



Department of Pesticide Regulation
Office of Legislation and Policy

2010 Legislative Summary

December 2010

STATE OF CALIFORNIA

Arnold Schwarzenegger
Governor

Linda Adams
Secretary for Environmental Protection
California Environmental Protection Agency

DEPARTMENT OF PESTICIDE REGULATION

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Introduction

The Department of Pesticide Regulation (DPR) is an agency within the California Environmental Protection Agency (Cal/EPA). Cal/EPA was created in 1991 to combine environmental programs previously administered by six separate state agencies. The six environmental agencies within Cal/EPA include DPR, the Department of Toxic Substances Control, the State Water Resources Control Board, the Integrated Waste Management Board, the Air Resources Board, and the Office of Environmental Health Hazard Assessment.

DPR is charged with the responsibility to administer California's statewide pesticide regulatory program--the largest of its kind in the nation. Before a pesticide can be possessed, sold, or used in California, the pesticide must be registered by DPR. Prior to registration, DPR's scientific staff reviews each product to ensure that it meets stringent standards, as prescribed in the laws (Food and Agricultural Code) and regulations (California Code of Regulations) governing pesticides in California. Reviews of data include, but are not limited to, the chemical properties of the product, intended use patterns, potential human health effects, and environmental fate of the product. The laws and regulations governing the possession, sale, and use of pesticides are enforced by DPR in cooperation with the office of the county agricultural commissioner (CAC) within each county.

This summary contains brief descriptions of the legislation followed by DPR's Office of Legislation and Policy during the 2010 Legislative Session.

Urgency bills signed by the Governor took effect immediately upon his signature. Other legislation signed by the Governor in 2010 will take effect on January 1, 2011.

For an electronic version of this summary, please refer to the link below:

<http://www.cdpr.ca.gov/docs/legbills/reports/summaries/summaries.htm>

Acronyms

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
ARB	Air Resources Board
CAC	County Agricultural Commissioner
Cal/EPA	California Environmental Protection Agency
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDHS	California Department of Health Services
CEQA	California Environmental Quality Act
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
FAC	Food and Agricultural Code
FSA	Food Safety Account
HDPE	High Density Polyethylene
HSC	Health and Safety Code
IPM	Integrated Pest Management
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SPCB	Structural Pest Control Board
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
U.S. EPA	U. S. Environmental Protection Agency
VOC	Volatile organic compound

Bills by Subject Index

SUBJECT	AUTHOR	DIGEST	CHAPTER
Agriculture			
AB 1891	Committee on Higher Education	University of California Sustainable Agriculture Research and Education Program.	Chapter 200
AB 1912	Evans	California Apiary Research Commission established and funded.	Chapter 28
AB 2695	Hernandez	California Nursery Producers Commission established and funded.	Chapter 605
SB 1142	Wiggins	Department of Conservation grants for conservation easements.	Chapter 323
SB 1241	Wolk	Agricultural climate control grants.	Dead
Budget and Administration			
AB 2408	Smyth	State Chief Information Officer duties.	Chapter 404
SB 870	Ducheny	2010-11 budget.	Chapter 712
SB 1020	Wolk	Performance-based budgeting.	Dead
Enforcement/ Compliance			
AB 2607	De Leon	Study of pest control on wood pallets used in shipment.	Dead
AB 2686	Berryhill, Tom	Organic products enforcement by county agricultural commissioners; enhanced civil penalties.	Chapter 395
SB 1330	Committee on Judiciary	Maintenance of the codes.	Chapter 328
Health & Safety			
AB 1963	Nava	Requires clinical laboratories to send all tests performed to evaluate poisoning from cholinesterase-inhibiting pesticides to DPR electronically.	Chapter 369

SUBJECT	AUTHOR	DIGEST	CHAPTER
SB 928	Simitian	Disclosure of inert ingredients in consumer products other than pesticides.	Dead
Pests & Pesticides			
AB 219	Ruskin	State Board of Food and Agriculture: member qualification and conflicts: pest control: plant quarantine inspection stations.	Chapter 343
AB 604	De Leon	Pest control: citrus disease prevention.	Chapter 17
AB 2070	Monning	Fumigants: methyl bromide and chloropicrin spot bill.	Dead
AB 2122	Mendoza	Expands the subject areas that the DPR Director is allowed to approve for continuing education credit.	Chapter 375
AB 2137	Chesbro	Exempts certified laboratory analysis showing nutrient content of compost or mulch from "labeling."	Dead
AB 2465	Yamada	Requires IPM to be practiced on lands acquired by the state.	Dead
HR 23	Monning	Disclosure of inert materials.	Adopted
HR 34	Galgiani	Relative to invasive plant pest and disease awareness month.	Adopted
SR 35	Leno	California and U.S. EPA identification and disclosure of inert ingredients.	Adopted
Recycling			
AB 2139	Chesbro	Recovery of residential pesticides; shifting of responsibility from local government to manufacturers.	Dead
AB 2612	Committee on Agriculture	Food and agriculture: omnibus bill; recycling of HDPE containers of pesticides.	Chapter 393

SUBJECT	AUTHOR	DIGEST	CHAPTER
Regulatory Reform			
AB 846	Torrico	Inflation factor for penalties.	Dead
AB 1659	Huber	State government; agency repeals.	Chapter 666
AB 1787	Swanson	Blind readers: machine-readable regulatory writing format.	Dead
AB 1833	Logue	Regulations: economic impact analysis.	Dead
AB 2130	Huber	Professions and vocations: sunset review of boards and commissions including the Structural Pest Control Board.	Chapter 670
AB 2196	Smyth	Small business advocate: report on costly regulations.	Dead
AB 2529	Fuentes	State agencies: regulations: economic analysis peer review.	Dead
AB 2603	Gaines	Reduction of regulation by 33 percent by December 31, 2012.	Dead
AB 2652	Niello	Requires that the Legislature hold an informational hearing if an agency is proposing to adopt a regulation with an estimated cost of more than \$10 million.	Dead
AB 2659	Tran	Requires developing and administering a computerized one-stop licensing system.	Dead
AB 2692	Tran	California small business board focus on the impact of licensing and permitting regulations.	Dead
AB 2738	Niello	Regulatory statement of reasons.	Chapter 398
SB 356	Wright	Regulations: small businesses analysis.	Dead
SB 954	Harman	Legislative procedure: committee referrals: Joint Committee on Boards, Commissions, and Consumer or Business Protection.	Dead

SUBJECT	AUTHOR	DIGEST	CHAPTER
SB 988	Huff	Regulations: 5-year review and report.	Dead
SB 1160	Dutton	State fiscal analysis using a dynamic revenue model.	Dead
SB 1259	DeSaulnier	State government: Economic Development and Job Creation Agency.	Dead
Schools			
SB 1157	DeSaulnier	Education: Healthy Schools Act of 2010.	Vetoed
AB 1721	Swanson	Pesticides: safe school zones: aerial spraying of registered pesticides within one-half mile of a school or sensitive site.	Dead
Structural Pest Control			
AB 1736	Ma	DPR: Structural Pest Control Board: Structural fumigation enforcement program.	Chapter 238
SB 294	Negrete-McLeod	Professions and vocations: regulation.	Chapter 695
Toxics			
SB 22	Simitian	Hazardous materials: toxic substances.	Dead
SB 855	Committee on Budget and Fiscal Review	Budget Act of 2010.	Chapter 718
Water Quality Enforcement and Permits			
AB 2595	Huffman	Irrigated agriculture: pesticide use: operator identification number: water quality: waste discharge requirements.	Dead

