

Vice-Chair
Mathis, Devon J.

California State Assembly

Chief Consultant
Victor Francovich

Members

Aguiar-Curry, Cecilia M.
Alanis, Juan
Connolly, Damon
Flora, Heath
Irwin, Jacqui
Jones-Sawyer, Sr., Reginald B.
Soria, Esmeralda
Villapudua, Carlos
Wood, Jim

AGRICULTURE



Committee Secretary
Nicole Willis

Legislative Office Building,
1020 -N- Street, Suite 362
(916) 319-2084

ROBERT RIVAS
CHAIR

AGENDA

Wednesday, March 15, 2023
1:30 p.m. -- State Capitol, Room 126

ADOPTION OF COMMITTEE RULES

HEARD IN FILE ORDER

1. AB 552 Bennett Agriculture: Regional Farmer Equipment and Cooperative Resources Assistance Program.
2. ~~AB 240 Kalra Dogs and cats: California Spay-Neuter Fund.~~
3. AB 54 Aguiar-Curry Department of Food and Agriculture: research funding: winegrapes: smoke exposure.
4. AB 98* Aguiar-Curry Agriculture: cotton pests abatement districts: organization and establishment: authorized counties.
5. AB 402 Aguiar-Curry Weeds: Broomrape Control Program.
6. AB 454 Aguiar-Curry California Rice Commission: board membership.(Urgency)
7. AB 404 Connolly Department of Food and Agriculture: reporting requirements: small and mid-scale farmers.
8. AB 405 Connolly Organic products.
9. AB 406 Connolly Agriculture: Healthy Soils Program and California Farmland Conservancy Program.
10. AB 660 Irwin Food labeling: quality dates, safety dates, and sell by dates.

* PROPOSED CONSENT

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 552 (Bennett) – As Amended March 6, 2023

SUBJECT: Agriculture: Regional Farmer Equipment and Cooperative Resources Assistance Program

SUMMARY: This bill establishes the Regional Farmer Equipment and Cooperative Resources Assistance Program (RFECR program) at the Department of Conservation (DOC) with the purpose of setting up farm equipment sharing programs across the state. Specifically, *this bill*:

- 1) Establishes the RFECR program within DOC.
- 2) Requires DOC to provide technical assistance, including application assistance, and grants in order to support regional farm equipment sharing and enhance cooperative benefits for socially disadvantaged farmers and ranchers (SDFR) and limited resource farmers and ranchers (LRFR).
- 3) Require that eligible entities for RFECR grants include resource conservation districts, county agricultural commissioners, the University of California Cooperative Extension, tribal entities, small and underserved farmer cooperatives, and nonprofit organizations serving SDFR or LRFR, or both.
- 4) Requires eligible activities of the RFECR program to include, but are not limited to, all of the following:
 - a) Grants to eligible entities to develop and expand equipment sharing including, but not limited to, both of the following:
 - i) The purchase of tools, equipment, and infrastructure to support conservation practices including, but not limited to, soil health practices, water conservation, and wildfire resilience.
 - ii) The purchase of tools, equipment, and infrastructure to enhance regional food and fiber systems and cooperative resources for SDFR and LRFR.
 - b) Grants to eligible entities to provide technical assistance and support, including, but not limited to, any of the following.
 - i) Application assistance.
 - ii) Cooperative development.
 - iii) Training on the use and maintenance of tools, equipment, and infrastructure.
 - iv) Outreach to ensure direct and meaningful benefits to SDFR and LRFR.

- 5) Requires applicant to provide DOC all of the following information:
 - a) A description of the types of tools, equipment, and infrastructure the applicant will purchase.
 - b) A description of the lending program, including safeguards for the long-term benefits of any tools, equipment, or infrastructure purchased, expected benefits of the lending program, and the types of farmers the applicant aims to serve, including specific outreach that will be provided to SDFR and LRFR.
 - c) A description of how the lending program will be maintained after the period of the grant expires.
 - d) Documentation that the lending program's tools, equipment, and infrastructure will be primarily used on farms or ranches that are 500 acres or less.
 - e) The type of technical assistance to be provided during the grant period including, but not limited to, cooperative development, equipment maintenance of tools, and small farm tool demonstrations.
- 6) Requires DOC, in providing grants pursuant, to do both of the following:
 - a) Provide grants to eligible entities that primarily serve SDFR.
 - b) If there are moneys available after providing grants, provide grants to eligible entities that primarily serve LRFR.
- 7) Allows DOC to expand or amend an existing grant program to meet the requirements of this section.
- 8) Requires funding for RFECR program to be made available upon appropriation by the Legislature.
- 9) Defines the following:
 - a) "Limited resource farmer or rancher" has the same definition as in Section 760.107 of Title 7 of the Code of Federal Regulations.
 - b) "Socially disadvantaged farmer or rancher" has the same meaning as defined in Section 512 of the Food and Agricultural Code.

EXISTING LAW:

DOC administers various programs relating to agriculture including the California Farmland Conservancy-Program (CFCP). *Public Resource Cod (PRC) 10200 - 10264*

Allows CFCP to offer financial assistance, including grants or contracts, for projects and activities on agricultural lands that support agricultural conservation and sustainable land management, as specified. *PRC 10230.2*

FISCAL EFFECT: Unknown

COMMENTS: California is the largest agriculture producing state in the nation, with over 400 crops. California farms are smaller than the national average. The most recent USDA Agriculture census showed that 65% of the farms in California are under 50 acres. While all farming in California face numerous issues such as labor, regulations, equipment and land cost, not to mention fire, drought and floods, this issues affect small farms more intensely.

Small-scale, SDFR, LRFR, and beginning farmers and ranchers face significant barriers in accessing infrastructure resources. After land, the purchase of farm equipment and infrastructure is the second largest capital investment and remains difficult to get to for small, underserved and beginning farmers with limited cash flow for major purchases. These small-scale farming operations require a greater variety of costly equipment and some high-capital equipment is only used a few times a year. Cooperatively managed equipment sharing can help address these infrastructure barriers and increase farm viability, while supporting implementation of conservation practices and maximizing efficient use of equipment.

The appeal of cutting equipment investment costs has driven the development of standard equipment sharing organizations around the globe. In Sweden, machine rings (equipment sharing groups) started at the beginning of the 1990s and now number 20 local associations with about 5000 members (about 6% of Swedish farmers) - while Germany has about five times that amount of equipment sharing activity. Canadian farmers in Ontario and Saskatchewan have formed numerous machinery cooperatives. However, the US is comparatively far behind. The reason seems to be largely a cultural one: while equipment-sharing has been proven successful elsewhere, there is a persistent impression that tool sharing is unlikely to work or not worth the hassle.

