



FUTURE MEETINGS:
March 24 in San Diego.



DEPARTMENT OF FOOD AND AGRICULTURE

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Director: Jack Parnell
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The Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of the Agriculture Code which provide for the Department's organization, authorize it to expend available monies and prescribe various powers and duties. The legislature initially created the Department in 1880 to study "diseases of the vine." Today the Department's functions are numerous and complex.

The Department works to improve the quality of the environment and farm community through regulation and control of pesticides and through the exclusion, control and eradication of pests harmful to the state's farms, forests, parks and gardens. The Department also works to prevent fraud and deception in the marketing of agricultural products and commodities by assuring that everyone receives the true weight and measure of goods and services.

The Department collects information regarding agriculture, and issues, broadcasts and exhibits that information. This includes the conducting of surveys and investigations, and the maintenance of laboratories for the testing, examining and diagnosing of livestock and poultry diseases.

The executive office of the Department consists of the director and chief deputy director who are appointed by the Governor. The director, the executive officer in control of the Department, appoints two deputy directors, one of whom serves as legislative liaison and as executive secretary of the Board of Food and Agriculture. In addition to the director's general prescribed duties, he may also appoint committees to study and advise on special problems affecting the agricultural interests of the state and the work of the Department.

The executive office oversees the activities of seven operating divisions:

1. Division of Animal Industry—

Provides inspections to assure that meat and dairy products are safe, wholesome and properly labeled and helps protect cattle producers from losses from theft and straying;

2. Division of Plant Industry—Protects home gardens, farms, forests, parks and other outdoor areas from the introduction and spread of harmful plant, weed and vertebrate pests;

3. Division of Inspection Services—Provides consumer protection and industry grading services on a wide range of agricultural commodities;

4. Division of Marketing Services—Produces crop and livestock reports, forecasts of production and market news information and other marketing services for agricultural producers, handlers and consumers; oversees the operation of marketing orders and administers the state's milk marketing program;

5. Division of Pest Management—Regulates the registration, sale and use of pesticides and works with growers, the University of California, county agricultural commissioners, state, federal and local departments of health, the United States Environmental Protection Agency and the pesticide industry;

6. Division of Measurement Standards—Oversees and coordinates the accuracy of weighing and measuring goods and services; and

7. Division of Fairs and Expositions—Assists the state's 80 district, county and citrus fairs in upgrading services and exhibits in response to the changing conditions of the state.

In addition, the executive office oversees the activities of the Division of Administrative Services, which includes Departmental Services, Financial Services, Personnel Management and Training and Development.

The Board of Food and Agriculture consists of the executive secretary, assistant executive secretary and 14 members who voluntarily represent different localities of the state. The Board inquires into the needs of the agricultural industry and the functions of the Department. It confers with and advises the Governor and the director as to how the Depart-

ment can best serve the agricultural industry. In addition, it may make investigations, conduct hearings and prosecute actions concerning all matters and subjects under the jurisdiction of the Department.

At the local level, county agricultural commissioners are in charge of county departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

MAJOR PROJECTS:

Tentative Approval for Second Test of Ice-Minus Bacteria. CDFA has approved a permit allowing Advanced Genetic Sciences, Inc. (AGS) to conduct a second field test on strawberries using genetically-engineered bacteria. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 85 for background information.) AGS plans to use land in Contra Costa County for the upcoming test, where the first test was conducted. The bacteria will be sprayed on strawberry plants to test its effectiveness in preventing frost damage to blossoms. The first test showed no adverse effects.

Peach Fly Quarantine. Effective October 16, 1987, travelers are prohibited from carrying homegrown fruits or vegetables in or out of Los Angeles International Airport due to a CDFA quarantine. The quarantine zone includes Culver City, Marina del Rey, Inglewood, Westchester, Lennox, El Segundo, Hawthorne, and Ladera Heights. Commercial fruit must be approved and certified by agriculture officials before movement is permitted. The purpose of the quarantine is to eradicate the peach fruit fly (*dacus zonatus*). Crops which are damaged by this fly include guava, mango, apple, tomato, peach, and loquat. California crops which could be infested are pome and stone fruits, citrus, dates, figs, tomatoes, cucumbers, and melons. The first California infestation, which occurred in El Segundo in 1984, was successfully eradicated using the "male annihilation" method, which will be used in treating the current infestation.

Hoopa Indian Spray Refusal Threatens Apple Maggot Project. The Hoopa Indian Tribal Council has refused pesticide treatment of host trees to the apple maggot in the Hoopa Valley Indian Reservation. CDFA Assistant Manager Isi



Siddiqui reported that of the 1,087 apple maggot fruit flies trapped so far this year, almost half were found on the Hoopa Reservation. The Hoopa Valley is only being treated with stripping, which the CDFA feels is inadequate treatment. The CDFA is fearful the infestation will spread from the Hoopa Valley. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 84 for background information.)