SUBJECT	AUTHOR	DIGEST	CHAPTER
AB 2776	Huffman	Transfers of water: agricultural use to municipal use.	Dead
SB 1284	Ducheny	Water quality: mandatory minimum civil penalties.	Chapter 645

Bills by Author

Assembly

Berryhill, Tom

AB 2686 Organic products: county agricultural commissioners: civil penalties. Chapter 395

Chesbro, Wesley

AB 2137 Fertilizing materials: labels. Dead
AB 2139 Solid waste: product stewardship. Dead

Committee on Agriculture

AB 2612 Food and agriculture: omnibus bill. Chapter 393

Committee on Budget

SB 1020 Budget Act of 2010. Dead
SB 870 Budget Act of 2010. Chapter 712

Committee on Higher Education

AB 1891 University of California Sustainable Agriculture Research and Education Program. Chapter 200

De Leon, Kevin

AB 604 Pest control: citrus disease prevention. Chapter 17
AB 2607 Pest control: shipments: wood pallets: study. Dead

Evans, Noreen

AB 1912 California Apiary Research Commission established and funded. Chapter 585

Fuentes, Felipe

AB 2529 State agencies: regulations: review. Dead

Gaines, Ted

AB 2603 Requires every state agency to reduce its total number of regulations by 33 percent by December 31, 2012. Dead

Galgiani, Cathleen

HR 34 Relative to invasive plant pest and disease awareness month. Adopted

Hernandez, Ed

AB 2695 California Nursery Producers Commission established and funded. Chapter 605

Huber, Alyson

AB 1659 State government: agency repeals. Chapter 666

AB 2130 Professions and vocations: sunset review including the SBCB. Chapter 670

Huffman, Jared

AB 2595 Irrigated agriculture: pesticide use: operator identification number: water quality: waste discharge requirements. Dead

AB 2776 Transfers of water: agricultural use to municipal use. Dead

Logue, Dan

AB 1833 Regulations: economic impact analysis. Dead

Ma, Fiona

AB 1736 DPR: SPCB: structural fumigation: This bill extends the sunset of the Structural Fumigation Enforcement Program. Chapter 238

Mendoza, Tony

AB 2122 Expands the subject areas for continuing education credit. Chapter 375

Monning, Bill

AB 2070 Fumigants: methyl bromide and chloropicrin spot bill. Dead

HR 23 Disclose of inert materials. Adopted

Nava, Pedro

AB 1963 This bill requires clinical laboratories to send all tests performed to evaluate poisoning from cholinesterase-inhibiting pesticides to DPR electronically. Chapter 369

Niello, Roger

- AB 2738 Regulatory statement of reasons. Chapter 398
- AB 2652 Requires that the Legislature hold an informational hearing if an agency is proposing to adopt a regulation with an estimated cost of more than \$10 million. Dead

Ruskin, Ira

- AB 219 State Board of Food and Agriculture: member qualification and conflicts: pest control: plant quarantine inspection stations. Chapter 343

Smyth, Cameron

- AB 2408 State government information technology. Chapter 404
- AB 2196 Small business advocate: report on costly regulations. Dead

Swanson, Sandre

- AB 1787 Administrative procedures: regulations: narrative descriptions for blind readers. Dead
- AB 1721 Pesticides: safe school zones: aerial spraying of registered pesticides within a half-mile of a school or sensitive site. Dead

Torrice, Alberto

- AB 846 State agencies: inflation factor for civil and administrative penalties. Dead

Tran, Van

- AB 2659 Requires developing and administering a computerized one-stop licensing system. Dead
- AB 2692 California small business board focus on the impact of licensing and permitting regulations. Dead

Yamada, Mariko

- AB 2465 Requires IPM to be practiced on lands acquired by the state. Dead

Senate

Committee on Budget and Fiscal Review

SB 855 Resources. Chapter 718

Committee on Judiciary

SB 1330 Maintenance of the codes. Chapter 328

DeSaulnier, Mark

SB 1157 Education: Healthy Schools Act of 2010. Vetoed
SB 1259 State government: Economic Development and Dead
Job Creation Agency.

Ducheny, Denise

SB 870 2010-11 Budget. Chapter 712
SB 1284 Water quality: mandatory minimum civil penalties. Chapter 645

Dutton, Robert

SB 942 Regulations: review process. Dead
SB 1160 State fiscal analysis. Dead

Harman, Tom

SB 954 Legislative procedure: committee referrals: Joint Committee Dead
on Boards, Commissions, and Consumer or Business Protection.

Huff, Bob

SB 988 Regulations: 5-year review and report Dead

Leno, Mark

SR 35 Relative to pesticides. Adopted

Negrete McLeod, Gloria

SB 294 Professions and vocations; regulations. Chapter 695

Simitian, Joe

SB 22 Hazardous materials: toxic substances. Dead

SB 928 Consumer products: content information. Dead

Wiggins, Patricia

SB 1142 Agricultural resources: grants. Chapter 323

Wolk, Lois

SB 1020 State budget. Dead

SB 1241 Greenhouse gas emissions reduction: agriculture. Dead

Wright, Roderick

SB 356 Regulations: small businesses analysis. Dead

2010 Chaptered Legislation: Summary

The following information summarizes the content of legislative bills, which were signed by Governor Schwarzenegger and chaptered by the Secretary of State during the 2009/2010 Legislative session. These bills impact, or have the potential to impact, California's pesticide regulatory program.

AB 219 (Ruskin) State Board of Food and Agriculture: member qualification and conflicts: pest control: plant quarantine inspection stations.

Chapter 343 , Statutes of 2010

The bill would prohibit certain members of the Food and Agriculture Board from participating in any board action that involves themselves or any agricultural entity with which they are connected as director, officer, or employee, or in which they have a financial interest in the decision within the meaning of the Political Reform Act of 1974. This bill contains other related provisions and other existing laws.

AB 604 (De Leon) Pest control: citrus disease prevention.

Chapter 17, Statutes of 2010

This bill would provide that the California Department of Food and Agriculture is authorized to spend any funds collected through June 30, 2010, thereby making an appropriation.

AB 1659 (Huber) State government: agency repeals.

Chapter 666, Statutes of 2010

This bill would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies and to conduct a comprehensive analysis of every "eligible agency," as defined, to determine if the agency is still necessary and cost effective.

AB 1736 (Ma) Structural Fumigation Enforcement Program.

Chapter 238, Statutes of 2010

This bill extends until January 1, 2014, the sunset of the Structural Fumigation Enforcement Program, providing enhanced support for enforcement of structural pesticide fumigation laws and regulations in Orange, Los Angeles, Santa Clara, and San Diego counties. The bill also clarifies the terms of appointment to ensure that SPCB maintains a quorum.

AB 1891 (Committee on Higher Education) Sustainable agriculture research and education.

Chapter 200, Statutes of 2010

This bill would reestablish the Sustainable Agriculture Research and Education Program to support competitive grants to promote more research and education on sustainable agricultural practices, and to support the giving of instructions and practical demonstrations in agriculture.

AB 2695 (Hernandez) California Nursery Producers Commission.

Chapter 605, Statutes of 2010

This bill would authorize the California Nursery Producers Commission to levy an annual assessment, not to exceed a specified amount, on producers of nursery products, and would

authorize the expenditure of those funds for purposes of implementing and administering the bill's provisions, thereby making an appropriation.

