

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1723

Introduced by Senator Maldonado

February 22, 2008

An act to ~~amend Section 12845~~ of ~~add Sections 12841.3 and 12841.4~~ to the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1723, as amended, Maldonado. Agriculture: *pesticide recycling program and audits.*

Existing law forbids the sale of a pesticide unless it is in a registrant's sealed or closed container or package.

This bill would require every person who is the first to sell any agricultural-, structural-, industrial-, or institutional-use pesticide product for use in this state that is packaged in high-density polyethylene (HDPE) containers, to establish a recycling program, or demonstrate participation in a recycling program to ensure HDPE containers are recycled. The seller would be required to maintain records of the program, as specified, that would be subject to audit by the director. The bill would allow the director to adopt regulations to carry out the purpose of these requirements, as specified. A violation of these requirements would be punishable by a civil fine.

~~Existing law provides that the director may adopt regulations that require persons who sell pesticides, as specified, to provide information determined by the director to be necessary by the director to perform an audit of required records, and to carry out other required duties and functions. The regulations adopted may include, but are not limited to, a requirement that a person who sells pesticides, as specified, provide the director with information on the quarterly dollar sales of each~~

registered pesticide sold for use in this state and the quarterly volume of each registered pesticide sold for use in this state.

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

1 SECTION 1. Section 12841.3 is added to the Food and
2 Agricultural Code, to read:

3 12841.3. Every person who is the first to sell any agricultural-,
4 structural-, industrial-, or institutional-use pesticide product for
5 use in this state that is packaged in high-density polyethylene
6 (HDPE) containers, shall establish a recycling program, or
7 demonstrate participation in a recycling program to ensure HDPE
8 containers are recycled. The seller shall also maintain records to
9 document the pounds of HDPE pesticide containers that were sold
10 in the state, and the pounds of HDPE that the seller recycled or
11 was responsible for having recycled. The records are subject to
12 audit by the director.

13 SEC. 2. Section 12841.4 is added to the Food and Agricultural
14 Code, to read:

15 12841.4. The director may adopt regulations to carry out the
16 purpose of Section 12841.3, which may include, but are not limited
17 to, a requirement that a person subject to this section provide the
18 director with information on the pounds of HDPE pesticide
19 containers shipped into the state, and the pounds of HDPE
20 containers that were recycled.

21 SECTION 1. ~~Section 12845 of the Food and Agricultural Code~~
22 ~~is amended to read:~~

23 ~~12845. (a) The director may adopt regulations that require~~
24 ~~persons subject to this article to provide information determined~~
25 ~~by the director to be necessary to enable the director to perform~~
26 ~~the audit authorized pursuant to Section 12842 and to carry out~~
27 ~~other powers or duties under this division.~~

28 ~~(b) The regulations adopted pursuant to this section may include,~~
29 ~~but are not limited to, a requirement that a person subject to this~~
30 ~~article provide the director with information on the quarterly dollar~~
31 ~~sales of each registered pesticide sold for use in California and the~~

- 1 ~~quarterly volume of each registered pesticide sold for use in~~
- 2 ~~California.~~

O