

2005

## 2005 Summary of Legislation

Assembly Committee on Agriculture

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# Assembly Committee on Agriculture

2005 Summary of Legislation

Barbara S. Matthews, Chair

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# Assembly California Legislature

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January 31, 2006

### TO ALL INTERESTED PARTIES:

The following report summarizes legislation referred to the Assembly Committee on Agriculture during the 2005 legislative year and indicates its current status.

The overall volume of legislation was down due to the significant distraction of the Governor's special election. Due to the ongoing deficits in the state budget, there also were significantly fewer fiscal measures.

Some bills were referred to Committee and turned into two year legislation; some were changed and rereferred to other committees. Issue areas such as food labeling and safety were less frequently before the Committee. Some measures passed out of the Committee but failed to make it out of the Legislature, and others were signed by the Governor.

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

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**2005 Mid Year Summary**  
**Assembly Committee on Agriculture**  
*Barbara S. Matthews, Chair*

**AB 85 (Maze) – Citrus fruit crops.**

Renames the Navel and Valencia Orange Advisory Committee, the California Citrus Advisory Committee (committee); increases committee membership from eight to 12 in order to include mandarin citrus and lemon growers; provides that the mandarin citrus assessment will be equal to that of the Valencia orange assessment (\$0.006 per carton) and the lemon assessment shall be \$0.005 per carton; consolidates the existing assessments; and, declares these provisions urgent.

**Status: Chapter 180, Statutes of 2005.**

**AB 105 (Cohn) – Food labeling: California Choice Seal Program.**

Requires the State Department of Health Services (DHS) to establish a voluntary food inspection program to authorize the placement of a "California Choice Seal" upon, or in association with, food products the department deems to be compliant. Additionally, this bill authorizes an assessment for qualified participants to cover the cost of the program. The assessments shall be deposited in a new special fund created for this program.

**Status: Referred to the Assembly Committees on Health and Agriculture.**

**Set, first hearing. Hearing cancelled at the request of author.**

**AB 365 (Salinas) - Local agencies: agricultural lands.**

Adds greenhouses to the Williamson Act definition of agricultural uses, clarifies that floricultural crops are governed by nursery production statute relative to production nurseries, declares that greenhouse production is the equivalent to open field production of floricultural products, and defines greenhouses as covered structures with controlled atmospheres for the purpose of growing agricultural commodities.

**Status: Chapter 605, Statutes of 2005**

**AB 393 (Frommer) – Agriculture: California Walnut Commission.**

Revises the term of office for members and alternates to either their election date or a different date specified by the California Walnut Commission and requires their continuation in office until their successors are qualified.

**Status: Set, first hearing. Hearing cancelled at the request of author.**

**AB 460 (Parra) – Contagious diseases.**

Permits CDFA to enter into cooperative agreements with USDA for an avian influenza prevention and control program, and requires adoption of regulations to implement the program.

**Status: Chapter 609, Statutes of 2005**

**AB 520 (Parra) – Civil administrative penalties: food and agriculture violations.**

Authorizes the Secretary of CDFA or a county agricultural commissioner, in lieu of civil prosecution, to levy a civil penalty of up to \$3000 per violation of an agriculture theft or violation of fruit, nut and vegetable standards or regulations promulgated pursuant to their provisions, as specified.

**Status: Chapter 220, Statutes of 2005**

**AB 621 (Cogdill) – Milk.**

Provides that milk products plants that have been approved to use Hazard Analysis Critical Control Points (HACCP) procedures, under the auspices of the National Conference of Interstate Milk Shipments, or a state or federal regulatory agency, may adhere to HACCP inspection protocols instead of state protocols, and makes it a misdemeanor for a dairy cow farm that was marketing Grade A milk on August 1, 2005, or that begins operation on or after January 1, 2006, from marketing Grade B milk, unless specific de-pooling rules are met.

**Status: Chapter 222, Statutes of 2005**

**AB 649 (Parra) - Tomatoes.**

Permits the California Tomato Commission, if authorized under a joint powers agreement with CDFA, to establish a separate assessment of no more than ten cents (\$0.10) per 100 pounds, for tomatoes received from outside the state; requires tomatoes prepared for fresh market to comply with specified standards and regulations; provides that a violation shall constitute grounds for a civil action; requires records of daily activities involving the shipping and handling of tomatoes be prepared and retained for three years; and, provides that upon reasonable cause to believe that a person is in unlawful possession of tomatoes regulated under these provisions, the tomatoes may be seized, held, and sold or donated, if proof of lawful ownership is not provided in a timely manner.