Equipment sharing programs allow farmers to borrow or lease high-value equipment from regional agricultural centers such as fairgrounds, universities, cooperative extension offices, farmer cooperatives, and resource conservation districts (RCD). These programs aim to alleviate the financial burden for farmers, increase on-farm safety, reduce emissions, incentivize conservation practices, and provide necessary resources to producers. There is evidence of successful state-government-run equipment sharing programs in states like the Southern Maryland Agricultural Development Commission equipment sharing and rental program and several of New Hampshire's County Conservation Districts have equipment rental programs to allow farmers to borrow specialized equipment at a low cost for soil health and nutrient management practices.

This bill hopes to create the RFECR program at DOC to facilitate a competitive grant program. Eligible groups for the grants include, but not limited to RCDs, UC Cooperative Extension offices, Agricultural Commissioners, Tribal Communities & Governments, as well as appropriate non-profit organizations and farmer cooperatives. According to supporters, this bill will support small farm equipment lending programs across the state by funding both existing and new programs to purchase equipment, infrastructure, maintenance, and training, as well as some personnel costs. Furthermore, this program would support essential training for farmers on new and innovative small-farm equipment, equipment maintenance, as well as cooperative development on how to participate and design farmer cooperatives. This bill makes SDFR and LRFR a priority for the equipment sharing program and will work to ensure there is technical assistance to aid in the success of those who use the RFECR program.

REGISTERED SUPPORT / OPPOSITION:

Support

California Climate and Agriculture Network (Sponsor)
Community Alliance With Family Farmers (Sponsor)
California Food and Farming Network

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 240 (Kalra) – As Amended February 28, 2023

SUBJECT: Dogs and cats: California Spay-Neuter Fund

SUMMARY: This bill would establish the California Spay-Neuter Fund (CSN fund) to offer competitive grants to specified organization to increase or develop no or low cost Spay-Neuter programs. The CSN fund allocation would come from a new tax on dog and cat food, as specified. Specifically, *this bill*:

1) Finds and declares the following:

- a) California has long had a homeless animal overpopulation problem, too often leading to overcrowded shelters despite cities and counties across the state collectively investing more than \$400,000,000 annually in operating our public animal shelters.
- b) As recently as 2016, California was tragically euthanizing approximately 160,000 dogs and cats. Many of these were unnecessary deaths only due to shelter overpopulation.
- c) The single most effective mechanism for addressing shelter overpopulation is spaying and neutering.
- d) The state does not invest enough in necessary spay and neuter services.
- e) The demand for low-cost and no-cost spay and neuter services far outstrips supply, demonstrating the strong desire of Californians to spay and neuter their animal companions.
- f) Research shows that shelter populations explode when spay and neuter services stop.
- g) Without assistance, it can cost up to \$550 to spay or neuter an animal, a price that many Californians struggle to pay.
- h) While the average low-cost estimate to spay or neuter an animal is \$160, it costs an average of \$2,000 to control, house, care for, adopt out, and/or euthanize an animal.
- i) Spaying and neutering is a more cost-effective and humane approach to animal care and control than only investing in animals after they have arrived at public shelters.

2) Defines the following:

- a) “Department” means the Department of Food and Agriculture (CDFA).
- b) “Dog and cat food” means a food for dogs or cats, or both, that has been prepared by heating, drying, semidrying, canning, or by a method of treatment prescribed by regulation of the State Department of Public Health (DPH). The term includes special diet, health foods, supplements, treats, and candy for dogs or cats, or both, but does not include fresh or frozen foods for dogs or cats, or both, subject to the control of CDFA.
- c) “Eligible partner” means public animal shelters, private animal shelters with public contracts, or nonprofits for whom spay-neuter is a primary activity.
- d) “Fund” means the CSN Fund.
- e) “Set allocation” means an allocation of fund moneys, using a formula developed by the department, to eligible partners requesting fund moneys.

- f) “Spay-neuter” means low-cost to no-cost spay and neuter surgeries conducted in the state.
- 3) Declares it is the intent of the Legislature that fund moneys are disbursed to eligible partners to reduce all of the following:
 - a) The overpopulation of unwanted or homeless dogs and cats, including feral or community cats.
 - b) Animal shelter overpopulation.
 - c) The ongoing costs associated with managing animal shelters.
 - d) The state’s euthanasia rates for dogs and cats, including feral or community cats.
 - 4) Establishes the CSN Fund in the State Treasury, as specified.
 - 5) Requires that moneys collected be transferred into the CSN fund.
 - 6) Requires the Treasurer, in consultation with CDFA, to invest moneys contained in the fund, as specified.
 - 7) Requires CDFA to collect, on an annual basis, a charge of two hundred dollars (\$200) from a manufacturer of dog and cat food for each label submitted by the manufacturer to DPH, as specified.
 - a) Requires DPH, at the request of the CDFA, provide the department with the information necessary, as specified.
 - b) Provides that a manufacturer of dog and cat food that has less than seventy-five thousand dollars (\$75,000) in verifiable gross annual sales will only be required to pay a single annual charge of two hundred dollars (\$200) to CDFA.
 - 8) Requires CDFA, in administrating and overseeing the CSN fund, to do the following:
 - a) Offer competitive grants or set allocations, or both, to eligible partners. Both competitive grants and set allocations shall primarily be used by eligible partners to fund spay-neuter services.
 - b) Determine, with stakeholder input, the most strategic method of allocating CSN fund moneys to eligible partners.
 - c) Target CSN fund moneys towards the cities and counties with the state’s highest shelter overpopulation or euthanasia rates, or both.
 - d) Require all eligible partners receiving CSN fund moneys to annually report outcomes to the CDFA, as specified.
 - e) Publish an annual report on the department’s internet website summarizing the information provided to CDFA.
 - 9) Allows CDFA, in administrating and overseeing the CSN fund to solicit and accept into the fund private donations, grants, and other moneys, as specified.
 - 10) Requires CDFA, if the department offers set allocations to eligible partners, to review its formula every three years and adjust the formula if necessary.

- 11) Requires CDFA cost for administering CSNF not to exceed 5 percent of the moneys deposited into the fund in any fiscal year.
- 12) Requires CDFA to promulgate rules consistent with this part to:
 - a) Establish parameters regarding the eligible partners that qualify for fund moneys.
 - b) Establish procedures and requirements for offering grants or set allocations, or both, and for disbursing fund moneys to eligible partners.
 - c) Establish parameters regarding the use of fund moneys by eligible partners.
 - d) Establish administrative, recordkeeping, and reporting requirements for eligible partners receiving fund moneys.

