

ASSEMBLY BILL

No. 622

Introduced by Assembly Member Swanson

February 25, 2009

An act to add Section 12979.1 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 622, as introduced, Swanson. Pesticides: aerial application.

Existing law requires the registration of pesticides, prohibits certain uses of pesticides, and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of pesticides, as provided. Existing law requires the use of any pesticide by any person to be in such a manner as to prevent substantial drift to nontarget areas, and requires pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable to be posted with warning signs.

This bill would require, with respect to aerial applications of a pesticide, the observance of a safety zone of no less than 3.3 miles from the aerial application for residential areas, including known sensitive sites, if the pesticide contains any active or inert ingredient that is known to be or suspected to be a carcinogen, a mutagen, or an endocrine disruptor.

Under existing law, a violation of the provisions of this bill would be a crime, as specified. Because this bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 12979.1 is added to the Food and
- 2 Agricultural Code, to read:
- 3 12979.1. For aerial applications of a pesticide, a safety zone
- 4 of no less than three and three tenths miles from the aerial
- 5 application, including drift, shall be observed for residential areas
- 6 and known sensitive sites such as schools, hospitals, day care
- 7 centers, senior citizen centers, residential care homes, and farm
- 8 labor camps, if the pesticide contains any active or inert ingredient
- 9 that is known to be or suspected to be a carcinogen, a mutagen, or
- 10 an endocrine disruptor.
- 11 SEC. 2. No reimbursement is required by this act pursuant to
- 12 Section 6 of Article XIII B of the California Constitution because
- 13 the only costs that may be incurred by a local agency or school
- 14 district will be incurred because this act creates a new crime or
- 15 infraction, eliminates a crime or infraction, or changes the penalty
- 16 for a crime or infraction, within the meaning of Section 17556 of
- 17 the Government Code, or changes the definition of a crime within
- 18 the meaning of Section 6 of Article XIII B of the California
- 19 Constitution.

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