

AMENDED IN SENATE APRIL 17, 2008
AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1723

Introduced by Senator Maldonado

February 22, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

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

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~~ *or structural-use* pesticide product for use in this state that is packaged in *rigid, nonrefillable*, high-density polyethylene (HDPE) containers; *of 55 gallons or less* 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. Container recycling would be required to comply with specified standards, and the recycling program would be required to be certified as being in compliance by a specified 3rd-party organization. The bill would provide that any person who is required to establish or participate in this recycling program shall provide to the director, at least annually, a document certifying that this requirement has been met.~~ 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.

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 12841.3 is added to the Food and
2 Agricultural Code, to read:

3 12841.3. (a) Every person who is the first to sell any
4 agricultural-, structural-, industrial-, or institutional-use or
5 structural-use pesticide product for use in this state that is packaged
6 in rigid, nonrefillable, high-density polyethylene (HDPE)
7 containers, containers of 55 gallons or less shall establish a
8 recycling program, or demonstrate participation in a recycling
9 program to ensure HDPE containers are recycled. ~~The seller shall~~
10 ~~also maintain records to document the pounds of HDPE pesticide~~
11 ~~containers that were sold in the state, and the pounds of HDPE~~
12 ~~that the seller recycled or was responsible for having recycled.~~
13 ~~The records are subject to audit by the director. Container recycling~~
14 ~~must comply with the American National Standard Institute (ANSI)~~
15 ~~American Society of Agriculture and Biological Engineers (ASABE)~~
16 ~~Standard S596, entitled Recycling Plastic Containers from~~
17 ~~Pesticides and Pesticide-Related Products. The recycling program~~
18 ~~must be certified by an ANSI-accredited third-party organization~~
19 ~~as being in compliance with the ANSI/ASABE Standard S596.~~

20 (b) Any person who is required to establish or participate in a
21 recycling program pursuant to this section shall provide to the
22 director, at least annually, a document certifying that this
23 requirement has been met.

24 (c) The director may adopt regulations to carry out the purposes
25 of this section.

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

28 12841.4. ~~The director may adopt regulations to carry out the~~
29 ~~purpose of Section 12841.3, which may include, but are not limited~~
30 ~~to, a requirement that a person subject to this section provide the~~
31 ~~director with information on the pounds of HDPE pesticide~~

- 1 ~~containers shipped into the state, and the pounds of HDPE~~
- 2 ~~containers that were recycled.~~

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