Date of Hearing: June 12, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
SB 1251 (Stern) – As Amended April 30, 2024

SENATE VOTE: 39-0

SUBJECT: Mosquito abatement inspections

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

1) Requires an electrical corporation as defined in specified existing law, 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) Defines an "electrical vault" as an enclosure, either above or below ground, or in a building that may contain transformers or other electrical equipment and is the property of an electrical corporation.

3) Specifies that a vector management agreement must contain, but is not limited to the following:

    a) The locations of electrical vaults within the district or health department's jurisdiction.

    b) A reasonable time period for the electrical corporation to provide the district or health department with access to its electrical vaults for surveillance, treatment, and post-treatment inspections. This bill specifies that this time period must consider the seasonality of mosquito activity in the area.

    c) The contact information for the relevant individuals at the electrical corporation and the local health department or district.

    d) A timeline for the periodic update of the information in this section.

    e) Consideration, where feasible, of changes to electrical vaults to block mosquitos or discharge captured waters.

    f) A minimum of three years for the agreement, with provisions for the modification or extension of the agreement.

4) Specifies that this bill does not affect existing authority of mosquito abatement and vector control districts under existing law, as specified.

5) Requires that utility infrastructure data disclosed pursuant to an agreement entered into pursuant to this bill shall be kept confidential by the mosquito abatement district, vector control district, or city or county health department that receives the data.

6) Finds and declares that in order to facilitate the treatment of electrical vaults to minimize the spread of mosquito-borne diseases, it is necessary to keep the location of electrical vaults private to ensure the safety of public utility infrastructure.

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 and Utilities Code (PUC) Section 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. Existing law 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." [PUC Section 218]

3) Establishes the Mosquito Abatement and Vector Control District Law, which authorizes the establishment of mosquito abatement and vector control districts, as specified. [PUC Section 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 (HSC) Section 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. [HSC Section 2101]

FISCAL EFFECT: None.

COMMENTS:

1) **Bill Summary.** This bill requires electrical corporations to enter into vector management agreements with mosquito abatement districts, vector control districts, or city and county health departments within 180 days upon request. A vector management agreement shall:

    a) Identify vault locations within the district/department's jurisdiction;

    b) Specify reasonable access times for surveillance, treatment, and inspections, considering mosquito seasonality;

    c) List relevant contacts at both the district/department and the electrical corporation;

    d) Set a timeline for updating agreement information;

e) Consider feasible modifications for mosquito exclusion or water discharge; and

f) Allow for a minimum term of three years for the agreement with options for modification or extension.

This bill defines "electrical vault" to mean an enclosure, either above or below ground or in a building that may contain transformers or other electrical equipment and is the property of an electrical corporation.

This bill requires utility infrastructure data shared under the agreement to remain confidential.

This bill is sponsored by the Mosquito and Vector Control Association of California.

2) **Author's Statement.** According to the author, "Mosquitoes pose significant health risks, with invasive species of mosquitoes exacerbating the state's issue with flying pests. 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."

3) **Viruses Contracted by Mosquitoes.** Mosquitos are vectors for several viruses. Increasingly, viruses associated with serious diseases have been spreading in California due to mosquito bites. California saw its first cases of West Nile Virus in 2003. Since those initial cases, over 8,000 West Nile cases have been reported in the state. While none of California's Zika virus cases have originated from mosquito bites in the state, the type of mosquitos prone to carrying Zika have been observed in the state.

According to the County Health Executives Association of California, California monitors 15 mosquito-borne viruses including West Nile Virus (WNV), St. Louis encephalitis virus, and western equine encephalitis virus, with WNV being the most dominant. Since WNV was first discovered in California in 2003, there have been 7,597 WNV human cases and 345 deaths. Last year, California saw three local transmissions of the dengue virus – a virus typically transmitted in tropical or subtropical climates.

In 2023, California became one of five states in which the local spread of Dengue occurred. Mosquitos carrying these viruses are more likely to proliferate at certain times of the year under certain conditions. Mosquitos are particularly known to proliferate in the hottest months (July through September) and breed in standing water. Utility 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 the primary source of mosquitos, vaults can collect standing water and are inaccessible without a utility providing access to the vault.

This bill is aimed at establishing more consistent plans for how utilities will address the potential breeding of mosquitos in their vaults, including providing vector control agencies with access to those vaults for mosquito abatement if the utility does not have its own mosquito abatement program.

4) **Mosquito Abatement Districts Act.** California created the Mosquito Abatement Districts Act in 1915 to address the health threats posed by mosquitoes and 20 years later, in 1935, the Legislature created pest abatement districts (also referred to as vector control districts) to address plants, animals, fish, and other insects deemed to be pests. According to the Mosquito and Vector Control Association of California (MVCAC), there are more than 60 mosquito abatement or vector control districts in California, though they do not cover the entire state.

