

Date of Hearing: March 14, 2023

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Alex Lee, Chair

AB 363 (Bauer-Kahan) – As Amended March 6, 2023

SUBJECT: Pesticides: neonicotinoids for nonagricultural use: reevaluation: control measures

SUMMARY: Requires the Department of Pesticide Regulation (DPR) to issue a determination with respect to a reevaluation of neonicotinoid pesticides when used on outdoor ornamental plants, trees, and turf, and to adopt control measures for those uses that are necessary to protect pollinating insects, aquatic ecosystems, and human health. Specifically, **this bill:**

- 1) Defines for the purposes of the provisions of this bill, "neonicotinoid pesticide" as a pesticide containing acetamiprid, clothianidin, dinotefuran, imidacloprid, thiamethoxam, or any other chemical designated by DPR as belonging to the neonicotinoid class of chemicals.
- 2) Defines "cumulative impacts of exposure" as the impact of exposure to two or more neonicotinoid chemicals in the outdoor lawn or garden environment, aggregated with the impacts of exposure to any relevant neonicotinoid chemicals from sources other than lawn or garden products.
- 3) Requires, on or before July 1, 2024, DPR to issue a determination, taking into account the latest science, with respect to a reevaluation of neonicotinoids when used on outdoor ornamental plants, trees, and turf.
- 4) Requires all of the following to apply to the reevaluation:
 - a) The reevaluation shall consider the impacts of neonicotinoid pesticides on pollinating insects, aquatic ecosystems, and human health; and,
 - b) In performing the reevaluation, DPR shall consider the cumulative impacts of exposure, as defined, to multiple neonicotinoid pesticides unless DPR can demonstrate with substantial evidence that one or more neonicotinoid pesticides do not share a common mechanism of toxicity and do not present risk of cumulative harm.
- 5) Clarifies that DPR is not required to conduct a reevaluation of any use of neonicotinoid pesticides for the protection of agricultural commodities, as defined in the California Code of Regulations.
- 6) Requires, on or before July 1, 2026, DPR to adopt control measures for the use of neonicotinoid pesticides on outdoor ornamental plants, trees, and turf that are necessary to protect all of the following:
 - a) Pollinating insects, including honeybees and native bees, taking into account all relevant routes of exposure, including exposure to contaminated pollen, nectar, soil, and water;
 - b) Aquatic ecosystems, taking into account contamination of surface or ground water; and,

- c) Human health, taking into account the cumulative exposure of people to neonicotinoid pesticides from all sources.

EXISTING LAW:

- 1) Provides, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), for federal regulation of pesticide distribution, sale, and use. Requires that all pesticides distributed or sold in the United States be registered (licensed) by the United States Environmental Protection Agency (US EPA). Requires, before US EPA registers a pesticide under FIFRA, the applicant to show, among other things, that using the pesticide according to specifications will not generally cause unreasonable adverse effects on the environment. (7 United States Code (U.S.C.) §136 et seq)
- 2) Defines, under FIFRA, "unreasonable adverse effects on the environment" to mean: (1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food, as defined. (7 U.S.C. §136 (bb))
- 3) Authorizes the state's pesticide regulatory program and mandates DPR to, among other things, provide for the proper, safe, and efficient use of pesticides essential for the production of food and fiber, for the protection of public health and safety, for the protection of the environment from environmentally harmful pesticides, and to assure agricultural and pest control workers safe working conditions where pesticides are present by prohibiting, regulating, or otherwise ensuring proper stewardship of those pesticides. (Food and Agriculture Code (FAC) § 11401, et seq.)
- 4) Regulates the use of pesticides and authorizes the director to adopt regulations to govern the registration, sale, transportation, or use of pesticides, as prescribed. (FAC §11501, et. seq)
- 5) Requires the director to endeavor to eliminate from use in the state any pesticide that endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. (FAC § 12824)
- 6) Authorizes, the director, after a hearing, to cancel the registration of, or refuse to register, any pesticide that fulfills these, among other, criteria:
 - a) That has demonstrated serious uncontrollable adverse effects either within or outside the agricultural environment;
 - b) The use of which is of less public value or greater detriment to the environment than the benefit received by its use;
 - c) For which there is a reasonable, effective, and practicable alternate material or procedure that is demonstrably less destructive to the environment; or,
 - d) That, when properly used, is detrimental to vegetation, except weeds, to domestic animals, or to the public health and safety. (FAC § 12825)
- 7) Requires, if during or after the registration of a pesticide the registrant has factual or scientific evidence of any adverse effect or risk of the pesticide to human health, livestock, crops, or the environment that has not been previously submitted to DPR, the registrant to

