

**ASSEMBLY BILL**

**No. 2596**

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**Introduced by Assembly Member Bloom**

February 19, 2016

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An act to amend Section 12978.7 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2596, as introduced, Bloom. Pesticides: use of anticoagulants.

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 prohibits, except as specified, the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, as defined. 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 these provisions is a misdemeanor.

This bill would expand this prohibition to include a pesticide containing additional specified anticoagulants and would also prohibit the use of a pesticide containing one of those anticoagulants in the entire state.

To the extent the bill would impose additional duties on county agricultural commissioners, and because the bill would expand the definition of 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 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. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Wildlife, including birds of prey, mountain lions, bobcats,  
4 fishers, foxes, coyotes, and endangered species such as the northern  
5 spotted owl, pacific fisher, and San Joaquin kit fox, are an  
6 irreplaceable part of California's natural ecosystems. As predators  
7 of small mammals, they play an important role in regulating and  
8 controlling the population of rodents throughout the state to  
9 improve public health and welfare.

10 (2) Millions of people annually visit California for the purposes  
11 of viewing and photographing wildlife, and these visits contribute  
12 millions of dollars to California's economy.

13 (3) Urban areas are increasingly being used by predatory  
14 mammals and birds of prey and the public enjoys seeing them and  
15 values these animals and the ecosystem services they provide.

16 (4) The ecosystem services provided by native wildlife predators  
17 are a public trust, just like clean air and water. We, as California  
18 residents, are obligated to conserve these wildlife populations for  
19 future generations of Californians.

20 (5) Scientific research and state studies have found rodenticides  
21 in over 75 percent of animals tested. These rodenticides lead to  
22 direct mortality and chronic long-term health impacts for natural  
23 predators, nontarget organisms, and endangered species and further  
24 steps are needed to reduce rodenticide exposure in nontarget  
25 animals.

26 (6) Rodenticides can be counterproductive to rodent control by  
27 poisoning, harming, and killing natural predators that help regulate  
28 rodent populations throughout California.

(b) It is the intent of the Legislature in enacting this measure to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in California.

(c) This act shall be known, and may be cited, as the California Natural Predator Protection Act of 2016.

SEC. 2. Section 12978.7 of the Food and Agricultural Code is amended to read:

12978.7. (a) Except as provided in subdivision ~~(d)~~, (c), the use of any pesticide that contains one or more of the following anticoagulants is prohibited in a wildlife habitat area: *this state*:

- (1) Brodifacoum.
- (2) Bromadiolone.
- (3) *Bromethalin*.
- (4) *Chlorophacinone*.
- (5) *Cholecalciferol*.
- ~~(3)~~
- (6) Difenacoum.
- ~~(4)~~
- (7) Difethialone.
- (8) *Diphacinone*.
- (9) *Warfarin*.

~~(b) As used in subdivision (a), a “wildlife habitat area” means any state park, state wildlife refuge, or state conservancy.~~

~~(e)~~

(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).

~~(d)~~

(c) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

~~(e)~~

(d) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the

1 meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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

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