

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON AGRICULTURE

Esmeralda Soria, Chair

AB 732 (Macedo) – As Amended March 24, 2025

**SUBJECT:** Agriculture: neglected or abandoned crops: pests

**SUMMARY:** This bill would define pest as an infectious, transmissible, or contagious disease of a plant, or a disorder of a plant that manifests symptoms or behaviors characteristic of an infectious, transmissible, or contagious disease that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state and would authorize a county agricultural commissioner (CAC) to levy a civil penalty against a person who maintains a public nuisance. Specifically, *this bill*:

- 1) Defines “pest” to mean either of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:
  - a) Any infectious, transmissible, or contagious disease of a plant.
  - b) Any disorder of a plant that manifests symptoms or behaviors that the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
- 2) States that pest does not mean either of the following:
  - a) Biological control or beneficial organisms, as specified.
  - b) A conservation practice standard identified by the Natural Resources Conservation Service of the United States Department of Agriculture’s Field Office Technical Guide or an on-farm management practice identified by the Healthy Soils Program established as specified.
- 3) States that this does not supersede a CAC’s authority to abate a pest that is harbored by a practice standard.
- 4) Allows a CAC, in lieu of imposing a lien, to levy a civil penalty against a person who maintains a public nuisance.
  - a) Requires the civil penalty of up to \$500 based on the severity of the nuisance and the person’s ability to pay, for each acre of property found to be in violation of being a public nuisance.
- 5) Requires a minimum of a 15-day notice for the person charged with a violation, before a civil penalty is imposed.

- a) Requires the notice to include the internet website of the University of California Statewide Integrated Pest Management Program.
  - b) Requires the CAC to refer the person charged with the violation to the nearest University of California Cooperative Extension service office.
  - c) Requires the notice to be served by posting copies of it in three conspicuous places upon the property or premises or by mailing a copy of the notice to the owner of the property or premises at their last known address, if the person charged with the violation cannot be found within the county.
  - d) Requires the notice to a clear statement, as specified, of the violation and rules about posting in other languages, as specified.
- 6) Requires, if the person charged with the violation takes a good faith action to rectify the violation within 15 days of receiving notice, the person will not be liable for a civil penalty.
  - 7) Allows a CAC, if the person charged with the violation does not take a good faith action to rectify the violation within 30 days from the issuance of a civil penalty, to increase the previously issued civil penalty of up to \$1,000.
  - 8) Requires any moneys recovered by the CAC to be deposited into the county general fund in the county in which the action is brought and be allocated to the CAC to cover costs related to the enforcement of this division.
  - 9) Repeals this section on January 1, 2035.

**EXISTING LAW:**

- 1) Declares a neglected or abandoned plant or crop is a public nuisance if it is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it, or other condition, or if it is a host plant of, or provides a favorable or likely harbor for, any pest. *Food and Ag Code (FAC) 5401*
- 2) Prohibits a person from maintaining a neglected or abandoned plant or crop that is a public nuisance. *FAC 5402*
- 3) Requires a CAC, in writing, to notify the owner of record or person in charge of the property having a neglected or abandoned plant or crop that the commissioner has found to be a public nuisance, of the need to remove or destroy the neglected or abandoned plant or crop, as specified. If the removal or destruction of the neglected or abandoned plant or crop is undertaken by the CAC, existing law requires a CAC to cause a notice of lien that describes the land on which it exists to be recorded. *FAC 5404*
- 4) Defines “pest” for these purposes as an infectious, transmissible, or contagious disease of any plant, or any disorder of any plant that manifests symptoms or behavior characteristic of an

infectious, transmissible, or contagious disease, a form of animal life, or a form of vegetable life, that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state.  
*FAC 5006*

**FISCAL EFFECT:** Unknown

**COMMENTS:** California's agriculture and ecosystem is threatened by invasive pests and diseases. Invasive pests and diseases can disrupt delicate ecosystems, endanger plants, outcompete native species, alter soil chemistry, and affect water systems. California's farmers, ranchers and land managers, including land trusts, non-profits and other Non-Governmental Organizations (NGOs) work hard to manage their properties in a way that addresses pests and diseases appropriately and pursuant to the standards of Integrated Pest Management (IPM). Through IPM, farmers combine biological, cultural, mechanical, and chemical control methods, based on the specific context of the issue and the goal may not be to eradicate the pest completely, but rather to keep their numbers at a level where they do not cause significant damage to crops, structures, or the environment. For pests that are truly damaging, exotic (triggering a quarantine action), etc., eradication may not just be the goal, but a requirement.

