

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

JORGE FERNANDEZ et al.,

Plaintiffs and Respondents,

v.

CALIFORNIA DEPARTMENT OF
PESTICIDE REGULATION,

Defendant and Appellant;

CALIFORNIA STRAWBERRY
COMMISSION et al.,

Intervenors and Appellants.

A114258

(San Francisco County
Super. Ct. No. CPF-04-504781)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on July 15, 2008, be modified as follows:

At the end of the second to last sentence in the only full paragraph on page 21, which reads: “The staff analysis does not, however, reflect the actual language of affected statutes, which carried forward existing risk assessment duties and, even under defendants’ construction of section 12981, expressly requires OEHHA to assess the health risks of pesticides in connection with worker safety, as opposed to pesticide residues in food and water,” add as footnote 11 the following footnote, which will require renumbering of all subsequent footnotes:

¹¹ We of course take no position on the relative duties of DPR and OEHHA with respect to the health risks regulated by other statutes.

There is no change in judgment. The petitions for rehearing of both respondent and interveners are denied.

Dated: August 11, 1008

Marchiano, P. J.