



## Invasive Species Program Funding

Significant invasive species are routinely introduced and detected in California that threaten agriculture and the environment. Continued funding of Pest Exclusion, the use of Detector Dogs, Pest Detection Trapping and Survey Activities, Rapid Response, Pest Management and Eradication (if feasible), and Public Education Outreach Programs is critical in protecting California's resources.

### Action:

- Protect existing revenue sources and enhance state and federal funding of Pest Prevention Program activities.
- Provide full cost recovery for new programs.
- Maintain or enhance funding for current programs, such as CalTrap.
- Support all reasonable efforts by the California Department of Food and Agriculture, County Agricultural Commissioners, and the agricultural industry to acquire funding and to prevent the introduction and potential spread of invasive pests in California.
- Support legislation and/or state and federal programs that provide for effective pest management and eradication activities.
- Provide local flexibility to enhance the abilities of Agricultural Commissioners to respond to pest emergencies and high priority local pest exclusion pathways.
- Support budgetary efforts to restore and maintain funding for agricultural border stations.
- Support research on invasive species pathways as well as funding mechanisms to close potential pathways.
- Support the creation of, or enhancement of, legislation that requires all parcel carriers and delivery services that handle plant material, soil, fruits, vegetables, or other agricultural products to develop cooperative agreements or memorandums of understanding with CDFA and local agricultural commissioners to allow for full inspection before release.
- Support sustainable pest management through the continued support of high risk pest prevention and pest detection programs.



## **Pesticide Use Enforcement Activities Supporting Human Health Safety and Environmental Protection**

The County Agricultural Commissioners, under the direction of the Director of the California Department of Pesticide Regulation (DPR), are responsible for enforcing pesticide laws and regulations at the local level. Working together with DPR, the pesticide use enforcement program promotes reduced risk pest management strategies, assesses human health risks from pesticides, licenses pest control businesses and monitors pesticide residue in the environment.

In the budget-trailer bill (Chapter 741, Statutes of 2003; SB 1049), intent language indicates that the Department of Pesticide Regulation (DPR) should fund County Agricultural Commissioners' local pesticide regulatory programs with \$22 million annually. The Legislature failed to appropriate adequate funding to DPR to meet this level and no authority was provided to County Agricultural Commissioners to establish fees to cover their program costs. As approximately \$32 million in County general funds are contributed per fiscal year in order to maintain the integrity and quality of the pesticide regulatory system Californians have grown to expect, it is critical we find a way to fund these local programs.

### **Action:**

- Support methods that would provide long-term stable funding for county pesticide regulatory activities.
- Support legislative or budgetary proposals that maintain or increase funding through the pesticide mill fee that is sufficient for pesticide regulatory activities to protect the safety of workers, the public and the environment and provides funding for education, outreach and compliance assessment activities related to the safe use of pesticides.
- Oppose legislation that challenges the preemptive status of state pesticide laws and authority provided to the Department of Pesticide Regulation (CDPR) and California Agricultural Commissioners.
- Oppose legislative proposals that would regulate the sale and use of pesticides that are not based on science.



### **Marketplace Equity and Consumer Protection**

Weights and Measures Programs are important to businesses and consumers in California. Weights and Measures regulatory activities ensure that there is a “level playing field” for business and industries. Likewise, these programs are critical in providing protection for consumers and a method for making value comparisons by providing equity in the marketplace. The Division of Measurement Standards (DMS) within the California Department of Food and Agriculture is the lead agency for weights and measures. DMS has incurred significant general fund reductions that have diminished their ability to provide consumer protection.

#### **Action:**

- Support legislation that preserves and enhances funding resources for weights and measures programs at the state (DMS) and local (Sealer) level for consumer protection.
- Encourage the use of state general funds for the Division of Measurement Standards.
- Support legislation which assures clear labeling and accuracy of the net quantity of packaged products to promote value comparison and to ensure the consumer receives the correct product and the quantity of product for which they pay.
- Oppose legislation that would allow for industry self-certification of commercial weighing and measuring devices.
- Oppose legislation that would diminish or remove protections now afforded to consumers for transactions measured by weighing or measuring devices or computed by Point of Sale systems.
- Support legislation that establishes funding for metrology, quantity control, package inspection, weighmaster, and testing standards for Electric Vehicle charging Stations to meet State mandated requirements.