CACs and the California Department of Food and Agriculture (CDFA) deploy a network of resources and work together to protect the State against disease and pest introduction and address pest pressures that could otherwise devastate the State's agricultural communities. In 2024, the state spent over \$40 million to treat for fruit flies, which resulted in growers being under quarantines for prolonged periods, severely limiting their movement and their ability to sell commodities.

With more severe weather patterns, such as drought and flooding, changing land use patterns, low commodity prices, and the advent of the Sustainable Groundwater Management Act (SGMA), the Central Valley is expected to lose nearly 500,000 acres of once productive agricultural land. These actions, along with significant private investment in once productive land, have already and will continue to lead to abandoned or severely neglected orchards, vineyards and properties. These have inevitably become hosts for pests and diseases, like plant viruses that damage crops, pests that vector disease, invasive weeds that spread, rodents that damage irrigation infrastructure, etc., all creating nuisances for neighboring farmers.

CDFA has developed a pest rating system that identifies pests of statewide importance that serves as the basis for determining what pest prevention activities are appropriate, at what level, and when and where those activities should be conducted (A, Q, B, C, D). Generally, the CDFA manages A rated pests and the lower ratings are in the discretion of the CACs.

Under the current law, CDFA has one tool to manage most nuisance based pest issues on abandoned properties. They must go through a lengthy process to issue a lien on the property owner, pay for the cost to abate the nuisance using the County's limited resources, and then wait to be reimbursed from that lien process. If the County does not have the financial resources to cover these initial abatement costs, neighboring property owners must overly respond on their properties for dereliction. If the County does pursue the process and is compensated, the time is protracted, removing resources that could be otherwise spent on trapping and surveying for potential pest outbreaks, responding to public needs, or covering other essential services. As this issue becomes more acute, this seeks to provide another tool in the toolbox for commissioners.

Ultimately, if after a civil penalty is issued in this bill and abatement is not undertaken by the property owner, the County can pursue the lien process already authorized.

This bill considers the issues raised in AB 2745 (Mathis) of 2024, regarding potential instances that on-farm management practices could be misinterpreted by CACs as nuisances. The bill specifies that pests for the purposes of this section does not include the use of biological control or beneficial organisms, and other references in the state regulation. As the regulation changes, the law would adopt those changes by reference. This bill also specifies that on-farm management practices, such as those that are recognized by USDA-Natural Resources Conservation Service and the State's Healthy Soils Program (conservation cover, compost application, hedgerows, windbreaks, etc.) do not constitute a nuisance. Nevertheless, language is included to clarify that these exceptions are not intended to inhibit the State's ultimate authority to act on priority pests and diseases, as is authorized elsewhere in code. This is intended to provide greater clarity to CACs and the regulated community that this authority is to be used judiciously and appropriately to compel compliance.

According to the author, as severe weather, changing land use, and low commodity prices push farmers to abandon their lands, neglected properties are becoming breeding grounds for pests and diseases that threaten neighboring farms. Current law provides only a slow and costly lien process, leaving counties without effective enforcement tools to help keep pests and diseases under control on abandoned land. This bill empowers CACs to issue civil penalties against negligent property owners who fail to manage their land, hence, reducing reliance on the slow and costly lien process. With invasive species costing growers millions and disrupting ecosystems, this bill ensures timely intervention when property owners ignore notices to address infestations. This bill will strengthen local efforts to protect agriculture, prevent disease outbreaks, and reduce the burden on taxpayers while maintaining fairness for landowners.

Supporters state this bill provides an additional tool for CACs to ensure vacant landholders are responsible stewards of their environment and neighbors. The bill strikes a balance by addressing the needs of small farmers who may be struggling with pest issues due to cost or are making good faith efforts to comply, while still allowing for action against landowners who are negligent. At the same time, it preserves the authority of the State and CACs to address high-priority invasive species when necessary. This bill will empower CACs to take timely action, helping to mitigate the spread of pests and diseases that may threaten the broader agricultural landscape. By providing CACs with civil penalty authority, the bill ensures accountability for landowners who neglect their responsibilities, ultimately protecting California's agriculture, environment, and economy.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Agricultural Council of California  
Almond Alliance  
American Pistachio Growers  
California Association of Pest Control Advisers  
California Association of Wheat Growers  
California Chamber of Commerce  
California Cotton Ginners and Growers Association  
California Fresh Fruit Association

California Grain and Feed Association  
California Pear Growers Association  
California Seed Association  
Grower-shipper Association of Central California  
Nisei Farmers League  
Pacific Egg and Poultry Association  
Western Plant Health Association  
Western Tree Nut Association

**Opposition**

None on file

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