

12-18-1985

Disclosure Of Use Of Pesticides Or Radiation On Food.

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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

0371

Elections Division
(916) 445-0820

May 28, 1986

TO: ALL REGISTRARS OF VOTERS AND COUNTY CLERKS (86113)

FROM:


DEBORAH SEILER

Assistant to the Secretary of State
Elections and Political Reform

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: DISCLOSURE OF USE OF PESTICIDES OR
RADIATION ON FOOD.
INITIATIVE STATUTE.

SUMMARY DATE: December 18, 1985

PROPONENT: Robert Boesch

DS/lgw

F.INIT



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

Elections Division
(916) 445-0820

December 18, 1985

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (8566)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

DISCLOSURE OF USE OF PESTICIDES OR RADIATION ON FOOD.
INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required.....393,835
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date.....Wednesday, 12/18/85
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures.Wednesday, 12/18/85
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with the county.
All Sections are to be filed at the same time within each
county.....Monday, 5/19/86*
Elec. C., Secs. 3513, 3520(a).
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State.....Tuesday, 5/27/86++

(If the Proponent files the petition with the county on a date prior to 5/19/86, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* PLEASE NOTE: To the Proponent who may wish to qualify for the 1986 General Election. The law allows approximately 67 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 67 days. But if you want to be sure that this initiative qualifies for the 1986 General Election, you should file this petition with the county before April 18, 1986.

+ Date adjusted for official deadline which falls on a Saturday. Elec. C., Sec. 60.

++ Date adjusted for official deadline which falls on holiday. Elec. C., Sec. 60.

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties.....Monday, 6/2/86**

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Tuesday, 6/17/86

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 5/27/86, the last day is not later than the fifteenth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.....Monday, 6/23/86**

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Wednesday, 7/23/86

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 6/17/86, the last day is not later than the thirtieth day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient.....Saturday, 7/26/86

**Date varies based on receipt of county certification.

4. Campaign Statements:

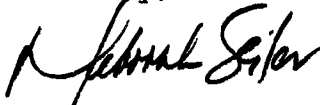
Last day to file a campaign statement of receipts
and expenditures for period ending 6/16/86Monday, 6/23/86

(If the Secretary of State finds that the measure has
either qualified or failed to qualify on a date earlier
than 5/19/86 the last date to file is the 35th calendar
day after the deadline for filing petitions or the date
of notification by the Secretary of State that the
measure has either qualified or failed to qualify, whichever
is earlier. The closing date for the campaign statement
is seven days prior to the filing deadline.)
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Robert Boesch
3222 Santiago Street
San Francisco, California 94116
(415) 564-5235

Sincerely,



DEBORAH SEILER
Assistant to the Secretary of State
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate
format and type considerations in printing, typing, and otherwise preparing
your initiative petition for circulation and signatures. Your attention
is further directed to the campaign disclosure requirements of the
Political Reform Act of 1974, Government Code Section 81000 et seq.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

December 18, 1985

(916) 324-5472

0371

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, California 95814

FILED
In the office of the Secretary of State
of the State of California

DEC 18 1985

MARCH FONG EU, Secretary of State

By Barbara J. Lee
Deputy

Dear Mrs. Eu:

Re: Initiative Title and Summary.
Our File No. SA85RF0018

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Handwritten signature of Robert Burton in cursive.

Robert Burton
Deputy Attorney General

Enclosure

(RF-10, 6/83)

Date: December 18, 1985
File No.: SA 85 RF 0018

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

DISCLOSURE OF USE OF PESTICIDES OR RADIATION ON FOOD.

INITIATIVE STATUTE. Provides that food is adulterated if radiation treatments or pesticides applied to food or used on raw agricultural commodities is not disclosed to consumers. Increases criminal penalties for sale of adulterated food. Provides for seizure of produce not accompanied by disclosure of pesticides used. Makes it unlawful to pack, ship, or sell produce without disclosing pesticides used. Makes it unlawful for any person in control of an area treated with pesticides to permit entry without first disclosing pesticides applied within 90 days. Provides criminal penalties for violations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The adoption of this measure will result in increased costs to state and local governments. The amount of the increase cannot be determined, but potentially could be in the range of several million dollars per year.