submit the evidence to DPR. Authorizes the director of DPR to adopt regulations to carry out the reevaluation process. (FAC § 12825.5)

- 8) Requires DPR to issue a determination with respect to its reevaluation of neonicotinoids by July 1, 2018, and to adopt control measures necessary to protect pollinator health within two years after making the determination. (FAC § 12838)
- 9) Defines "agricultural commodity," as an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry, and fish). Defines agricultural commodities as including fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn, and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops, such as safflower, sunflower, corn, and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and, turf grown commercially for sod. (Title 3, California Code of Regulations (CCR) § 6000)
- 10) Authorizes the director of DPR to, at any time, evaluate a registered pesticide. Authorizes the director to investigate all reported episodes and information received by the director that indicate a pesticide may have caused, or is likely to cause, a significant adverse impact, or that indicate there is an alternative that may significantly reduce an adverse environmental impact. Requires, if the director finds from the investigation that a significant adverse impact has occurred or is likely to occur or that such an alternative is available, the pesticide involved to be reevaluated. (Title 3, CCR § 6220)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "Our pollinators are threatened. California beekeepers lost 41.9% of their colonies in 2021, one of the worst years on record. These pollinators are critical to California's agriculture, worth \$50 billion annually. A huge body of research links adverse health impacts and the decline in pollinator populations to the use of pesticides, particularly neonicotinoids. Though we have seen steps to regulate these pesticides in our commercial fields, there has been little movement on non-agricultural uses. The European Union, Maine, New Jersey, and several other states have already banned or restricted these pesticides for non-agricultural uses. It's time to catch up to the rest of the world in protecting bee and human health. AB 363 will ensure DPR moves forward with these long-overdue regulations for neonicotinoids to protect pollinator and human health."

Neonicotinoid pesticides: According to the 2018 article, "Environmental Risks and Challenges Associated with Neonicotinoid Insecticides" in *Environmental Science and Technology*, neonicotinoid insecticides have been in use for over two decades. The first neonicotinoid, imidacloprid, was registered for use in 1991. In the mid-2000s, neonicotinoid use increased rapidly due to increased use on coated seeds, increased insect resistance, and in response to concern over the high mammalian toxicity of other insecticides previously used, such as organophosphates (e.g., chlorpyrifos), carbamates (e.g., carbaryl), and pyrethroids (e.g., bifenthrin). Since then, neonicotinoid use has continued to increase in the United States and

worldwide. Currently, neonicotinoids are the most widely used class of insecticides in the world, representing 25% of the global insecticide market.

Neonicotinoids are synthetic compounds similar in structure to nicotine. They have a common mode of action that affects the central nervous system of insects, making them active against a broad spectrum of insects. Neonicotinoids are also systemic insecticides, which means they can be taken up through the roots of plants and translocate to their leaves, flowers, and pollen. Due to their systemic activity, neonicotinoids are ideal candidates for seed coatings. Seed coatings are used for a variety of crops including maize (corn), soybeans, sunflowers, oilseed rape (canola), and cotton.

In addition to their use as seed coatings, neonicotinoids are applied in agricultural areas as foliar sprays, in-furrow treatments (e.g., soil drenches), and granules. In urban or forested areas, neonicotinoids are applied as tree soil drenches or injections (e.g., for the control of emerald ash borer). Plants grown in garden centers and nurseries are often treated with neonicotinoid foliar sprays, drenches, and/or granular applications. Neonicotinoids have a variety of other home uses including lawn and garden applications, topical flea medicines for pets such as dogs and cats, and in bait formulations for use against cockroaches and ants.