   The primary responsibilities of these districts are to discover where pests are, to control or eradicate them, and to conduct public outreach to eliminate breeding grounds for pests, such as pools of standing water that are often home to mosquitoes and other insects.

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

   a) Conduct surveillance programs and to study vectors and vector-borne diseases;

   b) Take any and all necessary or proper actions to prevent the occurrence of vectors and vector-borne diseases; and

   c) Take any and all necessary or proper actions to abate or control vectors and vector-borne diseases.

   These "any and all" actions include the ability to pursue statutory abatement actions against property owners to recover any costs associated with controlling pests, plus districts can assess civil penalties against violators. However, the districts say they use these powers infrequently given the legal and cost-sharing ramifications associated with abatement orders.

5) **Investor-Owned Electric Utilities (IOUs).** While mosquito abatement and vector control districts have the authority to declare something a public nuisance in order to gain access to it and tackle a pest problem, the MVCAC says its member agencies prefer to work with the IOUs to gain access to utility vaults. How well that has been working seems to vary by IOU.

   According to Sempra, it works with the San Diego County Department of Environmental Health's Vector Control (San Diego County) to provide the agency with access to utility vaults. Sempra provided San Diego County with a GIS map showing the location of its utility vaults and San Diego County trained some Sempra workers on how best to remove standing water and spray for mosquitoes in some locations. Of its approximately 100,000 utility vaults, Sempra estimates it has about 12 or so on a "hot list" where there are re-occurring problems due to the design of the vault, its proximity to water runoff from rain or agricultural use, and other issues. The utility does not have an official memorandum of understanding (MOU) with San Diego County, but does agree by letter each year on how and when inspections and treatments will occur.

   According to PG&E, it has worked with at least one district in its territory – the Madera County Mosquito Vector Control District (Madera) – to try and address standing water and mosquito-related issues. PG&E states it partnered with Madera to conduct an eight-month

pilot to attach filters to the underside of enclosure lids to prevent mosquitoes from entering or leaving the vault, thus eliminating the possibility of infestation.

6) **Arguments in Support.** The Mosquito and Vector Control Association of California, the sponsor of this bill, writes, "Disease-spreading mosquitoes are a major threat in our state, and utility vaults are widely reported by mosquito control professionals to be one of the most problematic sources of mosquito production due to access issues. In 2003, California saw its first cases of West Nile virus; since then, there have been over 8,000 human West Nile cases statewide. A new challenge arose in 2010, the arrival and establishment of invasive mosquitoes capable of transmitting pathogens like dengue and Zika virus. This threat was fully realized in 2023 with 3 local transmissions of dengue in Los Angeles County

   "Where certain sources pose a recurring nuisance, mosquito control agencies can pursue statutory abatement against property owners to recover the costs of control and to assess civil penalties. Mosquito control agencies report mixed results in attempting to locate or access utility vaults, and a streamlined process to improve safe access and communication would remove many barriers to operations."

7) **Arguments in Opposition.** Southern California Edison (SCE) writes, "Under the existing Mosquito Abatement and Vector Control District Law, vector control districts have the right to take any and all necessary actions to prevent, survey, and abate mosquitos, including the ability to declare a public nuisance and take escalated action. SB 1251 presents vector management agreements as a tool to streamline the ability to access and abate mosquitos in electric vaults but, in practice, creates an unnecessary process that provides no further benefit than existing law.

   "As written, the bill targets underground vaults belonging to investor-owned utilities (IOUs), and excludes vaults belonging to publicly owned utilities, or other entities with underground equipment. By failing to require action from other stakeholders, this bill presents a whack-a-mole scenario, where mitigation efforts in an IOU vault would be thwarted by adjacent underground equipment that may also house mosquitos but would not be mandated to act.

   "While the bill includes protections to maintain confidential IOU data, the bill will increase the risk of data breaches or incidental data mismanagement that can leak sensitive information such as vault location. Furthermore, forcing IOUs to provide vault access presents worker safety and reliability concerns by granting access to individuals who may lack the knowledge and training to safely enter an electrical vault."

8) **Related Legislation.** SB 1252 (Stern) updates 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. SB 1252 is pending in the Assembly Environmental Safety and Toxic Materials Committee.

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

10) **Double-Referral.** This bill is double-referred to the Utilities and Energy Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Mosquito and Vector Control Association of California [SPONSOR]
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
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
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

Oppose

Edison International and Affiliates, Including Southern California Edison

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