

AMENDED IN ASSEMBLY APRIL 22, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2765

Introduced by Assembly Member Huffman

February 22, 2008

An act to amend Sections 5771 and 5776 of the Food and Agricultural Code, relating to pests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2765, as amended, Huffman. Pest eradication: aerial use of pesticide: public hearing: notice.

Existing law authorizes the Secretary of Food and Agriculture, by regulation, to proclaim any area within the state an eradication area with respect to a pest, prescribe the boundaries of the area, and name the pest or hosts of the pest that are known to exist within the area, together with the means or methods that are to be used to eradicate or control the pest. The secretary or county agricultural commissioner, when the secretary proclaims an eradication project in an urban area, is required to notify residents and physicians practicing in the area, and the local broadcast and print media, before aerially applying a pesticide to effect the eradication.

This bill would additionally require the secretary or commissioner, before the aerial application of a pesticide, to conduct at least one public hearing to consider all alternatives to aerial application of a pesticide and to seek ~~certification of the safety of all elements of the proposed pesticide by an appropriate state department or agency that is not part of the Department of Food and Agriculture~~ *an assessment of human health risks and environmental risks from the Department of Pesticide Regulation, peer reviewed by the Office of Environmental Health Hazard*

Assessment, including findings and recommendations regarding environmental and human risks of the proposed use of a pesticide by aerial application.

Existing law requires the notice to the residents, physicians, and media to contain specified information, including the *date and approximate time of all proposed pesticide applications in the eradication area and the type of pesticide to be applied.*

This bill would *instead require the likely date or dates and approximate time or times of all proposed pesticide applications in the eradication area and the pesticides to be applied. The bill would also require the notice to include a list of every ingredient in the pesticide formulation, including its common and scientific name and chemical formulation names, as provided.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5771 of the Food and Agricultural Code
2 is amended to read:

3 5771. When the secretary proclaims an eradication project in
4 an urban area pursuant to Article 4 (commencing with Section
5 5761), the secretary or the commissioner, pursuant to this article,
6 shall do all of the following before aerially applying a pesticide
7 to effect the eradication:

8 (a) Conduct at least one public hearing in the area to consider
9 all alternatives to aerial application of a pesticide.

10 ~~(b) Seek certification of the safety of all elements of any~~
11 ~~proposed pesticide by an appropriate state department or agency~~
12 ~~that is not part of the department.~~

13 (b) *Seek an assessment of human health risks and environmental*
14 *risks from the Department of Pesticide Regulation, peer reviewed*
15 *by the Office of Environmental Health Hazard Assessment,*
16 *including findings and recommendations regarding environmental*
17 *and human risks of the proposed use of a pesticide by aerial*
18 *application.*

19 (c) Notify residents and physicians practicing in the area, and
20 the local broadcast and print media.

21 SEC. 2. Section 5776 of the Food and Agricultural Code is
22 amended to read:

1 5776. The notice distributed pursuant to this article shall contain
2 all of the following:

3 (a) ~~The date~~ *likely date or dates* and approximate *time or times*
4 of all proposed pesticide applications in the eradication area.

5 (b) ~~The type of pesticide~~ *pesticides* to be applied.

6 (c) Any health and safety precautions that should be taken.

7 (d) A telephone number and address of public health personnel
8 who are familiar with the eradication program.

9 (e) A list of every ingredient in the pesticide *formulation*,
10 including its common and scientific ~~name and chemical formulation~~
11 *names. Nothing in this section shall be construed to require*
12 *manufacturers to disclose formulations except as required by state*
13 *or federal law.*