Environmental fate of neonicotinoids: As described in the *Environmental Science and Technology* article, neonicotinoids are not volatile, somewhat persistent in water and soils, and highly soluble in water, making them available for transport away from the area of initial application to different environmental compartments. Neonicotinoids have been frequently detected in waterways around the world, including surface water runoff (rivers, streams), groundwater, and wetlands. Imidacloprid is detected in 89–100% of water samples collected during monitoring studies of global surface waters. DPR's report, "Urban monitoring in Southern California watersheds fiscal year 2017-2018," shows neonicotinoid contamination in over 90% urban surface water samples taken in Los Angeles, Orange, and San Diego counties, which may indicate extensive outdoor, non-agricultural use. The source of neonicotinoids in water can vary from overspray to particulates (such as dust from treated seeds) to runoff from seed coatings or soil applications. In general, agricultural areas have frequent detections of the three neonicotinoids used primarily as seed coatings (i.e., clothianidin, imidacloprid, and thiamethoxam), whereas urban areas have frequent detections of imidacloprid. Neonicotinoids have been detected in wildflowers adjacent to agricultural areas, indicating their potential to move away from the point of application and be taken up by other nontarget plants.

Impacts of neonicotinoids: The *Environmental Science and Technology* article provides the following background on the effects of neonicotinoids on non-target organisms. Since neonicotinoids affect the central nervous system of insects, they do not discriminate between target (e.g., corn rootworm, flea beetle) and nontarget insects (e.g., bees). An important mechanism of neurotoxicity for neonicotinoids is the almost irreversible binding to nicotinic acetylcholine receptors in insects, making low-level continual exposures to neonicotinoids likely to lead to cumulative effects. Nontarget organisms expected to be exposed to neonicotinoids at levels of concern include pollinators, aquatic insects, and birds.

The impact of neonicotinoid use on bees, and other pollinators, has been of particular concern. The three most commonly detected neonicotinoids (clothianidin, imidacloprid, and thiamethoxam) are classified as being highly toxic to bees. As neonicotinoids are systemic within the crop, pollinators can be exposed when they consume the nectar or pollen of a treated

crop that flowers and through the dust from seed coatings. Additionally, neonicotinoids frequently contaminate the pollen and nectar of wildflowers growing in the vicinity of treated crops, increasing the likely duration and extent of pollinator exposure to neonicotinoids. In laboratory and semifield studies, exposure to field realistic doses has been shown to impair learning and the accuracy of navigation, decrease foraging success, suppress immune response, reduce the viability of sperm stores in queens, reduce queen longevity, reduce growth of bumblebee colonies, and reduce the number of new queens they produce. It should be noted that some field trials have found no negative impacts, and it seems that honeybee colonies may be less susceptible to neonicotinoids than are wild bees, perhaps because the relatively large size of their colonies buffers them against impacts. However, the article summarizes that, "Overall, there is now a substantial body of evidence suggesting that neonicotinoids are contributing to health issues being experienced by domestic honeybees, and to declines of wild bees and butterflies."

Beyond pollinators, neonicotinoids are known to negatively impact aquatic ecosystems, especially nontarget aquatic invertebrate communities that can support aquatic and terrestrial food webs.

Birds are also impacted by neonicotinoids. Granivorous birds can consume neonicotinoid-coated seeds during planting causing lethal or sublethal direct effects. Sublethal effects include a loss of body mass or impaired flying orientation, which is critical for maintaining the correct migratory direction. Even the ingestion of an individual coated seed can be toxic or have an effect on a bird's reproductive ability. Birds are also likely to experience indirect effects from neonicotinoids, especially insectivorous birds whose food source can be depleted by neonicotinoid use.

