

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND



Councilmember Dan Kalb **2016 MAR 24 PM 4: 53**  
CITY HALL - ONE FRANK H. OGAWA PLAZA, 2<sup>ND</sup> FLOOR - OAKLAND - CALIFORNIA 94612

CITY OF OAKLAND

## Agenda Memorandum

---

To: Rules & Legislation Committee

From: Councilmember Kalb

Date: March 24, 2016

Subject: Resolution in Support of SB 1282 – Protect Pollinators Act

Colleagues on the City Council and Members of the Public,

With our Resolution of Support for SB 1282 (Leno), we are submitting the attached Fact Sheet and text of the bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dan Kalb".

Dan Kalb, Councilmember

# SB 1282 (Leno - Allen)

As Introduced February 18, 2016

## Pollinator Protection Act

### FACT SHEET

#### SUMMARY

SB 1282 (Leno - Allen) will require labels on any plants, seeds, or nursery plants treated with neonicotinoid pesticides and will ensure that these pesticides are available for sale *only* to certified applicators, farmers, or veterinarians. Research confirms that toxic neonicotinoid pesticides kill and harm bees and other pollinators, 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, nearly twice the national average. 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 over \$19 billion in the U.S. annually. Wild bees are valued at over \$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 learn, find their way back to the hive, collect food, produce new queens, or to mount an effective immune response.

Honey bees can travel more than three miles in search of food, encountering neonics in both backyard applications and agricultural operations.

##### **Neonicotinoids & Bee Decline**

Recent research suggests that widespread agricultural use of neonics and other pesticides may be contributing 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 1100 peer-reviewed studies, and concluded that neonics are a key factor in bee declines and also harm other essential organisms. Their report called for immediate regulatory action to restrict the use of neonics.

### **How Pervasive are Neonicotinoids?**

Neonics are one of the most 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, a symptom and a cause for impacts on bees. In 2014, the City of Santa Barbara sampled for neonics in urban runoff, and found imidacloprid, the world’s most widely used neonicotinoid, in every sample taken. 89% 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. In addition, sustainable agricultural practices have been shown to be effective at controlling pest problems while supporting healthy bee populations.

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 1282 will help consumers support local bee populations by avoiding landscape plantings and pesticide products that contain harmful neonicotinoids.

This bill:

- Requires all neonicotinoid-treated plants to be labeled as such when sold in nurseries; and
- Reclassifies neonicotinoid chemicals as a “restricted material,” the application of which requires a Department of Pesticide Regulation license and certification.

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

# STATUS

---

Pending in Senate Environmental Quality

# SUPPORT

---

- Bee Smart California (sponsor)
- Azul
- Bee Love Sacramento
- California Public Interest Research Group (CALPIRG)
- California ReLeaf
- Center for Biological Diversity
- Center for Food Safety
- Clean Water Action
- Defenders of Wildlife
- Environmental Working Group
- Environment California
- Food & Water Watch
- Friends of the Earth
- Healdsburg Citizens for Sustainable Solutions
- LabelGMOs.org
- Pesticide Action Network (PAN)
- Sacramento Food Policy Council
- Sierra Club California
- Slow Food California
- Thanksgiving Coffee
- Turning Green
- UrbanBeeSF
- Wine and Water Watch
- Xerces Society for Invertebrate Conservation

**Contact:** Jacob Moss, (916) 651-4011

**Version:** March 22, 2016

---

**Introduced by Senators Leno and Allen**February 19, 2016

---

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as introduced, Leno. Pesticides: neonicotinoids: labeling and restricted material designation.

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 would require the director, on and after July 1, 2017, to require labeling of commercially available seeds and plants sold at retail establishments, excluding noxious weed seeds and plants, that have been treated with a neonicotinoid pesticide, and, by regulation, designate neonicotinoid pesticides as restricted materials by January 1, 2018. Because a violation of the regulations adopted pursuant to the bill's provisions would be a misdemeanor, 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. (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 and native bees.

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

14 (3) Based on data showing a potential hazard to honey bees, in  
15 2009, the Department of Pesticide Regulation initiated reevaluation  
16 of pesticide products containing four neonicotinoid chemicals,  
17 including imidacloprid, thiamethoxam, clothianidin, and  
18 dinotefuran. The department is required to complete its reevaluation  
19 by July 1, 2018, and to adopt necessary control measures for these  
20 pesticides by July 1, 2020.

21 (b) It is the intent of the Legislature to minimize potential harm  
22 to honey bees in the interim while the Department of Pesticide  
23 Regulation continues to study the impacts of neonicotinoids.

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

26 12860. (a) On and after July 1, 2017, the director shall require  
27 labeling of all commercially available seeds and plants sold at  
28 retail establishments, excluding noxious weed seeds and plants,  
29 that have been treated with a neonicotinoid pesticide. "Treatment"  
30 includes foliar and granular treatments, in addition to seed coatings.

31 (b) The label shall include, clearly visible and prominently  
32 placed, the words: "STATE OF CALIFORNIA SAFETY  
33 WARNING: MAY HARM BEES" and a logo, as determined by

1 the director. This label shall contrast, by typography, layout, or  
2 color, with other printed matter nearby.

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

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

10  
11 Article 4.5. Neonicotinoids  
12

13 14085. As used in this article, “neonicotinoid” means  
14 imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran,  
15 thiacloprid, thiamethoxam, or any other chemical designated by  
16 the department as belonging to the neonicotinoid class of  
17 chemicals.

18 14086. (a) By January 1, 2018, the director shall, by regulation  
19 pursuant to Section 14004.5, designate neonicotinoid pesticides  
20 as restricted materials.

21 (b) The director may exempt products sold or applied by  
22 veterinarians from the restrictions and requirements governing the  
23 use and possession of neonicotinoid pesticides.

24 SEC. 4. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.

2016 MAR 24 PM 4:52

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER DAN KALB

---

**RESOLUTION IN SUPPORT OF SB 1282 (LENO) THAT WOULD, AFTER JULY 1, 2017, REQUIRE LABELING OF SEEDS AND PLANTS SOLD AT RETAIL ESTABLISHMENTS THAT HAVE BEEN TREATED WITH A NEONICOTINOID PESTICIDE, AND, BY 2018, DESIGNATE NEONICOTINOID PESTICIDES AS RESTRICTED MATERIALS PURSUANT TO STATE LAW**

**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**, Since 2006, beekeepers have lost an average of 30 percent of their hives and, in the six years leading up to 2013, more than 10 million hives were lost, nearly twice the normal rate; 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**, 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, and concluded that neonicotinoids are a key factor in bee declines and also harm other essential organisms, with report 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 neonics at sufficient levels to kill bees outright; and

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

**WHEREAS**, the City of Oakland values pollinators and sustainability, has 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) 1695 (Leno) would after July 1, 2017, require labeling of seeds and plants sold at retail establishments that have been treated with a neonicotinoid pesticide, and, by 2018, designate neonicotinoid pesticides as restricted materials pursuant to state law, ensuring that are available for sale only to certified applicators, farmers, and veterinarians; and

**WHEREAS**, SB 1282 is endorsed by Bee Smart California, Center for Biological Diversity, Center for Food Safety, Clean Water Action, Defenders of Wildlife, Environment California, Friends of the Earth, Pesticide Action Network, Sierra Club California, Xerces Society for Invertebrate Conservation, and many other groups; and now, therefore, be it

**RESOLVED**: That the Oakland City Council hereby endorses SB 1282 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, GUILLEN, KALB, KAPLAN, REID, AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California