

Senate Bill No. 556

CHAPTER 190

An act to add and repeal Article 10 (commencing with Section 6050) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to the light brown apple moth, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 7, 2007. Filed with
Secretary of State September 7, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 556, Wiggins. The light brown apple moth.

Existing law provides for the control and abatement of plant pests.

This bill, the Light Brown Apple Moth Act of 2007, would make various findings and declarations relating to the agricultural pest. This bill would create the Light Brown Apple Moth Program in the Department of Food and Agriculture and the Light Brown Apple Moth Account in the Department of Food and Agriculture Fund, from which the department may allocate funds to local agencies for activities to eradicate the Light Brown Apple Moth. This bill would require the department to annually review the progress made by each local agency to which funds have been allocated and make recommendations, as needed, to improve individual local agency eradication efforts. This bill would also require the department to report to the Legislature on January 10, 2008, and on each January 10th thereafter while these provisions are operative, regarding its expenditures, progress, and ongoing priorities in combating the light brown apple moth in California. This bill would provide that these provisions would become inoperative on October 1, 2009, and as of January 1, 2010, would be repealed unless a later enacted statute extends that date.

This bill would declare that it is to take effect immediately as an urgency measure.

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

SECTION 1. This act shall be known as the Light Brown Apple Moth Act of 2007.

SEC. 2. Article 10 (commencing with Section 6050) is added to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, to read:

Article 10. Light Brown Apple Moth

6050. The Legislature hereby finds and declares all of the following:

(a) The introduction of the light brown apple moth represents a clear, present, significant, and imminent danger to California's natural environment and agricultural industry. This is an insect species that feeds on over 250 species of native and ornamental plants, fruits, and vegetables.

(b) The introduction of the light brown apple moth also represents a clear, present, significant, and imminent threat to California's native areas as it will feed on alder, ceanothus, columbine, cottonwood, cypress, ferns, fir, hawthorn, honeysuckle, lupine, madrone, oak, pine, poplar, redwood, spruce, and willow.

(c) The general area of the infestation contains numerous sensitive plant and animal species and habitats. There is an imminent threat for adverse effect and ultimate extinction to some of these sensitive species if this pest becomes permanently established in California.

(d) The State of California has a great interest in protecting its native species and agricultural products from further harm caused by the introduction of the light brown apple moth.

(e) The light brown apple moth is currently found in the urban and natural areas in all parts of nine California counties and could move into agricultural croplands.

(f) Valued at \$31.7 billion in 2005, California's agricultural economy continues to rank first in the nation constituting 13.3 percent of the total United States agricultural economy value in 2005. It is estimated to have a minimum potential impact of \$133 million to only four of the potentially impacted crops (apples, pears, oranges, and grapes) and environmental impact from increased pesticide use.

(g) To avoid potentially catastrophic loss to some of California's most important industries and to native species, the Legislature declares that this article is in the interest of the public health and welfare.

(h) This article is not intended to establish a precedent, or to supersede, reduce, or in any way alter government funding related to plant pest eradication and control in this state.

6050.1. (a) There is hereby created in the Department of Food and Agriculture the Light Brown Apple Moth Program.

(b) The Secretary of Food and Agriculture shall provide, subject to available funding and other resources, an appropriate level of support staffing and logistical support for eradicating the light brown apple moth.

(c) (1) There is hereby created the Light Brown Apple Moth Account in the Department of Food and Agriculture Fund.

(2) (A) The funds in the Light Brown Apple Moth Account shall be available for expenditure without regard to fiscal year for activities by local agencies to eradicate the Light Brown Apple Moth. Funds allocated by the department to a county for local assistance in eradicating the Light Brown Apple Moth shall be allocated to a local agency or local agencies designated by that county's board of supervisors.

(B) The department shall, for local agencies to which funds have been allocated pursuant to subparagraph (A), annually review the progress made by each local agency in eradicating the Light Brown Apple Moth, and make

recommendations, as needed, to improve individual local agency eradication efforts.

(C) Eradication activities undertaken pursuant to this article shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.

(d) Notwithstanding Section 7550.5 of the Government Code, the department shall report to the Legislature on January 10, 2008, and on each January 10th thereafter while this section is operative, regarding its expenditures, progress, and ongoing priorities in combating the light brown apple moth in California.

(e) This article shall become inoperative on October 1, 2009, and as of January 1, 2010, is repealed, unless a later enacted statute that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect, as soon as possible, the 250 host species of native and ornamental plants, fruits, and vegetables, their associated industries, and native species from the light brown apple moth, it is necessary that this act take effect immediately.