

Measure P378

INSTRUCTIONS:

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take approximately 10 minutes.

BALLOT MEASURE P378

BACKGROUND

Many foods grown in California are treated with pesticides to control bugs, molds, and other pests. The use of pesticides in California is regulated by the California Department of Food and Agriculture (DFA) and other state agencies. The DFA's pesticide regulation activities are funded from the state's General Fund, a tax on pesticides, and license and registration fees. The state also administers programs for (1) the disposal of hazardous waste, including pesticides, (2) research on pest management techniques, (3) pest control, including activities aimed at controlling outbreaks of the Mediterranean fruit fly, and (4) transportation of hazardous materials.

Pesticides and Food Safety. Under current law, before a pesticide can be used or sold in California it must first be registered by both the DFA and the United States Environmental Protection Agency (EPA). The manufacturer of the pesticide must submit information to the DFA on the potential health effects that may be caused by the active ingredients in the pesticide. (These ingredients are those that kill pests.) If using a pesticide will result in some of the pesticide remaining in or on the food, the registration restricts the amount allowed to remain in order to prevent any harmful health effects.

The DFA currently tests about 17,000 samples of over 200 different kinds of produce each year to determine if they are likely to contain levels of pesticides that may be harmful if eaten. Produce that exceeds the allowable level of pesticide residues are destroyed.

Pesticide Disposal. The Department of Health Services (DHS) is the state agency responsible for regulating the use and cleanup of hazardous waste. State law requires hazardous waste, including pesticides, to be disposed of properly in order to prevent harmful health or environmental effects. Under current law, the cost of disposing of hazardous waste generally is the responsibility of the person that generated the waste.

Pest Management. The DFA and the University of California currently spend approximately \$39 million in state funds each year on pest management research. The primary emphasis of the research is to develop pest control methods that do not involve the use of pesticides. The DFA also is involved directly in field activities to control or eliminate specific pests. For example, the DFA sprays pesticides and releases sterile fruit flies to control outbreaks of the Mediterranean fruit fly.

Transportation of Hazardous Materials and Food. The state Public Utilities Commission (PUC) regulates highway carriers through the issuance of permits. Existing law does not prohibit the transport of hazardous materials and food in the same truck.

PROPOSAL

In summary, this measure:

- Makes changes in (1) the monitoring and regulation of pesticides for food safety, (2) the disposal of pesticides, (3) the funding for pest management, and (4) the transportation of hazardous materials and food.
- Requires the Secretary of Environmental Affairs to serve as the Environmental Advocate for state laws related to pesticides, agriculture, and food safety.
- Contains language stating how conflicts between it and another measure on this ballot are to be resolved.
- Restates many provisions of existing law and requires a two-thirds, rather than a majority, vote by the Legislature to change these provisions.

Pesticides and Food Safety. The measure makes the following four changes:

- Requires the DFA to increase its pesticide residue monitoring program for raw produce by 100 percent from the number of samples taken in 1989. Current law requires a significant expansion in portions of the DFA's residue monitoring program.
- Requires the DHS to increase its pesticide residue monitoring program for processed food by 100 percent from the number of samples taken in 1990. The DHS is budgeted to increase its sampling by over 100 percent, therefore, this measure may not result in any increase in monitoring of processed foods.
- Allows the DFA to require manufacturers of pesticides containing a potentially harmful inert ingredient (the ingredient that carries the pest-killing chemicals), to submit health risk information. (Currently the DFA only requires health risk information on the active ingredients in pesticides, which are the ingredients that kill the pest) Upon receiving this information, the DFA must revise, suspend, or cancel the registration of any pesticide that contains an inert ingredient that the DFA determines may be harmful to health.
- Repeals some fees that food processors and produce dealers currently are required to pay to support the costs of regulating pesticides and food safety.

Pesticide Disposal. The measure changes existing state policy regarding pesticide disposal by requiring the DFA to collect and dispose of any pesticide which is no longer registered for use in California. The collection of pesticides should be done at the request of the pesticide user, and the measure requires the entire cost of collection and disposal to be paid by the state.

Pest Management. The measure expands the current pest management research program by appropriating \$25 million over a five-year period for research grants. The measure requires that the research focus on alternative pest management practices that (1) do not use pesticides, (2) use less pesticides, or (3) use safer pesticides.

The measure also requires the state to provide additional funds to the DFA to double its capacity to purchase sterile fruit flies currently used to control the Mediterranean fruit fly.

Transportation of Hazardous Materials and Food. The measure prohibits various types of tank truck carriers (tank trucks primarily carry bulk liquids) from using the same tank trucks to carry hazardous materials and food.

Environmental Advocate. This measure creates a position in state government called the Environmental Advocate, and requires the Secretary of Environmental Affairs to serve in the new position. The measure requires the advocate to coordinate with state agencies regarding their responsibilities for implementing and enforcing environmental laws relating to pesticides, agriculture, food safety, and pesticides in drinking water.

Water Quality. The measure requires the State Water Resources Control Board (SWRCB) to adopt a monitoring program to detect pesticide residues in the waters of the state, but does not specify the scope of the program. While the SWRCB already has a pesticide monitoring program, the measure may result in the expansion of this program.

Conflicts with Another Measure on This Ballot. This measure contains language that states how conflicts between it and another measure on this ballot are to be resolved. Specifically, this measure provides that if both it and Proposition P371 (The Environmental Protection Act of 1990), which also is on this ballot, are passed by the voters, only the one that receives the most votes will be implemented with regard to pesticide regulation and enforcement for food, water and worker safety. The legal effect of these provisions is uncertain. This is because the State Constitution provides that only the conflicting provisions of the measure that receives the greater vote prevails.

In addition, the measure would restrict the Office of the Environmental Advocate (OEA), created by Proposition P371, from enforcing state pesticide-related laws, but would not affect the OEA's authority over other environmental and public health areas. Consequently, if both measures are enacted and this measure receives the greater number of votes, there would be two Environmental Advocates, one created by this measure for pesticide-related laws and one created by Proposition P371 for all other environmental laws.



STOP!

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.