

LEGISLATIVE SUMMARY

2021-22

ROBERT RIVAS, CHAIR



Assembly Committee on Agriculture

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ASSEMBLY COMMITTEE ON AGRICULTURE

ROBERT RIVAS, CHAIR
ASSEMBLYMEMBER, THIRTIETH DISTRICT

October 26, 2022

TO ALL INTERESTED PARTIES:

The following report summarizes legislation referred to the Assembly Committee on Agriculture during the 2021-2022 legislative session and indicates the final status of each measure.

The Committee's primary jurisdiction extends to agricultural land use, commodity specific legislation, agricultural commissions and councils, the California Department of Food and Agriculture, fairs and expositions, agricultural marketing, food safety and labeling, and agricultural pesticides.

For additional information regarding this summary, or other activities of the Assembly Committee on Agriculture, please contact the committee staff at 916-319-2084.

Sincerely,



Robert Rivas, Chair

ASSEMBLY AGRICULTURE COMMITTEE

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2021 - 2022

ASSEMBLY BILLS

AB 125 (R. Rivas) – Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022. Died in Assembly Natural Resources.

Would have proposed the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2021 (EER Bond) to authorize \$3.302 billion in general obligation bonds. The EER Bond would have financed a variety of projects that focus on improving Agriculture resilience and sustainability, protecting the health of farmworkers, expanding health food access and combating hunger, improving regional food economies, supporting Sustainable Groundwater Management Act (SGMA) planning, aid in pest management, reduce food waste and improve state and county fairgrounds.

AB 350 (Villapudua) – Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning. Senate Inactive File.

This bill would have established, within the California Department of Food And Agriculture (CDFA), a technical assistance (TA) grant program to help landowners keep agriculture land, which may be fallowed due to the implementation of The Sustainable Groundwater Management Act (SGMA), in production in the San Joaquin Valley (SJ Valley).

AB 391 (Villapudua) – Pollinator habitat conservation: funding. Assembly Inactive File.

This bill would have appropriated \$5,000,000 from the General Fund to the California Department of Food and Agriculture (CDFA). The funds would have increased technical assistance (TA), outreach, and provide grants to incentivize participation in state and federal conservation programs where pollinator habitat and forage are established.

AB 425 (Mathis) – Milk and other dairy products: Dairy Council of California Law: producer-handler. Chaptered by Secretary of State, Chapter 371, Statutes of 2021.

This bill makes several technical, conforming and needed changes to the California Dairy law.

AB 519 (Irwin) – Honey: labeling requirements. Held under submission in Assembly Appropriations.

This bill would have expanded the country of original labels (COOL) on imported honey by requiring the COOL to be conspicuous and be of the same size and font as the statement for the United States honey grade.

AB 623 (Ag Committee) - State-designated fairs: district agricultural associations: farmers' markets: California Apple Commission. Chaptered by Secretary of State, Chapter 374, Statutes of 2021.

This bill would change the period of time in which a certified farmers' market (CFM) certificate is valid from 12 months to up to 12 months and make other conforming and technical changes.

AB 710 (E. Garcia) – Sale of listed agricultural products: requirements for sale. Died in Senate Business, Professions and Economic Development.

This bill would have prohibited a retailer from selling a listed agricultural product (LAP), produced in the state or outside of the state unless the product was produced in compliance with specified California health and environmental protection laws. Furthermore, would have prohibited a retailer from selling a LAP produced in the state or outside of the country unless the product was produced in compliance with specified California labor laws.

AB 719 (Ag Committee) – Bees. Chaptered by Secretary of State - Chapter 683, Statutes of 2022.

This bill updates and changes portion of the Apiary Protection Act (APA), primarily changing the makeup of the California Department of Food and Agriculture's (CDFA) Apiary Advisory board, revising definitions, and updating provisions.

AB 778 (E. Garcia) – Institutional purchasers: purchase of California-grown agricultural food products. Chaptered by Secretary of State - Chapter 576, Statutes of 2022.

This bill requires for all state-owned or state-run institutions that purchase agricultural products to only purchase California grown agricultural products with certain exceptions.