AB 1963 (Nava) Pesticide Poisoning.

Chapter 369, Statutes of 2010

This bill requires clinical laboratories to send all tests performed to evaluate poisoning from cholinesterase-inhibiting pesticides to DPR electronically. DPR will be required to manage the reporting system, maintain a database of the information, and share the information in an electronic format with the Office of Health Hazard Assessment and the Department of Public Health on an ongoing basis. By December 31, 2015, this bill requires a publicly available report be sent to the Legislature that evaluates the effectiveness of the laboratory-based reporting system, the overall utility of the medical supervision program relating to illness surveillance, and may include recommendations to extend, expand, or disband this mandated program.

AB 2122 (Mendoza) Pesticides: regulations: continuing education.

Chapter 375, Statutes of 2010

This bill would provide that a regulation adopted or amended pertaining to continuing education requirements shall establish minimum course requirements related to pesticides and pest management and would require the director to approve courses that include certain subjects in the context of pesticides and pest management. The bill would require the director to act within 15 business days of receipt to approve or reject continuing education courses submitted to meet the requirements of law pertaining to pesticides.

AB 2130 (Huber) Professions and vocations: sunset review.

Chapter 670, Statutes of 2010

This bill would abolish the Joint Committee on Boards, Commissions, and Consumer Protection and make other conforming changes. This bill contains other related provisions.

AB 2408 (Smyth) State government information technology.

Chapter 404, Statutes of 2010

Existing law, the Governor's Reorganization Plan No. 1 of 2009 (GRP No. 1), transferred all the duties, functions, employees, property, and related funding of the Division of Telecommunications in the Department of General Services to the office of the State Chief Information Officer. The plan also renamed and transferred the Department of Technology Services in the State and Consumer Services Agency to the Office of the Department of Technology Services within the office of the State Chief Information Officer, renamed the Department of Technology Services Revolving Fund, the Technology Services Revolving Fund, and made conforming changes. The plan eliminated the Office of Information Security and Privacy Protection, and instead created the Office of Information Security within the office of the State Chief Information Officer; and the Office of Privacy Protection within the State and Consumer Services Agency, with a division of the duties, personnel, property, and funding of the Office of Information Security and Privacy Protection between the two offices. The plan also transferred duties relating to the state's

procurement of information technology from the Department of Finance, the Department of General Services, and the Department of Information Technology to the office of the State Chief Information Officer. This bill would make the statutory codification changes made necessary by the plan. This bill contains other related provisions and other existing laws.

AB 2612 (Committee on Agriculture) Food and agriculture: omnibus bill.

Chapter 393, Statutes of 2010

Existing law requires every person who is the first to sell any agricultural- or structural-use pesticide product for use in this state that is packaged in rigid, nonrefillable, high-density polyethylene (HDPE) containers of 55 gallons or less to establish a recycling program, or demonstrate participation in a recycling program to ensure HDPE containers are recycled. Existing law requires that the recycling program be certified by an accredited third-party organization, as specified, as being in compliance with certain standards, as specified. Existing law requires any person who is required to establish or participate in this recycling program to provide to the Director of DPR, at least annually, a document certifying that this requirement has been met. This bill would instead require the registrant of any production agricultural- or structural-use pesticide product for use in this state that is packaged in HDPE containers of 55 gallons or less to establish a recycling program, or demonstrate participation in a recycling program to ensure HDPE containers are recycled. The bill would delete the third-party certification requirements pertaining to the recycling program. The bill would require any registrant who is required to establish or participate in this recycling program to provide to the director, at least annually, a document certifying that this requirement has been met. This bill contains other related provisions and other existing laws.

AB 2686 (Berryhill, Tom) Organic products: county agricultural commissioners: civil penalties.

Chapter 395, Statutes of 2010

This bill would authorize a county agricultural commissioner, or his or her representative, after the exhaustion of review procedures, to file a certified copy of a final decision of the commissioner that directs the payment of a civil penalty and, if applicable, a copy of any order that denies a petition for a writ of administrative mandamus with the clerk of the superior court of any county, and require the clerk to immediately enter judgment in conformity with the decision or order. The bill would provide that no fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment.

AB 2695 (Hernandez) California Nursery Producers Commission.

Chapter 605, Statutes of 2010

This bill would create the California Nursery Producers Commission in state government with a prescribed membership and would specify the powers, duties, and responsibilities of the commission. The commission would be authorized to carry out programs of outreach, education, promotion, marketing, and research relating to nursery products. The bill would authorize the commission to levy an annual assessment, not to exceed a specified amount,

on producers of nursery products, and would authorize the expenditure of those funds for purposes of implementing and administering the bill's provisions, thereby making an appropriation.

AB 2738 (Niello) Regulations: agency statement of reasons.

Chapter 398, Statutes of 2010

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would, from January 1, 2012, until January 1, 2014, recast these provisions and require that the initial statement of reasons also include a description of any performance standard that was considered as an alternative to the proposed adoption, amendment, or repeal of the regulation. This bill contains other related provisions and other existing laws.

SB 294 (Negrete-McLeod) Structural Pest Control Board Sunset'

Chapter 695, Statutes of 2010

This bill extended the sunset clause for the SPCB until January 1, 2015. This bill contained provisions to existing laws that did not pertain to DPR.

SB 1142 (Wiggins) Agricultural resources: grants.

Chapter 323, Statutes of 2010

The California Farmland Conservancy Program Act establishes a program for grants from the Department of Conservation for the acquisition of agricultural conservation easements or fee title. This bill, notwithstanding any other provision of the act, would authorize the Director of Conservation to make grants from a source other than the fund, and, upon appropriation by the Legislature from that source, disburse moneys for those grants to an applicant for the acquisition of an agricultural conservation easement, if the director determines that the grant meets the purposes of the act and additional specified requirements, including that the easement does not, and will not, substantially prevent agricultural uses on the easement property and that any restriction on the current or reasonably foreseeable agricultural use of the easement property would only be imposed to restrict those areas of the property that are not in cultivation. This bill contains other related provisions and other existing laws.

SB 1284 (Ducheny) Water quality: mandatory minimum civil penalties.

Chapter 645, Statutes of 2010

Under existing law, the State Water Resources Control Board and the California Regional Water Quality Control Boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act, with certain exceptions, imposes a mandatory minimum penalty of \$3,000 for each serious waste discharge violation or for certain other described violations if those violations occur four or more times in any period of six consecutive months, as prescribed. For purposes of the mandatory minimum penalty, a serious waste discharge violation includes a failure to file a specified discharge monitoring report for each complete period

of 30 days following the deadline for submitting the report. Civil liability may be imposed administratively by the state board or a regional board, or those boards may request the Attorney General to petition the superior court to impose the liability. This bill would provide that a failure to file a discharge monitoring report is not a serious waste discharge violation if the discharger submits a specified statement to the state board or the regional board. The bill, until January 1, 2014, would require, with respect to certain violations involving the failure to file a discharge monitoring report, the mandatory minimum penalty of \$3,000 to be assessed only for each required report that is not timely filed, and not for each 30-day period following the deadline for submitting the report. This bill contains other related provisions and other existing laws.