West's Ann. California Health and Safety Code

§ 26522. Food additives; pesticide chemical

Any food is adulterated if it is, bears, or contains any food additive which is unsafe within the meaning of Section 26504. .If, however, a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under this division or the Food and Agricultural Code and the raw agricultural commodity has been subject to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

Any food is adulterated if any pesticide chemical applied to the food, or used in or on a raw agricultural commodity including, but not limited to, any pesticide chemical used in soil preparation, plant pest protection, preparation for harvest, preparation for storage of the raw agricultural commodity, storing, processing, and distributing of the food or raw agricultural commodity is not disclosed to the consumer at the time the food is offered for sale or distribution. The disclosure shall identify the chemical applied, the date of application, the rate of application, and the preharvest interval established pursuant to § 12672 for the pesticides applied.

Any food is adulterated if it has been treated with radiation and disclosure of the radiation treatment, including the type of radiation, and length of exposure is not disclosed to the consumer at the time the food is offered for sale or distribution.

West's Ann. California Penal Code

§ 383. Sale of adulterated or tainted food, beverage, drug, or medicine; punishment; inspection and analysis costs; definitions of drug and food; standards for determining adulteration

Every person who knowingly or negligently sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, ~~knowing that~~ the same ~~is~~ having been adulterated, or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a ~~misdeemeanor~~ felony, and must be fined not ~~exceeding~~ less than one thousand nor more than twenty five thousand dollars, or imprisoned in the county jail not ~~exceeding~~ less than six months nor more than ten years, or both, and may, in the discretion of the court, be adjudged to pay, in addition, all the necessary expenses, not exceeding one hundred thousand ~~(\$100,000)~~ (\$100,000) dollars, incurred in inspecting and analyzing such articles.

...

West's Ann. Food and Agric. Code

§ 12601. Produce having pesticide residue, ~~or~~ other deleterious ingredients or incomplete disclosure.

The director ~~may~~ shall sieze and hold any lot of produce which carries or shows indication or pesticide residue or other added deleterious ingredients or which the director suspects of carrying the residue or deleterious ingredients. The director shall sieze and hold any lot of produce which is not accompanied by a disclosure of all the pesticide chemicals used on that produce, including, but not limited to pesticides used in soil preparation, plant pest protection, preparation for harvest, preparation for storage of the produce, storing, processing, and distributing the produce. The disclosure shall identify the pesticide applied, the date of application, the rate of application, and the preharvest interval established pursuant to § 12672 for the pesticides applied.

§ 12671. Unlawful acts

It is unlawful for any person to pack, ship, or sell any produce that carries a pesticide residue in excess of the permissible tolerance which is established by the director pursuant to this chapter.

It is unlawful for any person to pack, ship, or sell any produce without complete disclosure of all pesticide chemicals used on that produce.

§ 12991. Unlawful acts

.....

(f) It is unlawful for any person in control of an area treated with a pesticide to permit entry into that area without first disclosing to any person entering the treated area any pesticide applied to that area within 90 days of the date of entry. The disclosure shall identify the pesticide applied the date of application, the rate of application, reentry intervals established pursuant to § 12981(a)(1), and the preharvest interval established pursuant to § 12672 for the pesticides applied.

(g) It is unlawful for any person in control of an area to be treated or any person who will be treating an area with any pesticide which bears or meets the criteria to bear the signal words "Danger" or "Warning" based on dermal or inhalation toxicity to apply such pesticide where any person may unknowingly be exposed to the pesticide or pesticide residues.

West's Ann. Food and Agric. Code (cont.)

§ 12996. Violations of provisions of division or regulations
~~§ 12996. Violations of provisions of division or regulations~~

DELETE

Every person who violates any provision of this division, or regulation issued pursuant to a provision of this division, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000), or by imprisonment of not less than 10 days nor more than six months, or both by fine and imprisonment.

Every person who violates any provision of this division or any regulation issued pursuant to a provision of this division shall be punished as follows:

Every person who violates § 12671, § 12991(f), or § 12991(g) is guilty of a felony and upon conviction shall be punished by a fine of not less than one thousand nor more than twenty five thousand dollars, or imprisoned in the county jail not less than six months nor more than ten years, or both fine and imprisonment.

Every person who violates any other provision of this division, or any regulation issued pursuant to a provisions of this division is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment of not less than 10 days nor more than six months, or by both fine and imprisonment.

Each violation constitutes a separate offense.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 23, 1985

Robert Boesch
3222 Santiago St.
San Francisco, CA 94116

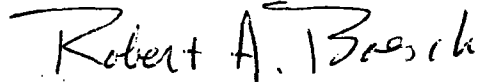
John Van De Kamp
Attorney General
555 Capitol Mall, Suite 350
Sacramento, CA 95814

Dear Mr. Van De Kamp:

Enclosed is the text of a proposed statutory change for a California Ballot Initiative. This is to request a title and summary for this measure. Enclosed is a bank check for \$200 to cover the fee for this request.

