



SB 328 (Hueso) Tenant's Right to Know: Pesticide Use

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.

The best way to reduce the risk of unwanted health impacts is to actively take precautions to avoid exposure to pesticides. The problem for many renters is that because landlords make decisions about the application of

pesticides in their homes, they have little knowledge of or control over the risks.

The Problem

The California Structural Pest Control Act requires that licensed pest control professionals provide owners, property managers, and tenants 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 tenants are aware of pesticide use in their homes and gives them the opportunity to take precautionary measures to minimize the risk of pesticide exposure.

However, landlords and property managers 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.” While these pesticides, if misused, can present similar health risks to tenants as commercially applied pesticides, current law does not require owners or property managers to notify tenants of such pesticide use. As a result, tenants who are not informed of pesticide use in their

home are put at risk of unhealthy exposure to harmful pesticides and are not afforded the right to take precautionary measures to avoid unwanted pesticide exposure.

The Solution

SB 328 would ensure a tenant's right to know and take precautionary measures against pesticide exposure, whether the pesticide is applied by a licensed professional, a landlord, or property manager. This bill would require landlords and property managers to provide tenants 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.

Landlords already must notify and get consent from tenants to enter a rental unit. Adding a simple notification to this required landlord-tenant communication process when pesticides are to be applied will standardize the information shared, ensure tenants are fully aware of the pesticide products used in their homes, and allow tenants to take any needed precaution to avoid pesticide exposure.

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^{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