Exposure to neonicotinoids may also impact humans. An article published in *Environmental Health Perspectives* in 2017, "Effects of Neonicotinoid Pesticide Exposure on Human Health: A Systematic Review," cites four general population studies that reported associations between chronic neonicotinoid exposure and adverse developmental or neurological outcomes, including neural tube defects and autism spectrum disorder. The 2020 article, "A critical review on the potential impacts of neonicotinoid insecticide use: current knowledge of environmental fate, toxicity, and implications for human health" in *Environmental Science: Processes and Impacts* summarizes, "Available toxicological data from animal studies indicate possible genotoxicity, cytotoxicity, impaired immune function, and reduced growth and reproductive success at low concentrations, while limited data from ecological or cross-sectional epidemiological studies have identified acute and chronic health effects ranging from acute respiratory, cardiovascular, and neurological symptoms to oxidative genetic damage and birth defects." The European Food Safety Authority concluded that acetamiprid and imidacloprid adversely affect the development of neurons and brain structures associated with functions such as learning and memory. The *Environmental Science: Processes and Impacts* article concludes, "Due to the heavy use of neonicotinoids and potential for cumulative chronic exposure, these insecticides represent novel risks and necessitate further study to fully understand their risks to humans."

Regulation of pesticides in California: DPR's mission is to protect human health and the environment through the regulation of pesticide sales and use, and by fostering reduced-risk pest management. DPR notes that its oversight of pesticide use begins with product evaluation and registration; and continues through continuous evaluation, reevaluation and enforcement; statewide licensing of commercial and private applicators and pest control businesses;

environmental monitoring; and, residue testing of fresh produce. This statutory scheme is set forth primarily in FAC Divisions 6 and 7.

Pesticides are registered and licensed for sale and use with the US EPA prior to California registration. DPR's registration evaluation is conducted in addition to US EPA's evaluation. Before a pesticide is registered, both agencies require data on a product's toxicology and environmental fate to evaluate how it behaves in the environment; its effectiveness against target pests; the hazards it poses to non-target organisms; its effect on fish and wildlife; and, its degree of risk to human health. DPR continues to evaluate pesticides after they are registered, including evaluating potential adverse effects resulting from the use of registered pesticide products and if necessary, placing products into formal reevaluation.

Reevaluation of pesticide registration in California: California regulations require DPR to investigate reports of possible adverse effects to people or the environment resulting from the use of pesticides. If a significant adverse impact occurred or is likely to occur, regulations require DPR to reevaluate the registration of the pesticide. When a pesticide enters the reevaluation process, DPR reviews existing data and may require registrants to provide additional data to determine the nature or the extent of the potential hazard or identify appropriate mitigation measures, if needed. DPR concludes reevaluations in a number of different ways. If the data demonstrates that use of the pesticide presents no significant adverse effects, DPR concludes the reevaluation without additional mitigation measures. If additional mitigation measures are necessary, DPR places appropriate restrictions on the use of the pesticide to mitigate the potential adverse effect. If the adverse impact cannot be mitigated, DPR cancels or suspends the registration of the pesticide product(s).

DPR's reevaluation of neonicotinoids: In 2008, DPR received an adverse effects disclosure that showed potentially harmful effects of the neonicotinoid, imidacloprid, to pollinators. According to DPR, studies of imidacloprid revealed high levels of the insecticide in leaves and blossoms of treated ornamental plants, as well as increasing residue levels over time. The residues were present at levels acutely toxic to honey bees, potentially threatening pollinator health. After investigating the disclosures, DPR placed certain pesticide products containing imidacloprid, and the related neonicotinoid active ingredients, thiamethoxam, clothianidin, and dinotefuran, into reevaluation on February 27, 2009, so that it could assess the magnitude of their residues in the pollen and nectar of agricultural commodities and the corresponding levels of risk to honey bee colonies. Products containing clothianidin, dinotefuran, and/or thiamethoxam- part of a group of active ingredients is known as the nitroguanidine-substituted neonicotinoids- were included in the reevaluation because they are in the same chemical family as imidacloprid and have similar properties and characteristics (e.g., soil mobility, half-lives, and toxicity to honey bees).

