

AMENDED IN ASSEMBLY APRIL 2, 2009
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 pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as amended, Bonnie Lowenthal. 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~~ *the assessment undertaken pursuant to the 8th meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the 20th meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer by the Technology*

and Economic Assessment Panel regarding methyl bromide, and comment on the findings of the panel.

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) The economic benefits of ports to state, national, and global
4 economies are as follows:

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

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

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

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

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

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

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

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

31 (d) Methyl bromide is an odorless and colorless gas that has
32 been used as a soil fumigant and structural fumigant and to control
33 pests across a wide range of agricultural sectors. Methyl bromide

1 depletes the stratospheric ozone layer and has been largely phased
2 out with some exceptions for critical use where no substitute is
3 available and for quarantine and preshipment fumigation functions.

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

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

10 (g) *The report of the eighth meeting of the Conference of the*
11 *Parties to the Vienna Convention for the Protection of the Ozone*
12 *Layer and the twentieth meeting of the Parties to the Montreal*
13 *Protocol on Substances that Deplete the Ozone Layer called for*
14 *the Technology and Economic Assessment Panel referred to in*
15 *that report to review all relevant, currently available information*
16 *on the use of methyl bromide for specified applications and related*
17 *emissions, to assess trends in the major uses, available alternatives,*
18 *and other mitigation options and barriers to the adoption of*
19 *alternatives, or determine what additional information or action*
20 *may be required to meet those objectives. This assessment is*
21 *required to contain, among other things, both of the following:*

22 (1) *The technological and economic availability of alternative*
23 *substances and technologies for methyl bromide uses by volume*
24 *and of technologies for methyl bromide technologies for methyl*
25 *bromide recovery, containment, and recycling.*

26 (2) *Projects demonstrating technical and economic feasible*
27 *alternatives, including technologies for recapture and destruction*
28 *of methyl bromide for quarantine and pre-shipment applications.*

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

31 14083. The department shall conduct a review of ~~existing and~~
32 ~~emerging emission control technologies available for reducing~~
33 ~~industrial methyl bromide emissions. The department, by July 1,~~
34 ~~2011, shall prepare and submit to the Legislature a report detailing~~
35 ~~available emission control devices or techniques for reducing~~
36 ~~industrial methyl bromide emissions, including, but not limited~~
37 ~~to, for each system in the study all of the following:~~

38 (a) ~~Process of operation, including installation, operation,~~
39 ~~scientific process, and waste disposal.~~

- 1 ~~(b) Locations where the system is in use in California, including~~
- 2 ~~the length of time in use.~~
- 3 ~~(e) Theoretical emission reduction or emission reduction~~
- 4 ~~achieved in practice, if applicable.~~
- 5 ~~(d) Type, quantity, and toxicity of waste produced.~~
- 6 ~~(e) Manufacturer of system.~~
- 7 ~~(f) Cost of system.~~ *the assessment undertaken pursuant to the*
- 8 *eighth meeting of the Conference of the Parties to the Vienna*
- 9 *Convention for the Protection of the Ozone Layer and the twentieth*
- 10 *meeting of the Parties to the Montreal Protocol on Substances that*
- 11 *Deplete the Ozone Layer by the Technology and Economic*
- 12 *Assessment Panel regarding methyl bromide, and comment on the*
- 13 *findings of the panel, focusing on those issues that are relevant to*
- 14 *California, including, but not limited to, alternatives to methyl*
- 15 *bromide, the options or possibilities for recapture, containment,*
- 16 *and recycling of methyl bromide, and technologies that could*
- 17 *reduce or prevent emissions. The department shall submit the*
- 18 *review and comments to the Legislature in a timely manner after*
- 19 *the publishing of the assessment by the Technology and Economic*
- 20 *Assessment Panel.*