

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 26, 2008
POSITION: Oppose
SPONSOR: Author

BILL NUMBER: AB 2765
AUTHOR: J. Huffman

BILL SUMMARY: Pest Eradication: Aerial use of Pesticide

This bill would require the California Department of Food and Agriculture (CDFA) or County Agricultural Commissioner (Commissioner) to conduct at least one public hearing to consider alternatives to aerial spraying of a pesticide before application in an urban area. It would require the CDFA or Commissioner to seek an evaluation of human health risks, jointly prepared by the Department of Pesticide Regulation (DPR) and the Office of Environmental Health Hazard Assessment (OEHHA). This bill would also require that any notice distributed by the CDFA or Commissioner include a list of each active ingredient and inert material in the pesticide formulation to the extent such disclosure is permitted by existing laws.

FISCAL SUMMARY

The DPR indicates that this bill would increase their annual costs by an estimated \$1.4 million, assuming that they performed five evaluations per year beginning in 2009-10.

The OEHHA indicates that this bill would increase their annual costs by an estimated \$400,000 to jointly prepare evaluations with DPR.

The CDFA indicates that the requirement that they conduct public hearings would cost an estimated \$5,000 per hearing. The total increase in annual costs is unknown and would depend on the number of eradication projects proclaimed in urban areas each year.

Any request for additional resources would be subject to review and approval through the annual budget process.

COMMENTS

The Department of Finance is opposed to this bill because it would increase state costs by approximately \$2 million per year. While this bill would provide public participation and provide assurances to the public that the eradication process would not result in harm to humans or the environment, it could cause delays in the eradication process resulting in an economic loss to the agricultural industry of an unknown but potentially significant amount.

Existing law authorizes the Secretary of the CDFA to proclaim any area in the state an eradication area with respect to a pest, prescribe boundaries of the area, name the pest or hosts of the pests within the area, and determine methods of controlling or eradicating the pest. CDFA indicates that they currently hold a public hearing before any aerial application of pesticides occurs, but this is typically done after the decision to use this method of eradication has been made. When a proclamation is made, the CDFA or Commissioner of the area is required to notify residents and physicians in the area along with the local broadcast media before aerial application of a pesticide. Existing law requires that the notification contain specific information, including the date and approximate time of application, the type of pesticide to be applied,

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COMMENTS (continued)

any health and safety precautions that should be taken, and the contact information for public health personnel familiar with the eradication program.

This bill would expand existing requirements related to proclamations of eradication projects in urban areas to include the requirement that the CDFA or Commissioner conduct at least one public hearing to consider

Analyst/Principal (0221) R. Baker	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)
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alternatives to aerial spraying of a pesticide before application. It would require the CDFA or Commissioner to seek an evaluation of human health risks, jointly prepared by the DPR and OEHHA and would also require any notice distributed by CDFA or the Commissioner to include a list of each active ingredient and inert material in the pesticide formulation to the extent such disclosure is permitted by existing laws.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO RV	PROP 98	FC	2008-2009	FC	2009-2010	FC	2010-2011		
3930/PesticideReg	SO	No			-----	See Fiscal Summary	-----			0001
3980/EnvirHlthHaz	SO	No			-----	See Fiscal Summary	-----			0001
8570/Food & Ag	SO	No			-----	See Fiscal Summary	-----			0001