EXISTING LAW:

- 1) Establishes the Pure Pet Food Act of 1969, which is administered by DPH. Under the act, every person who manufactures a processed pet food, as defined, in California is required to first obtain a license from DPH, and every person who manufactures a processed pet food for import into California from another state is required to first obtain a registration certificate from DPH. *Health and safety code (HSC) 113025 – 113120*
- 2) Excludes from the definition of “processed pet food” fresh or frozen pet foods subject to the control of the Department of Food and Agriculture. *Food and Agriculture code (FAC) 19212*
- 3) Requires annual license or registration certificate only be issued when certain conditions are met, including, among others, when the applicant submits to DPH the label that would be attached to the container of each type of processed pet food. *(HSC) 113025 – 113120*
- 4) Prohibits a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away any cat or dog that has not been spayed or neutered, except as provided. *FAC 30520*
- 5) Requires the owner of a nonspayed or unneutered cat or dog that is impounded by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society to receive a specified fine. *FAC 31751.7 and 30804.7*

FISCAL EFFECT: Unknown

COMMENTS: California spends over \$400,000,000 dollars on its animal shelter system, not including the many millions more it dedicates to the construction of new facilities. Even with this investment, tens of thousands of animals are still being euthanized in the state’s severely overcrowded shelters. DPH reported that 58,454 dogs and 99,737 cats were euthanized by local animal control authorities in 2016. While some are put down due to severe medical issues, many others are actually healthy, adoptable pets that shelters simply do not have the space or resources to care for the dogs and cats.

According to the author, the best way to address this problem is to reduce shelter populations, and the most effective means of accomplishing this is to foster robust spay-and-neuter practices throughout the state. When enough animals are spayed and neutered, dog and cat reproduction rates fall so low that shelters see a meaningful lull in the stream of animals coming through their doors.

The state of Maryland's affordable spay-and-neuter program is correlated with a 12.1% decrease in stray animal intakes and a 49.7% decrease in euthanasia due to lack of shelter space. Spay-and-neuter services not only save the lives of countless animals, but also reduce the burden shouldered by both shelters and the taxpayers that fund them. Unsubsidized spay and neuter surgeries can be extremely expensive, often costing owners hundreds of dollars per animal. This can be prohibitive for lower-income pet owners who would otherwise spay and neuter their animals. Some low-and-no-cost spay and neuter services do exist, but are often so overwhelmed by demand that they must put interested pet owners on months-long waitlists.

This bill addresses the spay-neuter issue by establishing the CSN Fund, which will offer grants and set allocations to eligible entities to use to subsidize low-and-no-cost spay and neuter services. The CSN fund and subsequent grants and set allocations will be administered by CDFA. Any entity that receives a grant or set allocation will be required to report annually the outcomes of those funds.

Supporters state there is no one solution to the pet overpopulation problem. Breeding regulations, public education campaigns, and stronger enforcement of current state and local regulations are needed, but there is no more efficient way to tackle the issue than through widespread spay and neuter. We must get at the root of the problem by preventing unwanted dog and cat litters.

Opponents state California's existing sales and use tax applies to pet food, adding anywhere from 7.25 percent to 10.75 percent to the cost, depending on location. Imposing a new tax on pet food would result in a greater burden for lower- and middle-income Californians. While a pet may not be considered a "necessity of life" in the truest sense, dogs and cats play important roles in the lives of many Californians, providing comfort, companionship, security, and joy. The state should not unnecessarily add to the cost of feeding these cherished members of the family by imposing another tax.

In a coalition letter by various organization involve the manufacture and sales of pet food ask to amend this bill to remove the tax and find additional alternative funding mechanisms to fund the program rather than having pet food makers solely bear the cost of funding this program by imposing a spay and neuter fee.

The coalition states this bill would impose a significant burden on pet food makers to sell their products in California. These fees ultimately have an impact on the prices of pet food products sold to California pet owners. A spay and neuter tax of \$200 applied to product label has significant implications on manufacturers. The fee would be applied to every product label. For every cat or dog food product on the shelf there are often multiple protein formula variations (salmon, chicken, beef, lamb) as well as diets specifically formulated for different stages of life (puppy, kitten, adult, senior, large breed, small breed) – and the tax is assessed against every single formula.

This bill is funded by an annual pet food manufacturer's tax. Two hundred dollars (\$200) from a manufacturer of dog and cat food for each label submitted to DPH, with an exception to for

smaller pet food producer. As this bill include a change in state statute that would result in a taxpayer paying a higher tax and would require for passage the approval of 2/3 of the membership of each house of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

Amanda's Cat Rescue
Friends of Berkeley Animal Care Services
Humane Society of Sonoma County
Inyo / Mono County Animal Resources & Education
Partners in Animal Care & Compassion
San Diego Humane Society
Social Compassion in Legislation
Together Spay It Forward
United Spay Alliance
41 animal welfare organizations
191 individuals

Opposition

California Taxpayers Association

Oppose Unless Amended

American Feed Industry Association
California Grain and Feed Association
California Retailers Association
Pet Advocacy Network
Pet Food Institute

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 54 (Aguiar-Curry) – As Introduced December 5, 2022

SUBJECT: Department of Food and Agriculture: research funding: winegrapes: smoke exposure

SUMMARY: This bill would require the Department of Food and Agriculture (CDFA), upon appropriation by the Legislature in the Budget Act of 2023, to provide funding for research to investigate accurate measurement of smoke compounds in winegrapes and wine; methods to mitigate the damage to winegrapes and wine that can occur from exposure to smoke; and methods to prevent smoke damage to winegrapes and wine. Specifically, *this bill*:

- 1) Makes findings and declarations related to the wine industry in California, the impacts of wildfires and wildfire smoke on winegrapes and the need for research to better understand smoke impacts and solutions to reduce losses for winegrape growers and vintners.
- 2) Requires the California Department of Food and Agriculture (CDFA), upon appropriation by the Legislature in the Budget Act of 2023, to provide funding for research to investigate wildfire smoke impacts on California winegrapes, as specified.
- 3) Requires CDFA to create an advisory committee of nine people appointed by the secretary as follows:
 - a) Four people representing winegrape growers.
 - b) Four people representing vintners.
 - c) One person representing a public California university with experience in smoke effects on winegrapes or wine.
- 4) Allows a qualified researcher to submit a proposal for funding wildfire smoke impacts on California winegrapes research.
- 5) Requires the advisory committee to review research proposals submitted and to provide recommendations to the secretary of CDFA (secretary) for funding the research proposals.
- 6) Requires the secretary to accept the recommendation of the advisory committee and disburse the funds for a research proposal recommended by the advisory committee unless the secretary determines that the research proposal is not practicable or in the interest of the industry or the public.
 - a) Requires, if the secretary does not accept a recommendation of the advisory committee, the secretary to provide the advisory committee with the reasons for that decision within 15 days.
- 7) Provides this section shall become inoperative on January 1, 2028, or when all funds appropriated for purposes of this section have been disbursed, whichever is later.

