



Department of Pesticide Regulation  
Office of Legislation and Policy

# 2011 Legislative Summary

November 2011



# STATE OF CALIFORNIA

Edmund G. Brown  
Governor

Matthew Rodriquez  
Secretary for Environmental Protection  
California Environmental Protection Agency

## DEPARTMENT OF PESTICIDE REGULATION

Christopher Reardon, Chief Deputy Director



# California Department of Pesticide Regulation

## 2011 Annual Legislative Summary

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November 2011



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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 five environmental agencies within Cal/EPA include DPR, the Department of Toxic Substances Control, the State Water Resources Control 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, potential human health effects, environmental fate, and the chemical properties of the product, intended use patterns, and efficacy. 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 2011 Legislative Session.

Urgency bills signed by the Governor took effect immediately upon his signature. Other legislation signed by the Governor in 2011 will take effect on January 1, 2012.

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
CAC	County Agricultural Commissioner
Cal/EPA	California Environmental Protection Agency
CDFA	California Department of Food and Agriculture
CEQA	California Environmental Quality Act
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
IPM	Integrated Pest Management
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**

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
<b>Administration</b>			
AB 7	Portantino	State Employment: salary freeze until 1/1/2014.	2-year bill
AB 149	Lara	Civil service: personal service contracts review and notice.	2-year bill
AB 172	Eng	State agencies: posting of audits to Internet Web site.	Vetoed
AB 297	Galgiani	Public contracts: veterans' preference.	2-year bill
B 453	Skinner	State employees: scientists appointed after 1/12/2012 must have at minimum a BS in a scientific discipline.	2-year bill
AB 569	Berryhill, Bill	Business licensing: Business Master License Center.	2-year bill
AB 991	Olsen	State government: licenses: California Licensing and Permit Center.	2-year bill
AB 1381	Bradford	Public contracts: contract awards spot bill.	2-year bill
ABX1 1	Portantino	State employment: salary freeze until 1/1/2014.	Dead
ACAX1 1	Portantino	State financial reform.	Dead
SB 67	Price	Public contracts: small business participation goal of 25 percent.	2-year bill
SB 252	Vargas	Public contracts: personal services subcontractor review and records.	2-year bill
SCA 13	Cannella	Public employees' retirement plan contribution calculation.	2-year bill
<b>Enforcement</b>			
AB 465	Berryhill, Bill	Gardening or landscape maintenance services: As a precondition of a business license, proof of workers compensation insurance and acknowledgement of the consequences of operating without a license.	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
AB 942	Huber	General Fund: Fines and penalties imposed by DPR, DTSC, SWRCB, and ARB shall be deposited in the General Fund and not retained to cover the cost of enforcement.	2-year bill
SB 763	Steinberg	Creates a voluntary program to recognize businesses that have achieved advanced environmental performance.	2-year bill
<b>Environmental Justice</b>			
AB 968	Chesbro	This bill instead would require every state agency to adopt a policy of communication and consultation and require the Governor to meet at least annually with elected officials of California Indian tribes.	2-year bill
<b>Pesticides</b>			
SB 394	DeSaulnier	Healthy Schools Act of 2011. Mandatory Integrated Pest Management (IPM) training for school districts and certain child care facilities.	2-year bill
SB 623	Kehoe	Vessels: marine antifouling paint. Requires DPR by January 1, 2014, to determine the maximum allowable leach rate for low-leach rate antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2015, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require the SWCB, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
		antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by SWRCB that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors.	
<b>Pest Control</b>			
AB 634	Huber	Vertebrate pest control: Allows until 1/1/2018 the use of carbon monoxide to kill burrowing rodents.	Chapter 407
AB 647	Valadao	Pests: Asian citrus psyllid insect spot bill.	2-year bill
SB 215	Huff	Invasive aquatic species: Extends until 1/1/2017 enforcement provisions concerning dreissenid mussels.	Chapter 332
SCR 10	Rubio	West Nile Virus and Mosquito and Vector Control Awareness Week.	Chapter 25
