

AMENDED IN ASSEMBLY MARCH 18, 2009
AMENDED IN ASSEMBLY FEBRUARY 18, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 21

Introduced by Assembly Member Bonnie Lowenthal

December 1, 2008

An act to add Section 14083 to the Food and Agricultural Code, relating to ~~economic poisons~~ *pesticides*.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as amended, Bonnie Lowenthal. ~~Economic poisons:~~ *Pesticides: methyl bromide: study and report.*

Existing law requires the Director of Pesticide Regulation to adopt regulations that govern the use of methyl bromide and chloropicrin as field fumigants, and authorizes the director to prescribe the time when, and the conditions under which, methyl bromide and chloropicrin may be used in different areas of the state.

This bill would require the Department of Pesticide Regulation to conduct a review of existing and emerging emission control technologies available for reducing *industrial* methyl bromide emissions and to prepare and submit to the Legislature a report detailing available emission control devices or techniques for reducing industrial methyl bromide emissions, including specified information for each system in the study.

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. The Legislature finds and declares all of the
2 following:

3 ~~(a) Trade activity through California's seaports is crucial to the~~
4 ~~overall health of the state's economy.~~

5 ~~(b)~~

6 (a) The economic benefits of ports to state, national, and global
7 economies are as follows:

8 (1) About 13.3 million Americans were employed in jobs created
9 by commercial port activities *in 2007*, and average wages for these
10 jobs were forty-nine thousand dollars (\$49,000) a year, twelve
11 thousand dollars (\$12,000) more than the average United States
12 wage.

13 (2) Exporter/importer businesses and support industries that
14 rely on seaports contributed \$3.15 trillion to the United States
15 economy in 2007 and paid nearly \$212.5 billion in taxes that same
16 year.

17 (3) Seaport activities in 2007 accounted for \$31.21 billion in
18 federal, state, and local tax revenues.

19 (4) Customs revenue through seaports was \$23.2 billion in 2007.

20 (5) Deep-draft ports, which accommodate oceangoing vessels,
21 account for 99 percent of United States overseas trade by weight
22 and 64 percent by value, international trade represents 29.7 percent
23 of the United States Gross Domestic Product, and the United States
24 is the largest trading nation in the world, accounting for 19 percent
25 of world goods trade.

26 ~~(6) With regards to California, California's~~

27 ~~(b) (1) Trade activity through California's seaports is crucial~~
28 ~~to the overall health of the state's economy.~~

29 ~~(2) California's ports handle one-fifth of all United States~~
30 ~~international trade, and Los Angeles and Long Beach rank first~~
31 ~~and second in dollar value of goods processed.~~

32 (c) There are cases in which meeting the requirements of our
33 trading partners requires the use of methyl bromide in cleaning or
34 fumigating the containers used for shipments at the ports.

35 (d) Methyl bromide is an odorless and colorless gas that has
36 been used as a soil fumigant and structural fumigant *and* to control
37 pests across a wide range of agricultural sectors. Methyl bromide
38 depletes the stratospheric ozone layer and has been largely phased

1 out with some exceptions for critical use where no substitute is
2 available and for quarantine and preshipment fumigation functions.

3 (e) Because methyl bromide poses a threat to humans, animals,
4 and the environment, it is in the interest of the state that its use be
5 conducted under careful and appropriate regulation.

6 (f) Workers who perform necessary fumigation with methyl
7 bromide are engaged in a dangerous activity and would benefit
8 from the most stringent health safeguards possible.

9 SEC. 2. Section 14083 is added to the Food and Agricultural
10 Code, to read:

11 14083. The department shall conduct a review of existing and
12 emerging emission control technologies available for reducing
13 *industrial* methyl bromide emissions. The department, by July 1,
14 2011, shall prepare and submit to the Legislature a report detailing
15 available emission control devices or techniques for reducing
16 industrial methyl bromide emissions, including, but not limited
17 to, for each system in the study all of the following:

18 (a) Process of operation, including installation, operation,
19 scientific process, and waste disposal.

20 (b) Locations where the system is in use in California, including
21 the length of time in use.

22 (c) Theoretical emission reduction *or emission reduction*
23 *achieved in practice, if applicable.*

24 ~~(d) Emission reduction achieved in practice, if applicable.~~

25 ~~(e)~~

26 (d) Type, quantity, and toxicity of waste produced.

27 ~~(f)~~

28 (e) Manufacturer of system.

29 ~~(g)~~

30 (f) Cost of system.