



AB 2362 (Chu)

Right to Know: Pesticide Notification in HOAs

Home Pesticide Use and Health

According to the United States Environmental Protection Agency, over-the-counter liquid or aerosol pesticides are used in nearly 3 out of every 4 homes in the U.S. each year.ⁱ While the manufacture of these common household pesticides—such as Raid—is carefully regulated, their use by consumers is not. The misuse of pesticides in homes is linked to serious health concerns including acute and persistent injury to the nervous system, injury to reproductive systems, respiratory problems such as asthma, birth defects, and cancer. The American Association of Poison Control Centers 2013 annual report states that over 90% of the more than 84,000 reports of pesticide exposure occur in the home. About 35,000 (42%) of these exposure incidents involve children.ⁱⁱ Children are particularly vulnerable because their bodies are still developing and are more likely to be exposed to pesticides by touching floors and other surfaces where pesticide residues are found or by inhalation because, pound-for-pound, children breathe more air than adults. Senior and the disabled are also particularly vulnerable to pesticide exposure.

The best way to reduce the risk of unwanted health impacts is to actively take precautions to avoid exposure to pesticides. The challenge for many

living in Common Interest

Developments – more commonly known as homeowner associations (HOAs) - is that because associations can make unilateral decisions about the application of pesticides on properties, residents have little knowledge of or control over the risks.

Existing Law

The California Structural Pest Control Act requires that licensed pest control professionals provide owners, property managers, and occupants with written notification before a pesticide application. The notice must include basic information about the targeted pest, the pesticide used, the frequency of its use, and basic health and safety information, including symptoms of exposure and local emergency contact information.ⁱⁱⁱ This notification ensures everyone is aware of pesticide use in their homes and gives them the opportunity to take precautionary measures to minimize the risk of pesticide exposure.

The Problem

Landlords, property managers, and HOAs often decide to address pest problems without the services of a licensed professional, instead opting to use over the counter pesticide products sold at local stores such as aerosol sprays and foggers or “bug bombs.”

These pesticides, if misused, can present similar health risks to residents as commercially applied pesticides.

Last year, Governor Brown signed SB 328 (Hueso), which requires landlords to provide tenants with similar notification of pesticide use if a landlord or property manager applies store-bought pesticides on their own. However, because of their unique legal structure, SB 328 does not apply in the context of HOAs. Therefore, those living in a condominium or townhouse, for example, are not afforded the same right to be notified when pesticides are applied by a non-licensed professional as tenants in an apartment building.

The Solution

AB 2362 would mirror SB 328 for HOAs. The legislation would ensure a resident of an HOA would have the right to know about pesticide use and take precautionary measures against pesticide exposure, whether the pesticide is applied by a licensed professional or the HOA. This bill would require HOAs to provide residents with notification of the pest being targeted, the pesticide being used, the approximate date, time, and frequency of use, symptoms of pesticide poisoning, and emergency poison control contact information before they apply store-bought pesticides.

Support

California Association of Code Enforcement Officers (Sponsor)
Center for California Homeowner Association Law (Sponsor)

Regional Asthma Management and Prevention (Sponsor)

^{i i} U.S. EPA Pesticide Industry Sales and Usage: 2006 and 2007 Market Estimates.

http://www.epa.gov/opp00001/pestsales/07pestsales/market_estimates2007.pdf

ⁱⁱ American Association of Poison Control Centers. 2013 Annual Report of the American Association of Poison Control Centers' National Poison Data System (NPDS).

https://aapcc.s3.amazonaws.com/pdfs/annual_reports/2013_NPDS_Annual_Report.pdf

ⁱⁱⁱ Business and Professions Code §8538 and California Code of Regulations §1970.4