# California Agricultural Commissioners and Sealers Association State Legislative Platform for 2024



## **Invasive Weed Management Funding**

Invasive noxious or non-native weeds continue to proliferate on public and private lands throughout California, threatening the state's critical infrastructure, its biodiversity, and ecological integrity. Weed Management Areas (WMA's) have been formed around the state to bring together all stakeholders concerned about invasive weed control within their respective areas.

### **Action:**

- Support federal and state legislation and resources that would provide stable funding for Weed Management Areas or programs for the control of harmful non-native or invasive weed pests.

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## **General Program Authority**

New mandates and/or programs are being directed to local governments with no funding or resources. County Agricultural Commissioners and Sealers of Weights and Measures have limited funding mechanisms as well as resources to carry out local responsibility or service for new mandates and/or programs. When statutory fees are insufficient to fund mandates or programs, County general funds are required to subsidize the difference.

## **Action:**

- CACASA opposes legislation creating local mandates or programs that do not provide:
  - o Clearly defined and authorized roles for Agricultural Commissioners and Sealers.
  - 100% funding and resources for activities to be carried out by Agricultural Commissioners or Sealers.

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## **USDA/California County Cooperative Wildlife Services (WS) Program**

Increased urbanization has led to a reduction and fragmentation of wildlife habitat. At the same time, wildlife populations continue to expand because of reduced hunting, changes in animal protection status, and the loss of various control mechanisms. Conflicts between people and wildlife are all too frequent. Funding for USDA's Wildlife Services program has traditionally been secured through cooperative agreements between federal, state, and county government agencies. Additionally, Wildlife Services contracts with California Counties have been challenged based on their lack of compliance with the California Environmental Quality Act (CEQA).

### **Action:**

- Support legislation or administrative rulemaking to allow growers to take feral hogs without a depredation permit or hunting license when the hogs are damaging crops or agricultural infrastructure.
- Support wildlife management tools and/or methods that have proven effective.
- Support collaborative efforts to complete CEQA documentation for all Wildlife Services in California.

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### **California Land Conservation Act of 1965 (Williamson Act)**

The Williamson Act is one of the most effective tools in preventing the loss of farmland and open space. The Act effectively preserves agricultural and open space lands through property tax incentives and voluntary restrictive use contracts. To encourage County participation in the program, the State historically reimbursed Counties a portion of the property tax revenue losses resulting from the lower assessments. The State discontinued the reimbursement in FY 2010- 2011.

#### **Action:**

- Support legislative or budget proposals to revive full funding for Williamson Act subventions or alternative program funding to counties.

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## **Cannabis**

Federal law classifies cannabis (marijuana) as a Schedule 1 controlled substance and illegal.

The Compassionate Use Act of 1996 (Prop 215) allowed for the cultivation of cannabis in California, however this left a number regulatory gaps in regards to legal cannabis activities.

In 2015, the state legislature attempted to begin addressing those regulatory gaps through a series of three bills known collectively as the Medical Marijuana Regulation and Safety Act. In November of 2016, the voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA) further legalizing adult (recreational) cannabis activities. In 2017, the Governor signed SB 94 into law. SB 94 combined the separate medical and adult use cannabis laws into one consistent and unified body of law.

SB 94 allowed for the California Agricultural Commissioners and Sealers (CACAS) as having a regulatory role related to contracted work (with previously CalCannabis and now the Department of Cannabis Control (DCC)) for enforcement of state licensing requirements. There are currently 16 counties who expect to have contracts with DCC for the 2022 growing season. Additionally, state cannabis law calls out existing CACS roles related to pesticide regulation and weights and measures consumer protection as they apply to cannabis businesses.

CACS have limited funding mechanisms and resources to carry out local responsibility or service for new mandates and/or programs. When statutory fees are insufficient to fund mandates or programs, County general funds are required to subsidize the difference.

