

Date of Hearing: April 15, 2021

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 1012 (Committee on Agriculture) – As Introduced February 18, 2021

SUBJECT: Fruit, nut, and vegetable standards: out-of-state processing

SUMMARY: This bill would expand 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 delete a provision that would become redundant.

EXISTING LAW:

- 1) Authorizes the Secretary of Food and Agriculture (CDFA) to adopt regulations regarding fruit, nut, and vegetable standards.
- 2) Exempts from these standards fruits, nuts, and vegetables that are being transported or delivered under specified conditions, including from the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing.
- 3) Exempts from the fruit, nut, and vegetable standards the shipment, transportation, or movement of melons and vegetables in field bins or bulk out of the state, up to 25 miles beyond the border, as specified.

FISCAL EFFECT: Unknown.

COMMENTS: California law places a general prohibition on the transportation of melons and vegetables to out of state for first-point of processing that does not meet the packaging and minimum quality standards. This prohibition has been in place since the 1930s. The United States Supreme Court invalidated a similar law in Arizona in 1970 because the Court determined that it placed a burden on interstate commerce. (Pike v. Bruce Church, Inc., 397 U.S. 137 (1970))

In 1970, AB 2183 added an exception to California's prohibition by allowing melons and vegetables to be graded and packaged in packing houses that are located in adjacent states as long as the packing houses are within 25 miles of the California border.

According to the author, this bill will add out of state packing/processing locations to the exemption from CDFA's packing and shipping standards, if the produce is coming from the field or orchard. In turn, this will give more options for farmers.

Standardization laws establish minimum standards for maturity, quality, size, standard container and pack, and container markings. County agricultural commissioners and their staff enforce standards at the local level. Inspections take place in fields and packing houses, at wholesale markets and retail distribution centers, retail outlets, and highway inspection stations.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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