

Assembly Bill No. 697

CHAPTER 287

An act to add Section 12832 to the Food and Agricultural Code, relating to economic poisons.

[Approved by Governor August 2, 1995. Filed with
Secretary of State August 3, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 697, Cannella. Pesticide products: registration: seed crops.

(1) Existing law requires every manufacturer of, importer of, or dealer in any economic poison, except as specified, to obtain a certificate of registration from the Department of Pesticide Regulation before the economic poison is offered for sale.

This bill would provide that alfalfa and all vegetable crops, when grown for seed production, except as specified, shall be considered a nonfood and nonfeed site of pesticide use for the purpose of pesticide registration. The bill would specify that these provisions shall not be construed to exempt the department from reviewing worker safety evaluations with regard to the use of pesticides involving these crops. The bill would also provide that any violation of the conditions specified in the bill by the person responsible for the use of the economic poison is a violation of the provisions governing the registration of pesticides generally. The bill would specify that a violation of a condition specified in the bill by the person responsible for the disposition of seed screenings would be a violation of the provisions governing commercial feed. Since under existing law, a violation of those provisions is a misdemeanor, this bill would impose a state-mandated local program by creating a new crime.

(2) 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 people of the State of California do enact as follows:

SECTION 1. Section 12832 is added to the Food and Agricultural Code, to read:

12832. (a) Notwithstanding any other provision of this chapter, alfalfa and all vegetable crops, when grown for seed production, with the exception of corn, beans, pumpkin, and peas, shall be considered a nonfood and nonfeed site of pesticide use for the purpose of

pesticide registration. In order to be determined to be a nonfood or nonfeed site for the purposes of this section, the following conditions shall be met:

(1) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screenings disposal for three years from the date of disposal and shall furnish the records to the director upon request. Disposal records shall consist of documentation from a controlled waste disposal site, incinerator, cogeneration plant, composting facility, or other equivalent disposal site.

(2) No portion of the seed plant, including, but not limited to, green chop, hay, pellets, meal, whole seed, cracked seed, or seed screenings shall be used or distributed for food or feed purposes.

(3) All seed crops grown on a nonfood or nonfeed site in this state, or conditioned in this state, shall bear a tag or container label that forbids the use of the seed for human consumption or animal feed.

(4) No seed grown on a nonfood or nonfeed site in this state, or conditioned in this state, may be distributed for human consumption or animal feed.

(b) Nothing in this section prevents the department from imposing conditions for alfalfa seed sites in addition to those contained in this section, or from rescinding any current label requirements for pesticides approved for alfalfa seed production.

(c) Nothing in this section shall be construed to exempt the department from reviewing worker safety evaluations with regard to the use of pesticides involving crops specified in subdivision (a).

(d) A violation of any condition specified in subdivision (a) by the person responsible for the use of the economic poison is a violation of this chapter, and is subject to the civil and criminal penalties and injunctive relief provisions specified in Article 12 (commencing with Section 12996). A violation of any condition specified in subdivision (a) by the person responsible for the disposition of seed screenings is a violation of Chapter 6 (commencing with Section 14901) and is subject to enforcement by the Department of Food and Agriculture.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because 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 meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative



on the same date that the act takes effect pursuant to the California Constitution.

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