

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 622

Introduced by Assembly Member Swanson

February 25, 2009

An act to add Section 12979.1 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 622, as amended, Swanson. Pesticides: aerial application.

Existing law requires the registration of pesticides, prohibits certain uses of pesticides, and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of pesticides, as provided. 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, and requires pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable to be posted with warning signs.

This bill would require, with respect to aerial applications of a pesticide, the observance of a safety zone of no less than 3.3 miles from the aerial application for residential areas, including known sensitive sites, ~~if the pesticide contains any active or inert ingredient that is known to be or suspected to be a carcinogen, a mutagen, or an endocrine disruptor.~~

Under existing law, a violation of the provisions of this bill would be a crime, as specified. Because this bill would create new crimes, 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. Section 12979.1 is added to the Food and
2 Agricultural Code, to read:

3 12979.1. (a) *This section shall be known, and may be cited*
4 *as, the Clean Air for Children, Seniors, and Working Families Act.*

5 (b) For aerial applications of a pesticide, a safety zone of no
6 less than three and three tenths miles from the aerial application,
7 including drift, shall be observed for residential areas and known
8 sensitive sites such as schools, hospitals, day care centers, senior
9 citizen centers, residential care homes, and farm labor camps, ~~if~~
10 ~~the pesticide contains any active or inert ingredient that is known~~
11 ~~to be or suspected to be a carcinogen, a mutagen, or an endocrine~~
12 ~~disruptor.~~

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