



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2520

pesticide buffer zones; health care

Purpose

Makes various clarifying changes to the state's agricultural pesticide buffer zone statutes.

Background

The Arizona Department of Agriculture enforces agricultural pesticide use in the state. This includes the registration and approval of all agricultural pesticides before they can be used in the state. Arizona law currently prescribes restrictions for the administration of odoriferous and highly toxic pesticides near facilities that serve sensitive populations (A.R.S. § 3-365). These facilities include health care institutions, schools, child care group homes and day cares, as well as properties where there are at least 25 residences that adjoin the property that will be sprayed. The restriction on the use of certain agricultural pesticides within certain distances of these types of facilities creates what is referred to as pesticide buffer zones. The laws for buffer zones provide where pesticides may be used and the manner in which they are administered (e.g. soil injection, by aircraft).

A.R.S. § 3-365 permits highly toxic pesticides to be sprayed within one-quarter mile of schools, child care group homes and day care facilities *if* the owner of the agricultural lands verifies that activities will not occur at these facilities before the specified reentry time indicated by a particular pesticide. For other pesticides, the responsible person at the facility must be notified of pesticide application by aircraft during daylight hours.

For health care institutions only, highly toxic pesticides cannot be applied within 400 feet of the facility, unless by soil injection. There are two statutes that pertain to pesticide buffer zones with respect to *health care institutions*; one is located in the state's agriculture statutes (A.R.S. § 3-365) and the other is located in the health statutes (A.R.S. § 36-421). The Arizona Department of Health Services cannot issue a license to a *health care institution* that is located less than 400 feet from agricultural land (i.e. within the buffer zone) *unless* the farmer of that land agrees to comply with buffer zone requirements. The agreement is recorded as a deed restriction on the farmer's land, and the farmer must adhere to pesticide administration restrictions. *Health care institution*, as defined in this statute, does not include a home health agency, mental health service agency or a hospice service agency (A.R.S. § 36-421).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

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Provisions

1. Clarifies that highly toxic pesticides may be administered on agricultural lands within a one-quarter mile buffer zone so long as there will be no scheduled activities planned or conducted at specified facilities before the safe reentry time (as indicated by the pesticide label).
2. Prescribes the meaning of *health care institution* as it relates to the application of odoriferous and highly toxic pesticides to conform with the corresponding health statute (A.R.S. § 36-421).
3. Replaces all references to “day care center” with “child care facility” to conform with health statutes.

House Action

AW	2/2/12	DPA	9-0-0-0
3 rd Read	3/1/12		54-1-4-0-1

Prepared by Senate Research

March 9, 2012

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