AB 866 (M. Dahle) – Food and agriculture: Feed Inspection Advisory Board: California Seed Law. Held under submission in Assembly Appropriations.

This bill would have allowed Secretary of the California Department of Food and Agriculture (CDFA), to approve other governmental and commercial laboratories to provide regulatory testing and analysis to the Commercial Feed Regulatory Program (CFRP) and Seed Services Program (SSP).

AB 888 (Levine) – Mobile slaughter operations: livestock. Chaptered by Secretary of State - Chapter 378, Statutes of 2021.

This bill provides an exemption to animal slaughter inspections for a Mobile Slaughter Operator (MSO) who provides services to an owner of sheep, goats and swine, where the slaughter occurs on the premises of the person who raised the sheep, goats, and swine.

AB 920 (Aguiar-Curry) – Craft distillers: direct shipping. Amended and re-referred to Governmental Organization Committee.

This bill, until January 1, 2024, would have authorized a licensed craft distiller to directly ship distilled spirits manufactured or produced by the licensee at its premises to a consumer pursuant to specified requirements. The bill would have prohibited the amount shipped from exceeding the equivalent of 2.25 liters in any combination of prepackaged containers per day per consumer and would require that the distilled spirits be solely for the consumer's personal use and not for resale. The bill would have required the craft distiller to maintain adequate records of the shipments and to provide those records to the department upon request. The bill would have required the craft distiller to require the common carrier to obtain the signature of any individual 21 years of age or older before delivering any distilled spirits shipped. The bill would have prescribed labeling requirements for the containers in which the distilled spirits are shipped. The bill would have made a statement of legislative findings regarding the

effect of the COVID-19 pandemic on craft distillers and the need to provide craft distillers with a limited authorization to ship distilled spirits, as specified.

AB 1009 (Bloom) – Farm to Community Food Hub Program. Chaptered by Secretary of State - Chapter 608, Statutes of 2021.

This bill would establish the Farm to School Food Hub Program to create farm to school food hubs for serving as an aggregator and supply chain intermediary for local or regional farms food products to public institutions and nonprofit organizations.

AB 1012 (Ag Committee) – Fruit, nut, and vegetable standards: out-of-state processing. Held under submission in Assembly Appropriations.

This bill would have expanded the exemption to standards for fruits, nuts, and vegetables that are being transported or delivered under specified conditions, to all packing plants, regardless of the state in which the packing plant operates, and deleted a provision that would become redundant.

AB 1103 (M. Dahle) –Agricultural lands: livestock producers: managerial employees: livestock pass program: disaster access to ranch land. Chaptered by Secretary of State - Chapter 609, Statutes of 2021.

This bill would authorize specified local agencies to establish within a county an agricultural pass program for the purpose of issuing identification documents (ID) granting any qualifying agricultural producer, as defined, or employee access to the qualifying agricultural producer's farm or ranch property during or following a natural disaster, as specified.

AB 1282 (Bloom) – Veterinary medicine: blood banks for animals. Chaptered by Secretary of State - Chapter 752, Statutes of 2021.

This bill allows veterinarians to operate community blood banks for animals, which source blood from animals volunteered by their owners. Establishes conditions for the elimination of captive closed-colony canine blood banks, which source blood from dogs kept, housed, or maintained at a facility for collecting their blood. Allows the importation of animal blood from out-of-state blood banks that comply with California standards. Provides implementation requirements on the Veterinary Medical Board (VMB) and the California Department of Food and Agriculture (CDFA), as specified.

AB 1362 (Carrillo) – Secretary of Food and Agriculture: cooperative agreements: agricultural inspector services. Chaptered by Secretary of State - Chapter 381, Statutes of 2021.

This bill deletes a provision that prevents the Secretary (Secretary) of California Department of Food and Agriculture (CDFA) from entering into cooperative agreement, if less than 75% of the agricultural inspector associates in Los Angeles County (LA) are not afforded protections as permanent employees employed, as specified.

AB 1620 (Aguiar-Curry) – Broomrape Control Program. Held under submission in Assembly Appropriations.