**SB 1330 (Committee on Judiciary) Maintenance of the codes.
Chapter 328, Statutes of 2010**

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes. This bill would make nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

Text of Chaptered Bills

BILL NUMBER: AB 1736 CHAPTERED
BILL TEXT

CHAPTER 238
FILED WITH SECRETARY OF STATE SEPTEMBER 24, 2010
APPROVED BY GOVERNOR SEPTEMBER 23, 2010
PASSED THE SENATE AUGUST 23, 2010
PASSED THE ASSEMBLY AUGUST 25, 2010
AMENDED IN SENATE AUGUST 18, 2010
AMENDED IN ASSEMBLY APRIL 7, 2010
AMENDED IN ASSEMBLY MARCH 4, 2010

INTRODUCED BY Assembly Members Ma and Tom Berryhill

FEBRUARY 4, 2010

An act to amend Sections 8522, 8525, 8536, 8698, 8698.1, and 8698.6 of the Business and Professions Code, relating to Department of Pesticide Regulation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1736, Ma. Department of Pesticide Regulation: Structural Pest Control Board: Structural Fumigation Enforcement Program.

(1) Existing law provides for the licensure and regulation of structural pest control operators by the Structural Pest Control Board within the Department of Pesticide Regulation.

Under existing law, the board consists of 7 members, with appointments by, among others, the Governor. Under existing law, each board member holds office until the appointment and qualification of his or her successor or until one year after the expiration of the term for which he or she was appointed, whichever first occurs. Existing law provides that each appointment is for a 4-year term expiring June 1 of the 4th year following the year in which the previous term expires, or with respect to licensee members, the 4-year term expires on January 15th.

This bill would specify that the Governor appoints the 3 licensed members. Under the bill, each member would hold office until the appointment of his or her successor, not to exceed one year from the expiration of the term for which he or she was appointed, and

each appointment would be for a 4-year term expiring after either the date of the appointment or the date a previous term expired.

With respect to the Governor's appointments, the bill would require the Governor to appoint members based on nominations received by the Director of Pesticide Regulation soliciting nominations from specified interested parties. The bill would require the director to solicit these nominations by mailing interested parties a notice as well as by posting a notice on the department's Internet Web site. The bill would require these nominations to be in writing and would require them to contain certain information and to be mailed to the director and be made available to the Governor and the director.

Existing law prohibits a manufacturer, his or her agents or employees, or any person who is a consultant of or connected with any manufacturer, from being charged with the enforcement or execution of any of the structural pest control operator provisions.

This bill would prohibit such a manufacturer from being appointed to the board.

Existing law requires the board to consult with the department when developing or adopting regulations that may affect the department or the county agricultural commissioner's specified responsibilities.

This bill would delete that provision.

(2) Until January 1, 2011, existing law authorizes the Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner to contract with the Director of the Department of Pesticide Regulation to perform increased structural fumigation, inspection, and enforcement activities in Los Angeles County, Orange County, Santa Clara County, and San Diego County. Existing law requires any person who performs a structural fumigation in any of the contracting counties to pay a specified fee to the county agricultural commissioner.

This bill would instead authorize the Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner to perform those services, and would require the director to provide oversight. The bill would also extend the operation of these provisions to January 1, 2014.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8522 of the Business and Professions Code is amended to read:

8522. (a) Members of the board shall be appointed for a term of four years, subject to removal by the appointing power at his or her pleasure.

(b) Vacancies shall be filled by the appointing power for the unexpired term.

(c) Each member shall hold office until the appointment of his or her successor not to exceed one year from the expiration of the term for which he or she was appointed. No person shall serve as a member of the board for more than two consecutive terms.

(d) Each appointment shall be for a four-year term expiring four years after either the date of the appointment or the date a previous term expired.

(e) From the nominations received pursuant to subdivision f, the Governor shall appoint two of the public members and the three licensed members qualified as provided in Section 8521. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occur on or after January 1, 1983.

(f) (1) At least 60 days prior to the appointment by the Governor of a public member or licensed member to the board, the director shall solicit nominations to the board from interested parties by mailing them a notice and by posting a notice on the department's Internet Web site. Interested parties include, but are not limited to, members or representatives from the structural pest control industry and organizations representing consumer, environmental, and real estate interests.

(2) All nominations shall be made in writing and shall include A the name and address of each nominee, B if an operator, his or her license number, and C the name, address, and affiliation, if any, of the nominator.

(3) The nominations shall be mailed to the director and shall be made available to the Governor and the director.

SEC. 2. Section 8525 of the Business and Professions Code is amended to read:

8525. The board, subject to the approval of the director, may, in accordance with Chapter 3.5 commencing with Section 11340 of Part 1 of Division 3 of Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

SEC. 3. Section 8536 of the Business and Professions Code is amended to read:

8536. No manufacturer, his or her agents or employees, nor any person who is a consultant of or connected with any manufacturer, shall be appointed to the board.

SEC. 4. Section 8698 of the Business and Professions Code is amended to read:

8698. The Director of the Department of Pesticide Regulation shall provide oversight for the purposes of carrying out Section

8698.1. The Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, the Santa Clara County Agricultural Commissioner, and the San Diego County Agricultural Commissioner may perform increased structural fumigation, inspection, and enforcement activities, to be funded by the five dollar \$5 fee collected pursuant to Section 8698.1.

SEC. 5. Section 8698.1 of the Business and Professions Code is amended to read:

8698.1. a Any person who performs a structural fumigation in Los Angeles County, Orange County, Santa Clara County, or San Diego County shall pay to the county agricultural commissioner a fee of five dollars \$5 for each treatment conducted at a specific building or structure.

(b) The fees shall be submitted by the 10th day of the month following the month in which the treatment was performed. The fees shall be accompanied by a copy of a monthly pesticide use report showing the addresses, including the department number if applicable,

of all structural fumigations. The report shall be in a form required by the director, shall identify the name and address of the person or company performing the fumigation, and shall include any other information requested by the director.

SEC. 6. Section 8698.6 of the Business and Professions Code is amended to read:

8698.6. This chapter shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 2014, deletes or extends that date.

BILL NUMBER: AB 1963 CHAPTERED
BILL TEXT

CHAPTER 369

FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2010

APPROVED BY GOVERNOR SEPTEMBER 25, 2010

PASSED THE SENATE AUGUST 23, 2010

PASSED THE ASSEMBLY AUGUST 24, 2010

AMENDED IN SENATE AUGUST 4, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

INTRODUCED BY Assembly Member Nava

FEBRUARY 17, 2010

An act to add and repeal Section 105206 of the Health and Safety
Code, relating to pesticide poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1963, Nava. Pesticide poisoning.

Existing law establishes standards for the handling and use of pesticides and for determining the hazards posed by pesticides to worker safety. Existing law imposes various reporting requirements on physicians and local health officers when there are known or suspected instances of pesticide poisoning. Under existing law, worker reentry into areas treated by pesticides determined to be hazardous to worker safety may be restricted by whether pesticide residue levels on treated plants are determined by scientific analysis not to be a significant factor in cholinesterase depression or other health effects.

This bill would require any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment OEHHA and the State Department of Public Health on an ongoing basis, as specified. This bill would require the OEHHA to review the cholinesterase test results.

This bill would require, by December 31, 2015, the Department of Pesticide Regulation and the OEHHA, in consultation with the State Department of Public Health, to prepare a report, as specified, and to post that report on their Internet Web sites.

This bill would repeal its provisions on January 1, 2017.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) California has been recognized as a leader in occupational safety and public health by establishing pesticide illness surveillance and cholinesterase medical monitoring programs in the 1970s. The Department of Pesticide Regulation is the primary agency responsible for implementing these programs, and it does so in collaboration with the Office of Environmental Health Hazard Assessment OEHHA.

