

Date of Hearing: July 1, 2024

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

SB 1251 (Stern) – As Amended April 30, 2024

SENATE VOTE: 39-0

SUBJECT: Mosquito abatement inspections

SUMMARY: Requires an electrical utility, as defined, to enter into a vector management agreement with a mosquito abatement district, vector control district, or a city or county health department within 180 days of receiving a request from the district or department.

Specifically, **this bill:**

- 1) Requires an electrical utility to enter into a vector management agreement within 180 days of receiving a request from a mosquito abatement district, vector control district, or local health department.
- 2) Requires the agreement to contain specified provisions, including the location of its electrical vaults, as defined, within the jurisdiction of the district or health department and a reasonable time for the electrical utility to provide access to its electrical vaults.
- 3) Defines an “electrical vault” for the purposes of this bill as an enclosure, either above or below ground that may contain transformers or other electrical equipment and is the property of an electrical corporation.
- 4) Requires a mosquito abatement district, vector control district, or local public health department to keep confidential utility infrastructure data that it receives pursuant to an agreement entered into between the electrical utility and the district or health department.

EXISTING LAW:

- 1) Authorizes the California Public Utilities Commission (CPUC) to regulate public utilities, including electric and natural gas corporations, and establish rates for these utilities. (Public Utilities Code §201 et. seq.)
- 2) Defines an “electrical corporation” as every corporation or person owning, controlling, operating, or managing any electric plant for compensation in the state, except where electricity is generated on or distributed by the producer through private property solely for its own use or the use of its tenants and not for sale or transmission to others. Establishes limited exemptions to the definition of an electrical corporation. Existing law generally designates any entity that sells electricity to more than two contiguous parcels or across the street as an “electrical corporation.” (Public Utilities Code §218)
- 3) Establishes the Mosquito Abatement and Vector Control District Law, which authorizes the establishment of mosquito abatement and vector control districts, as specified. (Health and Safety Code §2000)

- 4) Establishes the authority of Mosquito Abatement and Vector Control districts. Existing law broadly authorizes these special districts to take any and all necessary or proper actions to prevent and abate vectors and associated diseases within their jurisdictions and carry out certain activities outside their districts when vectors and associated diseases may enter their districts. (Health and Safety Code §2040)
- 5) Establishes the California Mosquito Surveillance and Research Program, which is administered by the University of California at Davis to conduct specified duties regarding research, interagency coordination, and dissemination of data on mosquitos and vector-borne diseases. (Health and Safety Code §2101)

FISCAL EFFECT: The costs are unknown. This bill is keyed non-fiscal.

BACKGROUND:

Mosquitoes in California – California is home to more than 50 species of mosquitoes with habitats ranging from deserts at or below sea level to mountain meadows at elevations of 10,000 feet or more.¹ While many of these species seldom pose a threat to humans, some of them can transmit microbial organisms through their bites that cause serious diseases, including West Nile virus, St. Louis encephalitis virus, western equine encephalitis virus, dengue, and Zika. In 2023 alone, there were 461 cases of West Nile in humans in California, and 19 were fatal.² California also remains vulnerable to the introduction of other highly virulent mosquito-borne viruses of public health concern, including Japanese encephalitis, yellow fever, and Rift Valley fever, among others.

Mosquito Abatement Districts – In 1915, the California State Legislature passed the Mosquito Abatement Act which permitted local governments to collect revenues and form special districts to protect the public from mosquitoes and mosquito-borne diseases.³ Two decades later, in 1935, the Legislature created vector control districts (also referred to as pest abatement districts) to control the numbers and spread of animals, fish, and other insects believed to be pests. California has more than 60 mosquito abatement and vector control districts; some are small and have responsibility over a city or portion of a county, while others cover a wider span across one or more counties.

The state’s Mosquito Abatement and Vector Control District Law gives vector control districts statutory authority to “conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors.” These powers include the ability to:

- Conduct surveillance programs and to study vectors and vector-borne diseases;
- Take any and all necessary or proper actions to prevent the occurrence of vectors and vector-borne diseases;
- Take any and all necessary actions to abate or control vectors and vector-borne diseases.

¹ UCIPM, “Pests of Homes, Structures, People, and Pets”; <https://ipm.ucanr.edu/PMG/PESTNOTES/pn7451.html>

² Los Angeles Times; “West Nile a growing threat this summer in California. Here’s why”; August 2023; <https://www.latimes.com/california/story/2023-08-30/west-nile-growing-threat-california>

³ San Mateo County Mosquito & Vector Control District, “District History” <https://www.smcmvcd.org/district-history>

In practice, the primary responsibilities of these districts often involve discovering where pests are or can be expected to proliferate, eradicating an existing colony, cleaning standing water sources to reduce mosquito habitats, and conducting public outreach.

