

Agriculture by Susan B. Cohen

Pot and pesticides

California's environmentalist-drug lobby is acting to make pesticide production difficult, and getting a permit for its use virtually impossible.

“Hear about it?” exclaimed a knowledgeable source, “I know for a fact that it’s true.” That was the response to this writer’s preliminary effort to confirm the report that Dope, Inc. was financing moves to regulate farm chemical production and pesticide use out of existence.

Under the leadership of the Environmental Defense Fund, the environmentalist lobby conspired to rewrite California’s pesticide regulations program so as to virtually double the cost in time and dollars of developing and using pesticides. The new regulations railroaded through the state’s Department of Food and Agriculture are presently stalled in the legislature. A campaign has been mounted there to deny funding for the farm chemical control program and five bills proposing to do away with it altogether have been fielded.

The agriculture industry nationally is watching the California case closely, fearing that it may be a harbinger of an attempt to shut down farm chemical use state by state. California is known to have one of the strictest farm chemical control programs in the country, to begin with, more than complying with federal Environmental Protection Act requirements. The proposed new regulations in effect preempt federal law.

The redrafting of the pesticide regulations were to qualify them as a “functional equivalent” of the

California Environmental Quality Act (CEQA) certified by Human Resources Secretary Huey Johnson in December. Previously, pesticide use in agriculture had been exempted from the provisions of the CEQA when the California legislature decided that making a farm producer submit a full-dress environmental impact statement every time he wanted to use a pesticide was “unrealistic and unworkable.” Now, Assembly Bill 3765 orders the Department of Food and Agriculture to come up with pesticide regulations that meet CEQA by January 1, 1981.

Everyone in the chemical industry and farm production agree that the measure’s effect will be crippling. Previously growers consulted with their local pest control advisor, decided on the appropriate pesticides to use, and applied to the County Agriculture Commissioner for a permit which. Now the grower must prove to the County Agriculture Commissioner in writing that all “feasible alternatives” have been fully explored and that use of the pesticides does not conflict with any “sensitive area” prohibitions before receiving a permit.

Once the permit is issued, the grower must further prove in writing that additional measures that would “mitigate” the adverse impact of the pesticide have been applied. Further, prior to using a pesticide, a detailed Notice of In-

tent must be filed with the County Commissioner. After all this, the permit is good for only one crop.

The actual authors of the 45 pages of regulations and 120 pages of operational protocol, written in what rational observers describe as “mindboggling legalese,” remain unknown. There is reason to believe that the program was drafted in Huey Johnson’s office. Johnson heatedly denies it.

Others insist that the regulations came word-for-word from the Governor’s office. Others argue the distinction is academic.

Significantly, the same Huey Johnson threatened to throw *Farm Chemicals* editor Gordon Berg out of his office when Berg, in the course of an interview, posed the question to Johnson directly: “What’s more important—pot or food?” Johnson consented to continue the interview only if Berg would turn off his tape recorder. Berg later questioned in print (see the April issue of *Farm Chemicals*) why a man of Mr. Johnson’s stature would become so hysterical, refusing to be quoted on the pot lobby’s role in the farm chemicals’ fight.

It is admittedly shocking, but the “marijuana connection” is one of the best-known secrets in the state. The individuals contacted by this writer were quite specific. “They grow very fine marijuana up along the northern coastal area of California,” one reported, “and want to stop the use of chemicals in the forested areas.” The possibility of pesticide “contamination” cheapens their product, and could presumably put the illegal industry out of business altogether, he explained.