**Status: Vetoed by the Governor**

**AB 826 (Nava) – California Farm to School Child Nutrition Improvement Program.**

Creates the California Farm to School Child Nutrition Improvement Program; requires the State Department of Education (SDE), in collaboration with CDFA and DHS, to implement the program; requires SDE to offer voluntary Farm to School workshops and training sessions to school food service providers; allows CDFA, to the extent funding is available, to provide outreach and technical assistance to farmers and others in the agricultural industry seeking to establish or participate in a local Farm to School program, or to work with the United States Department of Defense (DOD) to establish a DOD Farm to School program.

**Status: Vetoed by the Governor**

**AB 924 (Canciamilla) – Ammonium nitrate.**

Requires ammonium nitrate fertilizer manufacturers, distributors, and retailers to obtain a license from the Secretary of CDFA prior to manufacture or distribution, and requires licensees to maintain sales records.

**Status: Chapter 490, Statutes of 2005**

**AB 984 (Laird) – Liability: genetically engineered plants.**

As heard in the Committee, this bill provided that the manufacturer of a genetically engineered plant was liable to specified plaintiffs in cases where the plant caused economic damage or loss, as defined, to the plaintiff; provided that the manufacturer is liable for damages, attorney fees and litigation costs should the plaintiff prevail in legal proceedings authorized by this bill; prohibited the manufacturer a defense to liability unless specific circumstances applied; provided that a manufacturer's liability may not be waived; established definitions; and, made legislative findings and declarations.

**Status: Set, first hearing, Assembly Committee on Agriculture. Held without recommendation. Amended and re-referred to Assembly Committee on Water, Parks and Wildlife.**

**AB 1011 (Matthews) – Pesticide brokers.**

Expands the crime of selling pesticides in California without a broker's registration, to include non-agricultural products; deletes current broker registration fees; and, eliminates the Letter of Authorization for pesticide data sharing, thereby creating a new process for data sharing, payment, revocation and appeal procedure.

**Status: Chapter 612, Statutes of 2005**

**AB 1059 (Matthews) – Pesticide registration.**

Creates an alternative dispute resolution procedure for an aggrieved grower or licensee to contest claims of \$30,000 or less.

**Status: Re-referred to Senate Committee on Environmental Quality**

**AB 1061 (Committee on Agriculture) – Agriculture omnibus changes.**

Creates the Analytical Laboratory Fund within the Food and Agriculture Fund, into which all reimbursements collected by CDFA for services rendered by its Center for Analytical Chemistry (CAC) shall be deposited, with the intent of providing funding for the replacement and repair of laboratory equipment, updating existing laboratory facilities, and building new CAC laboratories; and decreases the minimum mandatory meeting requirement, from two to one per year, for the Agricultural Cooperative Bargaining Advisory Committee.

**Status: Chapter 613, Statutes of 2005**

**AB 1065 (Matthews) – Kitchen grease: transporters.**

Authorizes CDFA to establish a method for tracking inedible kitchen grease; defines "interceptor grease"; separates requirements for licensed renderers and transporters; requires transporters to be insured; changes the terms of suspension or revocation of a license or registration; expands the conditions that may lead to a suspension or revocation of a license or registration; and, makes related technical changes.

**Status: Chapter 533, Statutes of 2005**



**AB 1147 (Leno) – Industrial hemp: growers and processors.**

Authorizes the growing of industrial hemp in California under specified conditions, for sale only within California.

**Status: Set, first hearing in Assembly Committee on Agriculture. Held without recommendation. Amended and re-referred to the Assembly Committee on Public Safety.**

**AB 1291 (Pavley) – Food: state-certified logo.**

Requires the California EPA to, by January 1, 2007, establish a state-certified logo that could be affixed to food products that are proven to be free of, or contain acceptable levels of, toxic substances that could harm a child's health, to establish a testing process for participating food products, and to conduct a public awareness program.

**Status: Set, first hearing in Assembly Committee on Agriculture. Held in Committee. Amended and re-referred to the Assembly Committee on Health.**

**AB 1508 (Salinas) – Seed.**

As passed by the Assembly Committee on Agriculture, this bill permitted a seller of commercial feed to use volume, instead of net weight, to fulfill current labeling or packaging requirements. These contents were removed in the Senate and replaced with language that states that the provisions of the California Seed Law are of statewide concern and occupy the entire field of regulation regarding registration, labeling, sale, storage, transportation, distribution, notification of use, and use of seeds to the exclusion of local regulations.

**Status: Amended and re-referred to Senate Committee on Agriculture. Set, first hearing. Hearing cancelled at the request of author.**

**AB 1548 (Pavley) – Rodenticide**

As heard by the committee, this bill permitted Ventura County to implement a pilot program that banned the sale and use of specified anticoagulants and report back to the Legislature. These contents were deleted upon the bill's failed passage.

