

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2657

Introduced by Assembly Member Bloom

February 21, 2014

An act to add Section ~~12016.5~~ *12978.7* to the Fish *Food* and *Game Agricultural* Code, relating to fish and wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as amended, Bloom. ~~Environmentally sensitive Wildlife habitat~~ areas: use of anticoagulants.

~~Existing law requires the Director of Pesticide Regulation to, by regulation, designate and establish a list of restricted materials based upon, among other criteria, hazards related to persistent residues in the soil resulting ultimately in contamination of the air, waterways, estuaries, or lakes, with consequent damage to fish, wild birds, and other wildlife. Existing law requires the director to control and otherwise regulate the use of restricted materials, as specified. Existing law requires the Fish and Game Commission and the Department of Fish and Wildlife to protect and conserve the fish and wildlife resources of the state by establishing ecological reserves and by conserving, protecting, restoring, and enhancing any endangered species or any threatened species and its habitat.~~

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. 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. Existing law requires public property where public exposure is foreseeable to be posted with

warning signs prior to pesticide applications, as specified. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of the provisions specified above is a misdemeanor.

This bill would prohibit the use of any ~~poison, substance, or product, other than its use as a prescription drug under the direction of a licensed physician and surgeon,~~ pesticide that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in environmentally sensitive wildlife habitat areas, as defined.

Because

To the extent the bill would impose additional duties on county agricultural commissioners, and because a violation of this provision would be a misdemeanor, the bill would create new crimes, thereby imposing a crime, this 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:~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 12978.7 is added to the Food and
- 2 Agricultural Code, to read:
- 3 12978.7. (a) The use of any pesticide that contains one or
- 4 more of the following anticoagulants is prohibited in a wildlife
- 5 habitat area:

- 1 (1) *Brodifacoum.*
- 2 (2) *Bromadiolone.*
- 3 (3) *Difenacoum.*
- 4 (4) *Difethialone.*

5 (b) *As used in subdivision (a), a “wildlife habitat area” means*
6 *any state or national park, state or federal wildlife refuge, state*
7 *conservancy, area designated as critical habitat for a species listed*
8 *as threatened or endangered under the California Endangered*
9 *Species Act (Chapter 1.5 (commencing with Section 2050) of*
10 *Division 3 of the Fish and Game Code) or the federal Endangered*
11 *Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), and lands that*
12 *have been designated as habitat for mitigation purposes or are*
13 *otherwise protected by a conservation easement.*

14 *SEC. 2. No reimbursement is required by this act pursuant to*
15 *Section 6 of Article XIII B of the California Constitution for certain*
16 *costs that may be incurred by a local agency or school district*
17 *because, in that regard, this act creates a new crime or infraction,*
18 *eliminates a crime or infraction, or changes the penalty for a crime*
19 *or infraction, within the meaning of Section 17556 of the*
20 *Government Code, or changes the definition of a crime within the*
21 *meaning of Section 6 of Article XIII B of the California*
22 *Constitution.*

23 *However, if the Commission on State Mandates determines that*
24 *this act contains other costs mandated by the state, reimbursement*
25 *to local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*

28 ~~SECTION 1. Section 12016.5 is added to the Fish and Game~~
29 ~~Code, to read:~~

30 ~~12016.5. (a) The use of any poison, substance, or product,~~
31 ~~other than its use as a prescription drug under the direction of a~~
32 ~~licensed physician and surgeon, that contains one or more of the~~
33 ~~following anticoagulants is prohibited in an environmentally~~
34 ~~sensitive area:~~

- 35 ~~(1) Brodifacoum.~~
- 36 ~~(2) Bromadiolone.~~
- 37 ~~(3) Difenacoum.~~
- 38 ~~(4) Difethialone.~~

39 ~~(b) As used in subdivision (a), an “environmentally sensitive~~
40 ~~area” has the same meaning as defined in Section 30107.5 of the~~

1 ~~Public Resources Code, and includes, but is not limited to, any~~
2 ~~wetlands, animal sanctuary, conservancy, state or national park,~~
3 ~~and any area or habitat that is protected for any endangered or~~
4 ~~threatened species, including animals, birds, fish, and insects.~~

5 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
6 ~~Section 6 of Article XIII B of the California Constitution because~~
7 ~~the only costs that may be incurred by a local agency or school~~
8 ~~district will be incurred because this act creates a new crime or~~
9 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
10 ~~for a crime or infraction, within the meaning of Section 17556 of~~
11 ~~the Government Code, or changes the definition of a crime within~~
12 ~~the meaning of Section 6 of Article XIII B of the California~~
13 ~~Constitution.~~