

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1789

Introduced by Assembly Member Williams

February 18, 2014

An act to add Section 12838 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1789, as amended, Williams. Pesticides: neonicotinoids: reevaluation: ~~determination~~. *determination: control measures.*

Existing law requires pesticides to be registered by the Department of Pesticide Regulation. Existing law requires that a pesticide be thoroughly evaluated prior to registration, and provides for the continued evaluation of registered pesticides. *A violation of a regulation adopted by the department pursuant to this authority is a crime.*

This bill would require the department, by July 1, ~~2015~~, to issue a proposed ~~determination~~ with respect to its reevaluation of neonicotinoids, and to issue a final ~~determination~~ 6 months after the department issues its proposed ~~determination~~. *2018, to issue a determination with respect to its reevaluation of neonicotinoids. The bill would require the department, on or before 2 years after making this determination, to adopt any control measures necessary to protect pollinator health.*

The bill would require the department to submit a report to the appropriate committees of the Legislature if the department is unable to adopt those control measures and to update the report annually until the department adopts those control measures.

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. (a) *The Legislature finds and declares all of the*
2 *following:*

3 (1) *Honey bees are vital to the pollination of many of*
4 *California's crops, which are critical to our national food system*
5 *and essential to the economy of the state.*

6 (2) *Annual colony losses from 2006 to 2011, inclusive, averaged*
7 *about 33 percent each year, which is more than double what is*
8 *considered sustainable according to the United States Department*
9 *of Food and Agriculture.*

10 (3) *Scientists now largely agree that a combination of factors*
11 *is to blame for declining pollinator health, including lack of varied*
12 *forage and nutrition, pathogens and pests such as the Varroa mite,*
13 *and chronic and acute exposure to a variety of pesticides.*

14 (4) *Based on data submitted to the Department of Pesticide*
15 *Regulation showing a potential hazard to honey bees, the*
16 *department initiated a reevaluation process for four neonicotinoid*
17 *compounds in 2009: imidacloprid, thiamethoxam, clothianidin,*
18 *and dinotefuran.*

19 (b) *It is the intent of the Legislature to set a timeline for*
20 *completion of the reevaluation of neonicotinoid compounds to*
21 *ensure that the Department of Pesticide Regulation completes a*
22 *thorough, scientifically sound, and timely analysis of the effects*
23 *of neonicotinoids on pollinator health.*

24 SEC. 2. *Section 12838 is added to the Food and Agricultural*
25 *Code, to read:*

26 12838. (a) *On or before July 1, 2018, the department shall*
27 *issue a determination with respect to its reevaluation of*
28 *neonicotinoids.*

29 (b) (1) *Within two years after making the determination*
30 *specified in subdivision (a), the department shall adopt any control*
31 *measures necessary to protect pollinator health.*

32 (2) *If the department is unable to adopt necessary control*
33 *measures within two years as required in paragraph (1), the*
34 *department shall submit a report to the appropriate committees*

1 of the Legislature setting forth the reasons the requirement of
2 paragraph (1) has not been met.

3 (3) The department shall update the report submitted to the
4 appropriate committees of the Legislature pursuant to paragraph
5 (2) every year until the department adopts the necessary control
6 measures specified in paragraph (1).

7 SECTION 1. ~~Section 12838 is added to the Food and~~
8 ~~Agricultural Code, to read:~~

9 12838. (a) ~~By July 1, 2015, the department shall issue a~~
10 ~~proposed determination with respect to its reevaluation of~~
11 ~~neonicotinoids. The department shall accept public comments on~~
12 ~~its proposed determination for a minimum of 30 days thereafter.~~

13 (b) ~~No later than six months after issuance of the proposed~~
14 ~~determination, the department shall issue its final determination~~
15 ~~with respect to its reevaluation of neonicotinoids, with a written~~
16 ~~response to any comments received.~~

17 (c) ~~The department shall implement its final determination~~
18 ~~within six months after the department issues the final~~
19 ~~determination.~~