<b>Regulatory Reform</b>			
AB 213	Silva	Administrative Procedure Act: notice of proposed actions to local government agencies.	2-year bill
AB 273	Valadao	Regulations: economic impacts review.	2-year bill
AB 338	Wagner	Regulations: legislative validation: effective date.	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
AB 410	Swanson	Regulations: Formatting of regulations so that blind people can read shall be required of agencies upon request.	Chapter 495
AB 425	Nestande	State regulations: identification of duplicative, archaic, or inconsistent regulations and report to the legislature.	2-year bill
AB 429	Knight	Regulations: effective date of regulations with a gross cost of \$15,000,000 or an increased cost of more than 5 percent shall be submitted to the legislature.	2-year bill
AB 530	Smyth	Concerns regulations that have an adverse economic impact and require technical information and innovation to achieve compliance.	2-year bill
AB 535	Morrell	Regulations: 5-year review and report.	
AB 541	Morrell	Establishes the California Small Business Board.	2-year bill
AB 632	Wagner	Regulations: 45-day legislative notice and economic impact analysis.	2-year bill
AB 1037	V. Manuel Perez	Small business impact analysis and the adoption, repeal, or amendment of regulations.	2-year bill
AB 1051	Feuer	Authorizes the Secretary of State to bring suit to collect licensing fees, taxes, and charges levied by the State.	2-year bill
AB 1213	Nielsen	Regulations- Definition of “necessity.”	2-year bill
AB 1322	Bradford	Regulations: principles of regulation adopted by Presidential Executive Order 12866 to be adopted by the State of California.	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
ABX1 3	Logue	Regulations: 5-year review and report.	2-year bill
ABX1 4	Logue	Regulations: effective date delayed until January 1 of the next year following a 90-day notice.	Dead
ABX1 5	Logue	Regulations: legislative notice.	Dead
ABX1 6	Logue	Regulations: economic impacts review.	Dead
ABX1 7	Logue	Fines and penalties imposed by DPR, DTSC, SWRCB, and ARB shall be deposited in the General Fund and not retained to cover the cost of enforcement.	Dead
ACA 1 7	Logue	State-mandated local programs- payment to local governments.	2-year bill
SB 353	Blakeslee	Regulations: economic analysis and CEQA exemptions.	2-year bill
SB 366	Calderon	Regulations: agency review--180 days to identify duplicative, overlapping, inconsistent, or out-of-date regulations.	2-year bill
SB 396	Huff	Regulations: review process for regulations in existence for more than 20 years.	2-year bill
SB 400	Dutton	Regulations: impact on businesses.	2-year bill
SB 401	Fuller	Regulations: repeal provisions.	2-year bill
SB 553	Fuller	Regulations: effective date.	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
SB 560	Wright	Regulations: small businesses.	2-year bill
SB 591	Gaines	Administrative regulations: reductions.	2-year bill
SB 639	Cannella	Regulations: economic impact analysis.	2-year bill
SB 688	Wright	Regulations: legislative approval.	2-year bill
<b>Structural Pest Control</b>			
AB 417	Berryhill, Bill	This bill makes express and clear that structural pest control licensees can obtain building permits from city and counties without a contractor's license.	Chapter 99
<b>Toxic Air Contaminants</b>			
AB 1169	Halderman	Air pollution: toxic air contaminants--Spot bill	2-year bill
AB 1176	Williams	Requires DPR to complete its current duties required by the Toxic Air Contaminant (TAC) Act within briefer time frames, and require DPR to adopt control measure regulations for two pesticides identified as TACs per year under certain conditions. This bill would also remove DPR's sole authority to determine that control measures are not needed for TACs that are federal hazardous air pollutants (HAPs) if OEHHA and/or ARB do not concur with that determination.	2-year bill
SB 178	Simitian	Hazardous materials: green chemistry.	2-year bill

<b>SUBJECT</b>	<b>AUTHOR</b>	<b>DIGEST</b>	<b>STATUS</b>
<b>Water Quality</b>			
AB 246	Wieckowski	Water quality: enforcement.	2-year bill
AB 685	Eng	State water policy: regional water management planning.	2-year bill
AB 745	Valadao	California Water Plan.	2-year bill
AB 1048	Harkey	Water quality: recycled water and wastewater: fluoride.	2-year bill
SB 623	Kehoe	Vessels: marine antifouling paint. Requires DPR by January 1, 2014, to determine the maximum allowable leach rate for low-leach rated antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2015, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require SWRCB, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by SWRCB that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors.	2-year bill