**Status: Set, first hearing in Assembly Committee on Agriculture. Held without recommendation. Amended and re-referred to Assembly Committee on Education.**

**AB 1587 (Saldaña) – Farmed Animal Reform Act.**

Creates a new crime for anyone who kills or attempts to kill, any cow, bull, calf, horse, mule, sheep, swine, goat, fallow deer, or poultry by specified methods and provides new definition for methods of slaughter.

**Status: Set, first hearing in Assembly Committee on Agriculture. Held without recommendation.**

**AB 1598 (Committee on Agriculture) – Agriculture Omnibus Changes.**

Allows a seller of commercial feed to use volume, instead of net weight, to fulfill current labeling or packaging requirements for commercial feed.

**Status: Referred to Senate Committee on Agriculture.**

**AB 1730 (La Malfa) – Pesticide registration.**

Deletes the ability of the Director of the Department of Pesticide Regulation (DPR) to require a registrant to provide efficacy data for antimicrobial pesticide products, and provides intent language that the Legislature will address the registrant's letter of authorization process for sharing data with third parties. Substantively similar language was also amended into AB 1059.

**Status: Referred to Assembly Committee on Agriculture. Amended and re-referred to Assembly Committee on Environmental Safety and Toxic Materials.**

**SB 281 (Maldonado) – Pupil Nutrition.**

Creates the California Fresh Start Pilot Program to provide fruits and vegetables to K-12 pupils, appropriates \$400,000 from the Budget Act of 2005 for the program, and declares this measure an urgency.

**Status: Chapter 236, Statutes of 2005**

**SB 284 (Maldonado) – Specialty crop funding.**

Appropriates \$2,200,000 from the \$63,800,000 specialty crop block grant (awarded to California in 2001) to CDFA, in order to provide funding to California food banks for the purpose of supporting the marketing of specialty crops.

**Status: Set, first hearing, in Assembly Committee on Agriculture. Hearing cancelled at the request of author.**

**SB 295 (Chesbro) – Pierce's Disease Control Program.**

Makes minor changes to provisions governing the Pierce's Disease Management Program at CDFA. These changes clarify provisions guarding the confidentiality of proprietary information, standardize sunset dates, correct cross references, and delete a county elections cost reimbursement provision that is not applicable to the wine grape grower referendum process established under this program.

**Status: Chapter 12, Statutes of 2005**

**SB 303 (Chesbro) – The Mendocino Winegrape and Wine Commission.**

Authorizes the creation of the Mendocino County Winegrape and Wine Commission, (Commission) and provides that the Commission, upon CDFA's successful referendum of producers and processors, may establish and collect an assessment from Mendocino winegrape growers and producers in order to carry out the Commission's research development and marketing duties.

**Status: Chapter 597, Statutes of 2005**

**SB 455 (Escutia) – Pest control: violations.**

Creates new definitions and enforcement requirements relative to how a County Agricultural Commissioner administers civil penalties for violations of pesticide laws and regulations.

**Status: Vetoed by the Governor**

**SB 730 (Speier) – Organic products: aquaculture products.**

Prohibits any aquaculture, fish, or seafood product (including farmed and wild species) from being labeled or otherwise represented as "organic," until such time that the USDA's National Organic Program, or CDFA, implements formal certification standards.

**Status: Chapter 685, Statutes of 2005**

**SB 859 (Poochigian) – Agricultural policy.**

Provides that California must maintain a formal agricultural policy, including ensuring food safety, sustaining rural agricultural infrastructure, and protecting California from biological pollution, as major principles of the state's agricultural policy.

**Status: Referred to the Assembly Committee on Agriculture.**

**SB 872 (Denham) – Vertebrate pest control research.**

Extends for 10 years the Vertebrate Pest Control Research Program and advisory committee; adds definitions for research; adds provisions for expenditures of funds; and, makes technical changes.

**Status: Chapter 176, Statutes of 2005**

**SB 879 (Escutia) – Pest control: violations.**

Revises the procedures and requires mandatory penalties for the violations of pesticide application laws which result in harm to health or the environment.

**Status: Set, first hearing, Assembly Committee on Agriculture. Failed passage.  
Re-referred to Assembly Committee on Rules.**

**SB 1041 (Denham) – District Agricultural Associations.**

Implements the general proposal to transition state fairs into pseudo public entities, as outlined in the California Performance Review of 2004.

**Status: Set, first hearing, Assembly Committee on Agriculture.  
Hearing cancelled at the request of author.**

**SB 1056 (Florez) – California Seed Law.**

Provides that the California Seed Law is of statewide concern and all provisions contained therein regarding the registration, labeling, sale, storage, transportation, distribution, notification of use, and use of seeds preempts local regulations. The bill also provides that, except as otherwise specifically provided in the California Seed Law, no ordinance or regulation of any political subdivision may prohibit or in any way attempt to regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use, or actual use of seeds.

**Status: Set, first hearing in Assembly Committee on Agriculture. Testimony only taken in Committee. Held in Committee.**