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2 **RESOLUTION NO. 09-11**

3
4 **A Resolution of the Albany City Council Supporting AB 622 (Swanson) The Clean**
5 **Air for Children, Seniors, and Working Families Act**

6 **WHEREAS**, aerial pesticide spraying is an outdated, inefficient practice that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

8 **WHEREAS**, multiple scientific and other sources including the U.S. Office of
9 Technology Assessment estimate that about 40 percent of an aerial pesticide application
10 leaves the "target area" and that less than 1 percent actually reaches the "target pest"; and
11 whereas

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

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

18 **WHEREAS**, aerial pesticide spraying creates mass exposure to all members of
19 the population and sites within a spray area and the drift zone; and

20 **WHEREAS**, the Environmental Working Group's 2004 "10 Americans" study
21 found 287 industrial chemicals in umbilical cord blood, including numerous pesticides,
22 for example DDT, which was banned more than 30 years ago; and

23 **WHEREAS**, the U.S. Environmental Protection Agency emphasizes that children
24 are at a greater risk from pesticide exposure for many reasons, including that
25 "[c]hildren's internal organs are still developing and maturing and their enzymatic,
26 metabolic, and immune systems may provide less natural protection than those of an
27 adult," toxic exposure during critical periods in children's development can permanently
28 alter the way their bodies function, and when exposed to aerial spray, children receive a
29 larger dose: pound for pound, they breathe more pesticide-contaminated air than an adult;
and

1
2 **WHEREAS**, the elderly and those already ill are especially susceptible to adverse
3 effects from pesticide exposure because of the extra vulnerability of their respiratory
4 systems, their lower immune function, and their inability to break down and eliminate
5 toxic substances from their bodies; and

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

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

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

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

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

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

27 **WHEREAS**, the residents of Albany and of the greater Bay Area oppose food
28 production practices that put the residents of any area at risk of aerial pesticide exposure;
29 and

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 622

Introduced by Assembly Member Swanson

February 25, 2009

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.

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

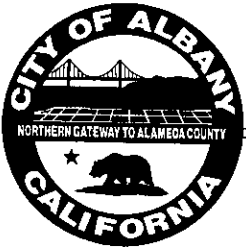
The people of the State of California do enact as follows:

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

3 12979.1. (a) *This section shall be known, and may be cited*
4 *as, the Clean Air for Children, Seniors, and Working Families Act.*

5 (b) For aerial applications of a pesticide, a safety zone of no
6 less than three and three tenths miles from the aerial application,
7 including drift, shall be observed for residential areas and known
8 sensitive sites such as schools, hospitals, day care centers, senior
9 citizen centers, residential care homes, and farm labor camps, ~~if~~
10 ~~the pesticide contains any active or inert ingredient that is known~~
11 ~~to be or suspected to be a carcinogen, a mutagen, or an endocrine~~
12 ~~disruptor.~~

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.



City of Albany

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- Senior Center
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- Teen Center
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RESOLUTION NO. 09-11

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

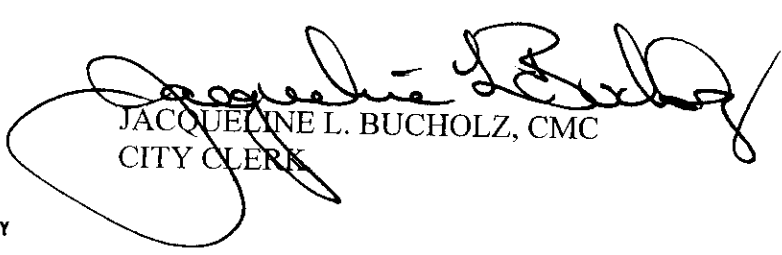
this 6th day of April, 2009, by the following votes:

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

NOES: None

ABSENT: None

**WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
day of April, 2009.**


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,
and providing a safe, healthy environment now and in the future.*



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