SUBJECT	AUTHOR	DIGEST	STATUS
<b>Worker Health &amp; Safety</b>	Monning	<p>Alters the procedures and standards the Department of Industrial Relations, Safety and Health Standards Board follows and requires the Board to use standards derived from quantitative risk assessments prepared by one of four named agencies when setting the levels of any future proposed permissive exposure levels (PELs), and requires the Board to set the PELs to attain the highest degree of health and safety protection. For carcinogens, the bill requires the PEL to ensure that there is no significant risk to employee health. For toxicants that cause or contribute to reproductive, developmental, or serious physical harm, the bill requires the Board to set the PEL at a level at which no harm occurs.</p>	2-year bill

# **Bills by Author**

## Assembly

<b>Member</b>	<b>Digest</b>	<b>Status</b>
<b>Berryhill, Bill</b>		
AB 417	Structural pest control: This bill makes express and clear that structural pest control licensees can obtain building permits from city and counties without a contractor's license.	Chapter 99
AB 465	Gardening or landscape maintenance services: As a precondition of a business license, proof of Workers Compensation insurance and acknowledgement of the consequences of operating without a license.	2-year bill
AB 569	Business licensing: Business Master License Center.	2-year bill
<b>Blakeslee, Sam</b>		
SB 353	Regulations: economic analysis and California Environmental Quality Act exemptions.	2-year bill
<b>Bradford, Steven C.</b>		
AB 1322	Regulations: principles of regulation adopted by Presidential Executive Order 12866 to be adopted by the State of California.	2-year bill
AB 1381	Public contracts: contract awards--spot bill	2-year bill
<b>Chesbro, Wesley</b>		
<b>AB 968</b>	This bill instead would require all state agencies to cooperate with federally recognized California Indian tribes pursuant to these provisions. It would also require every state agency to adopt a policy of communication and consultation and require the Governor to meet at least annually with elected officials of California Indian tribes.	2-year bill

**Eng, Mike**

AB 172 State agencies: Posting of audits to Internet Web site. 2-year bill

AB 685 State water policy: regional water management planning. 2-year bill

**Feuer, Mike**

AB 1051 Authorizes the Secretary of State to bring suit to collect licensing fees, taxes, and charges levied by the State. 2-year bill

**Fuller, Jean**

SB 401 Regulations: repeal provisions. 2-year bill

SB 553 Regulations: effective date. 2-year bill

**Gaines, Ted**

SB 591 Administrative regulations: reductions. 2-year bill

**Galgiani,  
Cathleen**

AB 297 Public contracts: veterans' preference. 2-year bill

**Halderman,  
Linda M.D.**

AB 1169 Air pollution: toxic air contaminants. 2-year bill

**Harkey, Diane**

AB 1048 Water quality: recycled water and wastewater: fluoride. 2-year bill

**Huber, Alyson**

AB 634	Vertebrate pest control: Allows until 1/1/18 the use of carbon monoxide to kill burrowing rodents.	Chapter 407
AB 942	General Fund: Fines and penalties imposed by DPR, DTSC, SWRCB, and ARB shall be deposited in the General Fund and not retained to cover the cost of enforcement.	2-year bill

**Knight,  
Stephen**

AB 429	Regulations: effective date of regulations with a gross cost of \$15,000,000 or an increased cost of more than five percent shall be submitted to the Legislature.	2-year bill
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**Lara, Ricardo**

AB 149	Civil service: personal service contracts review and notice.	2-year bill
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**Logue, Dan**

AB 127	Regulations: effective date shall be January 1, following a 90-day filing with the Secretary of State.	2-year bill
ABX1 3	Regulations: 5-year review and report.	2-year bill
ABX1 4	Regulations: effective date delayed until January 1 of the next year following a 90-day notice.	Dead
ABX1 5	Regulations: legislative notice.	Dead
ABX1 6	Regulations: economic impacts review.	Dead
ABX1 7	Fines and penalties imposed by DPR, DTSC, SWRCB and ARB shall be deposited in the General Fund and not retained to cover the cost of enforcement.	2-year bill

