September 3, 2026

Dr. Karen Morrison, Director,
California Department of Pesticide Regulation
1001 I Street, Sacramento, CA 95812-4015

Via email: karen.morrison@cdpr.ca.gov

REVISED COMMENT LETTER Re: Gap in 3 CCR §6428(h)(1) — AB 1864 school buffer zone implementation

Dear Director Morrison,

Thank you for your commitment to investigating the continued enforceability problem with the school buffer zone regulation.

We would like to acknowledge the mistaken claim regarding the implementing regulation for AB 1864 made in our letter dated July 14, 2026 (attached here as an appendix). **We wish to correct the record and affirm that DPR's regulation 25-003 implements the provisions of AB 1864 in full.**

We look forward to working with you to resolve the ongoing lack of reporting of the application method, to ensure that the regulation can be fully enforced to protect the health of California's children.

Sincerely,

Mayra Sanchez, Associate Director, Californians for Pesticide Reform

Anne Katten, Pesticide and Work Health and Safety Specialist, California Rural Legal Assistance Foundation

Bianca Lopez, Founder, Valley Improvement Projects

Appendix

July 14, 2026

Dr. Karen Morrison, Director,
California Department of Pesticide Regulation
1001 I Street, Sacramento, CA 95812-4015
Via email: karen.morrison@cdpr.ca.gov

Re: Gap in 3 CCR §6428(h)(1) — AB 1864 school buffer zone implementation

Dear Director Morrison:

We are writing to flag for your attention an issue that we recently identified in the AB 1864 implementing regulation for the school buffer zone protections.

We are currently groundtruthing the new schools regulation, to ensure it is working as intended in the first six months of implementation. We have just begun requesting data from the County Agricultural Commissioners, and it has quickly become apparent from the data received from Stanislaus and Santa Barbara Counties that the enforceability problem, which AB 1864 was intended to correct, has not been resolved. We are concerned that this may be a statewide issue.

We have learned that County Agricultural Commissioners still do not require growers to record the method of application for agricultural pesticide applications within the ¼ mile school buffer zone in their PUR reporting. On investigation, we found that the application-method reporting requirement was added, through DPR's rulemaking, to section 6428, which governs agricultural permit applications for restricted materials only, rather than to a section that would reach all agricultural pesticide applications near a schoolsite.

The relevant language, 3 CCR §6428(h)(1), reads:

> "For an application made for the production of an agricultural commodity within ¼ mile of a schoolsite as identified in section 6690, the expected method of application shall be one of the methods enumerated in subdivisions (a), (b), or (c) of section 6691."

Because this requirement sits within §6428, it only applies to applications that require a restricted material permit. Furthermore, it is not clear whether it is required even for restricted

materials in the pesticide use reporting. This information matters equally for all applications near schools, since it is the application method that triggers the buffer zone rules and determines which buffer zone applies:

- Methods under §6691(a) require a ¼-mile buffer
- Methods under §6691(b) require a 25-foot buffer
- Methods under §6691(c) require no buffer

Without knowing the application method, a County Agricultural Commissioner, or DPR, has no way to confirm that a non-restricted material application near a school actually complied with the correct buffer distance. This appears to undercut a core piece of what AB 1864 was intended to accomplish.

This gap reflects a failure to comply with the legal obligation imposed by the text of AB 1864 itself and formalized in Food and Agriculture code section 13189(d)(1), not just an interpretive choice. The statute directs DPR to impose the application-method reporting requirement in three separate contexts: restricted material permit applications, notices of intent for restricted materials, and pesticide use reporting forms and procedures generally.

The first two of these are explicitly limited to pesticides designated as restricted materials. The third is not: the provision governing pesticide use reporting forms and procedures applies, by its terms, to any agricultural field of which any portion lies within ¼ mile of a schoolsite, with no restricted material qualifier.

Because DPR's implementing regulation added the application-method reporting requirement only to section 6428, which governs restricted material permit applications, the regulation appears to omit the broad reporting requirement that the Legislature directed for pesticide use reports generally.

The result is exactly the gap Stanislaus and Santa Barbara Counties revealed in practice: no application-method reporting for non-restricted material applications near schools, in violation of the statute.

We wanted to bring this to your attention promptly given how central this information is to enforcing the buffer zones as the Legislature intended. We would welcome the opportunity to work with you on this, whether that means clarifying the current requirement or pursuing a regulatory amendment to implement the application-method reporting requirement in pesticide use reports for all agricultural applications within ¼ mile of a schoolsite, regardless of restricted material status.

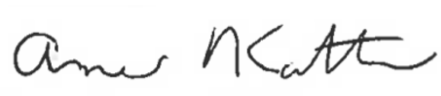
We therefore request:

1. DPR’s guidance to County Agricultural Commissioners for implementing the new regulation.
2. DPR’s revisions to the PUR reporting requirements for sites that are located in whole or in part within ¼ mile of a schoolsite.

3. A meeting with you at your earliest convenience to discuss this issue.

Sincerely,

Mayra Sanchez, Associate Director, Californians for Pesticide Reform



Anne Katten, Pesticide and Work Health and Safety Specialist , California Rural Legal Assistance Foundation

Bianca Lopez, Founder, Valley Improvement Projects