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Agriculture

University of the Pacific; McGeorge School of Law

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Agriculture

Agriculture; pesticide use

Food and Agriculture Code §§12978, 12985 (new).

SB 1047 (Torres); 1985 STAT. Ch 840

Support: Department of Finance; Department of Food and Agriculture

Opposition: County Supervisors Association of California

Existing law requires that pesticides be used safely and that safe working conditions be provided for farmworkers, pest control applicators, and other persons handling, storing, applying pesticides, or working in pesticide-treated areas.¹ Existing law requires employers to post warning signs prohibiting farm workers from entering pesticide treated fields after the application of certain pesticides.² Chapter 840 expands the use of warning signs by requiring that warning signs, in English and Spanish, be posted to restrict entry into public areas that have been treated with a pesticide.³ The warning signs must be at regular intervals and at all points of public entry to public property, school grounds, parks, or other public rights-of-way where public exposure is foreseeable.⁴ The agency responsible for the property where the pesticide is applied must post the warning signs immediately prior to application of the pesticide and remove the signs within twenty-four hours after expiration of the reentry interval.⁵ In lieu of posting warning signs, the responsible agency may erect barriers to exclude the public from treated areas.⁶ Finally, Chapter 840 provides that any person that orders an employee to enter an area posted with a warning sign is guilty of a misdemeanor.⁷

1. CAL. FOOD AND AGRIC. CODE §12980-13102 (pesticides and worker safety).

2. *Id.* §12981(f) (posting requirements).

3. *Id.* §12978. The posting requirements do not apply to pesticides with a worker reentry interval of less than 24 hours. *Id.* §17978(a).

4. *Id.* §12978. The Department of Transportation is excepted from having to post warning signs when applying pesticides to public highway rights-of-way. *Id.* §12978(f).

5. *Id.* §§12978(b), 12978(d).

6. *Id.* §12978(e).

7. *Id.* §12985. Each worker affected by a violation of the worker reentry requirements constitutes a separate offense. *Id.*