ACA 17 State-mandated local programs—payment to local governments 2-year bill

**Monning,  
William**

AB 553 Alters the procedures and standards the Department of Industrial Relations, Safety and Health Standards Board follows and requires the Board to use standards derived from quantitative risk assessments prepared by one of four named agencies when setting the levels of any future proposed permissive exposure levels (PELs), and requires the Board to set the PELs to attain the highest degree of health and safety protection. For carcinogens, the bill requires the PEL to ensure that there is no significant risk to employee health. For toxicants that cause or contribute to reproductive, developmental, or serious physical harm, the bill requires the Board to set the PEL at a level at which no harm occurs. 2-year bill

**Morrell, Mike**

AB 535 Regulations: 5-year review and report. 2-year bill

AB 541 Establishes the California Small Business Board. 2-year bill

AB 425 State regulations: identification of duplicative, archaic, or inconsistent regulations and report to the legislature.

**Nielsen, Jim**

AB 1213 Regulations--Definition of "necessity." 2-year bill

**Olsen, Kristin  
M**

AB 991 State government: licenses: California Licensing and Permit Center 2-year bill

<b>Perez, V. Manuel</b> AB 1037	Regulations: small business impact.	2-year bill
<b>Portantino, Anthony</b> AB 7		
ABX1 1	State employment: salary freeze.	Dead
<b>Silva, Jim</b> AB 213	Administrative Procedure Act: notice of proposed actions to local government agencies.	2-year bill
<b>Skinner, Nancy</b> AB 453	State employees: scientists appointed after 1/12/2012 must have at minimum a BS in a scientific discipline.	2-year bill
<b>Smyth, Cameron</b> AB 530	Regulations: economic and technical information.	2-year bill
<b>Swanson, Sandre</b> AB 410	Regulations: Formatting of regulations so that blind people can read shall be required of agencies upon request.	Chapter 495
<b>Valadao, David</b> AB 273	Regulations: economic impacts review.	2-year bill
AB 647	Pests: Asian citrus psyllid insect.	2-year bill

AB 745 California Water Plan. 2-year bill

**Wagner,  
Donald**

AB 338 Regulations: legislative validation: effective date. 2-year bill

AB 632 Regulations: legislative notice. 2-year bill

**Wieckowski,  
Bob**

AB 246 Water quality: enforcement. 2-year bill

**Williams, Das**

AB 1176 Requires DPR to complete its current duties required by the Toxic Air Contaminant (TAC) Act within briefer time frames, and requires DPR to adopt control measure regulations for two pesticides identified as TACs per year under certain conditions. This bill would also remove DPR's sole authority to determine that control measures are not needed for TACs that are federal hazardous air pollutants if the Office of Health Hazard Assessment and/or ARB do not concur with that determination. 2-year bill

## Senate

<b>Member</b>	<b>Digest</b>	<b>Status</b>
<b>Blakeslee, Sam</b> SB 353	Regulations: economic analysis and CEQA exemptions.	2-year bill
<b>Calderon, Ronald S.</b> SB 366	Regulations: agency review- 180 days to identify duplicative, overlapping, inconsistent, or out-of-date regulations.	2-year bill
<b>Cannella, Anthony J.</b> SB 196	Regulations: economic analysis and review.	2-year bill
SB 639	Regulations: economic impact analysis.	2-year bill
SCA 13	Public employees' retirement plan contribution calculation.	2-year bill
<b>DeSaulnier, Mark</b> SB 394	Healthy Schools Act of 2011- Mandatory training for school districts and certain child care facilities.	2-year bill
<b>Dutton, Bob</b> SB 400	Regulations: impact on businesses.	2-year bill
<b>Fuller, Jean</b> SB 401	Regulations: repeal provisions.	2-year bill
SB 553	Regulations: effective date.	2-year bill
<b>Gaines, Ted</b> SB 591	Administrative regulations: reductions.	2-year bill
<b>Huff, Bob</b> SB 215	Invasive aquatic species: Extends until 1/1/2017 enforcement provisions concerning dreissenid mussels.	Chapter, 332
SB 396	Regulations: review process for regulations in existence for more than 20 years.	2-year bill

