

Date of Hearing: June 29, 2022

ASSEMBLY COMMITTEE ON AGRICULTURE  
Robert Rivas, Chair  
SB 982 (Laird) – As Amended April 7, 2022

**SENATE VOTE:** 36-0

**SUBJECT:** California Apple Commission: organic apple certification program

**SUMMARY:** 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. Specifically, **this bill:**

- 1) Makes the following findings and declarations:
  - a) California grows apples on 11,000 acres and produces over 1,500,000 boxes of apples annually, with nearly 40% of them being organic.
  - b) California is a net importer of apples at retail.
  - c) Out-of-state producers continually sell apples in California labeled as organic long after their harvest season is completed by using nonorganic methods of storage to increase their shelf life.
  - d) State regulators do not have the ability to test apples stored out of state.
  - e) Any program developed as a result of this act to protect California consumers from apples mislabeled as organic will be funded by CAC.
  - f) The necessity of ensuring apples labeled as organic sold in California are properly labeled and adhere to the standards set forth by federal and state organic programs is recognized as being in the public interest.
- 2) Allows CAC to establish an organic apple certification program for organic apples, either domestic or imported, to determine whether they are in compliance with state and federal laws. The program's operating procedures are subject to approval by the secretary of the California Department of Food and Agriculture (CDFA).
- 3) Requires the identity of a person determined to be in violation of the program be provided to the public, CDFA, and any other state or federal agency responsible for the administration of laws related to organic products.
- 4) States the commission shall reimburse the secretary for all expenditures incurred by the secretary in carrying out its duties and responsibilities pursuant to this chapter.

**EXISTING LAW:**

- 1) Establishes CAC, comprised of 12 producer and handler members and one public member which may enforce laws relative to apple production, generally promote the sale of apples, and make recommendations to CDFA, relative to apple maturity standards.
- 2) Establishes the State Organic Program (SOP), which enforces the federal Organic Food Production Act of 1990 and the National Organic Program regulations. Every person engaged in California in the production or handling of raw agricultural products sold as organic must register with the county agricultural commissioner in the county of principal operation prior to the first sale of the product. In addition, every person engaged within California in the processing or handling of processed organic products is required to register with the Department of Public Health.
- 3) Establishes the California Organic Food and Farming Act of 2016 that overhauled SOP, by changing the SOP fee structure; grants a larger administrative role to accredited certifying agencies; revises the composition of the California Organic Products Advisory Committee; and, revises required information provided for registration and recordkeeping.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** According to CDFA, organic is the fastest growing sector of California's agricultural economy, creating jobs and protecting environmental resources. In 2017, California topped \$2.9 billion in value, accounting for more than 40% of all organic production in the country. In fact, California is the only state with its own organic program and was one of the first states to regulate organic products with the 1979 Organic Food Act.

The purpose of this bill is to ensure consumer confidence that they are, in fact, purchasing an organic apple when it is labeled organic. The author points to an example of organic apples being brought in from out of state that have been treated with methylcyclopropene (1-MCP). Fruits are stored to maintain fresh quality and extend their shelf life and 1-MCP is a synthetic product that helps store fruits longer by inhibiting the effects of ethylene (a gas released by some fruits and vegetables that cause the produce to ripen faster) on fruits and vegetables. It is also used in cut flowers, potted flowers, bedding, nursery, and foliage plants, as well as stored fruits and vegetables. It is approved for use only in enclosed spaces such as greenhouses, storerooms, coolers, enclosed truck trailers, controlled atmosphere food storage facilities, and shipping containers.

According to the author, this bill will ensure that apples coming in to California marketed as organic are actually organic and not treated with 1-methylcyclopropene (MCP) (sic), a non-organic preservative. The bill will establish an inspection and certification program through the California Apple Commission in coordination with the California Department of Food and Agriculture that will screen apples for the presences of MCP. Californians deserve transparency, especially when it comes to the food on our tables. SB 982 ensures out-of-state producers maintain the integrity of California's State Organic Program, the only State Organic Program in the nation.

Supporters state this bill is crucial to ensuring the state and national organic standards are unilaterally upheld for all producers. California's organic apple farmers are unrivaled in their

commitment to these standards; however, they do exist in a global market with increasing competition, lower margins and unscrupulous actors that threaten to upend the label integrity of organic. Developing a certification program will be helpful to deter the importation of apples containing unapproved or prohibited substances. This will maintain a more fair, equitable, and transparent marketplace.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Apple Commission (Sponsor)  
California Farm Bureau Federation

**Opposition**

None on file.

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