

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~~

~~to wildfire if the spraying is solely for purposes of preventing, combating, or mitigating the risk of wildfire. The bill would require the department, in developing that policy, to consider implementing alternative vegetation management practices, as specified: an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management.~~

Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment.

Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 16.8 (commencing with Section 13178) is*
2 *added to Chapter 2 of Division 7 of the Food and Agricultural*
3 *Code, to read:*

4
5 *Article 16.8. Integrated Pest Management on State Roads and*
6 *Highways*

7
8 *13178. For purposes of this article, "integrated pest*
9 *management" means a pest management strategy that focuses on*
10 *long-term prevention or suppression of pest problems through a*
11 *combination of techniques such as monitoring for pest presence*
12 *and establishing treatment threshold levels, using nonchemical*
13 *practices to make the habitat less conducive to pest development,*

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.~~