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UPCOMING EVENTS

August 14

Retail Education Day

University of California Davis
Buehler Alumni Center
Registration Online at
www.cangc.org

August 28

Retail Education Day

The Huntington Library
San Marino, California
Registration Online at
www.cangc.org

October 21-23

Western Expo Events

**Trade Show, Golf Tournament,
Reception, and Seminars**
Las Vegas, Nevada
Registration Online at
www.westernexpo.com

California Association of Nurseries and Garden Centers LEGISLATIVE SNAPSHOT

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HAND WEEDING IS BACK IN THE LEGISLATURE

Even though an advisory committee of Cal OSHA has been meeting on the issue of hand weeding agricultural crops, the supporters of curtailing the practice have introduced a bill to change the law through the legislative process. Senate Bill 534 (Romero) was amended to include language to ban the practice with a few exceptions.

Following the presentation of the grower representatives that made a strong case for continuing the practice, a sub-committee was formed to see if there could be some consensus on the matter. The proponents of the ban, unwilling to let the committee process play out and in order to meet legislative deadlines, amended SB 534 on July 2.

The bill states that employees engaged in weeding, thinning or hot capping shall use a long-handled hand tool except:

- when the work is performed in a manner that does not require the employee to stoop, kneel or squat;
- the crop is grown under continuous plastic mulch; or
- the employer can demonstrate that proper use of an appropriate long-handled hand tool and any available mechanical or cultural non-hand weeding alternative can reasonably be expected to significantly damage the crop at the crop's current state of development.

The bill further states that in order to meet the burden of proof required for the exemption, he or she must be able to demonstrate all of the following claims:

- there was a systematic effort to attempt to properly use each appropriate long handled hand tool and each available non-hand weeding alternative;
- the attempt to use these tools and alternatives caused significant damage to the crop;
- the attempt was made in an area of the field that is representative of the weed conditions observed throughout the entire field; and
- where weed conditions in the field permit long-handled hand tools or non-hand weeding alternatives are used at all times.

Totally missing from the content of the legislation is any consideration of the practicality of using long-handled hand tools in various operations. For example, it might be possible to utilize a long-handled hand tool in a larger nursery container in certain crops, but is it feasible to have an employee

spend perhaps 10 times the amount of time that it would take by hand maneuvering a long handled tool around to "fish" out a weed?

This bill is now awaiting action on the Assembly floor. You are encouraged to contact your Assembly Member and register your opposition to SB 534. You can find your representative by logging on to the Assembly webpage at www.assembly.ca.gov and entering your address. Click on the "Find my District" link on the left side of the home page screen.

PHYTOPHTHORA RAMORUM UPDATE •

Several members of the nursery industry have been working overtime with regard to regulations aimed at stopping the spread of *Phytophthora ramorum*, the causal agent for the disease that has been termed Sudden Oak Death (SOD). There have been detections of the presences of the pathogen on nursery plants from California, although the plants appear healthy except for a couple leaves with spots on them.

When plants in a nursery outside the known infected area are found positive, a protocol released in June by the USDA calls for the destruction of that lot of plants. One concern has been the definition of lot. Inspection officials deem all of the same variety in a contiguous block a lot. This may or may not be warranted, but the bottom line is that the regulation of this disease is way in front of what is scientifically known about the pathogen, where it already exists, how it spreads and the disease it is believed to cause.

Chief among what is needed is a comprehensive national survey to determine if the pathogen is already widely disbursed or not. This knowledge is critical in determining how a pathogen or disease is regulated. Other concerns include the lack of an extensive pest risk analysis and that there is no standard diagnostic protocol. In addition, researchers have recently questioned the true effect of the pathogen on forests.

The nursery industry does not want to be responsible for spreading pests and disease. But neither does it want to be a scapegoat in a process that may have been brought on by political pressure due to unwarranted finger pointing by states and/or countries with other interests in mind. The current set of regulations seems to have been drafted hastily without adequate scientific knowledge and we urge USDA to quickly fill the scientific gaps.