(b) Insecticides that inhibit the enzyme cholinesterase constitute some of the most acutely hazardous pesticides used in California.

(c) Regulations adopted pursuant to Section 12981 of the Food and Agricultural Code require agricultural employers to provide periodic cholinesterase testing for employees who regularly handle cholinesterase inhibiting pesticides.

(d) Under Section 105200 of the Health and Safety Code, physicians are required to file pesticide illness reports with the local health officer when they know, or have reasonable cause to believe, that patients may be suffering from pesticide poisoning or any disease or condition caused by a pesticide. Section 105200 of the Health and Safety Code requires each local health officer to forward the reports to the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Industrial Relations.

(e) The Department of Pesticide Regulation and the OEHHA have reviewed the cholinesterase medical monitoring programs, using information from illness surveillance programs, clinical laboratories, and surveys of doctors and agriculturalists, but have found these data sources insufficient to evaluate the effectiveness of cholinesterase medical monitoring programs that are intended to protect California pesticide handlers from overexposure to pesticides that inactivate cholinesterase. An evaluation of the cholinesterase medical monitoring is essential to determine its effectiveness.

(f) California workers would benefit by expanding the cholinesterase monitoring program to include cholinesterase laboratory reporting and establishing a framework for the Department of Pesticide Regulation and the OEHHA to evaluate the program, identify issues of concern, and conduct studies deemed necessary to improve the medical monitoring program.

SEC. 2. Section 105206 is added to the Health and Safety Code, to read:

105206. (a) A laboratory that performs cholinesterase testing on human blood drawn in California for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to Section 6728 of Title 3 of the California Code of Regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to cholinesterase inhibitors that

resulted in illness shall report the information specified in subdivision b to the Department of Pesticide Regulation. Reports shall be submitted to the Department of Pesticide Regulation on, at a minimum, a monthly basis. For the purpose of meeting the requirements in subdivision d, the reports shall be submitted via electronic media and formatted in a manner approved by the director. The Department of Pesticide Regulation shall share information from cholinesterase reports with the OEHHA and the State Department of Public Health on an ongoing basis, in an electronic format, for the purpose of meeting the requirements of subdivisions e and f.

(b) The testing laboratory shall report all of the following information in its possession in complying with subdivision a:

(1) The test results in International Units per milliliter of sample IU/mL.

(2) The purpose of the test, including baseline or other periodic testing, pursuant to the requirements of Section 6728 of Title 3 of the California Code of Regulations, or evaluation of suspected pesticide illness.

(3) The name of the person tested.

(4) The date of birth of the person tested.

(5) The name, address, and telephone number of the health care provider or medical supervisor who ordered the analysis.

(6) The name, address, and telephone number of the analyzing laboratory.

(7) The accession number of the specimen.

(8) The date that the sample was collected from the patient and the date the result was reported.

(9) Contact information for the person tested and his or her employer, if known and readily available.

(c) The medical supervisor ordering the test for a person pursuant to subdivision a shall note in the test order the purpose of the test, pursuant to paragraph 2 of subdivision b, and ensure that the person tested receives a copy of the cholinesterase test results and any recommendations from the medical supervisor within 14 days of the medical supervisor receiving the results.

(d) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

(e) The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

(f) By December 31, 2015, the Department of Pesticide Regulation and the OEHHA, in consultation with the State Department of Public Health, shall prepare a report on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention. The joint report

may include recommendations to the Legislature that the Department of Pesticide Regulation and the OEHHA deem necessary. The Department of Pesticide Regulation and the OEHHA shall make the report publicly available on their Internet Web sites.

(g) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

BILL NUMBER: AB 2122 CHAPTERED
BILL TEXT

CHAPTER 375

FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2010
APPROVED BY GOVERNOR SEPTEMBER 25, 2010
PASSED THE SENATE AUGUST 23, 2010
PASSED THE ASSEMBLY AUGUST 24, 2010
AMENDED IN SENATE AUGUST 17, 2010
AMENDED IN ASSEMBLY APRIL 15, 2010
AMENDED IN ASSEMBLY MARCH 25, 2010

INTRODUCED BY Assembly Member Mendoza
Coauthors: Assembly Members Tom Berryhill, Conway, and Ma

FEBRUARY 18, 2010

An act to amend Section 11502.5 of the Food and Agricultural Code,
relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2122, Mendoza. Pesticides: regulations: continuing education. Existing law authorizes the Director of Pesticide Regulation to adopt regulations to establish the minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or renewal of any license or certificate, issued by the director pertaining to pesticides.

This bill would provide that a regulation adopted or amended pertaining to continuing education requirements shall establish minimum course requirements related to pesticides and pest management and would require the director to approve courses that include certain subjects in the context of pesticides and pest management. The bill would require the director to act within 15 business days of receipt to approve or reject continuing education courses submitted to meet the requirements of law pertaining to pesticides.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11502.5 of the Food and Agricultural Code is amended to read:

11502.5. (a) The director may adopt regulations to establish the minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or renewal of any license or certificate, issued by the director

pursuant to this division or Division 7 commencing with Section 12500. A regulation adopted or amended pursuant to this section pertaining to continuing education requirements shall establish minimum course requirements related to pesticides and pest management. The director shall approve courses that include plant health, organic and sustainable practices, water and air monitoring and residue mitigation, maximum residue levels, quarantine practices, and the on-farm storage of fumigants, all in the context of pesticides and pest management. The director shall not renew a license or certificate if the person who was issued the license or certificate did not complete the required continuing education during the period of validity of the license or certificate, and the person must take and pass the examination to be again issued such a license or certificate. The director shall act within 15 business days of receipt to approve or reject continuing education courses submitted to meet the requirements of this division or Division 7 commencing with Section 12500.

(b) The director shall establish, by regulation, fees for the department's licensing and certification programs as established pursuant to this division or Division 7 commencing with Section 12500. These programs include, but are not limited to:

- (1) License and certificate examination, application, and renewal.
- (2) Approval of continuing education courses and continuing education course providers.
- (3) Changes related to any license or certificate, including, but not limited to, name or address changes, license or certificate replacement costs, duplicate copy of a license or certificate, and changes in qualified person, bond, insurance, or registered officers.
- (4) Penalties for late payment of licensing and certification fees.

(c) The fees established pursuant to this section may include administrative costs, including overhead costs.

(d) The regulations shall provide that the examination fee may be charged to applicants who request the director to reschedule an examination due to the applicant's failure to obtain a passing score or failure to appear for the scheduled examination, and for scheduling an examination to amend a license.

(e) The fees established pursuant to this section shall be set so that the total revenue collected each fiscal year is sufficient to support the expenditure levels for these programs contained in the annual Budget Act. If the director determines that the revenue collected during the preceding year was greater than, or less than, the expenditure levels for these programs set forth in the Budget Act, the director may further adjust the current fees to compensate for the overcollection or undercollection.

(f) Funds collected pursuant to this section shall be deposited in the Department of Pesticide Regulation Fund, and shall be available for expenditure by the department, upon appropriation, for the purposes of carrying out the programs established pursuant to this division or Division 7 commencing with Section 12500.

(g) The regulations adopted pursuant to this section, or any amendment thereto, shall be adopted by the director in accordance with Chapter 3.5 commencing with Section 11340 of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations shall be considered by the Office of Administrative Law as an emergency, and necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding any other provision of law, the emergency regulations adopted

pursuant to this section shall remain in effect until amended by the director.