In 2014, the California Legislature adopted Assembly Bill (AB) 1789 (Williams, Chapter 578, Statutes of 2014), which required DPR to issue a determination with respect to its reevaluation of neonicotinoids by July 1, 2018, and to adopt control measures necessary to protect pollinator health within two years after making the determination (FAC § 12838).

DPR states that its reevaluation of neonicotinoids included pesticide products labeled for outdoor uses that would result in substantial exposure to honey bees. Within the outdoor uses, DPR focused on gathering data on neonicotinoid pesticides used in the production of agricultural food and feed commodities, including fruits, vegetables, grains, legumes, and fiber and oilseed crops such as cotton, because the pesticides are commonly used at relatively high application rate, and

are detrimental to pollinators. Production agricultural products are those used for the production for sale of an agricultural commodity, which is defined in 3 CCR section 6000.

Trees grown for lumber and wood products, Christmas trees, ornamentals and cut flowers, and turf grown commercially for sod are also considered agricultural commodities under 3 CCR section 6000. However, DPR states that it did not evaluate risks due to neonicotinoid use on these particular commodities, "due to sufficient label mitigation or the lack of pollinator exposure (i.e., not attractive to bees, grown indoors, lower use rates) and widespread use."

DPR's rulemaking on agricultural uses of neonicotinoids: In July, 2018, DPR submitted its Risk Determination on the impacts of neonicotinoid pesticides on pollinator health. In the Risk Determination, and subsequent Addendum, DPR found that certain agricultural applications of neonicotinoids presented a hazard to honey bees. On February 25, 2022, following the Risk Determination and an extensive evaluation of existing and relevant new data, DPR published a Notice of Proposed Regulatory Action. As required under FAC § 12838, DPR's proposed regulations are control measures, consistent with the Risk Determination, that are necessary to protect pollinator health. The proposed regulations would add restrictions to existing uses of neonicotinoids in the production of an agricultural food or feed commodity, including restrictions on application methods and rates, application timing, and seasonal application rate caps, all of which are specified by crop group.

After DPR published its Notice of Proposed Regulatory Action, a sixty-day public comment period began, and a public hearing was held on April 25, 2022. The comment period ended on April 26, 2022. DPR states that after careful evaluation of all comments received, it is proposing modifications to the rulemaking where appropriate. On October 5, 2022, DPR published a Notice of Modifications to Text of Proposed Regulations and a Notice of Addition of Documents to Rulemaking File, at which time a 15-day comment period began. The comment period ended on October 21, 2022. DPR notes that it is currently finalizing its regulation mitigating agricultural uses of neonicotinoids, which will have an anticipated effective date of January 1, 2024.

DPR's evaluation of non-agricultural uses of neonicotinoids: According to DPR, it has begun its evaluation of which non-agricultural neonicotinoid uses may have significant adverse impacts to pollinators and aquatic environments. DPR expects to determine the potential degree of risk from those uses by the end of 2023. In addition, DPR is finalizing a human health Risk Characterization Document for all registered uses of imidacloprid, which will be released for public comment later this year. DPR states that this work will inform the next steps for mitigation.

DPR estimates that in California, about 80-85% of neonicotinoid use and sales is for agricultural purposes and 15-20% is for non-agricultural purposes; however, the rates of application for neonicotinoids is likely to change as DPR's rulemaking comes into effect.

Veto message for AB 2146 (Bauer-Kahan, 2022): In September 2022, Governor Gavin Newsom vetoed AB 2146 (Bauer-Kahan, 2022), which would have prohibited the sale, possession, or use of a neonicotinoid pesticide for application to outdoor ornamental plants, trees, or turf. His veto message stated, in part, "DPR has already taken significant steps to restrict neonicotinoid uses, based on scientific review and documented uses that pose the greatest risks to pollinators and

human health. The department is finalizing regulations on the agricultural use of neonicotinoids and will begin the process of evaluating non-agricultural uses next year."