If you have any questions concerning this matter, please call me at (415)564-5235.

Sincerely yours,



Robert Boesch

cc: Robert Burton
Office of Attorney General
State of California
1515 K Street
Sacramento, CA 95814

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: December 18, 1985

Subject: DISCLOSURE OF USE OF PESTICIDES OR RADIATION ON FOOD

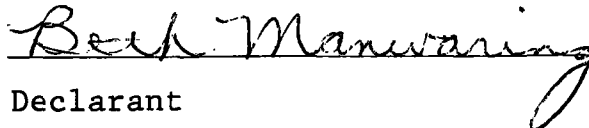
Our File No.: SA85RF0018

Name of Proponent(s) and Address(es):

Robert Boesch
3222 Santiago Street
San Francisco, CA 94116

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on
December 18, 1985.


Declarant

(RF-10a, 1/83)

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
SACRAMENTO 95814
(916) 445-9555

December 18, 1985

(916) 324-5472

Robert Boesch
3222 Santiago Street
San Francisco, CA 94116

Re: Initiative Title and Summary.
Subject: DISCLOSURE OF USE OF PESTICIDES OR RADIATION ON FOOD
Our File No. SA85RF0018

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

A handwritten signature in cursive script, appearing to read "R. Burton".

Robert Burton
Deputy Attorney General

Attachment



Barbara Lee

NEWS RELEASE

from: Secretary of State March Fong Eu
1230 J Street, Sacramento, CA 95814
(916) 445-6375

370 371
372

For Immediate Release
December 19, 1985

Contact: Caren Daniels-Meade

THREE NEW INITIATIVES ENTER CIRCULATION REPORTS EU

SACRAMENTO — Criminal trial proceedings, disclosure of pesticide use and the death penalty are the subjects of three new initiative petitions which have been approved for circulation, Secretary of State March Fong Eu announced today (Dec. 19).

"Criminal Proceedings" would amend the constitution to enact changes in criminal trial proceedings. Under its provisions, judges rather than attorneys would question prospective jurors with questions limited to determining whether jurors could be challenged for cause and asked in the presence of other jurors. It further provides that a grand jury indictment would be sufficient to compel a trial without a preliminary hearing and that, except in death penalty cases, a verdict could be rendered by ten of the twelve jurors rather than by a unanimous vote.

Sterling E. Norris of Northridge is spearheading the drive to qualify the measure. He can be reached at his business telephone, (213) 974-3706, or at his residence, (818) 368-9317.

Robert Boesch of San Francisco is the proponent of a measure that would declare food adulterated if radiation treatments or pesticides applied to it or used on raw agricultural commodities were not disclosed to consumers and increases the criminal penalties for selling adulterated food. The measure would make it illegal to pack, ship, or sell produce without "complete disclosure of all pesticide chemicals used" on it.

Proponent Boesch can be reached at (415) 564-5235.

Assemblyman Ross Johnson, R-Fullerton, is proposing a measure to be known as the "Save the Death Penalty Act of 1986." It defines when a death penalty case has been received by the the court and is ready for a decision. If the case

(over)



EU -- p. 2

were to remain undecided for 90 days after certain events specified in the measure had occurred, the controller would be required to withhold the judge's salary. It would also require that prospective jurors in capital cases be examined in the presence of other prospective jurors except in cases of extraordinary circumstances. Under provisions of the measure, the Supreme Court would be required to give priority to appeals from death penalty judgments.

Proponent Johnson can be reached at (916) 445-7448.

"Criminal Proceedings" is an initiative constitutional amendment and statute which requires 630,136 signatures of registered voters to earn a spot on the ballot. "Disclosure of Use of Pesticides or Radiation on Food" and "Death Penalty" are initiative statutes requiring 393,835 signatures to qualify. The legal 150-day deadline for submission of signatures to county elections officials is May 19. However, should the proponents of any of the three measures wish to qualify their petitions for the 1986 general election ballot, they are encouraged to submit all signatures before April 18 in order to allow sufficient time for the full signature verification process before the constitutional deadline of June 26.

Copies of the initiatives, their titles and summaries and circulation calendars are attached.

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8542MW

RECEIVED
In the office of the Secretary of State
of the State of California
DEC 20 1985
MARCH FONG EU, Secretary of State