of the start and the end of the pesticide application.

13189.2. In evaluating a county's pesticide use enforcement program, the director shall evaluate the county's effectiveness in enforcing Sections 6690 to 6692, inclusive, of Title 3 of the California Code of Regulations and this article.

13189.3. On or before December 31, 2026, the director shall adopt regulations to revise Sections 6690 to 6692, inclusive, of Title 3 of the California Code of Regulations to additionally apply those provisions to private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils.

13189.4. (a) The department and the county agricultural commissioners shall use private school directory information and maps available on the internet website of the State Department of Education to determine the location of private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of six or more pupils.

(b) An operator of property or applicator who uses the information or maps described in subdivision (a) for purposes of complying with the requirements of this chapter, or the regulations implementing this chapter, shall not be considered in violation of those requirements if the information or maps used by the operator or applicator were inaccurate or out of date and the operator's or applicator's actions that would otherwise be considered in violation of those requirements are solely the result of using the inaccurate or out-of-date information or maps.

13189.5. This article does not apply to a school conducted in a person's residence.

13189.6. This article does not restrict the department's authority to amend Sections 6690 to 6692, inclusive, of Title 3 of the California Code of Regulations to the extent that those amendments are consistent with this article.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7

(commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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