Amendments Proposed to Regulations Restricting the Use of Antifouling Paints Containing Tributyltin. Existing regulations authorize regulation of economic poisons and the establishment of a list of restricted materials meeting certain criteria, including hazards to the environment. Tributyltin (TBT) may cause significant adverse effects on aquatic environments, according to information submitted to CDFA. Therefore, CDFA proposes to amend sections 6400(n) and 6414 and to adopt sections 6488 and 6574, Title 3 of the California Administrative Code, to restrict the use of TBT in antifouling paints and coatings. The public comment period ended on December 7.

Hydrilla Eradication Area Change. A proposed amendment to section 3962(a), Title 3 of the California Administrative Code, would change the area of eradication for hydrilla verticillata. (For background information on hydrilla, see CRLR Vol. 6, No. 4 (Fall 1986) pp. 70-71.) Existing section 3962(a) provides that Imperial, San Diego, Yuba, and Los Angeles Counties are hydrilla eradication areas. The proposed amendment would remove Yuba County from the list of areas, and add Riverside, Shasta, and Sonoma Counties. No spraying is being conducted at this time. Written comments were accepted until November 23. The regulation was scheduled for filing with the Office of Administrative Law (OAL) in February.

Proposed Changes in Regulations Pertaining to Salad Products. CDFA has proposed numerous changes to its regulations, contained in Title 3 of the California Administrative Code, pertaining to salad products. Among the changes are a proposed amendment to section 1438.24, which would remove the definition of "sectioned" lettuce and would define the term "processor" with respect to the salad products processing industry. CDFA also proposes to adopt section 1438.23.1, which would require persons who prepare salad products to notify the county agriculture commissioner when the plant is operating, and prohibit the sale of salad products not made available for inspection. Adoption

of sections 1438.25 and 1438.25.2 would require inspection records to be kept by each processor and the commissioner. Section 1438.25.3 would establish an inspection fee assessment industry-wide for the mandatory inspection program and section 1438.25.4 would establish a mandatory county inspection frequency schedule based on the level of noncompliance under existing regulations.

The original comment period on the proposed regulations ended January 12. A subsequent fifteen-day notice period (regarding additional nonsubstantive changes) was to end February 8.

Mail Searches for Pests. Two Congressional subcommittees are considering bills sponsored by California representatives which would allow agricultural inspections of first-class mail. The Department supports the proposed legislation, which includes H.R. 1986 (Coelho) and H.R. 3223 (Pashayan). (See CRLR Vol. 7, No. 4 (Fall 1987) p. 85 for background information.) In recent testimony before the subcommittees, Director Jack Parnell stated that "first-class mail parcels continue to be a significant pathway for the entry of serious agricultural pests primarily because such parcels are sealed by the United States Postal Service (USPS) against agricultural inspection."

The House Subcommittee on Postal Operations and Services and the Subcommittee on Postal Personnel and Modernization heard testimony on November 5, 1987. Director Parnell testified that analysis of existing USPS regulations and their application makes it "clear" that "[e]xisting provisions are so cumbersome and restrictive that for all practical purposes, inspection of the contents of sealed mail parcels containing plant materials is unfeasible as a regulatory and pest prevention tool and authority does not exist to prohibit the mailing of plant and animal materials in sealed mail." The Department believes that the changes proposed in the two bills are necessary to provide "the required inspection authority."

H.R. 1986 would prohibit the use of first-class mail for the transport of plant materials unless the mailer agrees to allow agricultural inspection of its contents. H.R. 3223 would allow inspection of first-class parcels if the parcel appears suspicious and if trained dogs detected an organic scent.

Prior to 1976, agricultural inspectors had authority to open first-class domestic mail. However, citing concerns for the constitutional right to privacy, the USPS rescinded permission for the routine searches in 1976.

Currently, inspectors must obtain a search warrant to inspect suspicious parcels. Critics of the proposed legislation charge that allowing a search warrant to issue when inspectors have probable cause to believe that a parcel contains plant material is sufficient to alleviate the pest problem while still protecting a mailer's right to privacy. They claim that the unrestricted inspection authority proposed in the House bills is broader than the pest problem and the Constitution warrant. Charles Braun, assistant general counsel for the USPS, has charged that the bills would "authorize the secretary of agriculture to confiscate and destroy the contents of mail summarily."

Director Parnell's testimony culminates the Department's two-year association with USPS Western Region officials in its attempt to discover the extent of the first-class mail pest problem. USPS officials allowed agricultural inspection of parcels detained by the USPS due to unrelated special circumstances, such as leaking, the need for rewrapping, or undeliverability. Between June 6, 1986 and July 10, 1987, inspection of fourteen such parcels resulted in the discovery of Oriental fruit flies (seven times), Mediterranean fruit flies (three times), and ant and wasp pests not previously known in California, among other pests. Because the fourteen parcels represent such a small fraction of the first-class parcels transported during the twelve-month period, the Department is convinced that the problem is widespread and requires immediate attention.

The Department currently spends approximately \$2 million annually to eradicate these pests. Director Parnell warned the subcommittee members that without some form of federal legislation allowing agricultural inspections of mail, California risks a full infestation of the pests, which would result in a significant threat to its annual \$14 billion agricultural industry.