This bill: This bill would require DPR, by July 1, 2024, to issue a determination, taking into account the latest science, with respect to a reevaluation of neonicotinoids when used on outdoor ornamental plants, trees, and turf, and, by July 1, 2026, to adopt control measures for that use that are necessary to protect pollinating insects, aquatic ecosystems, and human health. The author's office states that, "this bill defers to [DPR's] regulatory process but ensures prompt and thorough evaluation of neonics in non ag settings. [DPR] has long been aware of the risks, and not taken action. This bill is a necessary step to ensure effective evaluation, as dictated by the governor." As DPR received an adverse effects disclosure that showed potentially harmful effects of a neonicotinoid to pollinators in 2008, thus initiating a reevaluation of neonicotinoid pesticides 15 years ago, this bill would set statutory deadlines to finally require a conclusion to this lengthy and overdue process.

Arguments in support: The sponsors of the bill argue,

"While DPR acknowledges neonics' risks to pollinators and is moving to reduce their use in agriculture, it has, to date, ignored polluting lawn and garden neonic uses as well as the broader threats neonics pose to ecosystems and human health. This bill would end years of delay and require a prompt, comprehensive review of these harmful and unnecessary pesticide uses...

... Overwhelming scientific evidence confirms that neonics are a leading cause of pollinator declines, but the connection is also intuitive. Neonics are extraordinarily insect-toxic and designed to permeate plants—turning their fruit, nectar, pollen, leaves, and other parts poisonous to insects. Neonics also persist in soil for years and spread easily in rain or irrigation water to pollute new soil, plants, and water supplies. Due to their widespread popularity, neonics now contaminate soil, water, and plant life over large areas of the country... This pollution is particularly evident in California. State water testing has detected neonics in the vast majority of samples statewide: 92% of samples in urban areas of Southern California; 58% in urban areas in Northern California; and 94% in agricultural areas of Southern California.

Neonics may also be directly harming Californians. On any given day, roughly half of Americans have neonics in their bodies, with the highest levels found in children. And a recent study found neonics in the bodies of over 95% of 171 pregnant women tested in California and four other states. This is particularly concerning because research links neonic exposures to developmental or neurological harm in people—including malformations of the developing heart and brain and autism-like symptoms.

... Documented widespread water contamination in California's urban areas shows that non-agricultural uses of neonics are a major source of neonic contamination. These "lawn and garden" uses also present a high risk of exposure for children and pets who play in these areas and contaminate water supplies in high population areas.

... After over a decade of delay, the Department of Pesticide Regulation (DPR) last year proposed restrictions on neonic uses in agricultural settings to protect pollinators. But the agency did not address considerable neonic use in non-agricultural settings, nor did it

consider broader ecosystem harm or risks to human health. Last year, Governor Newsom announced that DPR would begin an evaluation of non-agricultural neonic uses in 2023.

But Californians—and disappearing bees and other wildlife—do not have another decade to wait for DPR's review. It is critical that DPR completes this evaluation quickly and considers the full scope of harms that are associated with widespread neonic use..."

Arguments in opposition: A coalition of opponents argues,

"While we appreciate the author is limiting this re-evaluation and regulatory mandate to exclude agricultural use, neonicotinoids are used for several common non-agricultural insect pest management applications in and around dwellings, including addressing bed bugs, flies, fleas, stink bugs, cockroaches, grubs, certain invasive species, and used for controlling pet (dog and cat) insect pests.

All of these applications have been evaluated by the U.S. Environmental Protection Agency (EPA) and DPR. EPA's risk assessments focus on both ecological and human health effects employing a process guided by scientific advisory panels. Under the conditions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA reviews all current registrations to ensure they continue to meet the protective risk standard in light of new information and evolving science.

