

SENATE THIRD READING  
SB 86 (Durazo)  
As Amended July 27, 2020  
Majority vote

### SUMMARY:

Requires the Department of Pesticide Regulation (DPR) to submit a quarterly report, as specified, on the use of the pesticide, chlorpyrifos, in granular form.

### Major Provisions

- 1) Makes legislative findings about the hazards posed by exposure to chlorpyrifos and about the process California has taken to regulate and monitor the pesticide.
- 2) Requires DPR, beginning with the first quarter of 2021, to prepare and submit quarterly reports, due sixty days after the end of each quarter, to specified Senate and Assembly Committees and the Office of the Surgeon General.
- 3) Requires that the report provide all of the following information:
  - a) The amount of chlorpyrifos in granular form used during the quarter, reported in pounds and by location of use;
  - b) Potential reasons for any increase or decrease in the use of chlorpyrifos in granular form in the quarter as compared to the same quarter of the previous year; and,
  - c) A description of how DPR monitors exposure to the use of chlorpyrifos in granular form with a particular emphasis on dermal and inhalation exposure, and any information relating to that exposure during the quarter.

### COMMENTS:

*Chlorpyrifos:* Chlorpyrifos is an insecticide, acaricide, and miticide used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos is an organophosphate that inhibits the functioning of the nervous system (acetylcholinesterase inhibition). This is how it kills insects. Acute exposure can have similar effects on humans (sweating, salivation, vomiting, low blood pressure and heart rate, seizures, and death). Recent research has shown that chlorpyrifos is also a developmental neurotoxin in children and sensitive populations, and that the threshold for chlorpyrifos-induced neurodevelopmental effects is approximately 10-fold lower than the threshold for acetylcholinesterase inhibition. According to the American Academy of Pediatrics, California, "Chlorpyrifos is highly toxic, with demonstrated severe health effects far below current average exposure levels."

*Chlorpyrifos use in California:* Following extensive scientific review; public comment; and, prior regulatory action designating chlorpyrifos as a restricted material, listing chlorpyrifos as a chemical known to cause developmental toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), and listing chlorpyrifos as a toxic air contaminant (TAC), on October 9, 2019, the California Environmental Protection Agency (CalEPA) announced that virtually all use of the pesticide chlorpyrifos in California will end in 2020 following an agreement between DPR and pesticide manufacturers to withdraw their products.

Under the settlement, the companies agreed that all sales of chlorpyrifos products to growers in California will end on February 6, 2020; and, growers will no longer be allowed to possess or use chlorpyrifos products in California after December 31, 2020.

*Chlorpyrifos in granular form:* When CalEPA announced the end of the use of most chlorpyrifos in California, it also stated, "A few products that apply chlorpyrifos in granular form, representing less than one percent of agricultural use of chlorpyrifos, will be allowed to remain on the market. These products are not associated with detrimental health effects. DPR will continue to monitor for any exposures associated with these products."

While initially evaluating chlorpyrifos as a TAC, DPR evaluated inhalation and dermal exposure in the context of "bystanders." This evaluation did not find that chlorpyrifos in granular form offgassed or left a residue on food crops. DPR did not assess occupational exposure to granular chlorpyrifos during the TAC process.

*This bill* requires DPR to prepare and submit quarterly reports about the use of chlorpyrifos in granular form to specified California Senate and Assembly Committees and to the Office of the Surgeon General.

**According to the Author:**

"SB 86 protects the health of children and frontline communities from the brain-toxic pesticide chlorpyrifos... Scientists from the U.S. EPA have determined that the handling of chlorpyrifos in granular form results in unsafe levels of exposure to farmworkers, even when farmworkers follow all of the directions on chlorpyrifos labels, wear personal protective equipment, and use engineering controls. California continues to allow use of granular pesticides containing chlorpyrifos, despite the substantial risk these products present to farmworkers, children, and mothers... Given the scientific evidence of the harm caused by chlorpyrifos, it is imperative that specific data on granular uses be incorporated into the existing data gathering infrastructure and the information provided to the Legislature."

**Arguments in Support:**

According to Earthjustice, "SB 86 [is] a bill that will provide important information to the Legislature on granular products of chlorpyrifos that remain available for use in California. The oversight function of the Legislature has come into sharper focus especially this year. Protecting public health of farmworkers and frontline communities is an essential function of state government. The data submitted to the legislature under SB 86 will empower the policy committees to track the use of granular uses of chlorpyrifos and its health impacts on farmworkers... It is important to monitor the use of granular products of chlorpyrifos as the chemical remains dangerous as long as it is allowed to be in use."

**Arguments in Opposition:**

According to a coalition of opponents, "Our organizations do not oppose information on granular chlorpyrifos use being made available to the Legislature and public. However, this bill is unnecessary as [DPR] reports this data annually. Further, we are opposed to the findings of the bill as they are misleading and mischaracterize both the use and risk of granular chlorpyrifos... DPR already compiles an annual use report for all pesticides in California and quarterly reporting would result in unnecessary costs... The findings in SB 86 are misleading as they do not acknowledge the work DPR has done to mitigate the risk of granular chlorpyrifos use or the differences between granular chlorpyrifos and chlorpyrifos applied through ground spray and aerial application..."

**FISCAL COMMENTS:**

According to the Assembly Appropriations Committee, DPR states that, should this bill be enacted, the annual costs of quarterly reporting will be approximately \$340,000 (DPR fund). DPR indicates additional staff time will be necessary to create the analyses and to solicit opinions of multiple staff and outside experts to determine potential reasons for change in use and potential exposure, two requirements not currently included in the existing quarterly report. DPR also states that County Agricultural Commissioners' costs would likely increase, and absent additional funding, Commissioners would need to reprioritize their resources or make additional claims on the DPR fund.

**VOTES:**

**SENATE FLOOR: 38-0-0**

**YES:** Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

**ASM RULES: 11-0-1**

**YES:** Cooley, Carrillo, Flora, Grayson, Kamlager-Dove, Maienschein, Mathis, Quirk-Silva, Ramos, Robert Rivas, Wicks

**ABS, ABST OR NV:** Cunningham

**ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-2-0**

**YES:** Quirk, Arambula, Bauer-Kahan, Cristina Garcia, Holden, Muratsuchi, Obernolte

**NO:** Flora, Mathis

**ASM APPROPRIATIONS: 14-4-0**

**YES:** Gonzalez, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Diep, Eggman, Gabriel, Eduardo Garcia, Petrie-Norris, Quirk, Robert Rivas

**NO:** Bigelow, Megan Dahle, Fong, Voepel

**UPDATED:**

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