<b>Member</b>	<b>Digest</b>	<b>Status</b>
<b>Kehoe, Christine</b> SB 623	Vessels: marine antifouling paint. Requires DPR by January 1, 2014, to determine the maximum allowable leach rate for low-leach rated antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2015, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require SWRCB, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by SWRCB that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors.	2-year bill
<b>Price, Curren D., Jr.</b> SB 67	Public contracts: small business participation	2-year bill
<b>Rubio, Michael J.</b> SCR 10	West Nile Virus and Mosquito and Vector Control Awareness Week.	Chapter 25
<b>Simitian, Joe</b> SB 178	Hazardous materials: green chemistry.	2-year bill
<b>Steinberg, Darrell</b> SB 763	Creates a voluntary program to recognize businesses that have achieved advanced environmental performance.	2-year bill
<b>Vargas, Juan</b> SB 252	Public contracts: personal services.	2-year bill

<b>Member</b>	<b>Digest</b>	<b>Status</b>
<b>Wright, Roderick</b> SB 560	Regulations: small businesses.	2-year bill
SB 688	Regulations: legislative approval.	2-year bill

# **2011 Chaptered Legislation: Summary**

The following information summarizes the content of two legislative bills which were signed by Governor Brown and chaptered by the Secretary of State during the 2011 legislative session. These bills impact, or have the potential to impact, California's pesticide regulatory program.

[AB 417](#) (Berryhill, Bill) Chapter 99

Summary: This bill makes express and clear that structural pest control licensees can obtain building permits from city and counties without a contractor's license.

[AB 634](#) (Huber) Chapter 407

Summary: This bill adds section 6025.4 to the Food and Agricultural Code (FAC) to authorize until January 1, 2018, the use of carbon monoxide to control burrowing rodent pests and create an exemption from the prohibition of such use, found in California Penal Code section 597u. It also amends FAC sections 6025.5 and 6027.1, requiring the California Department of Food and Agriculture to broaden their current vertebrate pest research programs and the development of educational materials to include carbon monoxide and carbon dioxide delivery systems.

# **Text of Chaptered Bills**

# **BILL NUMBER: AB 417 CHAPTERED**

## **BILL TEXT**

### **CHAPTER 99**

**FILED WITH SECRETARY OF STATE JULY 25, 2011**

**APPROVED BY GOVERNOR JULY 25, 2011**

**PASSED THE SENATE JULY 1, 2011**

**PASSED THE ASSEMBLY JULY 7, 2011**

**AMENDED IN SENATE JUNE 20, 2011**

**INTRODUCED BY** Assembly Member Bill Berryhill

**FEBRUARY 14, 2011**

An act to add Section 8557 to the Business and Professions Code, relating to structural pest control.

## **LEGISLATIVE COUNSEL'S DIGEST**

AB 417, Bill Berryhill. Structural pest control.

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.

This bill would prohibit a city, county, or city and county from prohibiting a licensee of the board from engaging in the particular business, occupation, or profession for which he or she is licensed.

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

**SECTION 1.** Section 8557 is added to the Business and Professions Code, to read: 8557.

No city, county, or city and county shall prohibit a person or group of persons, authorized by the board by a license, certificate, or other such means under this chapter to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof as authorized in this chapter.

# AB 634 CHAPTERED

## BILL TEXT

### CHAPTER 407

FILED WITH SECRETARY OF STATE OCTOBER 2, 2011

APPROVED BY GOVERNOR OCTOBER 2, 2011

PASSED THE SENATE SEPTEMBER 8, 2011

PASSED THE ASSEMBLY SEPTEMBER 8, 2011

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 12, 2011

INTRODUCED BY Assembly Member Huber

FEBRUARY 16, 2011

An act to amend Sections 6025.5 and 6027.1 of, and to add and repeal Section 6025.4 of, the Food and Agricultural Code, relating to vertebrate pests.

## LEGISLATIVE COUNSEL'S DIGEST

AB 634, Huber. Vertebrate pest control: carbon monoxide.

Existing law regulates pesticide use and generally provides that, except for specified provisions that are within the jurisdiction of the Secretary of Food and Agriculture, the enforcement of these provisions is the duty of the Director of Pesticide Regulation.