BILL NUMBER: AB 2612 CHAPTERED
BILL TEXT

CHAPTER 393
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2010
APPROVED BY GOVERNOR SEPTEMBER 25, 2010
PASSED THE SENATE AUGUST 9, 2010
PASSED THE ASSEMBLY AUGUST 12, 2010
AMENDED IN SENATE JUNE 16, 2010
AMENDED IN SENATE JUNE 7, 2010
AMENDED IN ASSEMBLY APRIL 7, 2010

INTRODUCED BY Committee on Agriculture Galgiani Chair, Tom
Berryhill Vice Chair, Conway, Ma, and Mendoza
Coauthor: Assembly Member Yamada

FEBRUARY 19, 2010

An act to amend Sections 12841.4, 19204, 19220, 19312, 46003,
46004.1, 46009, 46013, 46013.1, 46013.2, and 46014.1 of the Food and
Agricultural Code, and to amend Section 110485 of the Health and
Safety Code, relating to food and agriculture.

LEGISLATIVE COUNSEL'S DIGEST

Amended to select sections!

AB 2612, Committee on Agriculture. Food and agriculture: omnibus bill.

(1) Existing law requires every person who is the first to sell any agricultural- or structural-use pesticide product for use in this state that is packaged in rigid, nonrefillable, high-density polyethylene HDPE containers of 55 gallons or less to establish a recycling program, or demonstrate participation in a recycling program to ensure HDPE containers are recycled. Existing law requires that the recycling program be certified by an accredited 3rd-party organization, as specified, as being in compliance with certain standards, as specified. Existing law requires any person who is required to establish or participate in this recycling program to provide to the Director of Pesticide Regulation, at least annually, a document certifying that this requirement has been met.

This bill would instead require the registrant of any production agricultural- or structural-use pesticide product for use in this state that is packaged in HDPE containers of 55 gallons or less to establish a recycling program, or demonstrate participation in a

recycling program to ensure HDPE containers are recycled. The bill would delete the 3rd-party certification requirements pertaining to the recycling program. The bill would require any registrant who is required to establish or participate in this recycling program to provide to the director, at least annually, a document certifying that this requirement has been met.

SEC. 13. 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.

BILL NUMBER: SB 294 CHAPTERED
BILL TEXT

CHAPTER 695

FILED WITH SECRETARY OF STATE SEPTEMBER 30, 2010

APPROVED BY GOVERNOR SEPTEMBER 30, 2010

PASSED THE SENATE AUGUST 19, 2010

PASSED THE ASSEMBLY AUGUST 18, 2010

AMENDED IN ASSEMBLY AUGUST 17, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE MARCH 31, 2009

INTRODUCED BY Senator Negrete McLeod

FEBRUARY 25, 2009

An act to amend Sections 2001, 2020, 2531, 2569, 2570.19, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3685, 3686, 3710, 3716, 4620, 4928, 4934, 4990, 4990.04, 5000, 5015.6, 5510, 5517, 5552.5, 5620, 5621, 5622, 5810, 6510, 6710, 6714, 7000.5, 7011, 7200, 7303, 8000, 8005, 8520, 8528, 8710, 11506, 18602, 18613, 22259 of, to amend and repeal Section 2531.75 of, and to add Section 4614 to, the Business and Professions Code, and to amend Section 94950 of the Education Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 294, Negrete McLeod. Professions and vocations: regulation.

This bill would authorize the board to implement that program until July 1, 2012.

Existing law establishes in the Department of Pesticide Regulation a Structural Pest Control Board and requires the board, with the approval of the director of the department, to appoint a registrar. These provisions shall become inoperative on July 1, 2011, and are repealed on January 1, 2012.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

Amended to select sections.

SEC. 43. Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Pesticide Regulation a Structural Pest Control Board, which consists of seven members.

(b) subject to the jurisdiction conferred upon the director by Division 6 commencing with Section 11401 of the Food and Agricultural Code, the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date. The repeal of this section renders the board subject to the review required by Division 1.2 commencing with Section 473.

BILL NUMBER: SB 1330 CHAPTERED
BILL TEXT

CHAPTER 328

FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2010

APPROVED BY GOVERNOR SEPTEMBER 25, 2010

PASSED THE SENATE AUGUST 19, 2010

PASSED THE ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY AUGUST 9, 2010

AMENDED IN SENATE MARCH 25, 2010

INTRODUCED BY Committee on Judiciary Senators Corbett Chair,
Hancock, Harman, Leno, and Walters

FEBRUARY 19, 2010

An act to amend Sections 31, 490, 490.5, 654.3, 728, 1246, 1301, 3152, 4040, 4076, 4980.44, 4999.2, 4999.7, 6213, 7028, 7108.5, 8520.2, 8676, 8761, 9889.20, 11344, 19596.2, 19850.6, 23356.2, 25503.42, and 25658.4 of, and to amend and renumber Section 19605.10 of, the Business and Professions Code, to amend Sections 1185, 1363.03, and 2954 of the Civil Code, to amend Sections 234 and 425.16 of, and to repeal Sections 128.6, 209, and 349 of, the Code of Civil Procedure, to amend Sections 8971, 14035, 33128.3, 42238, 42605, 42606, 44346.5, 44856, 45103.1, 49701, 52055.770, 52165, 53302, 60852.3, 67302.5, 69458, 69460, 69613, 69999.14, 69999.18, 69999.20, 87482, 88003.1, and 89267.5 of, and to repeal Section 51241 of, the Education Code, to amend Sections 354.5, 2157, 2157.2, 2225, 11100, and 13307 of the Elections Code, to amend Section 1118 of the Evidence Code, to amend Section 7572 of the Family Code, to amend Sections 2089.12, 2089.23, 5655, 9011, and 12013 of the Fish and Game Code, to amend Sections 3884.2, 5931, 6047.12, 15061, and 71031 of the Food and Agricultural Code, to amend Sections 7906, 8588.1, 8879.72, 11011.1, 11011.2, 11126, 12715, 13302, 15491, 15820.911, 16724.5, 16731.6, 22898, 25331, 31855.9, 53601, 56375.2, 56668, 63049.62, 63049.67, 65080, 65583, 66540.12, 66540.32, 70375, 70391, 76000, 76000.5, 76104.6, 91530, and 91533 of the Government Code, to amend Sections 86, 652, 1176, 5864, and 6035 of the Harbors and Navigation Code, to amend Sections 1261.5, 1289.4, 1348.8, 1357, 1357.50, 1358.4, 1358.12, 1358.91, 1367.66, 1418.21, 1429, 1499, 1568.03, 1569.69, 1599.645, 1736.5, 1798.200, 13221, 25396, 44272, 50843.5, 103526.5, 114850, 116064.2, 116540, 124991, 128730, 130060, and 130251 of, and to repeal Section 112877 of, the Health and Safety Code, to amend Sections 38.5, 1063.1, 1063.2, 10136, 10192.4, 10192.81, 10192.12, 10192.20, 10198.6, and 10700 of the Insurance Code, to amend Sections 226.6 and 273 of the Labor Code, to amend Section 699.5 of the Military and Veterans Code, to amend Sections 290.011, 293, 336.9, 597.5, 626.10, 831.5, 851.8, 1000.1, 1120, 1170, 1202.4, 1202.8, 1203.098, 1203.4, 1229, 1230, 1231, 1233.1, 1233.7, 1463.23, 6126.1, 6126.5, 6128, 6131, 11170, 11411, 13821, 13823.16,

