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Councilmembers Dan Kalb & Abel Guillén

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

Agenda Memorandum

To: Rules & Legislation Committee

From: Councilmember Dan Kalb and President Pro Tempore Abel Guillén

Date: May 4, 2017

Subject: Support of SB 602: Pollinator Protection Act

Colleagues on the City Council and Members of the Public,

With our Resolution of Support for SB 602 (Allen & Wiener), we are submitting the attached Fact Sheet and text of the bill.

Respectfully submitted,

Dan Kalb, Councilmember

Abel Guillén, President Pro Tempore

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17 MAY -4 PM 4:15

Approved as to Form and Legality

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB AND PRESIDENT PRO TEMPORE ABEL GUILLÉN

**RESOLUTION IN SUPPORT OF SENATE BILL 602 (ALLEN & WIENER)
THAT WOULD REQUIRE LABELING OF COMMERCIALY
AVAILABLE SEEDS AND PLANTS TREATED WITH NEONICOTINOID
PESTICIDE**

WHEREAS, Our food supply depends on pollinators, bees pollinate 71 of the 100 crops that make up 90 percent of the world's food supply, and honey and wild bees in the United States are valued at over \$22 billion annually; and

WHEREAS, California beekeepers lost a staggering 40% of their hives in 2016, beekeepers have lost an average of 30 percent of their hives since 2006, and wild bee populations have declined by 23 percent between 2003 – 2008 in the Central Valley and other key agricultural regions of the country; and

WHEREAS, Neonicotinoids are a class of neuro-active insecticides chemically similar to nicotine; and

WHEREAS, In addition to killing bees outright, research shows that even low levels of neonicotinoid pesticides cause serious harm by impairing bees' ability to learn, find their way back to the hive, collect food, produce new queens, or to mount an effective immune response; and

WHEREAS, Recent research suggests that widespread agricultural use of neonicotinoids and other pesticides may be contributing to honey bee colony collapse disorder, as well as impacting other species of bees that contribute to pollination; and

WHEREAS, In 2014, the Task Force on Systemic Pesticides, a group of global, independent scientists studying the impact of pesticides, reviewed more than 1100 peer-reviewed studies, concluded that neonicotinoids are a key factor in bee declines and also harm other essential organisms, and called for immediate regulatory action to restrict the use of neonicotinoids; and

WHEREAS, Neonicotinoids are one of the most widely used class of insecticides, that use continues to grow, consumers often overuse them, consumers also may be unaware that many “bee friendly” garden plants and vegetable seedlings sold at home garden centers have been pre-treated with these bee-killing pesticides, neonicotinoids are frequently found in waterways, and honey bees can travel more than three miles in search of food, encountering neonicotinoids in both backyards and agricultural operations; and

WHEREAS, According to a 2014 Friends of the Earth study, more than half of “bee-friendly” plants purchased at Home Depot, Walmart, and Lowes stores in 18 cities across the US and Canada had levels of neonicotinoids at sufficient levels to kill bees outright; and

WHEREAS, Since the European Union instituted a ban on neonicotinoids in 2013, bee populations in Europe have rebounded; and

WHEREAS, More environmentally capatible alternatives and practices exist that can replace neonicotoids for common uses; and

WHEREAS, Two major retailers, True Value and Walmart, recently announced that they would phase out sales of seeds and plants pre-treated with neonicotinoids and similar actions were previously undertaken by Home Depot and local Cole Hardware; and

WHEREAS, The City of Oakland values pollinators and sustainability, has had its own Pollintator Posse, and is home to apiaries, pollinator gardens, and residents and organizations who care and work on the health of our environment and food supply, and bees have been the focus of various Oakland garden workshops, walking tours, and an Oakland Museum *Bees* exhibit at the Oakland International Airport; and

WHEREAS, Senate Bill (SB) 602 (Allen & Wiener) would require labeling of seeds and plants sold at retail establishments that have been treated with a neonicotinoid pesticide with the words, “STATE OF CALIFORNIA SAFETY WARNING: MAY HARM BEES;” and

WHEREAS, SB 602 is substantially similar to 2016’s SB 1282 (Leno), for which the Oakland City Council approved a Resolution in Support on April 19, 2016; and

WHEREAS, SB 602 is endorsed by Bee Smart California, California League of Conservation Voters, Center for Biological Diversity, Center for Food Safety, Defenders of Wildlife, Ecological Farming Association, Friends of the Earth, Good Earth Natural Foods, Pesticide Action Network, Pollinator Stewardship Council, Sierra Club California, Slow Food California, Xerces Society for Invertebrate Conservation, and many other groups, as well individual farmers and bee keepers; now, therefore, be it

RESOLVED: That the Oakland City Council hereby endorses SB 602 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

SB 602 – Pollinator Protection Act

SENATORS BEN ALLEN AND SCOTT WIENER

Fact Sheet

SUMMARY

SB 602 (Allen/Wiener) will require labels on any plants, seeds, or nursery plants treated with neonicotinoid pesticides. Research – including a recent analysis by independent scientists at Sussex University – confirms that toxic neonicotinoid pesticides are not only harmful to honey bees, but also to a broad range of other animals, including bumble bees, butterflies, birds and water insects, posing a serious threat to the food system, the livelihood of beekeepers, and to the environment.