The California Mosquito Surveillance and Research Program (Program) – AB 320 (Quirk, Chapter 422, Statutes of 2019) requires UC Davis, in administering the Program, to maintain an interactive internet website for the management and dissemination of data on mosquito-borne virus and surveillance control, and to coordinate with the California Department of Public Health (CDPH), the Mosquito and Vector Control Association of California, local mosquito abatement and vector control districts, local governments, and other affected stakeholders and share information and conduct research on vector-borne diseases and mosquito control. This is to the extent the program receives funding for those purposes. In response to enactment of AB 320, staff at UC Davis established the California Vectorborne Disease Surveillance Gateway (CalSurv), the statewide surveillance database that assists with preventing the spread of mosquito-borne diseases. CalSurv curates local and statewide data to enable mosquito and vector control and public health agencies to make informed decisions on public health interventions.

COMMENTS:

- 1) *Author's Statement.* According to the author, “Mosquitos pose significant health risks, with invasive species of Mosquitos exacerbating the states issue with flying pest. As the author of SB 1251, I know the immediate need for a bill like this to address the escalating threat of mosquito borne illness. This coordinated effort to access utility vaults is needed to remove barriers to access, improve safe access, enhance communication between mosquito control agencies and electrical corporations, and streamline the mosquito abatement and vector control process for the most problematic source of mosquito production. SB 1251 makes certain that those tasked with protecting public health from mosquito borne illness can stay ahead of emerging challenges and ensures effective mosquito control efforts statewide.”
- 2) *Mosquitoes in Electric Vaults* – This bill defines an “electrical vault” as an enclosure, either above or below ground, that may contain transformers or other electrical equipment and is the property of an electrical utility. Electric vaults vary in size and nature, but underground vaults are generally accessible only through lids at the street level. While utility vaults may not be a primary source of mosquitoes, vaults can collect standing water, which can serve as breeding grounds for mosquitoes. This bill would require an electric utility to enter into agreements with a district if a district makes such a request. Although vector control districts have the right to take any and all necessary actions to prevent, survey, and abate mosquitos under existing law, including entering vaults should they deem it appropriate, the author motivates a need for this bill because electric vaults are often inaccessible to districts without a utility providing access to the an electric vault. As such, requiring agreements between districts and utilities could clarify a protocol for quick and safe access to vaults.
- 3) *Addressing Safety and Workforce Concerns.* This bill would require a utility that enters into an agreement with a district to contain specified information about their infrastructure. Utilities play a critical role in providing essential services and are vital components of our electrical grid, facilitating the generation, transmission, and distribution of electricity to homes, schools and businesses. To facilitate these operations,

utilities handle vast amounts of sensitive data, including customer, operational, and system control information. *As such, the committee recommends including clarifying language that data disclosure shall be in a manner deemed as a best practice by the utility for safety and security of a public utility infrastructure. Additionally, the committee recommends clarifying that districts may seek a vector management agreement if efforts to obtain voluntary cooperation with the electric utility have failed before vector management agreements are initiated, such that the disclosure of sensitive data is only mandated when necessary.*

Utility operations inside vaults require highly skilled workers. These operations can involve highly risky work environments, with workers often facing high voltage electricity, hazardous materials, and severe weather. Therefore, maintaining the safety of operations and of the people who enter these vaults, whether employed by the utility or a third party, is paramount. *As such, the committee recommends requiring utilities to provide supervised access to electric vaults.*

4) *Related Legislation*

SB 1252 (Stern) would update the California Mosquito Surveillance and Research Program to require the program's administrator, the University of California at Davis, to consult with partners at the University of California and the California State University about the most-up-to-date research pertaining to mosquito abatement. The bill is *pending hearing on July 2* in the Assembly Committee on Higher Education.

5) *Prior Legislation*

AB 320 (Quirk) established the California Mosquito Surveillance and Research Program, administered by the University of California at Davis, and specifies the duties of the program. Status: Chapter 422, Statutes of 2019.

AB 2892 (Quirk, 2018) was similar to AB 320 (2019), but would have housed CalSurv at CDPH. The bill was held on the Senate Appropriations Committee suspense file.

SB 382 (Pan, 2017) would have created the California Mosquito Surveillance and Research Program Account to fund CalSurv and research grants to help mitigate the effects of increasing vector populations. The bill was held on the Senate Appropriations Committee suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Mosquito Abatement District
 Butte County Mosquito and Vector Control District
 California Special Districts Association
 City and County of San Francisco
 Coachella Valley Mosquito and Vector Control District
 Colusa Mosquito Abatement District
 Consolidated Mosquito Abatement District

Contra Costa Mosquito and Vector Control District
County Health Executives Association of California (CHEAC)
Delano Mosquito Abatement District
Fresno Mosquito and Vector Control District
Fresno Westside Mosquito Abatement District
Greater Los Angeles County Vector Control District
Kern Mosquito and Vector Control District
Kings Mosquito Abatement District
Marin/Sonoma Mosquito & Vector Control District
Mosquito and Vector Control Association of California
Northwest Mosquito and Vector Control District
Orange County Mosquito and Vector Control District
Placer Mosquito and Vector Control District
Sacramento-yolo Mosquito & Vector Control District
San Joaquin County Mosquito and Vector Control District
San Mateo County Mosquito & Vector Control District
Santa Cruz County Mosquito & Vector Control
Sutter-Yuba Mosquito and Vector Control District
Tulare Mosquito Abatement District

Opposition

None on file.

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