

Date of Hearing: April 15, 2021

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 866 (Megan Dahle) – As Amended March 9, 2021

SUBJECT: Food and agriculture: Feed Inspection Advisory Board: California Seed Law

SUMMARY: This bill allows 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). Specifically, *this bill*:

- 1) Expands the types of entities that may be established or designated to administer all or part of the law governing commercial feed to include any state accredited, certified, or licensed laboratories.
- 2) Changes from requiring to allowing CDFA to maintain a properly equipped laboratory for examining and testing seeds.
- 3) Allows CDFA to maintain a properly equipped laboratory for examining and testing seeds for the purpose of enforcing the germination and purity standards established by the California Seed Law (CSL).
- 4) Allows CDFA to approve laboratories to conduct germination and purity examinations and testing of seeds that meet specified requirements.

EXISTING LAW:

- 1) Establishes the Feed Inspection Advisory Board (FIA Board) in state government and generally requires it to serve in an advisory capacity to the Secretary of CDFA with respect to the operation of the law governing commercial feed.
- 2) Allows the FIA Board to establish or designate one or more other entities to administer all or part of the law governing commercial feed and requires CDFA to adopt regulations and procedures to be used by the entity or entities.
- 3) Specifies the entity or entities that may be established or designated by the FIA Board for this purpose including state accredited or certified chemistry laboratories.
- 4) Regulates seed sold in California.
- 5) Requires CDFA to maintain a properly equipped laboratory for examining and testing seeds.

FISCAL EFFECT: Unknown.

COMMENTS: CFRP conducts routine sampling and inspections, quality assurance inspections of feed manufacturing facilities, responds to consumer complaints, and enforces the laws and regulations that govern the manufacturing distribution of livestock feed. CFRP, along with the feed manufacturing industry, ensures a clean and wholesome supply of milk and meat as well as

providing assurance that the product received by the consumer is the quality and quantity purported by the manufacturer. This program is funded through the collection of a licensing fee and inspection fee based on tonnage sold. The FIA Board advises CDFA on many of these practices.

The goal of seed law enforcement is to protect seed consumers, including vegetable and field crop growers, as well as urban landscapers. Through CSL, the SSP does the following:

- 1) Regulates the marketing of seeds so that quality information is accessible and accurate.
- 2) Tests for seed purity and germination through sampling.
- 3) Investigates seed complaints and attempts to resolve buyer/seller disputes through mediation.
- 4) Works to prevent the transmission of noxious weed seeds through seed products.
- 5) Supports research and development of seed biotechnology.

CDFA states poor quality seeds can cost farmers and home gardeners alike considerable amounts of time, money, and resources, by way of reduced yields, poor crop quality, contamination by weeds or other unwanted species. By enforcing CSL regarding marketing and labeling, CDFA is able to ensure that consumers receive the desired product.

According to the author, The CDFA's Center for Analytical Chemistry (CAC) and Plant Pest Diagnostic Center (PPDC) have been the sole providers of regulatory fee-for-service testing and analysis for CFRP and SS). CDFA laboratories provide testing and analysis to support compliance with state and federal feed standards and seed purity and germination standards.

The CAC recently re-evaluated its mission and has transitioned away from providing regulatory fee-for-service testing and analysis of feed samples. While there are several commercial feed laboratories in California who could provide testing and analysis of feed samples, the CFRP conducted an inter-governmental laboratory search and were fortunate to contract with two laboratories at the University of California, Davis to run their samples. While, the PPDC remains the sole CDFA laboratory providing fee-for-service purity and germination testing and analysis for the SSP, there are multiple government and commercial laboratories that can provide equivalent levels of purity and germination testing and analysis.

Supporters state this bill will provide CDFA with the authority, if needed, to approve other governmental and commercial laboratories to provide regulatory testing and analysis to the CFRP and SSP. This aligns with the Secretary's current authority to approve commercial laboratories to provide regulatory testing and analysis to comply with the requirements of CDFA's Industrial Hemp Program. Taking these steps will provide CDFA with the ability to expand laboratory capacity for the CFRP and SSP, increase efficiency, turnaround time, and provide cost-savings in both the short-term and long-term to farmers and consumers.

REGISTERED SUPPORT / OPPOSITION:

Support

Almond Alliance of California (Co-Sponsor)
California Grain & Feed Association (Co-Sponsor)
California Seed Association (Co-Sponsor)

Opposition

None on file.

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