13848.6, and 14029.5 of, and to repeal Chapter 3 commencing with Section 1228 of Title 8 of Part 2 of, the Penal Code, to amend Sections 10100, 10101, 10102, 10103, 10103.5, 10104, 10105, 10262.5, and 10344 of the Public Contract Code, to amend Sections 2621.7, 4590, 5842, 25402.10, 48010, and 48027 of the Public Resources Code, to amend Sections 281, 399.20, 777.1, 851, 2881, 5411, 10009.1, 99233.2, 99312, and 185036 of the Public Utilities Code, to amend Sections 69, 69.3, 276, 6018.6, 6248, 6363.4, 7104, 7104.2, 30461.6, 41007, 41011, 41030, and 41136 of the Revenue and Taxation Code, to amend Sections 149.9 and 30918 of the Streets and Highways Code, to amend Sections 1611 and 10214.6 of the Unemployment Insurance Code, to amend Sections 4465, 4466, 11709.4, 13386, 21455.5, 27602, 40002, and 42001.13 of the Vehicle Code, to amend Sections 10608.24, 10608.44, 10853, 10933, 12645, 12647, and 30779 of the Water Code, to amend Sections 4691, 4860, 5806, 14083, 14085.57, 14105.3, 14132.725, 14154, 14163, 14166.221, 14167.3, 14167.6, 14167.7, 14167.10, 14522.4, 14598, 16124, 18220.1, and 18987.62 of the Welfare and Institutions Code, to amend Section 5.1 of the Castaic Lake Water Agency Law Chapter 28 of the Statutes of 1962, First Extraordinary Session, to amend Section 1 of the Osteopathic Act, to amend Section 1 of Chapter 226 of the Statutes of 2009, to amend Section 2 of Chapter 405 of the Statutes of 2009, and to amend Section 3 of Chapter 426 of the Statutes of 2009, relating to the maintenance of the codes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1330, Committee on Judiciary. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would make nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

Due to the length of this bill, only those sections relevant to DPR have been included.

SEC. 17. Section 8520.2 of the Business and Professions Code is amended to read:

8520.2. (a) The Structural Pest Control Board is hereby transferred from the jurisdiction of the Department of Consumer Affairs and placed under the jurisdiction of the Department of Pesticide Regulation.

(b) The registrar of the board under the jurisdiction of the Department of Consumer Affairs shall remain as the registrar of the board under the jurisdiction of the Department of Pesticide Regulation.

(c) The members appointed to the board while under the jurisdiction of the Department of Consumer Affairs shall remain as members of the board under the jurisdiction of the Department of Pesticide Regulation.

(d) All employees of the board under the jurisdiction of the Department of Consumer Affairs are hereby transferred to the board under the jurisdiction of the Department of Pesticide Regulation.

(e) The duties, powers, purposes, responsibilities, and jurisdictions of the board under the jurisdiction of the Department of Consumer Affairs shall remain with the board under the jurisdiction of the Department of Pesticide Regulation.

(f) For the performance of the duties and the exercise of the powers vested in the board under this chapter, the board shall have possession and control of all records, papers, offices, equipment, supplies, or other property, real or personal, held for the benefit or use by the board formerly within the jurisdiction of the Department of Consumer Affairs.

(g) Any reference to the board in this chapter or in any other provision of law or regulation shall be construed as a reference to the board under the jurisdiction of the Department of Pesticide Regulation.

SEC. 18. Section 8676 of the Business and Professions Code is amended to read:

8676. The Department of Pesticide Regulation shall receive and account for all moneys collected under this chapter at the end of each month, and shall pay it into the Treasury to the credit of the Structural Pest Control Fund, which is hereby continued in existence.

The moneys in this fund shall be expended for the pro rata cost of administration of the Department of Pesticide Regulation and for the purpose of carrying out the provisions of this chapter.

Text of Vetoed Bills

BILL NUMBER: SB 1157 DeSaulnier Healthy Schools Act of 2010

BILL TEXT

PASSED THE SENATE AUGUST 26, 2010
PASSED THE ASSEMBLY AUGUST 23, 2010
AMENDED IN ASSEMBLY AUGUST 20, 2010
AMENDED IN ASSEMBLY AUGUST 16, 2010
AMENDED IN ASSEMBLY AUGUST 2, 2010
AMENDED IN ASSEMBLY JUNE 23, 2010
AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE APRIL 28, 2010
AMENDED IN SENATE APRIL 19, 2010
AMENDED IN SENATE APRIL 5, 2010

INTRODUCED BY Senator DeSaulnier

FEBRUARY 18, 2010

An act to amend Sections 12841 and 13183 of the Food and
Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, DeSaulnier. Education: Healthy Schools Act of 2010.

(1) Existing law generally regulates pesticide use and requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management by school districts. Existing law requires every person who sells a pesticide product for use in this state that has been registered by the Director of Pesticide Regulation to pay an assessment at a specified rate.

This bill, commencing January 1, 2014, would require all school sites, as defined, to adopt an integrated pest management program as established, administered, and enforced by the department. This bill would also require, beginning January 1, 2012, that the rate of the assessment on registered pesticide products be augmented to reimburse the department, local agencies, and school districts for the cost of adopting integrated pest management programs at school sites.

Because the bill would impose new duties on school districts, it would impose a state-mandated local program.

(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, if the Commission on State Mandates determines that the bill contains costs mandated by the state reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(1) Pesticides have been linked to numerous acute and chronic illnesses, including cancer and asthma.

(2) According to the federal Centers for Disease Control and Prevention, children between 6 and 11 years of age have higher levels of commonly used pesticides in their bodies than any other age group, with an average of six pesticides per child. According to research conducted by the University of California, San Francisco, children's diseases and conditions linked to pesticide exposure, which include learning disabilities, cancer of the brain and leukemia, birth defects, and asthma, have increased dramatically over the past 30 years. Because children's bodies and brains are still developing, exposure to pesticides can have irreversible detrimental effects.

(3) Recognizing the impact of pesticides on the school community, the Department of Pesticide Regulation has developed an Internet Web site, written training materials, and conducted regional training sessions to assist schools that have chosen to adopt least-toxic integrated pest management techniques and to eliminate use of the most dangerous pesticides.

(4) However, many California public schools continue to use highly toxic pesticides. Least-toxic pest management activities have actually decreased from 2004 to 2007, inclusive, as measured by the report titled, 2007 Integrated Pest Management Survey of California School Districts, prepared for the Department of Pesticide Regulation. Forty-two percent of school districts that responded to the survey stated that they were still broadcast spraying pesticides, one of the highest risk practices for exposing children and staff and contaminating the environment. Of the school districts that claimed to be implementing integrated pest management practices, 62 percent stated that the costs were the same or less than using chemical-intensive methods.

(5) According to the State Department of Education, there are over 1,000 school districts, and about 9,900 school sites in California servicing over 6,000,000 pupils.

(6) It is necessary to take precautionary measures to protect the health and safety of California schoolchildren and teachers, and better ensure a safe learning and working environment.

(b) This act shall be known, and may be cited, as the Healthy Schools Act of 2010.

SEC. 2. Section 12841 of the Food and Agricultural Code is amended to read:

12841. (a) It is unlawful for a person to sell for use in this state any pesticide products that have been registered by the director for which the mill assessment established by this article, and the regulations adopted pursuant to it, is not paid at the times specified in Section 12843.

