
SENATE COMMITTEE ON AGRICULTURE
Senator Andreas Borgeas, Chair
2021 - 2022 Regular

Bill No: AB 1959 **Hearing Date:** 6/21/22
Author: Committee on Agriculture
Version: 5/19/22
Urgency: No **Fiscal:** Yes
Consultant: Reichel Everhart

Subject: Food and agriculture: omnibus bill

SUMMARY:

This bill extends, to January 1, 2026, the sunset date on existing law authorizing use of carbon monoxide (CO) for the control of burrowing rodent pests (BRP). Additionally, this bill requires that proprietary information and other information, including noncompliance observations, obtained in connection with the California Department of Food and Agriculture's (CDFA) produce safety program or inspections of fruit, nut and vegetable standards is confidential, unless required by a court order in a judicial proceeding.

BACKGROUND AND EXISTING LAW:

Existing law:

- 1) Authorizes the use of CO for the control of burrowing rodent pests, provided the following conditions are met:
 - a. The CO delivery device has a permanent label in plain view of the operator that includes, at a minimum, the following:

DANGER: Carbon monoxide is a poisonous gas that is odorless and colorless. Exposure to carbon monoxide can kill within minutes. Never use in structures inhabited by humans or livestock. The device must be used in accordance with all existing laws and regulations including Chapter 1.5 (commencing with Section 2050) of Division 3, known as the California Endangered Species Act, and Sections 4002 and 4003 of the Fish and Game Code.

- 2) Repeals the provisions authorizing the use of CO for the control of burrowing rodent pests on January 1, 2023.
- 3) Establishes fruit, nut, and vegetable standards and requires the secretary of CDFA and the county agricultural commissioners to enforce those provisions.

- 4) Provides that the secretary of CDFA and other agents of CDFA are authorized to enforce and make inspections of grade, standards of quality, and other provisions of any raw unprocessed fruit, nut, or vegetable marketing, food safety, or enforcement program adopted under state or federal authority.

PROPOSED LAW:

This bill:

- 1) Extends until January 1, 2026, the use of CO for the control of BRPs, provided existing conditions are met.
- 2) Specifies all proprietary information obtained for the purposes of CDFA’s produce safety program is confidential unless pursuant to a court order in a judicial proceeding.
- 3) Defines the following:
 - a. “Produce safety program” to mean the unit operating in the department’s inspection services division responsible for implementing the produce safety rule.
 - b. “Produce safety rule” to mean Part 112 (commencing with Section 112.1) of Subchapter B of Chapter I of Title 21 of the Code of Federal Regulations. Details of this federal code can be found here: <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-112>

ARGUMENTS IN SUPPORT:

According to the author:

This bill deletes the sunset clause on the law that allows the use of carbon monoxide (CO) for the control of burrowing rodent pests (BRP) and add conforming privacy protection to recent updates to Food and Agriculture code related to the federal Food Safety Modernization Act (FSMA).

COMMENTS:

The Senate Rules Committee has double referred this bill to the Senate Judiciary Committee as the second committee of referral. Therefore, if this measure is approved by this committee, the motion should include an action to re-refer the bill to the Senate Committee on Judiciary.

RELATED LEGISLATION:

SB 1332 (*Chapter 257, Statutes of 2014*): Required the director of the Department of Pesticide Regulation to adopt and enforce regulations for the proper, safe, and

efficient use of carbon monoxide pest control devices for the protection of public health and safety and the environment.

AB 1126 (*Chapter 112, Statutes of 2017*): Extended the sunset deadline on the use of carbon monoxide for the control of burrowing rodent pests to 2023.

PRIOR ACTIONS:

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	12 - 0
Assembly Agriculture Committee:	10 - 0

SUPPORT:

None received

OPPOSITION:

None received

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