This bill would have established 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.

AB 1678 (Fong) – Department of Food and Agriculture: Blue Ribbon Commission on Port Congestion and Supply Chain Deficiencies. Held under submission in Assembly Appropriations.

This bill would have required the Californian Department of Food and Agriculture (CDFA) to establish and convene the Blue Ribbon Commission (BRC) on Port Congestion and Supply Chain Deficiencies. The BRC would have recommended changes needed in the near and long-term future to mitigate the impacts of port congestion and supply chain issues on agricultural commodities. The BRC would submit, on or before January 1, 2023, a report to the Legislature documenting its recommendations.

AB 1689 (Fong) – Pest Control Operations: Aircraft Operations: Certificates. Held in Assembly Agriculture.

Would have updated the licensing process for operators of Unmanned Aircraft Systems (drones), commonly known as drones, for pest control purposes, including agriculture pest control.

AB 1773 (Patterson) – Williamson Act: Subvention Payments. Held under submission in Assembly Appropriations.

This bill would have appropriated \$40 million from the General Fund (GF) for the 2022-2023 fiscal year to make Williamson Act subvention payments to counties for losses counties incur from reduction of assessed property taxes.

AB 1825 (Ag Committee) – Fruit, Nut, and Vegetable Standards: Out-of State Processing. Chaptered by Secretary of State, Chapter 178, Statutes of 2022.

This bill exempts the transportation of melons and vegetables in field bins or bulk to out-of-state processing and packing plants that are in an adjacent state from California's fruits, nuts, and vegetable standards.

AB 1870 (Stone) – Organic Products. Vetoed by the Governor, September 15, 2022.

This bill would have required the California Department of Public Health (CDPH) to establish a process for resolving complaints concerning the Organic Food and Farming Act to meet a 90-day timeline, and would require information regarding fees and costs related to the organic food processor registration program to be added to the information that CDPH is required to submit to the California Organic Products Advisory Committee.

GOVERNOR'S VETO MESSAGE:

To the Members of the California State Assembly:

I am returning Assembly Bill 1870 without my signature.

AB 1870 requires the California Department of Public Health (CDPH) to establish a process to resolve organics complaints within 90 days, which is existing law. This bill also requires CDPH to include additional information in the California Organic Producer Advisory Committee annual report.

This bill is duplicative of existing law and results in on going General Fund cost not included in the budget.

AB 1959 (Ag Committee) – Ag Committee Omnibus Bill. Chaptered by Secretary of State, Chapter 254, Statutes of 2022.

This bill deletes the sunset clause on the law that allows the use of carbon monoxide (CO) for the control of burrowing rodent pests (BRP), adds conforming privacy protection to recent updates to the Food and Agriculture code related to the federal Food Safety Modernization Act (FSMA) and adds integrated pest management to course work for the Department of Regulations' program and examination for various pest control application and licenses.

AB 2153 (Arambula) – California Fruit and Vegetable EBT Pilot Project. Held under submission in Assembly Appropriations.

This bill would have established the California Fruit and Vegetable Supplemental Benefit Expansion Program and would have created the Electronic Benefits Transfer (EBT) Expansion Fund; additionally would have required the California Department of Social Services (CDSS) to enroll authorized retailers to enable them to provide supplemental benefits to CalFresh recipients who purchase California-grown fresh fruits and vegetables, as specified.

AB 2213 (Aguiar-Curry) – Department of Food and Agriculture: research funding: winegrapes: smoke exposure. Held under submission in Assembly Appropriations.

This bill would have required 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.

AB 2412 (Villapudua) – Agriculture: State Water Efficiency and Enhancement Program. Held under submission in Assembly Appropriations.

This bill would have codified, with some modifications, the existing State Water Efficiency and Enhancement Program (SWEEP) at the California Department of Food and Agriculture (CDFA), which provides grants to agricultural operations to implement irrigation systems that reduce greenhouse gases (GHG) and save water.

AB 2414 (Mathis) – Invasive Pests: List. Died in Assembly Appropriations.

