

AMENDED IN ASSEMBLY MARCH 1, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 99

Introduced by Assembly Member Connolly

January 9, 2023

An act to add ~~Section 98 to the Streets and Highways Article 16.8 (commencing with Section 13178) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to state highways: pesticides.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Connolly. ~~State highways: vegetation management: herbicides and pesticides. Department of Transportation: state roads and highways: integrated pest management.~~

Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to ~~develop and adopt a statewide policy to discontinue roadside spraying of herbicides and synthetic pesticides only use integrated pest management, as defined, that does not use herbicides or pesticides on state roads and highways~~ in each county ~~where the county board of supervisors that has adopted a resolution that opposes the spraying of herbicides and synthetic pesticides in the county, except where no alternative vegetation management practice is feasible or during a state of emergency relating~~

1 improving sanitation, and employing mechanical and physical
2 controls.

3 13178.1. (a) It is the policy of the state that effective least toxic
4 pest management practices should be the preferred method of
5 managing pests on state roads and highways and that the state
6 should take the necessary steps to facilitate the adoption of effective
7 least toxic pest management practices on state roads and highways.

8 (b) It is the intent of the Legislature that all Department of
9 Transportation personnel who apply herbicides or pesticides on
10 state roads and highways be trained in integrated pest management
11 and the safe use of herbicides and pesticides in relation to the
12 unique nature of state roads and highways.

13 13178.2. (a) The Department of Transportation shall adopt a
14 statewide policy to only use integrated pest management that does
15 not use herbicides or pesticides on state roads and highways in
16 each county that has adopted an ordinance prohibiting roadside
17 spraying of herbicides and pesticides.

18 (b) In developing the statewide policy, the department shall
19 contract with an outside entity that possesses expertise in
20 integrated pest management, such as the University of California
21 Statewide Integrated Pest Management Program.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

31 SECTION 1. ~~Section 98 is added to the Streets and Highways~~
32 ~~Code, to read:~~

33 98. (a) (1) ~~The department shall develop and adopt a statewide~~
34 ~~policy to discontinue roadside spraying of herbicides and synthetic~~
35 ~~pesticides in each county where the county board of supervisors~~
36 ~~has adopted a resolution that opposes the spraying of herbicides~~
37 ~~and synthetic pesticides in the county, except as specified in~~
38 ~~paragraph (2).~~

39 (2) ~~The policy shall not apply in either of the following~~
40 ~~circumstances:~~

1 ~~(A) Where no alternative vegetation management practice is~~
2 ~~feasible.~~

3 ~~(B) During a state of emergency, as defined in Section 8558 of~~
4 ~~the Government Code, relating to wildfire if the roadside spraying~~
5 ~~of herbicides and synthetic pesticides is being performed solely~~
6 ~~for purposes of preventing, combating, or mitigating the risk of~~
7 ~~wildfire.~~

8 ~~(b) In developing the policy pursuant to subdivision (a), the~~
9 ~~department shall consider implementing alternative vegetation~~
10 ~~management practices, including, but not limited to, all of the~~
11 ~~following:~~

12 ~~(1) Using organic pesticides.~~

13 ~~(2) Mulching.~~

14 ~~(3) Tarping.~~

15 ~~(4) Improving irrigation systems.~~

16 ~~(5) Altering landscape designs.~~

17 ~~(6) Using compost tea and turf aeration.~~