## **Action:**

- CACASA opposes legislation creating local mandates or programs that:
  - o Do not provide 100% funding and resources for additional regulatory activities to be carried out by Agricultural Commissioners or Sealers.
  - Impair local land use authority.
  - Fail to provide adequate security for commissioner/sealer staff.
  - Create interference between cannabis regulation and existing authorities granted to Commissioner/Sealers. Do not provide support or transparency to county agricultural commissioner staff for carrying out contracted work



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## **State Organic Program (SOP)**

The California Department of Food and Agriculture secretary (CDFA) and County Agricultural Commissioners (CAC) under the supervision and direction of the secretary shall enforce the California Organic Products Act (COPA) of 2003 and regulations adopted by the National Organic Program (NOP) (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)).

These statutes protect consumers, producers, handlers, processors and retailers by establishment of standards under which fresh agricultural products/foods may be labeled and/or sold as “organic”. A recent State Supreme Court ruling (S21630) identified consumer protection from fraudulent labeling of organic products as a public right.

Today every person engaged in the state of California in the production or handling of raw agricultural products sold as organic, and retailers that are engaged in the production, processing and sales of products sold as organic, register with the State Organic Program. Through this efficient and cost effective program; a meaningful regulatory framework is established that supports the integrity and enforcement of organic production in California.

### **Action:**

- Oppose legislation that would end the SOP registration requirements and fee based activities performed by the CDFA SOP and County Agricultural Commissioners.
- Oppose legislation that would eliminate the California Organic Products Advisory Committee (COPAC).
- Oppose legislation that would end statewide enforcement of the SOP by CDFA and County Agricultural Commissioners.
- Support legislation that preserves and/or enhances funding resources and authority for the California State Organic Program inspection activities that provide consumer protection and equity in the marketplace.



### **Fruit and Vegetable Standardization**

The Fruit and Vegetable Standardization Program enforces minimum labeling, packing, quality and maturity standards for fresh fruits, nuts and vegetables. The goals of Standardization are to remove from the channels of trade, fruits and vegetables not complying with minimum standards, to assure consumers they are purchasing quality produce, and to protect and promote the fruit, nut and vegetable industries of California. This is done through inspection activities that verify proper packaging, sizing, and labeling, as well as testing for maturity and defects. Enforcing the proper labeling of packed products facilitates traceability in the event of a food safety incident. The California Fresh Fruit and Vegetable Industry has supported Standardization since 1992 through an industry assessment program to protect consumers and the industry from the marketing of substandard products.

### **Action**

- Support legislation that preserves and/or enhances funding resources and authority for fruit and vegetable quality control inspection activities that provide consumer protection and equity in the marketplace.

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## **School Siting**

Lower land acquisition costs and future development opportunities often drive school districts to place new schools on or near production agriculture. Existing statutes relax planning policies for districts to locate new schools. There are many reasons that make siting of schools proximate to production agriculture incompatible, and reduce agricultural productivity and community safety.

### **Action:**

- CACASA supports increasing environmental review of new school site proposals so they are similar to other developments.
- When schools must be sited in agricultural areas, mitigations such as buffers, setbacks and pick-up drop off locations should be incorporated onto the new school footprint and designed to minimize interference with agricultural operations.
- CACASA supports sustainable development policies that recommend placement of new schools within undeveloped urban areas or on in-fill, urban sites with redevelopment potential.



## Industrial Hemp

SB 1409, effective January 1, 2019 removed several requirements hindering hemp cultivation to occur in a manner consistent for the production of CBD, and provided for agricultural commissioners to charge fees to recover industrial hemp program costs.

The 2018 Farm Bill removed industrial hemp (*cannabis sativa* L.) from the Controlled Substances Act and defined industrial hemp as having no more than 0.3% THC on a dry-weight basis. This applies to any and all parts of the plant. States must develop regulations that include: THC testing procedures, including inspections done at least annually; recordkeeping procedures to keep track of land approved for hemp cultivation and plans for “effective disposal” of hemp plants with too much THC.

SB 153, effective January 1, 2020 imposed new requirements on the California Department of Food and Agriculture (CDFA) and county agricultural commissioners for registration and testing. New enforcement procedures and conditions on eligibility to participate in the state program were also required and a new definition for established agriculture research institution was included. CDFA was also mandated to submit a state plan to the United States Secretary of Agriculture on or before May 1, 2020. CDFA submitted a revised proposed state regulatory plan for hemp production to USDA on December 20, 2021, for review and approval. The USDA has approved the plan, effective January 1, 2022.

