

**ASSEMBLY BILL**

**No. 2763**

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**Introduced by Assembly Member Laird**

February 22, 2008

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An act to add Chapter 4.5 (commencing with Section 5260) to Part 1 of Division 4 of the Food and Agricultural Code, relating to pests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2763, as introduced, Laird. Invasive pests: advance planning: assessments.

Existing law generally provides for the eradication of pests that threaten this state's agriculture.

This bill would require the Department of Food and Agriculture to develop and maintain a list of invasive animals, plants, and insects that have a reasonable likelihood of entering the state for which an eradication or control action by the state might be appropriate. The department would be required to develop and maintain a written assessment for each animal, plant, or insect on the list of the most appropriate options for eradication or control, and to include specified information in the assessment if the use of pesticides would be among the appropriate responses. Certain state agencies would be required to participate in the preparation of the assessment and the department would be required to hold public hearings. The bill would require the department to notify the Governor, the governing boards of affected cities and counties, and county agricultural commissioners if an animal, plant, or insect on the list has entered the state, and, if the use of a pesticide is the preferred eradication and control response, to advise the Governor and provide the Governor with a copy of the assessment. The department would also be required to, among other things, notify

certain local governmental entities and officers, notify the public of specified health information, hold public hearings, and establish a telephone hotline, if the department determines that an invasive animal, plant, or insect has entered the state, the state has declared an emergency, and the use of a pesticide is the selected response.

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. Chapter 4.5 (commencing with Section 5260) is  
2 added to Part 1 of Division 4 of the Food and Agricultural Code,  
3 to read:

4  
5 CHAPTER 4.5. INVASIVE PEST PLANNING  
6

7 5260. The Legislature hereby finds and declares both of the  
8 following:

9 (a) Global travel, global trade, and climate change are introducing  
10 nonnative animals, plants, and insects to California.

11 (b) The State of California should undertake advance planning  
12 on whether and how to address those nonnative animals, plants,  
13 and insects that are a threat to the state’s public health,  
14 environment, or economy.

15 5261. The department shall develop and maintain a list of  
16 invasive animals, plants, and insects that have a reasonable  
17 likelihood of entering California for which an eradication or control  
18 action by the state might be appropriate. In developing the list, the  
19 department shall consider any invasive animal, plant, or insect  
20 identified by the federal government for which an emergency  
21 eradication or control action might be undertaken by the federal  
22 government if the state did not act.

23 5262. (a) For each animal, plant, or insect on the list developed  
24 pursuant to Section 5261, the department shall develop and  
25 maintain a written assessment of the most appropriate options for  
26 eradication or control of the animal, plant, or insect.

27 (b) If the department determines that the use of pesticides would  
28 be among the more appropriate responses, the assessment shall  
29 contain a discussion of all of the following:

30 (1) The pesticides that would likely be the most appropriate.

- 1 (2) The concentrations of those pesticides.
- 2 (3) How often pesticide use would be necessary.
- 3 (4) The method of application.
- 4 (5) A list of each active ingredient and inert material.
- 5 (6) A summary of up-to-date scientific information on the
- 6 impacts of the pesticide and its inert materials on all of the
- 7 following:
- 8 (A) Healthy children and adults.
- 9 (B) Children and adults with compromised health.
- 10 (C) Domestic animals.
- 11 (D) Fish and wildlife.
- 12 (E) The environment.
- 13 (c) The State Department of Public Health, the Department of
- 14 Fish and Game, the Office of Environmental Health Hazard
- 15 Assessment, and the Department of Pesticide Regulation shall
- 16 participate in the preparation of the assessment. The Office of
- 17 Environmental Health Hazard Assessment shall include an analysis
- 18 of the risks of using the pesticide and its inert material.
- 19 (d) In developing the assessment, the department shall hold
- 20 public hearings and establish a process for submittal of public
- 21 comment. Following the public hearing, the department shall
- 22 reassess the appropriateness of the response and may revise the
- 23 response and may hold additional public hearings.
- 24 (e) The assessment shall include a characterization of the number
- 25 of and the nature of the public comments received pursuant to
- 26 subdivision (d).
- 27 (f) The department shall make the assessment available to the
- 28 public, including making it available on the department's Internet
- 29 Web site.

30 5263. If the department determines that an invasive animal,  
31 plant, or insect identified on the list developed pursuant to Section  
32 5261 has entered the state, the department shall notify the  
33 Governor, the governing boards of affected cities and counties,  
34 and county agricultural commissioners.

35 5264. If the department determines that an invasive animal,  
36 plant, or insect has entered the state and the use of a pesticide is  
37 the preferred eradication and control response, the department  
38 shall advise the Governor and provide the Governor with a copy  
39 of the assessment for that animal, plant, or insect. If an assessment  
40 has not been prepared for that animal, plant, or insect, the

1 department, the State Department of Public Health, the Department  
2 of Fish and Game, the Office of Environmental Health Hazard  
3 Assessment, and the Department of Pesticide Regulation shall  
4 advise the Governor of the lack of an assessment and advise the  
5 Governor of the best available options.

6 5265. If the department determines that an invasive animal,  
7 plant, or insect has entered the state and the state has declared an  
8 emergency with respect to that animal, plant, or insect, and the use  
9 of a pesticide is the selected response, the department shall do all  
10 of the following:

11 (a) Notify the governing boards of affected cities and counties  
12 and their agricultural commissioners and health officers.

13 (b) Notify the public of all of the following:

14 (1) The existence of the invasive animal, plant, or insect.

15 (2) The consequences of not eradicating or controlling the  
16 invasive animal, plant, or insect.

17 (3) The active and inert pesticides to be used.

18 (4) The method or methods of applying the pesticide.

19 (5) The implications of the use of the pesticide and the inert  
20 ingredients on human health, domestic animals, fish and wildlife,  
21 and the environment.

22 (c) Hold public hearings in the areas affected in advance of any  
23 pesticide application.

24 (d) Establish a telephone hotline for the public to report adverse  
25 health consequences and a medical process to evaluate and respond  
26 to adverse health consequences.