



Agenda Date: 9/27/2005
Agenda Placement: 10B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Nancy Watt, County Executive Officer, 253-4421
SUBJECT: SB 455 - pest control: violations

RECOMMENDATION

Discussion and possible action related to SB 455 (Escutia) - pest control violations. (Unanimous vote of the Board members present required)

EXECUTIVE SUMMARY

SB 455 was enrolled and sent to the Governor for signature on September 14, 2005. This bill was amended in the Assembly on September 2, 2005, is virtually the same as SB 879 (Escutia). According to Senate staff analysis, the bill "creates new definitions and enforcement requirements in how a County Agricultural Commissioner (CAC) administers civil penalties for violations of pesticide laws and regulations." The California State Association of Counties has not taken a position on the bill nor has the Regional Council of Rural Counties.

It is expected that the Board will discuss whether to send a letter of support or opposition concerning SB 455 to the Governor.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

SB 455 contains legislative findings and declarations dealing with pesticide laws and regulations and enforcement of them. The bill creates new definitions and enforcement requirements concerning how County Agricultural Commissioners (CAC) administer civil penalties for violations of pesticide laws and regulations. SB 455, was amended in the Assembly on September 2, 2005, has been sent to the Governor for signature.

Assembly legislative analysis indicates that SB 455 would "create mandatory penalties on violations when no harm or injury occurred but when it posed a reasonable possibility of creating a health or environmental effect. Current law and regulation permit the CAC to fine for such violations. Further, current law permits the determination if any violation is on a per individual basis or per incident, with Department of Pesticide Registration (DPR) authorized to override a CAC decision."

SB 455 (Escutia) is supported by the California Rural Legal Assistance Foundation and the United Farm Workers. Opponents of SB 455 include Western Growers, Wine Industry representatives, the California Farm Bureau Federation, and the California Agricultural Commissioners and Sealers Association.

According to the author and the supporters, this bill will improve pesticide safety enforcement across the state. Opponents of SB 455 believe that SB 455 is premature and unnecessary because county agricultural commissioners have worked with the Director of DPR to develop and adopt a new Pesticide Enforcement Response Policy which they believe will allow for effective administration of pesticide use under existing legislation.

SUPPORTING DOCUMENTS

A . SB 455

CEO Recommendation: Approve

Reviewed By: Britt Ferguson