BACKGROUND

Last year, California beekeepers lost a staggering 40 percent of their hives. Since 2006, beekeepers have lost an average of 30 percent of their hives. Wild bee populations have declined by 23 percent between 2003-2008 in the Central Valley and other key agricultural regions of the country.

Bees Vital to Crop Pollination

Our food supply depends on these pollinators. Honey bees and other pollinators are responsible for one out of every three bites of food we eat.

Bees pollinate 71 of the 100 crops that make up 90 percent of the world's food supply. Many fruits and vegetables rely on bees, including apples, blueberries, strawberries, carrots, and broccoli, as well as almonds and coffee. Annually, more than a million colonies of bees are required to pollinate California's almonds.

Honeybees are valued at more than \$19 billion in the U.S. annually. Wild bees are valued at more than \$3 billion. In California, bees support an almond industry worth \$6 billion.

In addition to killing bees outright, research shows that even low levels of toxic neonicotinoid pesticides (neonics) cause serious harm by impairing bees' ability to collect food, produce new queens, mount an effective immune response, or even find their way back to the hive. Honey bees can travel more than three miles

in search of food, encountering neonics in both backyard applications and agricultural operations.

Neonicotinoids & Bee Decline

Research suggests that widespread agricultural use of neonics and other pesticides contribute to honey bee colony collapse disorder.

In 2014, the Task Force on Systemic Pesticides, a group of global, independent scientists studying the impact of pesticides, reviewed more than 1,100 peer-reviewed studies, and concluded that neonics are a key factor in bee decline and also harm other essential organisms. Their report called for immediate regulatory action to restrict the use of neonics.

The European Union in 2013, instituted a ban on neonics in an effort to protect bee health. Since then, bee populations have rebounded. Italian officials have reported that since Italy stopped maize seed treatment with neonicotinoids, bee mortality has declined when seeds are sowed. In fact, beekeeper reports of bee death dropped to zero in 2009, compared to 185 in 2008. Beehive losses in winter declined from 37.5% in 2007-2008 to around 15% in 2010-2011.

How Pervasive are Neonicotinoids?

Neonics are a widely used class of insecticides and that use continues to grow. Consumers often overuse neonics. Products approved for home and garden use may be applied at up to 120 times higher rates than what is approved for agricultural uses.

Consumers also may be unaware that many "bee friendly" garden plants and vegetable seedlings sold at home garden centers have been pre-treated with these bee-killing pesticides. According to a 2014 Friends of the Earth study, more than half of "bee-friendly" plants purchased at Home Depot, Walmart, and Lowes stores in 18 cities across the US and Canada had levels of neonics at sufficient levels to kill bees outright.

Neonics are frequently found in waterways, which can have negative impacts on bees. In 2014, the City of



SB 602 – Pollinator Protection Act

SENATORS BEN ALLEN AND SCOTT WIENER

Fact Sheet

Santa Barbara sampled for neonics in urban runoff, and found imidacloprid, the world's most widely used neonicotinoid, in every sample taken. Eighty-nine percent of water samples taken in California's agricultural regions found neonics. A November 2015 United States Geological Survey study found residue from one of three types of neonics in a majority of the bees sampled.

SOLUTION

Lower-toxicity alternatives exist that can replace neonics for common uses. More than 30 states, municipalities, federal agencies and universities have taken steps to restrict neonics. In California, the cities of El Cerrito, Encinitas, Sacramento and San Francisco, among others, have declared themselves honey bee havens, in some cases restricting the use of neonics on public property.

SB 602 will help consumers support local bee populations by avoiding landscape plantings and pesticide products that contain harmful neonicotinoids.

This bill takes a consumer protection approach by requiring all neonicotinoid-treated plants to be labeled as such when sold in nurseries.

The labeling of neonicotinoid-treated plants will help to protect bees and other pollinators, one of the most critical components of our food supply and fragile ecosystem.

CONTACT

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SUPPORT

Bee Smart California (Sponsor)
American Bird Conservancy
California Habitats Indigenous Activists
California League of Conservation Voters
Center for Biological Diversity
Center for Food Safety
Defenders of Wildlife
Ecological Farming Association
Environmental Working Group
Friends of the Earth
Good Earth Natural Foods
National Resources Defense Council
Pesticide Action Network
Pollinator Stewardship Council
Sierra Club California
Slow Food California
Transition Berkeley
Urban bee San Francisco
We Bee Gardeners
Xerces Society for Invertebrate Conservation
Three individual bee keepers



AMENDED IN SENATE APRIL 6, 2017

SENATE BILL

No. 602

Introduced by Senators Allen and Wiener

February 17, 2017

An act to add Section 12860 to, and to add Article 4.5 (commencing with Section 14085) to Chapter 3 of Division 7 of, to the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 602, as amended, Allen. Pesticides: neonicotinoids: labeling.

Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Existing law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified.

This bill, on and after July 1, 2018, would require labeling, as specified, of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide. ~~The bill, by January 1, 2019, would prohibit the noncommercial use of neonicotinoids, except as provided.~~ The bill would specify that a violation of ~~these requirements~~ *this requirement* is not a crime but would constitute an unfair and unlawful business act or practice.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Bees and other pollinators are critical to agricultural
4 production, home gardens, and native ecosystems. Bee populations
5 have been declining significantly over the past 25 years, and while
6 there is no single cause of these declines, a substantial and growing
7 body of evidence points to neonicotinoid pesticides as a key factor.
8 Neonicotinoid pesticides are taken up by plants, and expressed
9 through pollen, nectar, and guttation droplets, impacting both target
10 and nontarget insect species, including ~~honey bees~~ *honeybees* and
11 native bees.

12 (2) The Director of Pesticide Regulation is required, by
13 regulation, to designate a list of restricted material pesticides that
14 meet certain criteria, including presenting a hazard to ~~honey bees~~.
15 *honeybees*.

16 (3) Based on data showing a potential hazard to ~~honey bees~~,
17 *honeybees*, in 2009, the Department of Pesticide Regulation
18 initiated reevaluation of pesticide products containing four
19 neonicotinoid ~~chemicals~~, ~~including~~ *chemicals*: imidacloprid,
20 thiamethoxam, clothianidin, and dinotefuran. The department is
21 required to complete its reevaluation by July 1, 2018, and to adopt
22 necessary control measures for these pesticides by July 1, 2020.

23 (b) It is the intent of the Legislature to minimize potential harm
24 to ~~honey bees~~ *honeybees* in the interim while the Department of
25 Pesticide Regulation continues to study the impacts of
26 neonicotinoids.

27 SEC. 2. Section 12860 is added to the Food and Agricultural
28 Code, to read:

29 12860. (a) On and after July 1, 2018, all commercially
30 available seeds and plants sold at retail establishments, excluding
31 noxious weed seeds and plants, that have been treated with a
32 neonicotinoid pesticide shall be labeled. "Treatment" includes
33 foliar and granular treatments, in addition to seed coatings.

34 (b) The label shall include, clearly visible and prominently
35 placed, the words: "STATE OF CALIFORNIA SAFETY
36 WARNING: MAY HARM BEES" and a logo. This label shall
37 contrast, by typography, layout, or color, with other printed matter
38 nearby.

1 (c) If the safety warning required in subdivision (b) is affixed
2 rather than printed directly, the safety warning shall be affixed to
3 the product in such a manner that it cannot be removed without a
4 thorough application of water or other solvents.

5 (d) (1) Notwithstanding any other law, a violation of this section
6 is not a crime.

7 (2) A violation of this section constitutes an unfair and unlawful
8 business act or practice under Section 17200 of the Business and
9 Professions Code and is subject to enforcement pursuant to Chapter
10 5 (commencing with Section 17200) of Part 2 of Division 7 of the
11 Business and Professions Code.

12 (e) For purposes of this section, "neonicotinoid" means
13 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,
14 thiacloprid, thiamethoxam, or any other chemical designated by
15 the department as belonging to the neonicotinoid class of
16 chemicals.

17 ~~SEC. 3. Article 4.5 (commencing with Section 14085) is added~~
18 ~~to Chapter 3 of Division 7 of the Food and Agricultural Code, to~~
19 ~~read:~~

20
21 ~~Article 4.5. Neonicotinoids~~
22

23 ~~14085. As used in this article, "neonicotinoid" means~~
24 ~~imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,~~
25 ~~thiacloprid, thiamethoxam, or any other chemical designated by~~
26 ~~the department as belonging to the neonicotinoid class of~~
27 ~~chemicals.~~

28 ~~14086. (a) By January 1, 2019, noncommercial use of~~
29 ~~neonicotinoids shall be prohibited.~~

30 (b) ~~The restrictions and requirements of this section governing~~
31 ~~the use and possession of neonicotinoid pesticide do not apply to~~
32 ~~the following:~~

33 (1) ~~Products sold or applied by veterinarians.~~

34 (2) ~~Pet care products used to mitigate fleas, mites, ticks,~~
35 ~~heartworms, or other animals that are harmful to the health of a~~
36 ~~domesticated animal.~~

37 (3) ~~Pet care products use to mitigate lice and bedbugs.~~

38 (4) ~~Indoor pest control products used to mitigate insects indoors,~~
39 ~~including ant bait.~~

1 ~~(e) (1) Notwithstanding any other law, a violation of this section~~
2 ~~is not a crime.~~
3 ~~(2) A violation of this section constitutes an unfair and unlawful~~
4 ~~business act or practice under Section 17200 of the Business and~~
5 ~~Professions Code and subject to enforcement pursuant to Chapter~~
6 ~~5 (commencing with Section 17200) of Part 2 of Division 7 of the~~
7 ~~Business and Professions Code.~~

O