

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 introduced, 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.

Existing law requires the notice to the residents, physicians, and media to contain specified information, including the type of pesticide to be applied.

This bill would also require the notice to include a list of every ingredient in the pesticide, including its common and scientific name and chemical formulation.

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 ~~notify~~ *do all of the following before aerially applying a*
7 *pesticide 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 (c) *Notify residents and physicians practicing in the area, and*
14 *the local broadcast and print media, before aerially applying a*
15 *pesticide to effect the eradication.*

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

18 5776. The notice distributed pursuant to this article shall contain
19 all of the following:

20 (a) The date and approximate time of all proposed pesticide
21 applications in the eradication area.

22 (b) The type of pesticide to be applied.

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

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

26 (e) *A list of every ingredient in the pesticide, including its*
27 *common and scientific name and chemical formulation.*

O