EPA Attempts to Curb Pesticide Use. In an effort to protect endangered species, the federal Environmental Protection Agency (EPA) has proposed restrictions on pesticide use in large areas of California, and in approximately 900 counties nationwide. Under the proposed regulations, pesticide manufacturers would be required to list on their product labels the names of counties in which endangered species or habitat which would be harmed by the use of that chemical are located. The new labeling requirements would compel users in those counties to obtain maps from agri-



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cultural agents showing the precise areas in which pesticide use is prohibited.

CDFA branch Chief of Pesticide Enforcement James Wells has expressed the Department's concern over the new regulations, stating that they will have a "substantial impact" on California's agriculture industry. Preliminary analysis shows a "formidable" impact on cotton production, says Wells. "Virtually all" of the pesticide alternatives for cotton are listed on the EPA prototypes, according to Rex Magee, associate director of the Division Pest Management for CDFA.

Critics, including the U.S. Fish and Wildlife Service (USFWS), charge that the maps EPA plans to use contain errors. Many of the errors result from the inability to determine the exact habitats of some species. In some cases, the EPA has prohibited pesticide use in broad areas where the USFWS is only concerned with two or three acres.

Because of problems in implementing the proposed EPA program in California, the state has asked for and received permission to create a customized state plan. The plan must be implemented by February 1988.

A task force will meet to work out details of the California program and determine what alternative pesticides may be used by affected producers. One of the major activities of the task force will be to update and correct the county maps to accurately reflect the species habitats. The task force consists of representatives from the USFWS' regional office, the Department of Fish and Game, the California Agricultural Commissioners' Association, the California Cooperative Extension Service, and CDFA.

LEGISLATION:

AB 1980 (Hauser) would create the California Salmon Council to provide advice and investigations for and perform duties delegated to it by the CDFA Director. Specifically, the Council will be charged with developing programs to promote salmon and to purchase rights to take salmon. The bill would also provide for the assessment of fees from commercial fishermen to fund Council activities. The bill is pending in the Senate Appropriations Committee.

AB 1142 (N. Waters) would expand existing appealable issues when the CDFA Director is asked to review the action of a county agricultural commissioner in issuing, refusing, revoking, or suspending a permit to use a pesticide for agricultural purposes. Under AB 1142, the Director may be asked to deter-

mine whether the commissioner abused his/her discretion in suspending the permit. The bill is pending in the Senate Agriculture and Water Resources Committee.

AB 313 (Hayden) has been dropped and the author has no plans to reinstate it. The bill would have prohibited the use of tributyltin on structures in navigable waters or in pesticides. (For further information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 86.)

The bills updated below were previously discussed in CRLR Vol. 7, No. 3 (Summer 1987) at pp. 110-11:

AB 1963 (Farr), which would require accreditation of laboratories performing work on pesticide residue, is presently pending in the Assembly Agriculture Committee suspense file.

AB 2630 (Connelly), which would have required CDFA reporting of a list of pesticide ingredients detected in water sources, has died in committee.

SB 844 (Torres) has also died in committee. This bill would have required a CDFA permit for the transportation or release of novel organisms into the open environment.

RECENT MEETINGS:

At the Board's September meeting, an update report was presented on the implementation of Proposition 65. Proposition 65 requires the Governor to compile a list of substances known to cause cancer or birth defects. It also requires clear and reasonable warning to the public of exposure to a chemical listed as a carcinogen which poses a "significant risk" to human health. (For background information on Proposition 65, see CRLR Vol. 7, No. 4 (Fall 1987) pp. 85-86 and Vol. 7, No. 1 (Winter 1987) p. 76.)

On March 1, 1987, the Governor announced a list of 29 chemicals which were known to cause cancer. The Governor's Scientific Advisory Panel (SAP) was then asked to look at other chemicals which should be listed. The SAP added 34 chemicals on July 1, including

amitrole, ethylene oxide, mineral oils, and warfarin (a rodent control chemical). The SAP later recommended the addition of twenty other chemicals.

Health and Welfare Agency officials are presently attempting to draft regulations to implement the law. The primary area of concern involves the definition of "significant risk" for each chemical listed. The regulations are required to be implemented by February 27.

At the September meeting a recommendation was unanimously passed by the Board on membership selection procedures for the California Agricultural Water Advisory Committee (CAWAC). The CAWAC enables agriculture to have input into the state's water policies.

The Board recommended that nominations be submitted to the CDFA Director. The member from the Board of Food and Agriculture would be nominated by the President. The Association of California Water Associations would nominate one representative; the seven grower nominees should be nominated by water districts, irrigation associations, commodity and producer groups; and the related agencies for ex-officio membership should be nominated by their respective agencies. After the nominations have been received, Director Parnell would review them with the Board and the DWR to select the nine members to be recommended for appointment by the Governor. It was also recommended that members' terms be staggered to two- and three-year appointments to maintain continuity. An issue memo on the Board's plan was passed and will be forwarded to the Governor.

FUTURE MEETINGS:

The Board of Food and Agriculture, an advisory body, usually meets the first Thursday of each month at various locations throughout the state.

The Consumer Advisory Committee meets bimonthly at various locations throughout the state.



RESOURCES AGENCY

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
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The California legislature created the Air Resources Board in 1967 to control air pollutant emissions and improve air quality throughout the state. The Board