

ASSEMBLY BILL

No. 835

Introduced by Assembly Member Monning

February 26, 2009

An act to add Chapter 7 (commencing with Section 42900) to Part 4 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 835, as introduced, Monning. Pesticides: volatile organic compound emissions.

Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, as defined, if the state board makes certain findings. Existing law makes it a crime to violate any nonvehicular pollution control law, as provided.

Existing law requires the Director of Pesticide Regulation to develop control measures for certain pesticides designed to reduce emissions in order to protect public health.

This bill would require the state board to update, in a public hearing, the commercial structural and agricultural use pesticide volatile organic compound (VOC) emissions inventory on an annual basis. This bill would require any regulation adopted by the state board, or adopted by the Department of Pesticide Regulation, or pesticide product registered by the Department of Pesticide Regulation, that reduces an environmental hazard associated with a pesticide product to not lead to the registration of, or increased use of, any product that is more toxic than that pesticide product.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Toxic air contaminants in pesticides poison communities
4 and are probable carcinogens and reproductive toxins. Pesticides,
5 especially fumigants, pose significant health risks to rural
6 communities, because of drift, and to farm workers. Many
7 pesticides and fumigants emit volatile organic compounds (VOCs),
8 which are low-level ozone and fine particulate matter (PM2.5)
9 precursors.

10 (b) An unacceptable number of California air basins where
11 pesticides and fumigants are used, including, but not limited to,
12 the San Joaquin Valley, Ventura, and the Southeast Desert
13 nonattainment areas violated state and federal ambient air quality
14 standards. The failure to meet the 1997 federal ozone National
15 Ambient Air Quality Standard and the 2008 federal PM2.5 National
16 Ambient Air Quality Standard in the San Joaquin Valley costs
17 residents \$5.7 billion annually in measurable health costs, or
18 approximately \$1,600 per person.

19 (c) Ozone damages vegetation and causes crop loss, and poses
20 a significant threat to the agricultural industry. A 1994 State Air
21 Resources Board estimate shows that bringing average ozone levels
22 down to 0.04ppm statewide would save producers and consumers
23 \$490 million a year.

24 (d) The Department of Pesticide Regulation has responsibility
25 to ensure that VOC emission reductions are achieved. The
26 department has failed to adopt regulations to achieve these
27 reductions.

28 (e) The State Air Resources Board has the demonstrated
29 independence, democratic processes, and fulfillment of its legal
30 duty to ensure that the state implementation plan's goals and
31 commitments are met.

32 (f) The public's right to information related to pesticide use,
33 pesticide ingredients, and volatile organic compound emissions
34 outweigh pesticide registrants' interests in maintaining use and
35 ingredient secrecy.

36 SEC. 2. Chapter 7 (commencing with Section 42900) is added
37 to Part 4 of Division 26 of the Health and Safety Code, to read:

CHAPTER 7. PESTICIDES

42900. (a) No later than July 1, 2010, and annually thereafter, the state board shall update, in a public hearing, the commercial structural and agricultural use pesticide volatile organic compound (VOC) emissions inventory developed by the Director of Pesticide Regulation with the most currently available emissions data.

(b) The state board, in cooperation with the Department of Pesticide Regulation, shall disclose active and inert pesticide ingredients of all pesticide products registered for use in the state, and shall include this information in the annual emission inventories required by this section. Any claim of confidential business information or other proprietary assertion shall not interfere with the disclosures mandated by this section.

(c) In calculating the emissions inventory pursuant to this section, the state board shall use the same methodologies for calculating the 1990 baseline inventory as all subsequent inventories, except that for the year 1990, the state board shall use the 1991 pesticide use report data to calculate the 1990 baseline inventory.

(d) If the United States Environmental Protection Agency takes final action to reclassify a pesticide product or ingredient from a VOC to an exempt status, the state board shall remove the VOC emissions associated with that product or ingredient from all emissions inventory years.

42901. Any regulation adopted by the state board, or adopted by the Department of Pesticide Regulation, or pesticide product registered by the Department of Pesticide Regulation, that reduces an environmental hazard associated with a pesticide product shall not lead to the registration of, or increased use of, any product that is more toxic than that pesticide product.