The Department of Food and Agriculture (CDFA) is required to develop and maintain a list of invasive pests, as specified, that would likely cause economic or environmental harm if they entered California. This bill would have required CDFA to post the invasive pest on CDFA's public website.

AB 2457 (Gray) – Agricultural seeds: labeling: quick response code. Held in Assembly Agriculture.

This bill would have allowed the use of a quick response (QR) code or other electronic label or tag that provides additional information related to agriculture seeds, the seed grower, consumer information or best practices that is not required to be an agriculture seed labels under current law.

AB 2487 (Gray) – Fairs: district agricultural associations: sponsorship fees. Ordered to Senate Inactive File.

This bill would have authorized a district agricultural association to pay sponsorship fees and join and participate in affairs of any similar organization that deals with subjects related to the powers and duties of the association.

AB 2499 (Maienschein) – Organic Products Sector. Held under submission in Assembly Appropriations.

This bill would have required the California Department of Food and Agriculture (CDFA) to develop and oversee an Organic Transition Pilot Program (Pilot Program) for five years with the National Black, Indigenous and People of Colour Farmer Advisory Committee and the Small Farmer Advisory Committee, where the Pilot Program would have supported the economic viability of farmers and ranchers, prioritizing limited resource and socially disadvantaged farmers or ranchers, by providing incentives, as specified. Requires CDFA to provide incentives to socially-disadvantaged farmer or

rancher applicants in a specified order, as specified. Would have required CDFA to submit a report on the outcome of the pilot program to the Legislature and post that report on CDFA's website on or before January 1, 2025. Would have required the Governor's Office of Business and Economic Development (GO-Biz) to conduct a comprehensive statewide market analysis of the total economic impacts of California's organic products sector on or before July 1, 2024.

AB 2500 (Arambula) – Farm to Hospital Grant Pilot Program. Held under submission in Assembly Appropriations.

This bill would have established the Farm to Hospital Grant Pilot Program (Program), upon appropriation and until January 1, 2031, administered by the Department of Food and Agriculture (DFA) Office of Farm to Fork (Office), to award competitive grants to eligible applicants to provide hospital patients with meals prepared from California-sourced agricultural products and build direct relationships with California farmers and ranchers, as specified. Would have required the Office, in consultation with the Department of Public Health (DPH), to develop grant criteria to evaluate proposals from eligible applicants. Would have authorized grant recipients to use grant moneys only for specified purposes, and require them to report specified information to the Office and DPH. Requires the Office, in consultation with DPH, on or before January 1, 2027, to submit to the Legislature a report on the Program.

AB 2535 (E. Garcia) – Farm to School Incubator Program. Held under submission in Assembly Appropriations.

This bill would have amended the California Date Commission's district 1. The bill was amended to set the framework for a Farm to School Incubator Grant Program. The bill was eventually amended out of the jurisdiction of the Assembly Agriculture Committee.

AB 2764 (Nazarian) – Animals: commercial animal feeding operations and slaughterhouses: prohibition on new operations. Held in Assembly Agriculture.

This bill would have prohibited commercial animal feeding operations^[a] defined, from commencing or expanding operations, except as specified. The bill would have made any person that violates this prohibition civilly liable for a penalty in an amount not to exceed a sum of \$10,000 per violation per day, but specify that a violation of this prohibition is not a crime.

AB 2964 (Ag Committee) – Agricultural land conservation: California Farmland Conservancy Program Act. Chaptered by Secretary of State, Chapter 502, Statutes of 2022.

This bill revises and recasts provisions of the California Farmland Conservation Program (CFCP) Act under the California Department of Conservation (DOC).

SENATE BILLS

SB 292 (Wilk) – Industrial hemp. Chaptered by Secretary of State, Chapter 485, Statutes of 2021.

This bill conforms state law to federal law regarding the cultivation and testing of industrial hemp. This bill strikes the requirement that the Secretary of the Department of Food and Agriculture (CDFA) appoint a representative of the Hemp Industries Association or its successor industry association to the Industrial Hemp Advisory Board (IHAB), and instead requires the CDFA secretary to appoint an additional board member who is a registered grower of industrial hemp. Amendments to this bill provide definition for "disposal" as it relates to hemp and testing. It also provides clarification to the

testing of industrial hemp and the timeline for which testing is to occur as well as offering some technical changes.