- 8) Requires the secretary, after all funds disbursed for purposes of this section, to notify the Legislature of this fact, as specified.

EXISTING LAW:

- 1) Establishes the CDFA, under the control of the Secretary of CDFA (secretary), to promote and protect the agricultural industry of the state. (Food and Agriculture code (FAC) 100-105)
- 2) Allows CDFA to expend, in accordance with law, all money that is made available for its use. (FAC 201)

FISCAL EFFECT: Unknown.

COMMENTS: Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to property, infrastructure, and ecosystems. In 2020 alone, wildfires burned more than 4.2 million acres. Thirteen of California's 20 most destructive fires occurred in the last five years, several in or near California's world-renowned winegrowing regions. While much of the Ag land in the Central Valley has seen a limited impact, the Coastal ranges and foothill communities on the edge of the Sierras have seen greater impact, especially for vineyards and grazing lands throughout the State. Altogether, the impact of recent wildfires on California's agriculture has been catastrophic and unprecedented.

California winegrapes have been impacted significantly by repeated wildfires in recent years. The 2020 fires are expected to cost vineyards and wineries \$3.7 billion. The grapes that weren't harvested due to smoke exposure from the 2020 wildfires cost winegrape growers \$601 million and are expected to result in lost wine sales of \$2.8 billion.

According to the author, there is a significant need for research into measurement, mitigation, and prevention of damage to winegrapes and wine that can occur from exposure to smoke. The ability to quickly and accurately measure the key smoke compounds responsible for smoke damaged wines and make sound decisions concerning the disposition of grapes and wines is a high priority. There is currently an understanding of how to measure smoke compounds in winegrapes; however, there is a high priority need to establish baselines for the presence of naturally occurring levels of smoke exposure marker compounds in grapes by variety and region. More research is also needed to correlate sensory characteristics of wines with chemical analyses of smoke exposure marker compounds in grapes. There is a significant need for research into rapid methods to measure smoke exposure molecules in vineyards. If this research is successful, it could deliver large scale, commercially available analyses that would benefit vineyards and wineries making harvest and purchasing decisions.

Sponsors state, an investment of \$5 million by the state of California to fund meaningful research into these important issues would help prevent repeated losses to California winegrape growers and wineries. This bill will help California's wineries and winegrape growers by creating an advisory committee to advise CDFA how to distribute state funds for research into measurement, mitigation, and prevention of smoke damage to California winegrapes. Little is known about how current measurements for smoke compounds ultimately equate to sensory quality in wine and more research is needed in this area. Vintners are in need of better understanding of tools that could be used during the winemaking process to mitigate the impacts of smoke exposure in winegrapes. Finally, it would be valuable to investigate potential tools to prevent smoke damage.

Previous Legislation:

AB 2213 (Aguiar-Curry) 2021: This bill would have require the Department of Food and Agriculture (CDFA), upon appropriation by the Legislature in the Budget Act of 2022, to provide funding for research to investigate accurate measurement of smoke compounds in winegrapes and wine, methods to mitigate the damage to winegrapes and wine that can occur from exposure to smoke, and methods to prevent smoke damage to winegrapes and wine. Held in Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Agricultural Council of California
California Association of Winegrape Growers
California Chamber of Commerce
California Farm Bureau Federation
Community Alliance With Family Farmers
Family Winemakers of California
Rural County Representatives of California (RCRC)
Wine Institute

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 98 (Aguiar-Curry) – As Introduced January 9, 2023

SUBJECT: Agriculture: cotton pests abatement districts: organization and establishment: authorized counties

SUMMARY: This bill deletes the authority to establish Cotton Pests Abatement Districts (CPAD) in the Counties of Orange, San Diego, and Ventura.

EXISTING LAW: Provides procedures for the formation of pest abatement districts for the purpose of pest control or abatement. The CPAD Act authorizes the organization and establishment of CPAD by the boards of supervisors of the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. (Food and Agriculture Code (FAC) 6051 – 6085)

FISCAL EFFECT: Unknown

COMMENTS: CPADs were first established in 1982 to help fight the pink bollworm. The pink bollworm is a type of moth, and is one of the most destructive cotton plant pests. The first reported cotton infestation in the United States (U.S.) by the pink bollworm occurred in 1917. By 1963, the pink bollworm had spread throughout the southwestern U.S. and Southern California.

Currently, the board of supervisors in seven Southern California counties can authorize the creation and organization of CPADs to protect the integrity of the cotton grown in California. However, this authority is outdated in three counties that no longer cultivate cotton as a crop. Orange, San Diego, and Ventura Counties are no longer operating, or in need of, the authority to establish a CPAD because of this change in their local agriculture.

To protect agricultural production, state and local governments help coordinate and operate pest control activities. Pest abatement districts are local government organizations that prevent, mitigate, and control agricultural pests, while also seeking to reduce the use of chemical pesticides. “Pests” can include plants, animals, insects, or other threats that are harmful to the agricultural industry in the State.

According to the author, after 50 years of effort and integrated pest management work, the pink bollworm was declared eradicated from California in 2018. Because of this, it is appropriate to clean up existing law granting authority to create CPAD to reflect where the pink bollworm or other cotton plant pests may actually be found in California. Since cotton has not been grown for many years in Orange, San Diego, or Ventura Counties, this bill is necessary to reflect the progress made on the pink bollworm and the realistic need for CPAD in California law.

This bill removes the authority to establish CPAD from Orange, San Diego, and Ventura Counties, because in these three counties the authority is outdated and no longer needed.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 402 (Aguiar-Curry) – As Introduced February 2, 2023

SUBJECT: Weeds: Broomrape Control Program

SUMMARY: This bill would establish the Broomrape Control Program (BCP) within the California Department of Food and Agriculture (CDFA) for the purpose of funding research and control methods for the noxious weed Broomrape. Specifically, *this bill*:

1. Makes legislative findings and declarations related to the invasive and noxious weed Orobanche, known commonly as Broomrape, as follows:
 - a. Broomrape is an invasive weed that is a threat to California’s tomato industry as well as other commodities.
 - b. Financial support for a Broomrape Control Program (BCP) shall be provided by commodities listed in this law, and,
 - c. BCP is in the public interest, as specified.