To further strengthen environmental, human health, and endangered species protection, federal action is accelerated by state procedures. DPR has undergone proactive efforts to reevaluate "certain pesticide products containing the nitroguanidine-substituted neonicotinoid active ingredients, imidacloprid, thiamethoxam, clothianidin, and dinotefuran." After finalizing that reevaluation and addressing public comments, DPR is in the process of promulgating regulations to protect pollinators where appropriate. Within that re-evaluation, "DPR did not evaluate risks to indoor uses, structural uses, and non-agricultural outdoor uses such as lawns, gardens and golf courses due to lack of pollinator exposure (i.e., not attractive to bees, no food sources for bees to feed on, lower use rates) or lack of widespread use."

...Provisions in the bill strongly suggest that negative pollinator health is unilaterally due to neonicotinoid use. However, a comprehensive report by U.S. Department of Agriculture (USDA) and the USDA National Agricultural Statistics Service (NASS) describes a broad range of issues or "stressors" negatively affecting bees, including habitat loss, parasites and diseases, lack of genetic diversity, climate change, pesticides, reduced forage options and pathogens. Data collected specific to California shows the leading stressor to honeybee colonies is overwhelmingly varroa mites. Therefore, any subsequent legislation on pollinator health should incorporate the most influential stressors.

...This coalition supports initiatives to promote pollinator health and believe its complexity calls for thoughtful, stakeholder engagement and continued research. The federal government and state of California have developed one of the most robust and protective systems for pesticide regulation and protection in the world. In short, we encourage the Legislature to allow that system to do this important work."

Previous related legislation:

- 1) AB 2146 (Bauer-Kahan, 2022). Would have prohibited, beginning January 1, 2024, a person from selling, possessing, or using a neonicotinoid pesticide, as defined, for application to outdoor ornamental plants, trees, or turf, except for use on, or for the protection of, an agricultural commodity. This bill was vetoed by Governor Gavin Newsom.
- 2) AB 567 (Bauer-Kahan, 2021). Would have prohibited, on and after January 1, 2024, the use of a neonicotinoid on a seed. The bill was not heard in the Assembly Committee on Environmental Safety and Toxic Materials and the bill subsequently died on file.
- 3) SB 1282 (Leno, 2016). Would have prohibited the noncommercial use of neonicotinoids and would have required labeling, as specified, of all commercially available seeds and plants treated with a neonicotinoid pesticide. This bill failed passage on the Senate floor, was granted reconsideration, but subsequently died on file.
- 4) AB 1789 (Williams, Chapter 578, Statutes of 2014). Required DPR to issue a determination with respect to its reevaluation of neonicotinoids by July 1, 2018, and to adopt control measures necessary to protect pollinator health within two years after making the determination.

REGISTERED SUPPORT / OPPOSITION:

Support

Environment California (Co-Sponsor)
Natural Resources Defense Council (NRDC) (Co-Sponsor)
350 Bay Area
A Voice for Choice Advocacy
Active San Gabriel Valley
American Beekeeping Federation
American Bird Conservancy
California Environmental Voters
California Native Plant Society
Californians for Alternatives to Toxics
CALPIRG, California Public Interest Research Group
Center for Biological Diversity
Center for Food Safety; the
Clean Earth 4 Kids
Clean Water Action
Cleaneearth4kids.org
Environmental Health Trust
Environmental Working Group (EWG)
Families Advocating for Chemical and Toxics Safety
Friends of The Earth
GMO Science
Indivisible California Green Team
Jonas Philanthropies
Non-toxic Neighborhoods

Parents for A Safer Environment
Pollinator Stewardship Council, Inc.
Rooted in Resistance
Sierra Club California

Opposition

American Pistachio Growers
California Association of Pest Control Advisers
California Chamber of Commerce
California Citrus Mutual
California Cotton Ginners and Growers Association
California Fresh Fruit Association
California Seed Association
California Strawberry Commission
California Tomato Growers Association
California Walnut Commission
Household and Commercial Products Association
Pacific Seed Association
Plant California Alliance
Western Agricultural Processors Association
Western Plant Health Association

Analysis Prepared by: Shannon McKinney / E.S. & T.M. /