SB 490 (Caballero) – Buy American Food Act. Chaptered by Secretary of State, Chapter 602, Statutes of 2022.

This requires California Public Institutions (CPIs) to purchase agricultural products grown, packed, or processed domestically, with some exceptions.

SB 574 (Laird) – Agricultural preserves: Williamson Act. Chaptered by Secretary of State, Chapter 644, Statutes of 2021.

This bill narrows the role of the Department of Conservation (DOC) in administering the Williamson Act (Act).

SB 703 (Hurtado) – Diseased animals: laboratory services. Chaptered by Secretary of State, Chapter 495, Statutes of 2021.

This bill requires the Department of Food and Agriculture (CDFA) to establish a certification program for laboratories that test samples from diseased animals.

SB 907 (Pan) – Electronic benefits systems: farmers markets. Chaptered by Secretary of State, Chapter 605, Statutes of 2022.

Creates the "Local, Equitable Access to Food (LEAF) Program" a noncompetitive grant program to expand the use of electronic benefit transfer (EBT) systems at certified farmers' markets and tribal farmers' markets.

SB 982 (Laird) – California Apple Commission: Organic apple certification. Chaptered by Secretary of State, Chapter 224, Statutes of 2022.

This bill authorizes the California Apple Commission (CAC) to establish an organic apple certification program applicable to persons engaged in domestic organic production or processing of apples; and to persons engaged in importing apples to determine whether they comply with state and federal laws.

SB 1007 (Pan) – California Exposition and State Fair: direct deposit funding. Held under submission in Assembly Appropriations.

This bill would have required the state to facilitate monetary transactions to the California Exposition and State Fair (Cal Expo) via direct deposit by electronic funds transfer, as specified.

SB 1029 (Hurtado) – One Health Program: zoonotic diseases. Chaptered by Secretary of State, Chapter 990, Statutes of 2022.

This bill requires the California Departments of Public Health, Food and Agriculture, and Fish and Wildlife to establish and administer a program related to reducing the spread of disease from animals to humans.

SB 1084 (Hurtado) – Property ownership: foreign ownership/foreign governments. Vetoed by the Governor, September 28, 2022.

This bill would have prohibited foreign governments from owning agricultural land in California and would have required the Department of Food and Agriculture to publish an annual report regarding the foreign ownership of agricultural land in California

To the Members of the California State Senate:

I am returning Senate Bill 1084 without my signature.

This bill prohibits foreign governments from purchasing, acquiring, leasing, or holding an interest in California agricultural land, and requires the California Department of Food and Agriculture (CDFA) to compile an annual report on foreign ownership of agricultural land, water rights, desalination facilities, energy production, energy storage, and energy distribution in the state.

Federal law requires foreign governments to report interests in agricultural land to the United States Department of Agriculture (USDA), and USDA compiles this information annually into a public report. The additional data reporting required by this bill is beyond CDFA's purview and would create new and arduous responsibilities for the department.

SB 1308 (Caballero) – Public education systems: purchase of nondomestic agriculture. Held in Assembly Education.

This bill would have required, as of January 1, 2024, local educational agencies (LEAs) that solicit bids for the purchase of an agricultural product to accept a bid or price for that agricultural product when it is grown in California before accepting a bid or price for a product that is grown outside of California unless the bid or price of the California-grown agricultural product exceeds the lowest bid or price of the domestic agricultural product produced outside the state by 25%. Would have prohibited the California Community Colleges (CCC), California State University (CSU), and all LEAs, and would have encouraged the University of California (UC), to refrain from purchasing agricultural food products grown, packed, or processed nondomestically unless the price of the nondomestic product is more than 25% lower than the bid or price of the domestic product and the quality of the product is comparable to the product grown in California.

SB 1499 (Sen. Ag Committee) – Department of Food and Agriculture: Department of Agriculture Building Fund. Chaptered by Secretary of State, Chapter 198, Statutes of 2022.

