ASSEMBLY BILL No. 2465

Introduced by Assembly Member Yamada

February 19, 2010

An act to add Section 14718 to the Government Code, relating to pest management.

LEGISLATIVE COUNSEL'S DIGEST

AB 2465, as introduced, Yamada. Vector control: state agencies.

Existing law, the Mosquito Abatement and Vector Control District Law, authorizes the establishment of mosquito abatement and vector control districts governed by a board of trustees. Existing law requires the State Department of Public Health to certify government agency employees and pest abatement district employees who handle, apply, or supervise the use of pesticides as vector control technicians. It also requires the department to establish minimum standards for continuing education for any government agency employee so certified.

Existing law authorizes the department to enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes, gnats, flies, other insects, rodents, or other vectors and pests of public health importance, in areas and under terms, conditions, and specifications as the State Public Health Officer may prescribe. Existing law, until January 1, 2011, requires any state or local agency responding to an outbreak of West Nile virus or other mosquito-borne disease with an abatement and surveillance program to contract with a local mosquito and vector control agency that is party to the cooperative agreement or to consult directly with the department to ensure that the outbreak response is supervised appropriately and

conducted by licensed personnel using sound integrated mosquito management techniques.

Existing law requires each state agency to annually make a review of all proprietary state lands, except as specified, over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services. It also requires jurisdiction of all land reported as excess to be transferred to the Department of General Services, when requested by the director of the reporting agency, for sale or disposition.

This bill would require the Department of General Services and every state agency that is required to report to the Department of General Services all land that is in excess of its foreseeable needs and that does not request transfer of its jurisdiction to the Department of General Services to, with respect to this excess land that is acquired by the state on and after January 1, 2011, take specified actions with regard to mosquito control on state properties, as described in the June 2008 Best Management Practices for Mosquito Control on California State Properties prepared by the State Department of Public Health.

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

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

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

(a) On August 2, 2007, Governor Schwarzenegger issued a Proclamation of Emergency in response to the then rapidly escalating West Nile virus outbreak and directed the State Department of Public Health (DPH), in coordination with the State and Consumer Services Agency, the Resources Agency, and the Department of Food and Agriculture, to develop a plan to be implemented by all state agencies to enhance early detection and control of West Nile virus on state-owned properties utilizing best management practices (BMP).

(b) In 2009, the DPH reported that West Nile virus resulted in the deaths of four Californians and resulted in 105 Californians testing positive for West Nile virus.

(c) In June 2008, the DPH adopted its Best Management Practices for Mosquito Control on California State Properties. These BMPs describe land management practices intended to

reduce mosquito populations by eliminating standing water, modifying habitat, enhancing natural predation on mosquito larvae, and using highly specific mosquito control products.

(d) Additionally, the BMPs are a fundamental attribute of an integrated pest management program, that combines chemical and nonchemical control measures to reduce populations of mosquitoes, while minimizing the potential impacts to people, other organisms, and the environment.

(e) Due in large part to recent state budget constraints, the state agencies required to implement BMPs on lands under their jurisdiction have been unable to fully implement the BMPs, thus further straining the budgets of local mosquito control on these state lands.

(f) The acquisition of new properties by the state, which is void of adequate funding for implanting the BMPs requirements at the time of purchase, will simply continue to shift mosquito control on state-owned and state-managed lands to the local mosquito control and vector control districts.

(g) Mosquito control utilizing BMPs through collaboration between state agencies and local mosquito and vector control agencies provides a higher level of public safety to all Californians and will reduce the use of pesticides on state-owned and state-managed lands.

SEC. 2. Section 14718 is added to the Government Code, to read:

14718. The Department of General Services and every state agency that is required, pursuant to Section 11011, to report to the Department of General Services all land that is in excess of its foreseeable needs and that does not request transfer of its jurisdiction to the Department of General Services, shall, with respect to land that is acquired by the state on and after January 1, 2011, and reportable pursuant to Section 11011, do all of the following, as described in the June 2008 Best Management Practices for Mosquito Control on California State Properties prepared by the State Department of Public Health:

(a) Coordinate with local mosquito control agencies to monitor mosquito populations and the West Nile virus (WNV).

(b) Collaborate with mosquito control professionals to establish the treatment threshold of mosquito populations based on facts related to local health, public safety, and economics.

(c) Identify and implement best management practices most appropriate for the land-use type, resource availability, WNV risk, and mosquito populations.

(d) Coordinate any best management practices implementation with the local mosquito and vector control agency.

(e) Ensure that mosquito control staff has permanent access and permission to survey standing water for mosquito production and apply control measures.

(f) Use integrated pest management, including biological, mechanical, cultural, microbial, biochemical, and chemical controls to actively control mosquitoes while considering human health, ecological impact, feasibility, and cost effectiveness.

(g) Eliminate artificial mosquito breeding sites.

(h) Ensure that all surface water is gone within four days (96 hours) to prevent mosquito breeding.

(i) Control plant growth in ponds, ditches, and shallow wetlands.

(j) Design facilities and water conveyance or holding structures or both to minimize the potential for producing mosquitoes.

(k) Use appropriate biorational control measures to control mosquito larvae.

(*l*) Use personal protective measures to prevent mosquito bites.

(m) Evaluate the effects and efficacy of treatments for mosquito control.

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