2. Defines the following:
 - a. Board means the Broomrape Control Board (BCB).
 - b. Broomrape or Orobanche means a small parasitic herbaceous plant.
 - c. Department means the Department of Food and Agriculture (CDFA).
 - d. “Districts” consists of the following geographical areas:
 - i. District 1: The Counties of Butte, Colusa, Glenn, Placer, Solano, Sutter, Yolo, and Yuba.
 - ii. District 2: The Counties of Alameda, Contra Costa, Sacramento, San Benito, San Joaquin, Santa Clara, and Stanislaus.
 - iii. District 3: The Counties of Fresno, Madera, Merced, Monterey, San Luis Obispo, Santa Barbara, and Santa Cruz.
 - iv. District 4: The Counties of Imperial, Kern, Kings, Riverside and Tulare, and that portion of the County of Los Angeles lying north of the San Gabriel Mountains.
 - e. When necessary to accomplish the purposes of this chapter, additional areas of the state may be added to these districts or additional districts may be established when recommended by the board and approved by the secretary.
 - f. “Handler” means a person or entity who receives tomatoes from a producer and who prepares the tomatoes for processing.
 - g. “Person” means a producer, handler, or any other entity that holds title to tomatoes subject to assessment pursuant to this chapter.
 - h. “Producer” means a person engaged in the commercial production of processing tomatoes in California.

- i. “Secretary” means the Secretary of CDFA.
3. Establishes within CDFA the BCB.
4. Requires the secretary to appoint at least 12 members to the BCB.
 - a. Requires BCB consist of at least three representatives from each district and be comprised of persons recommended by the tomato industry and approved by the secretary.
 - b. Requires the term of service and other BCB related operational issues to be established by the BCB and approved by the secretary.
 - c. Allows the secretary to appoint a public member to the BCB from a list of persons provided by the BCB who do not have a financial interest in any commodities subject to this chapter but may have general knowledge of commercial agricultural practices.
 - d. Requires the public member to have the same voting and other rights and immunities as other members of the BCB.
 - e. Allows the secretary, in consultation with the BCB, to appoint nonvoting ex officio members to the BCB, including, but not limited to, county agricultural commissioners, pest control advisors, and representatives of the University of California and California State University system.
5. Provides that persons appointed to the board are intended to represent and further the interest of the particular agricultural commodities concerned, and that the representation and furtherance is intended to serve the public interest and accordingly is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.
6. Provides that a member or agent of the board shall not be personally liable for the actions of the board or the department, as specified.
7. Requires the BCB to recommend specific actions to the secretary, including, but not limited to, all of the following:
 - a. Conducting research related to Broomrape.
 - b. Disseminating technical information and progress reports to stakeholders.
 - c. Surveying, detecting, analyzing, and treating causes of Broomrape.
 - d. Funding activities required to accomplish the purposes of this chapter.
 - e. Establishing an annual assessment rate or schedule of rates that shall be paid equally by producers and handlers.
 - f. Establishing an annual budget.
 - g. Specifying other commodities produced in California that shall be subject to this chapter, increasing membership on the board to include producers and handlers of those commodities, and establishing an assessment rate consistent with expenditures needed to accomplish the purposes of this chapter.
 - h. Adoption of regulations recommended by the board relating to Broomrape.
8. Requires the secretary, upon receipt of a recommendation from the BCB for the adoption of regulations, to do one of the following within 30 working days:

- a. Initiate appropriate action to implement the recommendation of the board.
 - b. Decline to initiate action on the recommendation of the board and provide the board with a written statement of reasons for the decision.
 - c. Request that the board provide additional information regarding the recommendation.
9. Requires the BCB to authorize reimbursement of the secretary for all expenditures incurred by the secretary in carrying out the duties and responsibilities specified in this chapter.
10. Requires that the secretary not receive reimbursement for costs that exceed expenditures authorized in the annual budget without first receiving authorization from the BCB.
11. Requires the BCB to recommend an assessment rate or schedule of rates for approval by the secretary.
 - a. Allows the secretary to adjust the assessment rate or schedule of rates from time to time when recommended by the BCB.
 - b. Allows the assessment rate or schedule of rates to vary from district to district and from commodity to commodity based on the degree of vulnerability to damage from Broomrape experienced by producers.
12. Requires the assessments collected from producers to be paid by handlers to the secretary as provided by the secretary.
 - a. Any assessment that is imposed on the producer or handler pursuant to this article is a personal debt of the person assessed.
 - b. Failure to collect the assessment does not exempt the person assessed from liability and does not relieve a person from the obligation to pay the assessment.
 - c. Any person who fails to file a report or pay the assessment or otherwise comply with this chapter shall pay a penalty, as specified.
13. Requires any funds received by the secretary pursuant to this article and from other sources to benefit BCP to be deposited in an account specified by the board and shall be expended for the purposes, administration, and enforcement of this chapter.
14. Allows the secretary to establish and enforce provisions consistent with the intent expressed in this chapter and any action shall be liberally construed to effect the intent of this chapter.
15. Requires the BCP to become inoperative on December 31, 2027, unless a later enacted statute extends the date on which it becomes inoperative.

16. Requires upon termination of the BCP, any remaining funds received pursuant to this chapter shall be refunded on a pro rata basis to all persons from whom assessments were collected during the 12-month period before the inoperative date, as specified.

EXISTING LAW:

- 1) Establishes within state government, CDFA, in order to promote and protect the agricultural industry of the state. (Food and Agriculture Code (FAC) 101-105)
- 2) Provides for the regulation of weeds and pest seeds generally. (FAC 7270 – 7276)

FISCAL EFFECT: Unknown

COMMENTS: Broomrapes are root parasitic plants that can cause devastating damage to tomatoes and many other economically important broadleaf crops. These weeds use a modified root, called a haustorium, to fuse into a host plant root and extract nutrients and water. This greatly reduces productivity and sometimes kills the host. Broomrape was the focus of an eradication effort four decades ago in California, has recently re-emerged in tomato fields in several Central Valley counties.

Tomatoes are highly susceptible to both branched broomrape and Egyptian broomrape. CDFA has classified broomrape as an “A” pest. An “A” pest is an organism of known economic importance subject to state-enforced action involving eradication, quarantine regulation, containment, rejection, or other holding action. The discovery of broomrape in a commercial tomato field leads to quarantine and crop destruction without harvest; processors will not accept a load of tomatoes from an infested field.

Broomrapes can cause significant yield losses. For example, tomatoes can lose up to 40% yield. Some crops, such as cabbages and celery, may yield the same amount, but the plants will be yellow and unappealing to consumers. The weed's presence could result in partial or total crop losses and the possible loss of potential to produce some crops in heavily affected areas. Broomrape can also cause loss of export markets interstate and overseas; and, increases in management and control costs.

According to the author, Broomrape is a noxious weed new to California, recently found in tomato fields in Yolo County. It is important for California’s agricultural industry to conduct research and find control methods for this weed before it is established. The BCP will be an industry-funded program at CDFA. This industry-led effort will provide recommendations and guidance to CDFA.

Beet Leafhopper Control (FAC 6031-6043), Cotton Pest Control [FAC 6001 - 6006.6] and The Pierce’s Disease/Glassy-winged Sharpshooter Board (FAC6045 – 6047) are example of pest control boards with in FAC that tackle specific pest and vectors. The Boards provide recommendations to the secretary on the use of funds collected under specified pest assessment. The focus of Board funds is on research to find solutions to pest issues.