This bill clarifies and conforms the existing mechanism for transferring money into the California Department of Agriculture (CDFA) Building Fund (building fund). This bill specifies the building fund appropriation would be made annually through the budget act rather than as a continuous appropriation, conforming to existing practice.

INFORMATIONAL HEARINGS

Environmental Farming, February 10, 2021 - The Assembly Committee on Agriculture held an informational hearing to explore programs and issues related to Environmental Farming in California. The committee heard from 6 panelists, including the Secretary of the California Department of Food and Agriculture, farmers, a carbon sequestration academic expert, and regenerative agriculture advocate. The panelists described the scope of recent wildfires in California, their high-level economic impacts, how individual farming operations were affected, impacts on the hardest hit regions, commodities, worker populations, and—finally—agricultural based wildfire mitigation efforts and opportunities.

Farmer Equity, March 17, 2021 - The Assembly Committee on Agriculture held an informational hearing to explore programs and issues related to the Farmer Equality Act, issues related

to black, Indigenous and people of color (BIPOC) farmers and what policies the State is has and need to improve for farmers and rancher of color. The committee heard from six panelists, including the California Department of Food and Agriculture (CDFA) Farmer Equity Advisor, UC Agriculture and Natural Resources (UCANR) Small Farm Advisors, a strawberry farmer, the director of an urban farming organization, and a farmer/social justice activist.

The Critical Role of Fairgrounds in California's Emergency Response System (Joint Hearing with Emergency Management Committee), May 19, 2021 - The Committees discussed fairgrounds and their use during and after disasters. As the recent wildfires of the past few years have shown, fairgrounds play a vital role in disaster response and the aftermath of these disasters. Also discussed was what is working and what could use improvement when using the fairgrounds for emergency purposes.

The Drought and Its Impact on California's Agriculture (Joint Hearing with Water, Parks, and Wildlife Committee), August 23, 2021 – The Committees came together as California is faced with what could be another several years of drought, we must look at what actions can be taken as policymakers in the near and long-term to ensure our state's farmers can remain resilient to drought and to ensure our limited water supply is used equitably and responsibly.

Impatiens Necrotic Spot Orthospovirus, Pythium Wilt and other Leafy Green Plant Diseases – December 1, 2021 – The Assembly Committee on Agriculture held an informational hearing to explore the current issues that INSV is having on California's agriculture along with several other diseases affecting agricultural plants. The committee heard from six panelists, including three industry representatives impacted by these diseases and three research specialists who talked about solutions and future research.

Agriculture Exports and California Port Issues – Joint Hearing with Assembly Select Committee on Ports and Goods Movement – February 2, 2022 – The Assembly Committee on Agriculture and the Assembly Select Committee on Ports and Goods Movement held an informational hearing to explore the current issues with the ports congestion and the impact it is having on California's agriculture. The committee heard from nine panelists, including the Secretary of the California Department of Food and Agriculture, three port executives, California Farm Bureau, a shipping association vice president, and farmers. The panelists described the scope of recent port congestion in California, the economic impacts, how individual farming operations had been affected.

Advancing California Agriculture Competitiveness – August 10, 2022 – The Assembly Committee on Agriculture had a hearing to discuss the many issues that have affected the Ag competitiveness in the past few years. The Legislature has made important policy decisions over the years to ensure that California is a worldwide leader in consumer protection, food health and safety, environmental protection, working condition and wages and benefits. California business, including agriculture must comply with these policies, laws and regulation as part of their business operations. The protective agriculture standards developed over the years only apply to California growers even though a substantial portion of agriculture products sold and distributed are imported from other states and countries. This creates an unlevelled playing field that can be a disadvantage for California farmers and ranchers. In addition, California has dealt with the Covid Pandemic, which exposed weakness in the supply-chain that affected Ag Exports, moving goods in state and caused major impact on worker health and safety. The continuing drought is putting pressure on farmers. Rampant wild fire have affected crops, delayed harvest and again put workers health and safety at risk. The panelists spoke about the impacts to their area of agricultural industry.