Regulations were needed and required for industrial hemp crops to be legally sampled, tested and harvested in 2019. Emergency regulations pertaining to sampling and testing activities were adopted on June 10, 2019 and were readopted on December 10, 2019 for an additional 90 days. New emergency regulations regarding sampling and testing were submitted to OAL on October 19, 2020, mandating that CACS or a USDA-approved sampling agent conduct the required sampling. On January 20, 2021, OAL approved regulations pertaining to establishment of timeframes, procedures, methods, and confirmation of THC concentration for the planting, sampling, laboratory testing, harvest, and destruction of Industrial Hemp. OAL has approved CDFA's request for the regulations to take effect immediately.

CDFA will propose further rulemaking to amend current regulations to ensure California's state regulatory plan is in compliance with the 2018 Farm Bill and the final rule published on January 15, 2021. As of December 31, 2021, California has 6,153 registered acres and 43 counties allow Industrial Hemp to be grown, with restrictions and/or ordinances.

CACS have limited funding mechanisms and resources to carry out local responsibility or service for new mandates and/or programs. When statutory fees are insufficient to fund mandates or programs, County general funds are required to subsidize the difference.

### Action:

- CACASA opposes legislation creating local mandates or programs that:
  - o Do not provide 100% funding and resources for additional regulatory activities to be carried out by Agricultural Commissioners or Sealers.
  - Impair local land use authority.
- CACASA supports legislation that would assist County Agricultural Commissioners and Law Enforcement with resources to curb the growing number of Marijuana growers cultivating under the guise of Industrial Hemp.



### **Nutria Eradication**

In March 2017, a female nutria pregnant with seven young was captured in a private wetland southeast of Gustine, Merced County. Nutria (*Myocastor coypus*) are large, semi-aquatic rodents, which are native to South America and highly invasive in the United States. Nutria are regulated as an A-rated pest by the California Department of Food and Agriculture (CDFA) and as a live restricted animal by the California Department of Fish and Wildlife (CDFW). Following this detection, an Interagency Nutria Response Team was convened, with CDFW as the lead agency, and as of September 2021, has captured over 2,700 additional nutria. Since the first sighting in Merced County, nutria have been captured in Stanislaus, San Joaquin, Mariposa, Fresno and Madera counties. The existence and spread of nutria in California will result in substantial economic and ecological impacts (e.g. loss of wetland and riparian habitat, soil and bank erosion, levee failures, agricultural losses, degraded wildlife and fish habitats, damaged revegetation sites, and exacerbated spread of invasive plants).

### **Action:**

- CACASA supports the California Department of Fish and Wildlife and its partner agencies with the continuation of the Nutria Eradication Program to prevent further impacts to the State's resources. These continued efforts will minimize the negative impacts of nutria to California's resources while maximizing the cost-efficiency of eradication efforts.

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## **Unclaimed Gas Tax (UGT) Revenue**

AB 1346 (Berman) requires the state air resources board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines (SORE). Provides funding program guidelines to local air pollution control districts and air quality management districts to support the transition to zero-emission small off-road equipment operations. Effective January 1, 2024, the bill prohibits new gas powered SORE with more stringent SORE emission standards with the goal of implementing SORE Zero-Emission Standard by 2028.

In FY 20/21 and 21/22 Small Horticulture Off-Road Gasoline Gallons accounted for 107,874,757 gallons or about 47% of Total Eligible Refundable Agricultural Gallons which translates to \$34.5 million of transfer to California Department of Food & Agriculture Ag Fund that supports reimbursement to Agricultural Commissioners based net county costs for agricultural code programs. The potential impact of AB 1346 statewide to county agricultural commissioners is estimated at \$10,400,000 in revenue losses by 2024.

### **Action:**

- Consider long-term stability of Unclaimed Gas Tax as zero-emission mandates expand and alternative funding for agricultural code programs to support County Agricultural Commissioner's net county costs for reimbursement.