(b) Except as provided in subdivision (d), every person who sells for use in this state a pesticide product that has been registered by the director shall pay to the director the applicable assessment. Those sales expressly include all sales made electronically, telephonically, or by any other means that result in a pesticide product being shipped to or used in this state. There is a rebuttable presumption that pesticide products that are sold or distributed into or within this state by any person are sold or distributed for use in this state.

(c) (1) Upon application of a registrant, the director shall determine whether a fertilizer or paper product is used as a carrier for a pesticide, and is sold in combination, and whether the mill assessment under this article shall be on the pesticide value only, when the product is designed, developed, and manufactured, and sold primarily for other than a pesticide use. If the director finds that the combination product has such a major component and is designed, developed, manufactured, and sold primarily for other than a pesticide use, the assessment provided by this article shall be paid on the equivalent percentage of the sales price of the active ingredients of the pesticide product. The director shall establish this percentage of the sales price. The percentage shall be the ratio of that portion of the sales price attributable to the pesticide portion to the total sales price of the combination product.

(2) For purposes of this section, "active ingredient" means any active ingredient that is required to be stated on the label on any registered pesticide under Section 12883.

(d) Assessments provided for in this article for sales of registered pesticides that are sold for use in this state shall be paid by the registrant except as follows:

(1) In those cases where the registrant did not first sell the pesticide into or within this state or have actual knowledge, at the time of its sale, that the pesticide would be sold for use in this state, the assessment shall be paid by the licensed pesticide broker, licensed pest control dealer, or other person who first sold the pesticide for use in this state.

(2) A person is not required to pay an assessment on registered products that are labeled only for use in further manufacturing or formulating of pesticides.

(e) It has been and continues to be the intent of the Legislature that this division requires the department to register all pesticides prior to their sale for use in this state and, except as otherwise provided by law, requires the department to regulate and control the use of pesticides in accordance with this division. Except as provided in Section 12841.1, the department shall continue to collect the assessment as provided in this article at the same rate on all registered agricultural and registered nonagricultural pesticides.

(f) (1) The mill assessment shall be paid at the following rates per dollar of sales for all sales of pesticides for use in this state:

(A) From January 1, 1998, to March 31, 1999, inclusive, the rate shall be 15.15 mills (\$0.01515) plus any additional assessment authorized by Section 12841.1.

(B) From April 1, 1999, to December 31, 2002, inclusive, the rate shall be 17.5 mills (\$0.0175) plus any additional assessment authorized by Section 12841.1.

(C) From January 1, 2003, to December 31, 2003, inclusive, the rate shall be 17.5 mills (\$0.0175).

(D) (i) For all transactions on or after January 1, 2004, the actual rate shall be that set by regulations adopted by the director at a rate adequate to support the department's annual

expenditures authorized in the annual Budget Act and provide a prudent reserve. The rate set by the director shall be no greater than 21 mills (\$0.021). However, if regulations are not adopted before a payment is due, payment shall be made at the rate of 17.5 mills (\$0.0175), and, upon adoption of regulations, payment of any additional amount due shall be made.

(ii) Beginning January 1, 2012, the actual rate shall be augmented, as set by regulations adopted by the director, at a rate adequate to reimburse the department for the cost of administering and enforcing Section 13183, and reimbursing local agencies and school districts for the cost of implementing Section 13183.

(2) The regulations adopted pursuant to this section, or any amendment thereto, shall be adopted by the director in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. However, the adoption, amendment, re-adoption, or repeal of these regulations shall be considered by the Office of Administrative Law as an emergency, and necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding any other provision of law, the regulations shall remain in effect until amended by the director. The director shall make available to the public, upon the adoption of an emergency regulation establishing a new rate, the information upon which the director has calculated, based, or determined the new rate.

(g) The revenue collected pursuant to this section shall be deposited in the Department of Pesticide Regulation Fund and distributed as follows:

(1) Notwithstanding Sections 2282 and 12784, the director shall pay, in accordance with the criteria set forth in Section 12844, the following amounts to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of Division 6. (commencing with Section 11401), this chapter, Chapter 3 (commencing with Section 14001), Chapter 3.4 (commencing with Section 14090), and Chapter 3.5 (commencing with Section 14101):

(A) From January 1, 1998, to March 31, 1998, inclusive, five-eighths of the money received during that period pursuant to this section.

(B) From April 1, 1998, to June 30, 2004, an amount equal to the revenue derived from 6 mills (\$0.006) per dollar of sales for all pesticide sales for use in this state.

(C) Beginning July 1, 2004, an amount equal to the revenue derived from 7.6 mills (\$0.0076) per dollar of sales for all pesticide sales for use in this state.

(2) All funds not otherwise distributed pursuant to this subdivision shall remain in the Department of Pesticide Regulation Fund and shall be available for expenditure, upon appropriation, to support the department's operations.

SEC. 3. Section 13183 of the Food and Agricultural Code is amended to read:

13183. (a) The Department of Pesticide Regulation shall promote and facilitate the voluntary adoption of integrated pest management programs for school sites, excluding privately operated child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, that voluntarily choose to do so. For these school sites, the department shall do all of the following:

(1) Establish an integrated pest management program for school sites consistent with Section 13181. In establishing the program, the department shall:

(A) Develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each school site.

(B) Develop a model program guidebook that prescribes essential program elements for school sites that have adopted a least-hazardous integrated pest management program. At a minimum, this guidebook shall include guidance on all of the following:

(i) Adopting an IPM policy.

(ii) Selecting and training an IPM coordinator.

(iii) Identifying and monitoring pest populations and damage.

(iv) Establishing a community-based school district advisory committee.

(v) Developing a pest management plan for making least-hazardous pest control choices.

(vi) Contracting for integrated pest management services.

(vii) Training and licensing opportunities.

(viii) Establishing a community-based right-to-know standard for notification and posting of pesticide applications.

(ix) Recordkeeping and program review.

(2) Make the model program guidebook available to school sites and establish a process for systematically updating the guidebook and supporting documentation.

(b) Commencing on January 1, 2014, all school sites, as defined in Section 17609 of the Education Code, excluding family day care homes as defined in Section 1596.78 of the Health and Safety Code, shall adopt an integrated pest management program consistent with Section

13181, as established, administered, and enforced by the department.

(c) The department shall promote and facilitate the voluntary adoption of integrated pest management programs at child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, through the following:

(1) Modifying the department's existing integrated pest management program for school sites as described in subdivision (a) for the child day care setting.

(2) Creating or modifying existing educational and informational materials on integrated pest management for the child day care setting.

(3) Making the materials available to child day care facilities and establishing a process for systematically updating them.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Text of Veto Messages

SB 1157 (DeSaulnier) Healthy Schools Act of 2010.

This bill, commencing January 1, 2014, would require all school sites, as defined, to adopt an integrated pest management program as established, administered, and enforced by the department. This bill would also require, beginning January 1, 2012, that the rate of the assessment on registered pesticide products be augmented to reimburse the department, local agencies, and school districts for the cost of adopting integrated pest management programs at schoolsites.

Governor's Veto Message

I am returning Senate Bill 1157 without my signature. This bill requires all school sites in California to adopt an integrated pest management (IPM) program and requires the Department of Pesticide Regulation (DPR) to reimburse all local agencies and school districts for the costs of this program. While currently voluntary in state law, I support the policy of implementing IPM programs at schools to the greatest extent possible. Unfortunately, I cannot support paying for this school program out of an alternative fund at DPR. To do so would start a dangerous precedent for finding unrelated revenue sources to fund, expand, or create K-12 programs outside of the Proposition 98 guarantee. For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger