

Introduced by Senators Leno and AllenFebruary 19, 2016

An act to add Section 12860 to, and to add Article 4.5 (commencing with Section 14085) to Chapter 3 of Division 7 of, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as introduced, Leno. Pesticides: neonicotinoids: labeling and restricted material designation.

Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Existing law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified.

This bill would require the director, on and after July 1, 2017, to require labeling of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide, and, by regulation, designate neonicotinoid pesticides as restricted materials by January 1, 2018. Because a violation of the regulations adopted pursuant to the bill's provisions would be a misdemeanor, 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. (a) The Legislature finds and declares all of the
2 following:

3 (1) Bees and other pollinators are critical to agricultural
4 production, home gardens, and native ecosystems. Bee populations
5 have been declining significantly over the past 25 years, and while
6 there is no single cause of these declines, a substantial and growing
7 body of evidence points to neonicotinoid pesticides as a key factor.
8 Neonicotinoid pesticides are taken up by plants, and expressed
9 through pollen, nectar, and guttation droplets, impacting both target
10 and nontarget insect species, including honey bees and native bees.

11 (2) The Director of Pesticide Regulation is required, by
12 regulation, to designate a list of restricted material pesticides that
13 meet certain criteria, including presenting a hazard to honey bees.

14 (3) Based on data showing a potential hazard to honey bees, in
15 2009, the Department of Pesticide Regulation initiated reevaluation
16 of pesticide products containing four neonicotinoid chemicals,
17 including imidacloprid, thiamethoxam, clothianidin, and
18 dinotefuran. The department is required to complete its reevaluation
19 by July 1, 2018, and to adopt necessary control measures for these
20 pesticides by July 1, 2020.

21 (b) It is the intent of the Legislature to minimize potential harm
22 to honey bees in the interim while the Department of Pesticide
23 Regulation continues to study the impacts of neonicotinoids.

24 SEC. 2. Section 12860 is added to the Food and Agricultural
25 Code, to read:

26 12860. (a) On and after July 1, 2017, the director shall require
27 labeling of all commercially available seeds and plants sold at
28 retail establishments, excluding noxious weed seeds and plants,
29 that have been treated with a neonicotinoid pesticide. "Treatment"
30 includes foliar and granular treatments, in addition to seed coatings.

31 (b) The label shall include, clearly visible and prominently
32 placed, the words: "STATE OF CALIFORNIA SAFETY
33 WARNING: MAY HARM BEES" and a logo, as determined by

1 the director. This label shall contrast, by typography, layout, or
2 color, with other printed matter nearby.

3 (c) If the safety warning required in subdivision (b) is affixed
4 rather than printed directly, the safety warning shall be affixed to
5 the product in such a manner that it cannot be removed without a
6 thorough application of water or other solvents.

7 SEC. 3. Article 4.5 (commencing with Section 14085) is added
8 to Chapter 3 of Division 7 of the Food and Agricultural Code, to
9 read:

10
11 Article 4.5. Neonicotinoids

12
13 14085. As used in this article, “neonicotinoid” means
14 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,
15 thiacloprid, thiamethoxam, or any other chemical designated by
16 the department as belonging to the neonicotinoid class of
17 chemicals.

18 14086. (a) By January 1, 2018, the director shall, by regulation
19 pursuant to Section 14004.5, designate neonicotinoid pesticides
20 as restricted materials.

21 (b) The director may exempt products sold or applied by
22 veterinarians from the restrictions and requirements governing the
23 use and possession of neonicotinoid pesticides.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.