Existing law also requires the Secretary of Food and Agriculture to establish and administer a research program to control vertebrate pests, as defined, including the investigation of effective and economical alternative materials for the control of vertebrate pests.

Existing law limits the expenditure of funds for this research to specified activities, including educational outreach regarding vertebrate pest control methods. Under existing law, a person is prohibited from killing an animal by using carbon monoxide gas.

This bill would authorize the use of carbon monoxide for the control of burrowing rodent pests, only until January 1, 2018, and only if the carbon monoxide delivery device is permanently affixed with a specified warning label in plain view of the operator, subject to specified provisions governing (1) the protection of endangered species, (2) the mode of taking a fur-bearing animal, and (3) pest control operations and the use of agricultural chemicals, as specified.

The bill would revise the provision requiring the Secretary of Food and Agriculture to establish a research program to control vertebrate pests, including the investigation of alternative materials, as described above, to specifically include the use of carbon monoxide to control burrowing rodent pests. The bill would make a similar change to the provision authorizing the expenditure of funds for educational outreach. The bill would also include a statement of legislative intent.

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

SECTION 1.

It is the intent of the Legislature to authorize the Department of Food and Agriculture, with the assistance of the Department of Fish and Game, to assist landowners with the control of burrowing rodent pests using methods that may involve the use of carbon monoxide. The authorization is for five years to allow the departments, using existing resources, to develop educational materials on the proper use of carbon monoxide delivery systems and to consider recommendations for the extension of the authorization or other appropriate legislative or regulatory changes for the use of carbon monoxide at the conclusion of the term. The existing Vertebrate Pest Control Research Advisory Committee is the proper place for research and educational materials to be developed.

SEC. 2. Section 6025.4 is added to the Food and Agricultural Code, to read:  
6025.4.

(a) Notwithstanding Section 597u of the Penal Code, carbon monoxide may be used for the control of burrowing rodent pests, provided the following conditions are met:

(1) The carbon monoxide delivery device shall be permanently affixed with a warning label in plain view of the operator that includes, at a minimum, the following information:

**DANGER:** Carbon monoxide is a poisonous gas that is odorless and colorless. Exposure to carbon monoxide can kill within minutes. Never use in structures inhabited by humans or livestock. The device must be used in accordance with all existing laws and regulations including Chapter 1.5 (commencing with Section 2050) of Division 3 of, known as the California Endangered Species Act, and Sections 4002 and 4003 of, the Fish and Game Code.

(2) The use of carbon monoxide is subject to the requirements of Chapter 1.5 (commencing with Section 2050) of Division 3 of, known as the California Endangered Species Act, and Sections 4002 and 4003 of, the Fish and Game Code, and the requirements of Division 6 (commencing with Section 11401) and Division 7 (commencing with Section 12500).

(b) This section shall become inoperative on January 1, 2018, and, as of January 1, 2018, is repealed, unless a later-enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 6025.5 of the Food and Agricultural Code is amended to read:  
6025.5.

(a) The secretary shall establish and administer a research program to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy, infrastructure, and the public.

(b) The specific purposes of the program include all of the following:

(1) The investigation of effective and economical alternative materials for the control of vertebrate pests, including carbon monoxide to control burrowing rodent pests.

(2) The solicitation and consideration of research proposals for alternative humane methods of control.

(3) The continuation of current vertebrate pest control product registration at the state level until alternative products are developed that prove to be effective and economical.

(4) The funding of research for the development of scientific data to fulfill registration requirements.

(5) Cooperation with the United States Department of Agriculture in funding research programs to maintain, develop, and register vertebrate pest control materials used in this state.

SEC. 4. Section 6027.1 of the Food and Agricultural Code is amended to read:  
6027.1.

Expenditure of funds pursuant to this article shall be limited to the following:

(a) Reasonable administrative and operational expenses of the committee and the department, subject to the recommendation of an annual budget by the committee and approval by the secretary.

(b) Federal and state regulatory fees for the continued registration of vertebrate pest control materials and the registration of new materials.

(c) Basic and applied research as described in Section 6025.3.

(d) Educational outreach on the subject of vertebrate pest control methods, including, but not limited to, the safe use of carbon monoxide to control burrowing rodent pests.