RESOLUTION NO. 09-11

A Resolution of the Albany City Council Supporting AB 622 (Swanson) The Clean Air for Children, Seniors, and Working Families Act

WHEREAS, aerial pesticide spraying is an outdated, inefficient practice that poses unacceptable exposure risks; and

WHEREAS, multiple scientific and other sources including the U.S. Office of Technology Assessment estimate that about 40 percent of an aerial pesticide application leaves the “target area” and that less than 1 percent actually reaches the “target pest”; and

WHEREAS, airborne pesticide exposure is responsible for acute poisonings and for chronic illnesses including asthma, cancer, neurological disorders, birth defects, miscarriages, and other reproductive effects; and

WHEREAS, “sensitive” populations – children, the elderly, pregnant women, and those with compromised immune systems and chronic illness – are more vulnerable to the adverse health effects of pesticide exposure; and

WHEREAS, the Environmental Working Group’s 2004 “10 Americans” study found 287 industrial chemicals in umbilical cord blood, including numerous pesticides, for example DDT, which was banned more than 30 years ago; and

WHEREAS, the U.S. Environmental Protection Agency emphasizes that children are at a greater risk from pesticide exposure for many reasons, including that “[c]hildren’s internal organs are still developing and maturing and their enzymatic, metabolic, and immune systems may provide less natural protection than those of an adult,” toxic exposure during critical periods in children’s development can permanently alter the way their bodies function, and when exposed to aerial spray, children receive a larger dose: pound for pound, they breathe more pesticide-contaminated air than an adult; and
WHEREAS, the elderly and those already ill are especially susceptible to adverse effects from pesticide exposure because of the extra vulnerability of their respiratory systems, their lower immune function, and their inability to break down and eliminate toxic substances from their bodies; and

WHEREAS, farm workers and their families who live adjacent to agricultural fields that are regularly sprayed are at very high risk for the cumulative effects of pesticide exposure; and

WHEREAS, the California Department of Pesticide Regulation (DPR) annual reports of numbers of people poisoned by aerial pesticide spray exposure do not account for the long-term effects of pesticide exposure, such as cancer and birth defects; and

WHEREAS, DPR acknowledged in a 2007 Consensus Statement on the LBAM spray that "DPR's surveillance system, like others, under detects pesticide illnesses for various reasons, including that pesticide illnesses may mimic other illnesses and that physicians and patients may not ascribe symptoms to pesticide exposure"; and

WHEREAS, scientists at the Pesticide Action Network estimate that the real number of Californians whose health is affected by aerial pesticide spraying is anywhere from 10 to 100 times greater than DPR reports, which means that tens of thousands of people are likely affected annually; and

WHEREAS, the residents of the City of Albany and the greater Bay Area were among the those targeted for blanket aerial pesticide spray for the Light Brown Apple Moth (LBAM) in 2008; and

WHEREAS, the City of Albany and greater Bay Area contain numerous sites where sensitive populations congregate, including schools, hospitals, day care centers, senior citizen centers, and residential care homes; and

WHEREAS, the residents of Albany and of the greater Bay Area oppose food production practices that put the residents of any area at risk of aerial pesticide exposure; and
WHEREAS, AB 622, the Clean Air for Children, Seniors, and Working Families Act, would protect the most vulnerable populations by establishing a more than 3-mile aerial spray safety zone around schools, hospitals, day care centers, senior citizen centers, residential care homes, and farm labor camps so that people in those areas can live, work, and go to school without fear of pesticide exposure;

NOW THEREFORE BE IT RESOLVED AND ORDERED THAT THE ALBANY CITY COUNCIL: Supports and endorses AB 622, the Clean Air for Children, Seniors, and Working Families Act and urges the California Assembly and Senate to pass AB 622 and urges the Governor to sign AB 622 into law. Will notify the bill’s author, any relevant Committees of the state Assembly and Senate, and the Governor of the city’s support of the bill.

MARGE ATKINSON
MAYOR
An act to add Section 12979.1 to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 622, as amended, Swanson. Pesticides: aerial application.
Existing law requires the registration of pesticides, prohibits certain uses of pesticides, and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of pesticides, as provided. Existing law requires the use of any pesticide by any person to be in such a manner as to prevent substantial drift to nontarget areas, and requires pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable to be posted with warning signs.
This bill would require, with respect to aerial applications of a pesticide, the observance of a safety zone of no less than 3.3 miles from the aerial application for residential areas, including known sensitive sites, if the pesticide contains any active or inert ingredient that is known to be or suspected to be a carcinogen, a mutagen, or an endocrine disruptor.
Under existing law, a violation of the provisions of this bill would be a crime, as specified. Because this bill would create new crimes, 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.


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

SECTION 1. Section 12979.1 is added to the Food and Agricultural Code, to read:

12979.1. (a) This section shall be known, and may be cited as, the Clean Air for Children, Seniors, and Working Families Act.
(b) For aerial applications of a pesticide, a safety zone of no less than three and three tenths miles from the aerial application, including drift, shall be observed for residential areas and known sensitive sites such as schools, hospitals, day care centers, senior citizen centers, residential care homes, and farm labor camps, if the pesticide contains any active or inert ingredient that is known to be or suspected to be a carcinogen, a mutagen, or an endocrine disruptor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
RESOLUTION NO. 09-11

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
this ___6___ day of __April__, 2009, by the following votes:

AYES: Council Members Javandel, Lieber, Thomasen, Wile & Mayor Atkinson

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this ___7___
day of __April__, 2009.

[Signature]

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK