

Vice-Chair
Mathis, Devon J.

California State Assembly

Chief Consultant
Victor Francovich

Members

Aguiar-Curry, Cecilia M.
Alanis, Juan
Connolly, Damon
Flora, Heath
Irwin, Jacqui
Jones-Sawyer, Sr., Reginald B.
Soria, Esmeralda
Villapudua, Carlos
Wood, Jim

AGRICULTURE



Committee Secretary
Nicole Willis

Legislative Office Building,
1020 -N- Street, Suite 362
(916) 319-2084

ROBERT RIVAS
CHAIR

AGENDA

Wednesday, March 29, 2023
1:30 p.m. -- State Capitol, Room 126

HEARD IN FILE ORDER

- | | | | |
|----|-----------|--------------|---|
| 1. | AB 240 | Kalra | Dogs and cats: California Spay-Neuter Fund. |
| 2. | AB 239 | Wilson | Avocado oil: regulations: standards of identity. |
| 3. | AB 408 | Wilson | Climate-resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024. |
| 4. | AB 605 * | Arambula | California Fruit and Vegetable Supplemental Benefits Expansion Program. |
| 5. | AB 1141 * | Megan Dahle | Agricultural lands: farmers and producers: agricultural pass program: disaster access to farm lands. |
| 6. | AB 1016 | Jones-Sawyer | Pest control operations: aircraft operations: private applicator. |

* Proposed Consent

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 240 (Kalra) – As Amended February 28, 2023

SUBJECT: Dogs and cats: California Spay-Neuter Fund

SUMMARY: This bill would establish the California Spay-Neuter Fund (CSN Fund) to offer competitive grants to specified organizations to increase or develop no cost or low cost spay-neuter programs. The CSN Fund allocation would come from a new tax on dog and cat food, as specified. Specifically, *this bill*:

1) Finds and declares the following:

- a) California has long had a homeless animal overpopulation problem, too often leading to overcrowded shelters despite cities and counties across the state collectively investing more than \$400,000,000 annually in operating our public animal shelters.
- b) As recently as 2016, California was tragically euthanizing approximately 160,000 dogs and cats. Many of these were unnecessary deaths only due to shelter overpopulation.
- c) The single most effective mechanism for addressing shelter overpopulation is spaying and neutering.
- d) The state does not invest enough in necessary spay and neuter services.
- e) The demand for low-cost and no cost spay and neuter services far outstrips supply, demonstrating the strong desire of Californians to spay and neuter their animal companions.
- f) Research shows that shelter populations explode when spay and neuter services stop.
- g) Without assistance, it can cost up to \$550 to spay or neuter an animal, a price that many Californians struggle to pay.
- h) While the average low-cost estimate to spay or neuter an animal is \$160, it costs an average of \$2,000 to control, house, care for, adopt out, and/or euthanize an animal.
- i) Spaying and neutering is a more cost-effective and humane approach to animal care and control than only investing in animals after they have arrived at public shelters.

2) Defines the following:

- a) “Department” means the Department of Food and Agriculture (CDFA).
- b) “Dog and cat food” means a food for dogs or cats, or both, that has been prepared by heating, drying, semidrying, canning, or by a method of treatment prescribed by regulation of the State Department of Public Health (DPH). The term includes special diet, health foods, supplements, treats, and candy for dogs or cats, or both, but does not include fresh or frozen foods for dogs or cats, or both, subject to the control of CDFA.
- c) “Eligible partner” means public animal shelters, private animal shelters with public contracts, or nonprofits for whom spay-neuter is a primary activity.
- d) “Fund” means the CSN Fund.
- e) “Set allocation” means an allocation of fund moneys, using a formula developed by the department, to eligible partners requesting fund moneys.
- f) “Spay-neuter” means low-cost to no cost spay and neuter surgeries conducted in the state.

- 3) Declares it is the intent of the Legislature that fund moneys are disbursed to eligible partners to reduce all of the following:
 - a) The overpopulation of unwanted or homeless dogs and cats, including feral or community cats.
 - b) Animal shelter overpopulation.
 - c) The ongoing costs associated with managing animal shelters.
 - d) The state's euthanasia rates for dogs and cats, including feral or community cats.
- 4) Establishes the CSN Fund in the State Treasury, as specified.
- 5) Requires that moneys collected be transferred into the CSN Fund.
- 6) Requires the Treasurer, in consultation with CDFA, to invest moneys contained in the fund, as specified.
- 7) Requires CDFA to collect, on an annual basis, a charge of two hundred dollars (\$200) from a manufacturer of dog and cat food for each label submitted by the manufacturer to DPH, as specified.
 - a) Requires DPH, at the request of the CDFA, provide the department with the information necessary, as specified.
 - b) Provides that a manufacturer of dog and cat food that has less than seventy-five thousand dollars (\$75,000) in verifiable gross annual sales will only be required to pay a single annual charge of two hundred dollars (\$200) to CDFA.
- 8) Requires CDFA, in administrating and overseeing the CSN Fund, to do the following:
 - a) Offer competitive grants or set allocations, or both, to eligible partners. Both competitive grants and set allocations shall primarily be used by eligible partners to fund spay-neuter services.
 - b) Determine, with stakeholder input, the most strategic method of allocating CSN Fund moneys to eligible partners.
 - c) Target CSN Fund moneys towards the cities and counties with the state's highest shelter overpopulation or euthanasia rates, or both.
 - d) Require all eligible partners receiving CSN Fund moneys to annually report outcomes to the CDFA, as specified.
 - e) Publish an annual report on the department's internet website summarizing the information provided to CDFA.
- 9) Allows CDFA, in administrating and overseeing the CSN Fund to solicit and accept into the fund private donations, grants, and other moneys, as specified.
- 10) Requires CDFA, if the department offers set allocations to eligible partners, to review its formula every three years and adjust the formula if necessary.
- 11) Requires CDFA cost for administering the CSN Fund not to exceed 5 percent of the moneys deposited into the fund in any fiscal year.

12) Requires CDFA to promulgate rules consistent with this part to:

- a) Establish parameters regarding the eligible partners that qualify for fund moneys.
- b) Establish procedures and requirements for offering grants or set allocations, or both, and for disbursing fund moneys to eligible partners.
- c) Establish parameters regarding the use of fund moneys by eligible partners.
- d) Establish administrative, recordkeeping, and reporting requirements for eligible partners receiving fund moneys.

EXISTING LAW:

- 1) Establishes the Pure Pet Food Act of 1969, which is administered by DPH. Under the act, every person who manufactures a processed pet food, as defined, in California is required to first obtain a license from DPH, and every person who manufactures a processed pet food for import into California from another state is required to first obtain a registration certificate from DPH. *Health and safety code (HSC) 113025 – 113120*
- 2) Excludes from the definition of “processed pet food” fresh or frozen pet foods subject to the control of the Department of Food and Agriculture. *Food and Agriculture code (FAC) 19212*
- 3) Requires annual license or registration certificate only be issued when certain conditions are met, including, among others, when the applicant submits to DPH the label that would be attached to the container of each type of processed pet food. *(HSC) 113025 – 113120*
- 4) Prohibits a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away any cat or dog that has not been spayed or neutered, except as provided. *FAC 30520*
- 5) Requires the owner of a nonspayed or unneutered cat or dog that is impounded by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society to receive a specified fine. *FAC 31751.7 and 30804.7*

FISCAL EFFECT: Unknown

COMMENTS: California spends over \$400,000,000 dollars on its animal shelter system, not including the many millions more it dedicates to the construction of new facilities. Even with this investment, tens of thousands of animals are still being euthanized in the state’s severely overcrowded shelters. DPH reported that 58,454 dogs and 99,737 cats were euthanized by local animal control authorities in 2016. While some are put down due to severe medical issues, many others are actually healthy, adoptable pets that shelters simply do not have the space or resources to care for the dogs and cats.

According to the author, the best way to address this problem is to reduce shelter populations, and the most effective means of accomplishing this is to foster robust spay-and-neuter practices throughout the state. When enough animals are spayed and neutered, dog and cat reproduction rates fall so low that shelters see a meaningful lull in the stream of animals coming through their doors.

The state of Maryland's affordable spay-and-neuter program is correlated with a 12.1% decrease in stray animal intakes and a 49.7% decrease in euthanasia due to lack of shelter space. Spay-and-neuter services not only save the lives of countless animals, but also reduce the burden shouldered by both shelters and the taxpayers that fund them. Unsubsidized spay and neuter surgeries can be extremely expensive, often costing owners hundreds of dollars per animal. This can be prohibitive for lower-income pet owners who would otherwise spay and neuter their animals. Some low-and-no-cost spay and neuter services do exist, but are often so overwhelmed by demand that they must put interested pet owners on months-long waitlists.

This bill addresses the spay-neuter issue by establishing the CSN Fund, which will offer grants and set allocations to eligible entities to use to subsidize low-and-no-cost spay and neuter services. The CSN Fund and subsequent grants and set allocations will be administered by CDFA. Any entity that receives a grant or set allocation will be required to report annually the outcomes of those funds.

Supporters state there is no one solution to the pet overpopulation problem. Breeding regulations, public education campaigns, and stronger enforcement of current state and local regulations are needed, but there is no more efficient way to tackle the issue than through widespread spay and neuter. We must get at the root of the problem by preventing unwanted dog and cat litters.

Opponents, in a coalition letter by various organization involved in the manufacture and sales of pet food, ask to amend this bill to remove the tax and find alternative funding mechanisms to fund the program rather than having pet food makers solely bear the cost of funding this program by imposing a spay and neuter fee.

The coalition states this bill would impose a significant burden on pet food makers to sell their products in California. These fees ultimately have an impact on the prices of pet food products sold to California pet owners. A spay and neuter tax of \$200 applied to product label has significant implications on manufacturers. The fee would be applied to every product label. For every cat or dog food product on the shelf there are often multiple protein formula variations (salmon, chicken, beef, lamb) as well as diets specifically formulated for different stages of life (puppy, kitten, adult, senior, large breed, small breed) – and the tax is assessed against every single formula.

This bill is funded by an annual pet food manufacturer's tax. Two hundred dollars (\$200) from a manufacturer of dog and cat food for each label submitted to DPH, with an exception for smaller pet food producers. As this bill includes a change in state statute that would result in a taxpayer paying a higher tax and would require for passage the approval of 2/3 of the membership of each house of the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

ACT Spay Neuter Clinic Stockton
Alley Cat Allies
Amanda's Cat Rescue
California Animal Welfare Association
Coast Cat Project

Friends of Berkeley Animal Care Services
Greater Los Angeles Animal Spay Neuter Collaborative
Humane Society of Sonoma County
Inyo / Mono County Animal Resources & Education
Lytt
Partners in Animal Care & Compassion
Pawsitively S.A.F.E
Rsq209
San Diego Humane Society
Social Compassion in Legislation
Spex Eyewear INC
Tippedears
Together Spay It Forward
Umbrella of Hope
United Spay Alliance
74 Animal Welfare Organizations
452 Individuals

Oppose Unless Amended

American Feed Industry Association
California Grain and Feed Association
California Retailers Association
Pet Advocacy Network
Pet Food Institute

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 239 (Wilson) – As Amended March 8, 2023

SUBJECT: Avocado oil: regulations: standards of identity

SUMMARY: This bill requires the Secretary of the California Department of Food and Agriculture (CDFA), no later than January 1, 2025; promulgate regulations to adopt standards of identity for avocado oil, including, the quality and purity of the oil, requirements for labeling and packaging, and a method of measurement and analysis to ensure these standards are met.

EXISTING LAW:

- 1) Establishes fruit, nut, and vegetable standards and requires CDFA and county agricultural commissioners to enforce the standards. *Food and Agriculture Code 42501 – 49021*
- 2) Sets standards for olive oil. *Health and Safety Code 112875 - 112880*

FISCAL EFFECT: Unknown

COMMENTS: Avocado oil is an edible oil extracted from the pulp of avocados. It is used as an edible oil both raw and for cooking. The global avocado oil market size reached US\$550.7 million in 2022. The market has been driven by the growing perception of the nutritional and health benefits associated with avocado oil. California has a small, but potentially growing avocado oil production.

A study performed at the University of California, Davis in 2020 determined that a majority of the domestic and imported avocado oil sold in the US is rancid before its expiration date or is adulterated with other oils. In some cases, the researchers found that bottles labeled as “pure” or “extra virgin” avocado oil contained nearly 100% soybean oil. Avocado oil, unlike olive oils, does not have a set of California standards.

Olive oil in California undergoes mandatory testing through the Olive Oil Commission of California. Under this program a designated number of olive oil samples are collected by the CDFA. Then, these samples are sent to accredited laboratories for analysis. The verified grade these samples receive must be reflected on product labels for CA olive oil.

This bill will require CDFA to help develop standards for avocado oil, much like California’s standards for olive oil.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 408 (Wilson) – As Amended March 16, 2023

SUBJECT: Climate-resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024

SUMMARY: Proposes the Climate-resilient Farms, Sustainable Healthy Food Access, and Farmworker Protection Bond Act of 2024 (CSF Bond) authorizes \$3.365 billion in general obligation bonds. The CSF Bond would finance 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 and reduce food waste. Specifically, *this bill*:

- 1) Makes legislative findings that a secure, resilient, sustainable, and equitable food and farming system is essential for the economic and social well-being of the people of California. The COVID-19 public health pandemic has laid bare the vulnerabilities of this system, which is increasingly threatened by climate change. The scale of these challenges requires a comprehensive approach to achieve sustainability and resiliency, including investments in infrastructure, farms, farmworkers, distribution systems, and food access.
- 2) Defines the following:
 - a) “Committee” means the CSF Bond Finance Committee, as specified.
 - b) “Disadvantaged community” means any of the following:
 - i) A community located in a census tract in which the median household income of less than 80 percent of the area median income as determined by the Department of Housing and Community Development.
 - ii) A municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income.
 - iii) A community located in a census tract in which the household income of at least 20 percent of the population is at or below the federal poverty level based on family size.
 - c) “Food hub” means a centrally located facility with a business management structure facilitating the aggregation, storage, processing, and distribution of locally or regionally produced food products.
 - d) “Fund” means the CSF Bond Fund, as specified.

- e) “Heat-island effect” means the effect of increased temperatures in urbanized areas caused by structures, such as buildings, roads, and other infrastructure, that absorb and re-emit the sun’s heat more than natural landscapes such as farms, forests, and water bodies.
- f) “Limited resource farmer or rancher” (LRFR) has the same meaning as defined in Section 760.107 of Title 7 of the Code of Federal Regulations.
- g) “Local educational agency” means a charter school, school district, or county office of education.
- h) “Nonprofit organization” means a nonprofit corporation qualified to do business in California, as specified.
- i) “Prescribed burn” means planned fire that is used as a land management and fire prevention tool, as specified.
- j) “Priority population” means any of the following:
 - i) A community defined as a disadvantaged community, as specified.
 - ii) A low incomes community, as specified.
- k) “Producer” means a person, partnership, corporation, or otherwise legally formed farm or ranch that produces agricultural products through agricultural arts on land that the entity owns, rents, leases, sharecrops, or otherwise controls and has the documented legal right to possess. An entity that rents, leases, or otherwise acquires the right to possess property only during the harvest season for the agricultural products produced on that property is not a producer.
- l) “Resilience” means the ability of an entity or system, including an individual, community, or natural system, and its component parts to absorb, accommodate, or recover from the effects of a hazardous event in a timely and efficient manner, including through ensuring the preservation, restoration, or improvement of its essential basic structures and functions. In the case of natural and working lands, resilience includes the preservation, restoration, and enhancement of the lands’ ability to sequester carbon.
- m) “School food authorities” has the same meaning as defined in Section 49563 of the Education Code.
- n) “Small- and medium-sized farms” means farms and ranches of 500 acres or less.
- o) “Socially disadvantaged farmer or rancher” (SDFR) has the same meaning as defined in Section 512 of the Food and Agricultural Code.
- p) “State General Obligation Bond Law” means the State General Obligation Bond Law.
- q) “Technical assistance” means outreach, education, project planning assistance, project design assistance, grant application assistance, project implementation assistance, and project reporting assistance provided to project applicants.

- r) “Sustainable agriculture” means a system of management practices that increase the climate resilience of California’s agriculture sector, provide co-benefits for public health, the economy, and the environment, and can help improve the health of communities, as specified.
 - s) “Tribal government” means the government of a tribe, tribal agency, or subdivision thereof.
 - t) “Tribal organization” means any of the following:
 - i) A tribal government.
 - ii) A legally established organization of natives that is controlled, sanctioned, or chartered by a tribal government, is democratically elected by the adult members of the tribal community to be served by the legally established organization, and maximizes participation of natives in all phases of its activities.
 - iii) A nonprofit organization chartered under tribal government law or state law that is primarily led by and serves tribal communities.
 - u) “Tribal produce” means either of the following:
 - i) A member of a tribe who is involved in agricultural production or traditional tending, gathering, hunting, or fishing.
 - ii) A cultural practitioner who manages land traditionally for food, fiber, ceremonial, or other culture-based purposes.
 - v) “Tribe” means a federally recognized Native American tribe or a nonfederally recognized Native American tribe, band, nation, or other organized group or community listed on the California tribal consultation list maintained by the Native American Heritage Commission.
 - w) “Vulnerable population” means a subgroup of a population within a region or community that faces a disproportionately heightened risk of, or increased sensitivity to, impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from those impacts.
- 3) Proposes the CSF Bond that generally would finance projects 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 and reduce food waste.
- 4) Authorizes an amount of not more than 5% of the funds allocated for a grant program to be used to pay administrative costs.
- 5) Authorizes up to 10% of the funds to be used for planning and monitoring necessary for the successful design and implementation of projects.

- 6) Allows grants to disadvantaged communities or socially disadvantaged farmers and ranchers to exceed the 10% threshold.
- 7) Prohibits grants to be used to fulfill any environmental mitigation requirements imposed by law.
- 8) Authorizes advance payments of up to 50% of a grant for projects that serve disadvantaged communities or socially disadvantaged farmers and ranchers.
- 9) Requires agencies who receive CSF Bond funds to allocated funds to SDFR, disadvantaged communities, and vulnerable populations, as specified.
- 10) Requires to be available to individual regardless of their immigration status, as specified.
- 11) Proposes the following categorical funding:
 - a) \$950 million to improve agriculture resilience and sustainability, as follows:
 - i) \$280 million for California Department of Food and Agriculture (CDFA) to make grants to improve soil health (\$75 million), water use efficiency (\$60 million), methane reduction (\$60 million), transition to organics (\$35 million), integrated pest management (\$15 million), demonstration project (up to \$45 million) and technical assistance (up to \$95 million).
 - (1) Prioritizes grants to the following individuals in order: 1) SDFR, 2) LRFDR, and then all other farmers and ranchers.
 - (2) Provides that projects eligible to receive grants include, but are not limited to the following:
 - (a) The construction of climate-controlled rooms and greenhouses, including, but not limited to, offices, labs, and storage spaces.
 - (b) The purchase of equipment, including, but not limited to, vacuum and other monitoring and insect release equipment.
 - (c) The purchase of vehicles, including, but not limited to, for transport for monitoring and releasing beneficial organisms, such as pickups, three-wheelers, and drones.
 - (d) The purchase of electronic equipment for computing, communications, telecommuting, and community education.
 - (e) The purchase of monitoring equipment, and data collection and mapping software, to monitor and map the habitats of pollinators and beneficial pest

predators that provide critical ecosystem services.

- ii) Implement climate smart practices for SDFR and LRFR (\$35 million grants),
 - iii) Floodplain habitat and restoration work in relation the SGMA, administered by the Wildlife Conservation Board (\$140 million).
 - iv) Implement sustainable pest management practices for SDFR and LRFR administered by the Department of Pesticide (\$5 million grants),
 - v) Prescribed grazing grants for weed control and wildfire prevention, administered by Department of Forestry and Fire Protection (\$35 million).
 - vi) \$420 million to DOC for grants to Agroecosystem improvement (\$15 Million), acquisition and improvement of Agriculture land (\$45 Million), improve land access for SDFR (\$145 million), Agrivoltaic improvements (\$20 Million), implementation of SGMA (\$60 million), and riparian habitat improvement (\$35 million).
 - vii) \$70 million to the Department of Water Resources for grant to upgrade water district and on farm water systems (\$35 Million) and support SDFR and LRFR with SMGA Implementation (\$35 Million)
- b) \$750 million to protect the health of farmworkers, as follows.
- i) \$450 million for the Strategic Growth Council to award grants through the Affordable Housing and Sustainable Communities Program for projects that include the development of multiunit affordable housing for farmworker families and households.
 - ii) \$50 million for the Department of Community Services and Development for grants to improve the energy efficiency, indoor air quality, renewable energy use, and climate resilience of farmworker housing, including single-family homes and multiunit buildings.
 - iii) \$25 million for the Division of Occupational Safety and Health for the creation of a stockpile of personal protection equipment for farmworkers use during emergencies.
 - iv) \$100 million for State Water Resources Control Board for grants to provide safe drinking water and promote public health for farmworker families for projects that include improving septic systems to prevent water contamination and projects that improve wastewater treatment facilities at risk from sea level rise or saltwater intrusion.

- v) \$25 million for the Office of Emergency Services to expand its California State Warning Center, as specified.
 - vi) \$100 million for the Department of Communities Service and Development for grants to establish farmworkers resource centers.
- c) \$750 million for sustainable healthy food access and nutrition security, as follows:
- i) \$320 million for the Department of General Services to provide funding to specified educational agencies and centers to improve or build kitchens, meal preparation, meal service, and dining infrastructure used for school nutrition programs, as specified.
 - ii) \$50 million for the State Department of Social Services to provide aid to participants in the Emergency Food Assistance Program, as specified.
 - iii) \$360 million for CDFA for grants to ensure communities and tribes are able to obtain or produce foods that are healthy, nutritious, and culturally relevant that are grown in California, as specified.
 - iv) \$20 million to the California Department of Aging to fund infrastructure that will expand senior nutrition programs, as specified.
- d) \$915 million to strengthen regional food economies, as follows:
- i) \$470 million for CDFA for grants to enhance local and regional food and fiber infrastructure, such as processing, cooling and storage facilities, and supply chain infrastructure, as specified.
 - ii) \$30 million to the California Coastal Conservancy for grants for the development, restoration, and reconstruction of fishing facilities and related infrastructure serving the commercial fishing industry in urban coastal waterfront areas.
 - iii) \$60 million to CDFA for grants to develop meat-processing facilities and expand or upgrade meat-processing facilities to increase meat-processing capacity, as specified.
 - iv) \$110 million to the State Energy Resources Conservation and Development Commission for allocation to accelerate the adoption of energy efficiency and renewable energy technologies at California food processing plants. These funds will help California food processors work towards a low-carbon future, and benefit disadvantaged communities and priority populations by reducing emissions of greenhouse gases.

- v) \$15 million for CDFR for grants to develop regional farmer training centers to provide culturally relevant assistance for farmers and ranchers.
- vi) \$30 million for DOC for grants to develop small and underserved farmer equipment and cooperative resource programs.
- vii) \$200 million to the Department of Resources Recycling and Recovery for grants or performance payments to support the development and implementation of projects to improve outdoor air quality through increased diversion of organics from combustion or landfill disposal.

12) Provides for standard provisions in general obligation bond law, either explicitly or by reference, as specified.

13) Specifies the CSF Bond will be on the November 5, 2024 ballot.

EXISTING LAW:

- 1) Establishes CDFR to promote and protect the agricultural industry of the state. *Food and Agriculture Code 100 et al*
- 2) Allows the Legislature to place general obligation bonds on the ballot for specific purposes with a two-thirds vote of the Assembly and Senate. *Government Code 16720 et al*
- 3) Requires bonds to be ratified by majority vote in state election. *Government Code 16720 et al*

FISCAL EFFECT: Unknown

COMMENTS: This bond will invest \$3.365 billion over five years to accelerate California's economic recovery from the COVID-19 pandemic while combating climate change, improving food security, and protecting our essential farmworkers. It aims to do this by investing in many parts of the food supply chain from field to table.

California needs many more food hubs to aggregate supply from producers, as well as food processing, meat processing and livestock slaughter facilities, cold storage, and distribution facilities – all with an eye towards building sustainable and resilient local and regional food systems. CSF Bond addresses farmworker health and safety such as safe and affordable housing, energy efficiency and renewable energy projects on farmworker homes, and personal protective equipment for wildfires.

CSF Bond invests in infrastructure to combat hunger and improve on farm climate reliance and sustainably. With an estimated 6.4 million food insecure Californians, improves food access for the most vulnerable Californians to combat hunger. Furthermore, the CSF Bond invests in diverse, organic, and regenerative cropping systems to help reduce farmers' economic vulnerabilities by expanding market opportunities. CSF Bond investments also modernize fairground infrastructure, protect groundwater resources, generate more compost, rebuild soil health and improve on-farm resilience to droughts, floods, and pest outbreaks.

According to the author, the climate crisis already adversely affects many parts of the state's food and farming system. In recent years, the COVID-19 pandemic and ongoing supply chain disruptions have laid bare the vulnerabilities of this system. California's low-income communities of color and Tribal communities bear a disproportionate impact of these challenges. Approximately 20 percent of Californians, or 7.9 million people, are food insecure. At the same time, food banks do not have the means or resources to provide for the large number of hungry Californians. The farmers and ranchers that feed us are not immune to these challenges and many are struggling to make ends meet as input costs have skyrocketed and ongoing supply chain challenges threaten the viability of agricultural operations, particularly for small-scale farms and farmers of color.

Supporters state this bond is an important part of California's response to the crises of climate change and the recent COVID-19 pandemic. It is an opportunity to advance economic recovery by investing in increasing access to healthy food; combating hunger in our communities; building resilient and reliable regional food supply chains; supporting small and mid-sized farmers and ranchers; expanding climate-smart farming practices, including organic; and protecting workers in our fields. Perhaps most importantly, this bond is designed to address long-standing inequities in our food system by directing significant resources to farmers, ranchers, and communities of color that have historically been excluded from many state programs.

Despite several decades of stated commitment by the USDA to improve SDFRs access to the farm safety net, many still face barriers to accessing these important services. Because SDFRs are more likely to operate smaller, more diverse operations than white farmers and ranchers in California, laws, regulations and programs designed to apply to larger growers are either irrelevant or harmful to growers operating small-scale operations. Furthermore cultural and language differences, education, legal status, and farm size all cause additional barriers to SDFRs. California's farmers and ranchers are almost 80 percent white, in part due to federal farm programs having been managed inequitably, leading to white farmers benefitting more than farmers of color. As a result, generations of SDFRs have faced additional obstacles securing or retaining farmland, accessing new competitive technologies, and entering profitable markets. This bill requires that at least 40 percent of the funds go to projects that provide direct and meaningful benefits to socially disadvantaged farmers or ranchers, disadvantaged communities, and vulnerable populations unless the agency distributing funds cannot meet that threshold. This bill works to achieve greater equality of access and outcomes for SDFRs in California.

General Obligation Bonds: When public agencies issue bonds, they borrow money from investors, who provide cash in exchange for the agencies' commitment to repay the principal amount of the bond plus interest. Bonds are usually either revenue bonds, which repay investors out of revenue generated from the project the agency buys with bond proceeds, or general obligation bonds, which the public agency pays out of general revenues and are guaranteed by its full faith and credit.

The Constitution allows the Legislature to place general obligation bonds on the ballot for specific purposes with a two-thirds vote of the Assembly and Senate. Voters also can place bonds on the ballot by initiative, as they have for parks, water projects, high-speed rail, and stem cell research, among others. Either way, general obligation bonds must be ratified by majority vote of the state's electorate. Unlike local general obligation bonds, approval by the state's electorate does not automatically trigger an increased tax to repay the bond. The Constitution

commits the state to repay investors from general revenues above all other claims, except payments to public education.

Related Legislation:

AB 125 (R. Rivas) of 2021 would have enacted the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, if approved by the voters, would have authorized the issuance of bonds in the amount of \$3,302,000,000 to finance programs related to, among other things, agricultural lands, food and fiber infrastructure, climate resilience, agricultural professionals, including farmers, ranchers, and farmworkers, workforce development and training, air quality, tribes, disadvantaged communities, nutrition, food aid, meat processing facilities, fishing facilities, and fairgrounds. This bill was held in Assembly Natural Recourses committee.

AB 2387 (E. Garcia) would have enacted the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, , would have authorize the issuance of bonds in the amount of \$7,430,000,000 to fund climate smart Agriculture projects, among other policy issues. This bill was held in Assembly Appropriations committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Climate and Agriculture Network
(Sponsor)
1000 Grandmothers for Future Generations
A Voice for Choice Advocacy
Acterra: Action for A Healthy Planet
Agricultural Institute of Marin
Alameda County Community Food Bank
Alchemist CDC
American Farmland Trust
Butte County Local Food Network
California Association of Food Banks
California Cattlemen's Association
California Certified Organic Farmers
(CCOF)
California Climate & Agriculture Network
(CALCAN)
California Compost Coalition
California Environmental Voters
California Farmers Union
California Farmlink
California Food and Farming Network
California Nurses for Environmental Health
and Justice
Californians Against Waste
Californians for Pesticide Reform

Carbon Cycle Institute
Center for Food Safety; the
Central California Environmental Justice
Network
Ceres Community Project
Chez Panisse
Climate Reality Project, Los Angeles
Chapter
Climate Reality Project, Orange County
Community Alliance with Family Farmers
Community Health Councils
Del Norte and Tribal Lands Community
Food Council
Ecological Farming Association
Ecology Center
Environmental Working Group
Everyone's Harvest
Families Advocating for Chemical and
Toxics Safety
Farm to Pantry
Fibershed
Food Forward
Foodshare Ventura County
Foodwise
Fresh Approach

Gmo Science
Health Care without Harm
Heart of the City Farmers' Market
Interfaith Sustainable Food Collaborative
Kaya Bird LLC
Kiss the Ground
Kitchen Table Advisors
Los Angeles Food Policy Council
Los Angeles Regional Food Bank
Mandela Partners
Marin Food Policy Council
Mcgrath Family Farm
Modesto Certified Farmers Market
Monterey Bay Central Labor Council,
AFL-CIO
Monterey County Food System Coalition
Mount Shasta Farmers' Market
Natural Resources Defense Council (NRDC)
North Coast Growers Association
Nutrition and Fitness Collaborative of The
Central Coast

Opposition

None on file

Pesticide Action Network
Pesticide Action Network North America
Public Health Advocates
Regenerate America Coalition
Roots of Change
San Francisco Bay Physicians for Social
Responsibility
San Francisco-Marin Food Bank
Santa Clara Valley Open Space Authority
Santa Cruz Climate Action Network
Second Harvest of Silicon Valley
Sierra Harvest
Slow Food Sonoma County North
Sonoma Safe Agriculture Safe Schools
Sustainable Agriculture Education
Taylor Farms
The Climate Center
The Edible Schoolyard Project
The Praxis Project
Wild Farm Alliance

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 605 (Arambula) – As Amended March 22, 2023

SUBJECT: California Fruit and Vegetable Supplemental Benefits Expansion Program

SUMMARY: Establishes the CalFresh Fruit and Vegetable Supplemental Benefit Expansion Program and creates the Electronic Benefits Transfer (EBT) Expansion Fund; additionally requires the California Department of Social Services (CDSS) to enroll authorized retailers to enable them to provide supplemental benefits to CalFresh recipients who purchase fresh fruits and vegetables, as specified. Specifically, *this bill*:

- 1) Makes legislative findings and declarations related to food insecurity in California.
- 2) Establishes the “CalFresh Fruit and Vegetable Supplemental Benefits Expansion Program” and requires CDSS to enroll authorized retailers into the program.
- 3) Defines the following:
 - a. “Authorized retailer” as any retail establishment that is authorized to accept CalFresh, including but not limited to grocery stores, corner stores, farmers' markets, farm stands, and mobile markets.
 - b. “Direct farm-to-consumer-outlet” to mean a certified farmers' market, farmers, community-supported agriculture (CSA), mobile markets, and farm stands that source directly from farmers. Further, includes an approved third-party EBT operator at any of the previously listed locations.
 - c. “Fresh fruit and vegetables” as a variety of whole or cut fruits and vegetables without added sugars, fats, oils, or salt and that has not been processed with heat, dye, canning, or freezing.
 - d. “Supplemental benefits” as additional funds delivered to a CalFresh recipient's EBT card upon purchase of California-grown fresh fruits and vegetables using CalFresh benefits and redeemed only for purchases allowed under the CalFresh program at an authorized retailer.
- 4) Establishes the “California Fruit and Vegetable EBT Expansion Fund” within the State Treasury, consisting of state, federal, public, and private sources.
- 5) Requires CDSS to enroll authorized retailers into the California Fruit and Vegetable Supplemental Benefit Expansion Program upon the deposit of sufficient money into the program fund within the State Treasury.
- 6) Establishes the “CalFresh Fruit and Vegetable Supplemental Benefits Expansion Program”.

- 7) Requires CDSS, in consultation with the California Department of Food and Agriculture (CDFA), to develop and adopt guidelines for enrolling authorized retailers, including the following:
 - a. A competitive application process for authorized retailers, as specified;
 - b. An application process that may be competitive at the department's discretion for additional authorized retailers, as specified; and,
 - c. At least two rounds of application solicitation.
- 8) Requires CDSS to enroll authorized retailers that reflect a diversity of sizes and types, including both grocery stores and direct farm-to-consumer authorized retailers as follows:
 - a. Requires that CDSS prioritize enrolling retailers to demonstrate that their participation will expand the geographic availability of supplemental benefits to communities and counties where benefits are currently unavailable.
 - b. Provides for authorized retailers that have more than 50 retail locations in California or that redeem more than \$50 million in CalFresh benefits annually across all locations, that both of the following must apply:
 - i. Of any appropriation by the Legislature, CDSS must initially allocate no more than \$40 million for authorized retailers; and,
 - ii. CDSS must provide grants to authorized retailers, as specified; to offset the cost of technological upgrades required to offer supplemental benefits.
 - c. Provides for authorized retailers that have 50 or fewer retail locations in California that redeem \$50 million or less in CalFresh benefits annually across all retail locations under common ownership in California, that both of the following must apply:
 - i. Of any appropriation by the Legislature for the purposes of this article, the department shall initially allocate no more than \$20 million dollars for authorized retailers.
 - ii. Provides that no more than \$1 million should be spent to provide funding for technological upgrades for authorized retailers.
 - d. Provides that a direct farmer-to-consumer outlet may only be eligible for enrollment if it sells California-grown fresh fruits and vegetables. Further, it allows CDSS to allocate no more than \$30 million for these authorized retailers.
- 9) Requires CDSS to ensure that authorized retailers who were enrolled as a result of the first round of application solicitation are distributing supplemental benefits no later than April 1, 2024.
- 10) Permits reallocation of funds to authorized retailers by CDSS, as specified.

- 11) Requires that CDSS provide supplemental benefits using the EBT system supplemental benefits mechanism to ensure all of the following:
 - a) Supplemental benefits can be transferrable across any authorized retailer;
 - b) Supplemental benefits can be accrued, tracked, and redeemed by CalFresh recipients in a seamless, integrated process through the EBT system;
 - c) Supplemental benefits can only be accrued by CalFresh recipients through the purchase of California-grown fresh fruits and vegetables from an authorized retailer;
 - d) Supplemental benefits can only be redeemed to make eligible purchases under the CalFresh program from an authorized retailer;
 - e) The supplemental benefits mechanism complies with all applicable state and federal laws governing procedures to ensure privacy and confidentiality;
 - f) Allows retailers that use EBT-only point-of-sale terminals, such as farmers' markets, and those that use integrated point-of-sale terminals, such as grocery stores, shall be able to integrate the new supplemental benefits mechanism into their existing systems, including the free state-issued hardware provided to certified farmers' markets and farmers;
 - g) The supplemental benefits mechanism provides CalFresh benefits to supplemental benefits match ratio of at least 1:1;
 - h) A CalFresh household may only accrue up to a limited amount of supplemental benefits, as determined by the department; and,
 - i) Requires no expiration date for the use of supplemental benefits, but the benefits may be expunged, as specified.
- 12) Requires CDSS to contract with one or more vendors to develop at least two technology solutions, as specified, that allow authorized retailers to accept EBT CalFresh benefits and offer supplemental benefits wirelessly. Further, requires the development of this technology in consultation with CDSS, CDFA's Office of Farm to Fork, and stakeholders, as specified.
- 13) Requires CDSS to develop marketing materials that authorized retailers and community groups can use for outreach efforts to promote supplemental benefits at no cost. Further, requires the material to contain information targeted to populations that receive a low amount of CalFresh benefits, as specified.
 - 14) Requires CDFA to develop a grant program to award funds to nonprofit organizations to recruit, train, and support authorized retailers participating in the CalFresh supplemental benefits program and allocates no more than \$1 million be for this purpose.
- 15) Requires CDSS to submit a report to the Legislature, as specified, with the initial progress two months after the first supplemental benefits are distributed through the program, or March 1, 2024, whichever comes first. Further, requires the report to include recommendations on

whether the technology used can support additional expansion and whether any aspects of the program design need changes as part of the program expansion.

- 16) Stipulates that if CDSS fails to submit the required report, if the report includes a recommendation to stop further expansion of the program or if supplemental benefits are not distributed as required by the program, the remaining unencumbered funds in the State Treasury Fund shall revert to the General Fund.
- 17) Requires CDSS to publish data on program utilization quarterly, as specified, beginning three months after an authorized retailer first provides supplemental benefits.
- 18) Requires CDSS, as specified, to submit a report to the Legislature examining improvements in expanding access to supplemental benefits, implementing technological upgrades to provide supplemental benefits, communications and marketing regarding supplemental benefits, CalFresh participant experience accessing and using supplemental benefits, and retailer experience providing supplemental benefits.

EXISTING LAW:

- 1) Establishes the federal “Supplemental Nutrition Assistance Program” (SNAP) pursuant to the Food Stamps Act of 1964 to provide benefits to families and individuals meeting specified criteria. *7 United States Code Section [U.S.C.] 2011 et seq.*
- 2) Establishes the CalFresh program for the administration of federal SNAP benefits to eligible individuals. Provides program requirements and eligibility, as specified. *Welfare and Institutions Code Section [WIC] 18900 et seq*
- 3) Establishes the “EBT Act” and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalWORKs and CalFresh. *WIC 10065 et seq*
- 4) Establishes CDFA to promote and protect the agricultural industry of the state, enhance, protect, and perpetuate the ability of the private sector to produce food in a way that benefits the general welfare and the economy of the state, and seek to maintain the economic well-being of agriculturally dependent rural communities in the state. *Food and Agriculture Code Section 100 et seq*
- 5) Establishes the “California Fruit and Vegetable EBT Pilot Project”, which includes within the EBT system a supplemental benefits mechanism that allows an authorized retailer to deliver and redeem supplemental benefits, which must be compatible with operational procedures at farmers' markets with centralized point-of-sale (POS) terminals and at grocery stores with integrated POS terminals, as specified. *WIC 10072.3*

FISCAL EFFECT: Unknown

COMMENTS: California produces nearly half of the nation’s fruits and vegetables, yet 1 in 5 currently struggle with food insecurity. The California Associations of Food Banks define "food insecurity" as the occasional or constant lack of access to the food one needs for a healthy, active life. Food security can be impacted by various factors, including access to local healthy foods, the price of food, and the ability to store and prepare food. Individuals who face food insecurity

are often forced to decide between nurturing their physical health and maintaining other aspects of their lives, leading to serious health effects.

In California, SNAP funds are administered through the CalFresh program. SNAP is the federal program that provides states funds to offer nutritional benefits to low-income individuals and families. The benefit is meant to assist with access to healthy and nutritious foods and is distributed through various sources, depending on the state. Formerly known as food stamps, the program provides specific eligibility requirements and funding to states, planning and implementing at the local level. In this state, CalFresh is under the purview of CDSS and facilitated through the county human services agencies. The EBT system automates the delivery, redemption, and reconciliation of multiple types of public assistance benefits, including CalFresh, CalWORKs, and General Assistance.

As California continues to seek flexibilities and implement policy changes to increase access to nutritional benefits, one of the most successful projects has been EBT utilization at farmers' markets. When individuals wish to use CalFresh benefits at a farmers' market to purchase fresh fruits and vegetables. Additionally, some certified farmers' markets offer Market Match, which doubles the value of an individual's CalFresh purchases at participating farmers' markets. In 2020, CalFresh customers utilized a match of \$13,836 of funds—providing expanded access in a time of increased food insecurity.

In 2018, the California Fruit and Vegetable EBT Pilot Program was established to develop and refine a scalable model for increasing the purchase of California-grown fresh fruits and vegetables to CalFresh recipients. The pilot requires CDSS, in partnership with CalFresh, OSI, and CDFR, to include within the EBT system a supplemental benefits mechanism that allows an authorized retailer to deliver and redeem supplemental benefits. The program also required CDSS to evaluate the pilot, make recommendations to the Legislature to further refine the supplemental benefits mechanism, and submit a report to the Legislature no later than January 1, 2022. The Coronavirus pandemic caused a delay in implementation and delayed the report.

According to the author, "This bill will bolster households' food budgets and help make California-grown fresh fruits and vegetables more affordable for Californians with low incomes. [This bill] would expand the availability and diversity of retail locations where CalFresh participants earn fruit and vegetable supplemental benefits, thereby helping reduce hunger, improving health, and supporting the state's agricultural economy."

Supporters state that expanding California Fruit and Vegetable Supplemental Benefits to be available to hundreds of thousands of households across the state will, in the short-term, help families afford the foods they need to stay healthy and help alleviate the economic strain farmers are currently facing. In the long-term, it will position the program to become permanently available to CalFresh families throughout California. [This bill] is a "win-win-win" that reduces hunger, improves public health, and boosts California's agricultural economy.

The Ecology Center, who has a support if amended position, recommends request the following amendments to further help market match for direct farm to consumer operations:

- 1) Build-in 2:1 matching (spent \$1 get \$2) at direct farm-to-consumer outlets to leverage the additional benefits to our economy and local food system when shopping at farmers' markets and other farm-direct outlets.

- 2) Include operational costs for the central-point-of-sale model used at farmers' markets, especially ones with high volume CalFresh-use so that they may continue to offer incentives to CalFresh shoppers.
- 3) Ensure farmers' markets and other farm-direct outlets are given more than 6 months to enroll and ramp up this program before funding is reallocated to other retailer types.

RELATED AND PRIOR LEGISLATION:

AB 2153 (Arambula) of 2022, would have established the "California Fruit and Vegetable Supplemental Benefits Expansion Program" and was substantially similar to this bill. AB 2153 was held on the Assembly Appropriations Committee suspense file.

SB 907 (Pan), Chapter 605, Statutes of 2022, requires CDSS and CDFA to establish a non-competitive grant program designed to expand the use of EBT acceptance systems at farmers' markets.

AB 534 (Mayes) of 2019 would have established the "Envision a Hunger-Free California Act of 2019" and would have required CDSS, California Department of Public Health (CDPH), the California Department of Education (CDE), and CDFA to develop a plan to end hunger, which would have included the identification of barriers to food access. AB 534 was held on the Assembly Appropriations Committee suspense file.

AB 1952 (Mayes) of 2018 would have established the "Envision a Hunger-Free California Act of 2018" by requiring CDSS, CDPH, CDE, and CDFA to develop a plan to end hunger. AB 1952 was held on the Senate Appropriations Committee suspense file.

AB 1811 (Committee on Budget), Chapter 35, Statutes of 2018, created the "California Fruit and Vegetable EBT Pilot Project" to increase the purchase and consumption of California-grown fruits and vegetables that are financially out-of-reach for low-income residents.

SB 900 (Wiener) of 2018 would have established the "California Fruit and Vegetable EBT Pilot Project" to include within the EBT system a mechanism that would have enabled an authorized retailer to deliver and redeem supplemental CalFresh benefits. SB 918 was set to be heard by the Assembly Human Services Committee but the hearing was cancelled at the request of the author.

SB 675 (Skinner) of 2017 would have required the EBT system to only permit online purchase of food from retailers that comply with various specified requirements and the EBT system to prohibit payment of delivery fees for online food purchases using CalFresh benefits. SB 675 died on the Assembly Inactive File.

AB 1321 (Ting), Chapter 442, Statutes of 2015, established the Nutrition Incentive Matching Grant (NIMG) Program to scale up Market Match programs would create an incentive for more families to utilize their SNAP benefits and ensure more Californians can afford to eat what is grown locally.

REGISTERED SUPPORT / OPPOSITION:

Support

Nourish California (Co-Sponsor)
Spur (Co-Sponsor)
Alameda County Community Food Bank
American Heart Association
California Association of Food Banks
California Catholic Conference
California Farm Bureau Federation
California Fresh Fruit Association
California Grocers Association
California Retailers Association
Coalition of California Welfare Rights Organizations
Community Action Partnership of Orange County
Compass Family Services
Food Bank of Contra Costa & Solano
Food for People, the Food Bank for Humboldt County
Glide
Hunger Action Los Angeles INC
LA Raza Community Resource Center
Long Beach Alliance for Food and Fitness
Los Angeles Regional Food Bank
Open Heart Kitchen
San Diego Hunger Coalition
Second Harvest Food Bank of Orange County
Second Harvest of Silicon Valley
SLO Food Bank
Western Center on Law & Poverty

Support If Amended

Agricultural Institute of Marin
Ecology Center, Berkeley

Opposition

None on file

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 1016 (Jones-Sawyer) – As Amended March 9, 2023

SUBJECT: Pest control operations: aircraft operations: private applicator

SUMMARY: This bill would add the status of private applicator as a designation under the unmanned pest control aircraft (UPCA) pilot's certificate, as specified. Specifically, *this bill*:

- 1) Adds private applicator classification to UPCA certificate for the purpose of using a UPCA for application of pesticides.
- 2) Requires a person with a private applicator UPCA certificate to only apply pesticides on agricultural commodities on property controlled by the pilot or the pilot's employer.
- 3) Requires a person with a private applicator UPCA certificate to submit, to Department of Pesticide Regulation (DPR), proof of completion of a program accredited by DPR and possession of a valid private applicator certificate.
- 4) Adds requirement that in order to have a journeyman's UPCA certificate, the applicant has to serve as an apprentice UPCA for one year.
- 5) Allows DPR to adopt regulations related to journeyman's UPCA certification.

EXISTING LAW:

- 1) Allows DPR to adopt regulations related to journeyman's UPCA pilot's certification.
- 2) Requires any person to operate an aircraft in pest control to, among other things, holds a valid manned or UPCA pilot's certificate issued by DPR.
- 3) Requires each UPCA pilot's certificate to designate the pilot's status as a journeyman, apprentice, or vector control technician, and requires an applicant for a manned or UPCA pilot's certificate to pass an examination as a condition of licensure.
- 4) Prohibits the issuance of a journeyman's certificate until the applicant has served as an apprentice under an apprentice certificate for one year and until the applicant presents to DPR certain documentary proof that the applicant operated an aircraft in pest control activities for a specified amount of time within the previous 2 years, as specified.

California Code of Regulations defines a private applicator as:

- a) "Individual" can be the operator of the property, the operator's authorized representative (with written authorization), or the operator's employee who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 on property owned, leased, or rented by him/her or his/her employer; or Code of Federal Regulations, section 171.2(a)(5), or,

- 2) A householder who uses or supervises the use of a pesticide outside the confines of a residential dwelling for the purpose of controlling ornamental, plant, or turf pests on residential property owned, leased, or rented by that householder.

FISCAL EFFECT: Unknown

COMMENTS: AB 527 (Caballero), Chapter 404, statutes of 2017, allowed commercial drone operations for the purpose of pesticide application for mosquito and vector control, if the drone operator complies with FAA rules governing drone flight and the drone operator has approval from DPR. AB 527 created a new PCAP certificate for drone operators, to be provided upon operators passing the exam, as specified.

Current requirements for drone pilots include a training process that requires an apprentice pilot to train under a journeyman pilot for 150 hours for fixed wing aircraft and 50 hours for non-fixed wing aircraft.

According to the author, this creates regulatory misalignment for FAA-licensed drone operators that want to offer aerial pesticide applications in California. Because the pesticide application delivery platform is entirely different, fixed-winged pilots typically do not have the requisite knowledge about how drones are piloted. Therefore, there are approximately 12 licensed drone aerial applicators in California, while there are hundreds of licensed fixed-wing applicators.

Farms only use drones to capture crop canopy, soil health, water usage, and other farm data. However, without access to licensed drone applicators, farmers cannot use drones for pesticide applications.

A February 2022 presentation by the United States Environmental Protection Agency (US-EPA) stated US-EPA does not currently have established data testing/information needs for UAVs. US-EPA is working with several stakeholders/working groups - both US and international - to help inform any potential data needs and how it compares to existing application technology in areas such as: off-site drift, worker exposure and exposure to other non-target organism and crop residues.

Since 2017, the State of Oregon Aerial Applicator licensing rules have allowed for a wider array of training than California. California requires flight training that consist of 150 hours for fixed wing aircraft or 50 hours for non-fixed wing aircraft under a journeyman aerial pest applicator. In California, drone operators fall under the same rules. Oregon provides for the option to have training under the supervision of a certified Aerial Pesticide Applicator; on flights conducted for the purpose of carrying out, or training to carry out, spraying or otherwise applying pesticides by aircraft.

Supporters state instead of spraying an entire field with pesticides, drones permit for the spot treatment of just affected crops. For all pesticide applicators, drones remove workers from intimate contact with pesticides, replacing backpack blowers and ground based delivery systems with remote delivery systems. The technology helps farmers to become more efficient, and [this bill] helps to ensure that the technology's use on farms for pesticide applications comes with regulatory controls in place to ensure worker and community safety. Today, drones are used on farms for important data gathering related to water, soil, and crop health. These drone pilots complete their requisite FAA licensing and fly under the FAA's requirements for drone flights. This bill takes the next logical step in the adoption of drone technology on California's farms,

enabling more efficient applications of pesticides on California's soils.

This bill aims to modernize aerial applicator credentialing requirements in existing statutes by expanding DPR's authority to create training programs for drone aerial applicator licensing independent of existing journeymen/ apprenticeship requirements.

Related legislation:

AB 1689 (Fong) of 2022 would have updated the licensing process for operators of Unmanned Aircraft Systems (drones) for pest control purposes, including agriculture pest control. Held in Assembly-never presented by Fong.

AB 527 (Caballero) Chapter 404, Statutes of 2017, allowed commercial drone operations for the purposes of pesticide application for mosquito and vector control, provided that the drone operator complied with Federal Aviation Administration (FAA) rules governing drone flight and the drone operator had approval from DPR. This bill created a new pest control aircraft pilot certificate for drone operators, to be provided upon operators passing the exam.

REGISTERED SUPPORT / OPPOSITION:

Support

California Farm Bureau Federation

Opposition

None on file

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON AGRICULTURE
Robert Rivas, Chair
AB 1141 Megan Dahle – As Amended March 23, 2023

SUBJECT: Agricultural lands: agricultural and livestock producers: agricultural pass program: disaster access to farm lands

SUMMARY: This bill would change the name of the livestock pass program to the agricultural (AG) pass program and make conforming changes, as specified. Specifically, *this bill*:

- 1) Changes livestock pass program to a more expansive AG pass program.
- 2) Defines qualified agricultural producers, for the purpose of the AG pass program to mean a commercial agricultural producer, as determined by the county agency, who has been certified as successfully completing the AG pass program curriculum.
- 3) Require the State Fire Marshal, with the involvement of the Statewide Training and Education Advisory Committee, to develop a curriculum for AG producers eligible for the AG pass program by July 1, 2024.

EXISTING LAW:

- 1) Allow, upon the approval of a county board of supervisors, a county agricultural commissioner, or other designated agency, the establishment within the county a livestock pass program for the purpose allowing ranchers to access their property in a disaster emergency. *Food and AG Code (FAC) 2350*
- 2) Provides that access to specified areas may only be granted by the incident commander, a law enforcement official having jurisdiction, or their designee during a disaster, as specified. *FAC 2350*
- 3) Required, on or before January 1, 2023, the State Fire Marshal to develop a curriculum for livestock producers eligible for this livestock pass program, as specified. *Health and Safety Code 13105.6*

FISCAL EFFECT: Unknown

COMMENTS: The purpose of a county-based AG Pass program is to identify owner-operators of commercial farms or ranches to firefighting personnel, California Highway Patrol officers, sheriff's deputies, and other emergency personnel. Possession of a AG Pass during a wildfire or similar disaster allows the individual access to areas that may otherwise be restricted to the public so that the agriculturalist can 1) protect or care for livestock assets such as feeding, watering, and transporting livestock, 2) water fields, protect infrastructure or 3) provide auxiliary support to emergency personnel such as identification of access roads and water points.

According to the author, lack of timely access to a farm or ranch during a wildfire or other emergency incident can be devastating to livestock and force farmers and ranchers to make truly difficult decisions. In 2020, one rancher lost hundreds of cattle to the Bear Fire (part of the North

Complex Fire) as he struggled to gain access to his rangelands. Many farmers and ranchers have ignored evacuation orders, knowing that once they leave they may not be able to gain return access to care for their animals. Others have been evacuated only to eventually make the difficult choice to bypass roadblocks to access their farm or ranch, risking their safety and a misdemeanor charge to ensure the welfare of their animals. AB 1103 (2021-22) created a standardized training and framework for a livestock pass program (Livestock Pass), allowing ranchers to access their property in an emergency to save their livestock and lands. AB 1141 simply seeks to extend the existing program to farmers/agriculture.

The bill does not affect the portion of current livestock law that protects workers safety and peace of mind to insure employees will not feel pressured to access lands or keep working when an evacuation order is in place.

The following counties have implemented Livestock pass programs or had a prior AG pass program:

Amador	Napa	Shasta
Glenn	Nevada	Siskiyou
Humboldt	Placer	Sonoma
Mariposa	Plumas	Stanislaus
Mendocino	San Diego	Tulare
Modoc	Santa Barbara	Ventura
Monterey	Santa Clara	Yuba

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084