

52.60

8/18/69

Memorandum 69-91

Subject: Study 52.60 - Sovereign Immunity (Dangerous Agricultural Chemicals)

You have previously received the consolidated recommendation relating to sovereign immunity. Contained in that recommendation at pages 37-43 and 75-77 are the Commission's recommendations relating to liability for the use of pesticides. The latter have been distributed for comment and attached to this memorandum are the letters received (Exhibits I-III) in response to this distribution. The comments received each reflect the sentiments of the Director of the California Department of Agriculture who stated:

We have reviewed the tentative recommendation relating to the liability of public entities for damages arising from the use of pesticides. We concur with the recommendation of the Commission and suggest that it be proposed to the Legislature.

The staff believes that, at the September meeting, this portion of the recommendation can be approved for printing without change.

Respectfully submitted,

Jack I. Horton
Associate Counsel

Memo 69-91

EXHIBIT I

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CABLE ADDRESS
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June 18, 1969


California Law Revision Commission
School of Law
Stanford University
Stanford, California 94305

Re: Tentative Recommendation # 13
Relating to Sovereign Immunity

Gentlemen:

I agree wholeheartedly with the tentative recommendation that a public entity should be liable to the same extent as a private person for damage caused by the use of pesticides. I fully concur with the view that damage thus caused should be borne by the public generally rather than the unfortunate person suffering a particular injury.

Very truly yours,


Alvin G. Buchignani

AGB/c

Memo 69-91

EXHIBIT II

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CALIF. LAW REVISION COMMISSION,
SCHOOL OF LAW,
STANFORD, CALIFORNIA.

ATT: MR. JOHN H. DEMOULLY.

GENTLEMEN:

REGARDING # 13-- # 52.60
LIABILITY FOR THE USE OF PESTICIDES
I WOULD APPROVE THE RECOMMENDATIONS
AS OUTLINED ON PAGE 7.

THERE PROBABLY SHOULD BE OTHER STUDIES
ON THIS MATTER AND THE USE OF CERTAIN
PESTICIDES PERMANENTLY OUTLAWED.

SINCERELY YOURS

Memorandum

To : John H. DeMouilly
Executive Secretary
California Law Revision Commission
School of Law
Stanford University
Stanford, California 94305

Date: July 31, 1969

Place: Sacramento

From : California Department of Agriculture

Subject: Liability of Public Entities for Damages from Pesticides

We have reviewed the tentative recommendation relating to the liability of public entities for damages arising from the use of pesticides. We concur with the recommendation of the Commission and suggest that it be proposed to the Legislature.



Jerry W. Fielder
Director