

AMENDED IN SENATE APRIL 30, 2008

AMENDED IN SENATE APRIL 17, 2008

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1723

Introduced by Senator ~~Maldonado~~ *Senators Maldonado and Simitian*

February 22, 2008

An act to add 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 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- 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. Container recycling would be required to comply with specified standards, *as published in February 2006*, and the recycling program would be required to be certified as being in compliance by a specified 3rd-party organization. *This bill would require that records required by those standards shall be maintained for 3 years and shall be subject to audit by the director.* 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, *and state the Legislature's intent that any regulatory standards adopted by the department shall be at least as stringent as those standards published in February 2006, as specified. The bill would require specified information be posted on the department's Internet Web site commencing on September 1, 2010.* 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- or structural-use pesticide product for use in this state
5 that is packaged in rigid, nonrefillable, high-density polyethylene
6 (HDPE) containers of 55 gallons or less shall establish a recycling
7 program, or demonstrate participation in a recycling program to
8 ensure HDPE containers are recycled. Container recycling must
9 comply with the American National Standard Institute (ANSI)
10 American Society of Agriculture and Biological Engineers
11 (ASABE) Standard S596, entitled Recycling Plastic Containers
12 from Pesticides and Pesticide-Related Products, *as published in*
13 *February 2006.* The recycling program must be certified by an
14 ANSI-accredited third-party organization as being in compliance
15 with the ANSI/ASABE Standard S596. *The records required by*
16 *these standards shall be maintained for three years and shall be*
17 *subject to audit by the director.*

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

22 (c) (1) The director may adopt regulations to carry out the
23 purposes of this section.

24 (2) *It is the intent of the Legislature in enacting this section that*
25 *any regulatory standards adopted by the department shall be at*
26 *least as stringent as those standards referred to in subdivision (a).*

27 (d) *Commencing September 1, 2010, the department shall*
28 *estimate a recycling rate for pesticide containers and propose*

- 1 *suggestions for program improvements and post this information*
- 2 *annually on its Internet Web site.*

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