

Introduced by Senator Leno

February 8, 2010

Senate Resolution No. 35—Relative to pesticides.

1 WHEREAS, Over 160 million pounds of pesticides are used
2 annually in California, according to the California Department of
3 Pesticide Regulation. This figure includes production agriculture
4 and professional pesticide use. It does not include significant
5 amounts of residential, institutional, and industrial pesticide use;
6 and

7 WHEREAS, Pesticides are ubiquitous in California’s water and
8 air. A recent study by the California Department of Pesticide
9 Regulation of stormwater in Sacramento County, the Bay Area,
10 Orange County, and San Diego County found certain pesticides
11 in over one-half of the streams sampled. The California Department
12 of Pesticide Regulation’s summary of testing of California wells
13 found pesticides in over 20 percent of the wells tested since 1985.
14 The California State Air Resources Board has found pesticides in
15 over one-third of the ambient air samples analyzed; and

16 WHEREAS, Federal law divides pesticide ingredients into two
17 categories, “active” and “inert”; and

18 WHEREAS, Despite their name, inert ingredients in pesticides
19 are not benign or inactive. According to the United States
20 Environmental Protection Agency, an inert ingredient “may have
21 biological activity of its own, it may be toxic to humans, and it
22 may be chemically active”; and

23 WHEREAS, Inert ingredients typically make up a significant
24 proportion of a pesticide product. Home use pesticide products are
25 commonly almost 90 percent inert ingredients and agricultural use

1 pesticide products are commonly over 50 percent inert ingredients;
2 and

3 WHEREAS, Neither California law nor federal law requires
4 that most inert ingredients be identified on pesticide product labels.
5 Pesticide manufacturers often claim that the identity of inert
6 ingredients is confidential; and

7 WHEREAS, Several thousand substances are used as inert
8 ingredients in pesticides. The human and ecological toxicity of
9 these substances varies widely. The United States Environmental
10 Protection Agency has estimated that about 50 percent of the
11 substances pose at least a moderate risk; and

12 WHEREAS, Both the United States Environmental Protection
13 Agency and the California Department of Pesticide Regulation
14 evaluate the safety of pesticides before they are marketed in
15 California. However, most of the health and safety testing on which
16 this evaluation is based does not include the inert ingredients; and

17 WHEREAS, Health professionals treating patients with
18 pesticide-related illnesses have found that it is difficult and time
19 consuming to obtain information about the inert ingredients in the
20 pesticides to which their patients have been exposed. Since 1994,
21 the American Medical Association has been on record as
22 supporting “all efforts to list both active and inert ingredients on
23 pesticide container labels and material safety data sheets”; and

24 WHEREAS, In 2007, the California Department of Food and
25 Agriculture began an eradication program for the light brown apple
26 moth that involved widespread aerial applications of pesticides in
27 densely populated areas. Many residents of treatment areas strongly
28 opposed the program and, according to the California Office of
29 Environmental Health Hazard Assessment and the California
30 Department of Pesticide Regulation, “public concern has centered
31 on the previously undisclosed inert ingredients”; and

32 WHEREAS, On October 20, 2007, the California Department
33 of Food and Agriculture made public a complete list of ingredients
34 in the product that was planned for use in the light brown apple
35 moth eradication program. The department also stated that “the
36 Governor supports the public’s right to know every ingredient in
37 the product”; and

38 WHEREAS, Lack of information about inert ingredients in
39 products proposed for use to eradicate the light brown apple moth
40 continues to be a problem. In the draft environmental impact report

1 for the light brown apple moth program completed by the
2 California Department of Food and Agriculture in July 2009, the
3 department states, “Ideally, in environments where a variety of
4 pesticides may be used, the potential for chemical interactions of
5 inert and active ingredients should be understood to minimize
6 risks. Since the identity and/or concentrations of the inert
7 ingredients in each formulation are usually proprietary, and the
8 [Federal Insecticide, Fungicide, and Rodenticide Act] does not
9 require disclosure of these concentrations, it was not possible to
10 estimate concentrations or evaluate health risks of most inert
11 ingredients in the formulations considered for use”; and

12 WHEREAS, On December 22, 2009, the United States
13 Environmental Protection Agency announced in a news release
14 that the “EPA Seeks to Disclose Pesticide Inert Ingredients.” The
15 agency asked for public comment on options for disclosing inert
16 ingredients in pesticides and stated, “Revealing inert ingredients
17 will help consumers make informed decisions and will better
18 protect public health and the environment”; now, therefore, be it

19 *Resolved by the Senate of the State of California*, That the Senate
20 urges the Governor and the Attorney General to request the United
21 States Environmental Protection Agency to act expeditiously to
22 protect public health and the environment by requiring the
23 disclosure of the identity of inert ingredients on pesticide product
24 labels; and be it further

25 *Resolved*, That the Senate urges the Governor and the Attorney
26 General to request the United States Environmental Protection
27 Agency to require the identification of hazardous inert ingredients
28 as quickly as possible and begin the process of requiring disclosure
29 of all inert ingredients, absent a finding that disclosure of a
30 particular ingredient will cause competitive harm; and be it further

31 *Resolved*, That the Senate urges the Governor’s and the Attorney
32 General’s continued support of the public’s right to know every
33 ingredient in pesticide products; and be it further

34 *Resolved*, That the Secretary of the Senate transmit copies of
35 this resolution to the author for appropriate distribution.