

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 1752 (Committee on Agriculture) – As Amended April 17, 2023

SUBJECT: Bees: pesticides: civil penalties

SUMMARY: The bill would authorize a county agricultural commissioner (CAC), in lieu of a civil prosecution by the secretary of the California Department of Agriculture (CDFA), to levy a civil penalty, up to \$3,000, against a person violating regulations related to minimize the hazard to bees, while still providing for the reasonable and necessary application of pesticides toxic to bees to blossoming plants, as specified. Specifically, *this bill*:

EXISTING LAW:

- 1) Requires CDFA to adopt regulations necessary to minimize the hazard to bees, while still providing for the reasonable and necessary application of pesticides toxic to bees to blossoming plants, as specified. *Food and Agriculture code (FAC) 29000 – 29322*
- 2) Provides for a failure to comply with those regulations be subject to a civil penalty of not more than \$500 for each day that the violation continues and, after a warning notice of 7 days is given, is an infraction. *FAC 29304*
- 3) Allows CACs to levy a civil penalty, in lieu of civil prosecution, for violation of specified laws and regulations. *FAC 12999.5*

FISCAL EFFECT: Unknown

COMMENTS: CACs provide regulatory services through numerous programs that are coordinated with the United States Department of Food and Agriculture (USDA), California Department of Food and Agriculture (CDFA), and the California Department of Pesticide Regulation (DPR), a division of the California Environmental Protection Agency (Cal-EPA). Each CAC is licensed by CDFA and appointed by the respective county's Board of Supervisors.

CACs are allowed under specific law to use administrative civil penalties instead of criminal proceedings. An administrative civil penalty is a non-criminal remedy for a party's violations of laws or regulations. Administrative civil penalties usually only include monetary fines or other financial payments as a remedy for violations or damages.

Current California Code of Regulations (CCR) 6983 allows, under FAC29102, CACs to make specific enforcement as it relates to pesticide use and Bees. The issue is that FAC 29102 does not have an administrative civil penalty authority over this particular CCR section.

This bill will correct deficiencies in administrative civil penalties related to CCR 6983.

REGISTERED SUPPORT / OPPOSITION:

Support

California Agricultural Commissioners & Sealers Association

Opposition

None on file

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