PREVIOUS LEGISLATION: AB 1620 (Aguiar-Curry, 2022) would have establish the Broomrape Control Program (BCP) within CDFA for the purpose of funding research and control methods for the noxious weed Broomrape. Held in Assembly Appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

California Agricultural Commissioners & Sealers Association
Solano County Board of Supervisors

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 454 Aguiar-Curry – As Amended March 8, 2023

SUBJECT: California Rice Commission: board membership

SUMMARY: The bill would authorize the California Rice Commission (CRC) to issue a drought declaration that would allow a board member who is a rice producer or handler to continue on the board, even if they did not hand or produce rice recently due to drought conditions. Specifically, *this bill*:

- 1) Makes legislative findings related to rice production in California has been greatly curtailed due to extreme drought. This has an impact on future of the California Rice Commission and its many environmental, water quality, trade, and public education programs are also jeopardized.
- 2) Declares that to protect communities and wildlife, board member eligibility and district representation for CRC must be adaptive to current climate conditions.
- 3) Allows CRC, before the beginning of each marketing season, to review drought conditions in the state and evaluate the impact of these conditions on the production and handling of rice.
- 4) Allows, If the CRC determines that the drought conditions had a detrimental impact upon the production and handling of rice, CRC to issue a declaration that requires the following provisions to be operative for the next marketing season:
 - a) Requires a person be eligible to serve on CRC as a producer member or alternate producer member if either or both of the following conditions are met:
 - i) The person meets the eligibility requirements as a producer or their alternative and is not ineligible to serve due being 90 days or more delinquent in the payment of assessments, as specified.
 - ii) The person received an indemnity payment from the prevented planting program as specified, and is not ineligible to serve due being 90 days or more delinquent in the payment of assessments, as specified.
 - iii) A person received an indemnity payment from the prevented planting program is not eligible to serve on the CRC if the person voluntarily sells or transfers water during the marketing season that results in the person not producing rice on any portion of the field acreage, as specified.
 - b) Requires a person be eligible to serve on CRC as a handler member or alternate handler member if either or both of the following conditions are met:

- i) The person meets the eligibility requirements as a handler or their alternate and is not ineligible to serve due being 90 days or more delinquent in the payment of assessments, as specified.
 - ii) The person has met the eligibility requirements as a handler or their alternate in the same calendar year that the declaration is issued or in one or more of the four calendar years before the issuance of the declaration and is not ineligible to serve due being 90 days or more delinquent in the payment of assessments, as specified.
- 5) For purposes of the calculation related to members per district, the “total number of acres in the state planted in rice” and the “acreage planted in rice in each district” shall include both of the following:
 - a) The total number of acres planted in rice in the state or district, as applicable, in the immediately preceding marketing season.
 - b) The total number of prevented planted acres of rice in the state or district, as applicable, in the immediately preceding marketing season.
- 6) Requires CRC to undertake reviewing the need for a declaration as soon as possible after this bill is enacted.
 - a) Requires CRC, if a declaration is enacted, to address issues related to board member and growing survey quickly
- 7) Defines the following:
 - a) “Prevented planted acre” means an acre of land that was not planted in rice for which a person received an indemnity payment as part of the prevented planting coverage program.
 - b) “Prevented planting program” means the prevented planting coverage provisions administered by the Risk Management Agency within the United States Department of Agriculture Risk Management Agency pursuant to the Federal Crop Insurance Act (Subchapter I (commencing with Section 1501) of Chapter 36 of Title 7 of the United States Code).
- 8) Adds an urgency statute clause that is necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect.
- 9) Make conforming and technical changes.

EXISTING LAW: Creates the CRC with a prescribed membership and authorizes the commission, among other things, to promote the sale of rice, educate and instruct the wholesale

and retail trade with respect to proper methods of handling and selling rice, and conduct scientific research. *Food and Ag Code 71000 - 71138*

FISCAL EFFECT: Unknown

COMMENTS: The CRC, established in 1999, functions as a quasi-governmental entity within CDFA, providing for the orderly production, milling, and marketing of California rice and the associated environmental benefits. CRC's board is comprised of rice producers and handlers. To be eligible to serve on the CRC, producers and handlers must actively produce or handle rice. The number of producer/handler board representatives is dependent upon the total number of acres planted in that district.

Year-over-year catastrophic drought conditions and water shortages have severely constrained rice production in the Sacramento Valley, with growers planting less than half of their typical acreage. For this reason, many producers and handlers would no longer be eligible to serve on CRC's board, even though they are actively participating in the Prevented Planting Program managed by the U.S. Department of Agriculture (USDA). Likewise, because of reduced acreage in production, the allocation of CRC board seats by district would be dramatically impacted.

This bill would provide greater flexibility regarding CRC eligibility during drought periods to maintain representation of all rice farmers and handlers, including those impacted by drought.

This bill would allow CRC to annually review and evaluate state drought conditions and make a determination as to whether drought conditions have had a detrimental impact to the production and handling of rice. If warranted, CRC would have authority to issue a drought declaration. Under a drought declaration, the commission would be able to authorize a handler or producer to serve on CRC board if they historically produced or handled rice, or if they participated in the Prevented Planting program at USDA.

In addition, this bill would allow the number of handler and producer representatives on the Commission to be calculated based on both acres of rice produced and acres planted but claimed as prevented plantings, per the Prevented Planting Program at USDA.

Committee recommend amendment:

Every five years CDFA is required to conduct a referendum of eligible handlers and processors to determine the future of CRC. Eligible member of CRC vote to either continue or disband the CRC. The next referendum must be held before August 2024. Under the current law, those producers and handlers afflicted by drought circumstances may be ineligible to vote in the referendum. To address this issue, **the committee may wish to consider** the following amendment:

FAC 71135. (a) Every five years, commencing with the fifth marketing season following the certification pursuant to Section 71104, the secretary shall conduct a referendum among handlers and producers, ***as defined in Article 2 or who are eligible pursuant to section 71050.5***. The operations of the commission shall continue unless the secretary determines from the referendum that a majority of the eligible handlers and a majority of the eligible producers voting in the referendum voted in favor of terminating the operations of this chapter.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 404 (Connolly) – As Introduced February 2, 2023

SUBJECT: Department of Food and Agriculture: reporting requirements: small and mid-scale farmers

SUMMARY: This bill would require the California Department of Food and Agriculture (CDFA) to evaluate duplicative reporting requirements that affect small and mid-scale farmers and farming operations, as specified. Specifically, *this bill*:

- 1) Requires CDFA to evaluate duplicative reporting requirements that affect small and mid-scale farmers and farming operations, including, but not limited to, reporting requirements related to the process of transitioning to organic farming and obtaining organic certification.
- 2) Requires CDFA, on or before January 1, 2025, to submit a report to the Legislature, including suggestions to amend or remove unnecessary reporting requirements in order to relieve regulatory burdens, as specified.
- 3) Repeals the above requirements on January 1, 2026.

