

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 405 (Connolly) – As Introduced February 2, 2023

SUBJECT: Organic products

SUMMARY: The bill requires the director of the California Department of Public Health (CDPH) to create an online registration and payment option on or before January 1, 2025.

EXISTING LAW:

- 1) Existing law, the California Organic Food and Farming Act, requires the Secretary of Food and Agriculture, county agricultural commissioners, and the Director of CDPH to enforce state and federal laws governing organic products. Health and Safety Code (HSC) 110810 - 110959/Food and Agriculture code (FAC) 46000 - 46029
- 2) Existing law requires every person engaged in the state in the processing or handling of specified products for human consumption that are sold as organic to register with CDPH or CDFA, as specified. HSC 110875/FAC 46013.1
- 3) Existing law requires CDPH to provide a registration form for those purposes and requires specified information on the registration form. HSC 110875.

FISCAL EFFECT: Unknown

COMMENTS: California follows the United States Department of Agriculture's National Organic Program (NOP) guidelines and enforces the Organic Food Production Act of 1990 and the California Organic Food and Farming Act, formerly the California Organic Products Act of 2003. The California Department of Food and Agriculture's State Organic Program (SOP) assumes the NOP's oversight and enforcement authority in the state, and California is the only state in the U.S. with an NOP authorized state organic program. The laws and regulations in place protect consumers, producers, handlers, processors, and retailers by establishing standards for agricultural products and foods that are labeled and/or sold as organic.

Every person engaged in this state in the production or handling of raw agricultural products sold as organic must register with CDFA. Processors and handlers of processed meat, fowl, dairy products, and retailers engaged in processing or handling of products sold as organic register with CDFA. Processors and handlers of processed products for human consumption, including dietary supplements, alcoholic beverages, fish or seafood, and processors or handlers of animal (non-livestock) food, and cosmetics sold as organic, register with CDPH.

According to the author, outdated state registration procedures negatively affect organic food manufacturing and processing businesses' bottom lines, limiting California's ability to keep up with consumer demand. The California Organic Products Advisory Committee (COPAC) and organic food processors have consistently flagged the following issues:

- 1) The paper-based registration and payment system is time-consuming, inefficient, and susceptible to lost documents.

- 2) Decentralized forms make the registration process unnecessarily difficult to navigate; processors must obtain a Processed Food Registration and the Organic Processed Products Registration or any of 7 separate registrations (depending on the type of business) in order to obtain a valid organic registration and must register each physical facility separately; this is in addition to the federal certification paperwork.

AB 1826 (Stone), Chapter 403, Statutes of 2016, overhauled the SOP, by changing the SOP fee structure, granting a larger administrative role to accredited certifying agencies, revising the composition of the California Organic Products Advisory Committee, and, revising required information provided for registration and recordkeeping. This bill will streamline registration and payment issues related to CDPH

REGISTERED SUPPORT / OPPOSITION:

Support

Agricultural Institute of Marin
All STAR Organics
Blue Beautifly
Cafe Altura
California Alliance With Family Farmers
California Certified Organic Farmers (CCOF)
California Climate & Agriculture Network
California Cotton Ginners and Growers Association
California Food Producers
Center for Food Safety; the
Ceres Community Project
Eckert Frozen Foods
Health Care Without Harm
Kinetic Koffee
Larocca Vineyards
Lucero Organic Farms
Mandela Partners
Oro De Sonora Pure Jojoba Family Farms
Pesticide Action Network North America
Setton Farms Organic
Sunblaze Ranch
Taylor Farms
Traditional Medicinals
Western Agricultural Processors Association

Opposition

None on file

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084