EXISTING LAW: Establishes CDFA and charges it with various duties and obligations. (Food and Agriculture code 101-105)

FISCAL EFFECT: Unknown

COMMENTS: In 2010, CDFA Ag Vision report stated “California agriculture is the most highly-regulated in the nation and probably the world. Producers must comply with many different government regulations covering everything from environmental quality and food safety to farm labor standards. These regulations were adopted to protect our health, the environment and those who work in the fields; and the progress that producers have made in complying with them has resulted in improvements in each of these areas. However, the regulations are often duplicative, conflicting, uncoordinated, inflexible, inconsistently administered or needlessly burdensome. They can also stifle innovation that might better achieve the objectives of the regulations than the actions that are now required of producers.”

In the intervening 12 years, the regulatory landscape for farmers and, all of Californians, have become more complicated. *A Decade of Change: A Case Study of Regulatory Compliance Costs in the Produce Industry* stated that there was a 1.26% of total production costs per acre of lettuce grown in California in 2006. 10 years later 8.90% of total production costs for that same acre of lettuce. While increases like these have an impact on California agriculture, hardest hit are smaller farmers, including many BIPOC farmers.

According to the author, duplicative reporting requirements are burdensome to farming operations, who must comply with regulations stemming from at least 28 different state and federal laws overseen by numerous regulatory agencies. The Governor’s Office should enhance coordination across state agencies and allow information sharing to reduce redundant reporting requirements.

Supporter's state that this supports the growth of the organic sector by reducing duplicative reporting requirements. In California, organic farmers are required to report to the United States Department of Agriculture (USDA) and the California Department of Food and Agriculture (CDFA). Organic farmers that also process organic food – such as baked goods or frozen foods – may also report to the California Department of Public Health (CDPH). USDA, CDFA, and CDPH have separate reporting processes and often collect redundant information from organic farmers, including basic identifying information, certifier, organic acreage, and crop or product types. These reporting requirements take time and money, impacting farmers' bottom line.

Based on past, recent and current woes in the State of California information technology, fulfilling this legislation may face some technology issues. Many state agencies do not have compatible information systems and when adding local and Federal government systems mix, the issues become more complicated. Having CDFA review duplicative regulatory reporting requirement and make suggestion to the Legislature to will have positive impact on small and medium sized farms.

REGISTERED SUPPORT / OPPOSITION:

Support

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

Opposition

None on file

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

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 406 Connolly – As Amended March 9, 2023

SUBJECT: Agriculture: Healthy Soils Program: organic production

SUMMARY: This bill expands the Healthy Soils Program (HSP) to include the funding of organic farming projects and provide grant to incentivize organic production, including transition to organic projects as specified. Specifically, *this bill*:

- 1) Allows CDFA to expand HSP’s farm demonstration project to include organic farming projects.
- 2) Requires CDFA to support and incentivize organic production by providing grants of up to five years to certified organic farmers and ranchers, and during farmers’ or ranchers’ three-year organic transition period.
 - a) Requires CDFA prioritize applicants who propose to implement multiple healthy soils practices and certified organic farmer or rancher applicants.
- 3) Requires CDFA, if it includes organic farming project, to include technical assistance to the project.
- 4) Requires CDFA, if it includes organic farming project, to establish a technical advisory committee to review organic farming project applications for scientific validity, as specified.
- 5) Requires CDFA to provide grants of up to five years for on-farm demonstration projects.
- 6) Defines “certified organic farmer or rancher” to mean a farmer or rancher certified organic pursuant to the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.).
- 7) Requires CDFA, on or before January 1, 2026, to submit a report to the Legislature on how the HSP incentivizes farmers and ranchers to implement multiple healthy soils practices, including incentivizing farmers and ranchers to transition to organic production.
 - a) Repeals the report requirement on January 1, 2030.

EXISTING LAW:

- 1) Establishes the Cannella Environmental Farming Act of 1995 which requires CDFA to oversee HSP to seek to optimize management practices contribute to healthy soils and result in net long-term on-farm greenhouse gas benefits. *Food and Ag Code (FAC) 560 - 570*
- 2) Authorizes HSP to also include the funding of on-farm demonstration projects that further the goals of the program. *FAC 569*

- 3) Requires the CDFA, if it elects to fund those on-farm demonstration projects, to establish a technical advisory committee to review those applications for scientific validity and the proposed projects potential to achieve greenhouse gas benefits. *FAC 569*

FISCAL EFFECT: Unknown

COMMENTS: The HSP stems from the California Healthy Soils Initiative, a collaboration of state agencies and departments to promote the development of healthy soils on California's farmlands and ranchlands. The HSP has two components: the HSP Incentives Program and the HSP Demonstration Projects. The HSP Incentives Program provides financial assistance for implementation of conservation management that improve soil health, sequester carbon and reduce greenhouse gas (GHG) emissions. The HSP Demonstration Projects showcase California farmers and rancher's implementation of HSP practices. The HSP offers grants that include but are not limited to, on farm management practices that include but are not limited to: cover cropping, no-till, reduced-till, mulching, compost application, and conservation plantings. HSP has awarded 940 projects for 2021, totaling \$66,311,937.32.

According to California Certified Organic Farmers, healthy soils are critical to climate change mitigation with the world's soils capturing up to 25 percent of annual fossil fuel emissions. Certified organic production is the only farming system where federal law requires farmers to maintain or improve soil health. Healthy soils are indicated by high levels of soil organic matter (SOM), a component of soil where living microbes break down plant and animal materials into plant foods and stored nutrients, including carbon. Long-term comparison trials across the United States show that organic farming significantly increases SOM. One of the largest studies comparing organic and conventional soils in 48 states found that organic farms have 13 percent higher SOM than conventional farms. Significantly higher SOM allows organic soils to store more carbon than non-organic soils and provides numerous other climate benefits.

This bill will include organic farmers under HSP, which will make them eligible to receive grants and incentives through it. It will also help farmers who wish to become certified organic. Produce can be called organic if it is certified to have grown on soil that had no prohibited substances applied for three years prior to harvest. Prohibited substances include most synthetic fertilizers and pesticides. In instances when a grower has to use a synthetic substance to achieve a specific purpose, the substance must first be approved according to criteria that examine its effects on human health and the environment. Moving from conventional to organic farming can be expensive and that is a barrier to many farmers, including socially disadvantaged farmers, low resource farmers and other marginalized groups. This bill can offer assistance to farmers by helping cover the cost of the organic certification process.

REGISTERED SUPPORT / OPPOSITION:

Support

Agricultural Institute of Marin
All STAR Organics
California Certified Organic Farmers (CCOF)
Cardoza & Cardoza Farming Co.
Center for Food Safety; the
Health Care Without Harm

Lucero Organic Farms
Mandela Partners
Pesticide Action Network North America
Sunblaze Ranch

Opposition

None on file

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

Date of Hearing: March 15, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 660 (Irwin) – As Introduced February 9, 2023

SUBJECT: Food labeling: quality dates, safety dates, and sell by dates

SUMMARY: This bill changes the use of sell-by and use-by date of food products from a voluntary system to a requirement for food products sold in California, starting January 1, 2025. Specifically, *this bill*:

- 1) Requires eggs, both pasteurized and unpasteurized, sell-by label to include “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of a product (Best if used by) and/or “USE by” or “USE by or Freeze by” to indicate the safety date of a product (Use by) starting by January 1, 2025.
- 2) Requires the California Department of Food and Agriculture (CDFA), in consultation with the California Department of Public Health (DPH), starting January 1, 2025 to assist food manufacturers, processors, and retailers responsible for the labeling of food products to use “Best if used by” and/or “USE by”.
- 3) Requires, starting January 1, 2025, that no person can sell or offer for sale food items not labeled with a “Best if used by” and/or “USE by” label.
- 4) Requires, starting January 1, 2025, that no person can sell or offer for sale food items with a “sell by” label.
- 5) Allows the use of the “sell by” date, if it is presented in a coded format that are not easily readable by consumers and that do not use the phrase “sell by.”
- 6) Requires DPH to update regulations involving the California Retail Food Code, as specified.
 - a) Allows for the donation of food after the “Best if used by” date has passed.
- 7) Requires shellfish sell-by label to include “Best if used by” and/or “Use by” to indicate the safety date of a product (Use by) starting January 1, 2025.
- 8) Requires a food facility that packages food using a reduced-oxygen packaging method and Clostridium botulinum to, before January 1, 2025, limit the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, or the original manufacturer’s “sell by” or “use by” date, whichever occurs first.
 - a) Requires that after January 1, 2025, limits the refrigerated shelf life to no more than 30 calendar days from packaging to consumption or Use by date, depending on which date occurs first.

EXISTING LAW:

- 1) Requires CDFA in consultation with DPH, to publish information that encourages food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use specified "best by" and "use by" labels that communicate quality and safety dates, respectively. *Food and Agriculture Code (FAC) 82001*
- 2) Requires CDFA to encourage food distributors and retailers to develop alternatives to consumer-facing "sell by" dates, defined to mean a date on a label affixed to the packaging or container of food that is intended to communicate primarily to a distributor or retailer for purposes of stock rotation and that is not a quality date or a safety date. *FAC 82001*
- 3) Provides that it is unlawful for an egg handler to sell, offer for sale, or expose for sale certain eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled with certain information, including, among other information, the words "sell-by" immediately followed by the month and day in bold type, as specified. *FAC 27644, 24644.5*
- 4) Requires repackaged eggs to be labeled with the original sell by date. *FAC 27687*
- 5) Requires a food facility that packages food using a reduced-oxygen packaging method and *Clostridium botulinum* to have an approved plan limiting the refrigerated shelf life to no more than 30 calendar days from packaging to consumption, except the time product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first. *Health and Safety Code (HSC) 114057.1*
- 6) Requires raw shucked shellfish to be obtained in nonreturnable packages that bear a legible "sell by" date or a "best if used by" date for packages, as specified. *HSC 114039*

FISCAL EFFECT: Unknown

COMMENTS: There is no standardized date on food labels. Moreover, there are no federal, state, or local regulations on the dates, with the exception of baby formula. Instead, labels come in a variety of forms including "use by," "best before," "sell by," and "enjoy by" dates, and these simple markers are both poorly understood and surprisingly under-regulated. AB 954 (Ting) Chapter 787, Statutes of 2017 requires CDFA and DPH to encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use specified "best by" and "use by" labels that communicate quality and safety dates.

Food labels have been used for decades to estimate peak freshness. Unlike "use by" labels, which are found on perishable foods like meat and dairy, "best before" labels are not related to safety and may encourage consumers to throw away food that is perfectly fine to eat.

Major United Kingdom grocery stores have removed "best before" labels from prepackaged fruit and vegetables. The European Union is expected to announce a revamp to its labeling laws by the end of this year; it is considering abolishing "best before" labels altogether. There is growing momentum in the United States to standardize the language on date labels to help educate buyers about food waste. Other states have introduced bills streamlining date labels, including Colorado HB20-1226 (2020), Massachusetts H2327 (2021), and New Jersey S418 (2022).

The US Department of Agriculture estimates that almost one third of the American food supply is uneaten and wasted. Quantifying these losses at the household level, the average consumer spends about \$1,300 annually on food that is later discarded. Moreover, product prices have remained high due to pandemic-induced inflation, further prioritizing the need for families to make the most of their groceries.

Many Californians, especially our underserved and marginalized communities, struggle with food insecurity. These communities are harmed by unclear food labels, which lead them to throw away nutritious and quality food. Additionally many of these communities rely on food banks, pantries, and other charitable sources of food. While these charitable organizations regularly accept and distribute donated food with expired dates that may indicate that they should already be sold or past peak quality, but remain safe, it often results in recipients misunderstanding that they are being given spoiled food. This is an unnecessary scenario that could be remedied by simply using the safety dates required by this bill.

The author states that while AB 954 directed CDFG and DPH to develop voluntary standards for food manufacturers, processors, and retailers to use in labeling food products, and those standards were published and promoted, Californians have continued to see a variety of labels that use phrases other than ones selected by CDFG and DPH across a range of food products. The presence of other phrases have hampered efforts to educate consumers on the quality and safety messages meant by the uniform terms.

Supporter's state data collected from a 2018 consumer fridge study showed an estimated 43% compliance with the voluntary labeling standards endorsed by the Association, and a related 2019 store shelf study found only 36% of products displayed these recommended labels. Given recent federal and brand support towards streamlining labels, state action to reduce food waste, methane emissions, and save consumers money is crucial.

REGISTERED SUPPORT / OPPOSITION:

Support

Californians Against Waste (Sponsor)
Natural Resources Defense Council (NRDC) (Sponsor)
Active San Gabriel Valley
California Environmental Voters
California Product Stewardship Council
CALPIRG, California Public Interest Research Group
Environmental Working Group
Harvard Law School Food Law and Policy Clinic
Plastic Free Future
Save Our Shores
Solana Center for Environmental Innovation

Opposition

None on file

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