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

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**Bill No:** SB 982 **Hearing Date:** 3/24/22  
**Author:** Laird  
**Version:** 3/1/22  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Reichel Everhart

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

**SUMMARY:**

This bill authorizes the California Apple Commission 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 are in compliance with state and federal laws.

**BACKGROUND AND EXISTING LAW:**

Existing state law:

- 1) Establishes the production and marketing of apples constitutes an important industry in California which provides “substantial and necessary revenues for the state and employment for its residents.” (*Food and Agricultural Code Section 75501*).
- 2) Establishes the California Marketing Act of 1937, which permits programs for advertising and promotion, research, the prohibition of unfair trade practices, product inspection, stabilization pools, and the regulation of grades and standards (*Food and Agricultural, Section 58601*).
- 3) Establishes the State Organic Program, which enforces the federal Organic Food Production Act of 1990 and the National Organic Program (NOP) 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 (CAC) 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 (DPH).
- 4) Creates the California Apple Commission.
  - a. The California Apple Commission was established by the legislature in 1994. The commission consists of 12 producer and handler members and one public member (*Food and Agricultural, Code 75531*):
  - b. Three producers and one handler from District 1

- c. Three producers and one handler from District 2
  - d. Three producers and one handler from District 3
  - e. The public member shall be appointed to the commission by the secretary of CDFA from the nominees recommended by other members of the commission.
  - f. The secretary and other persons, as determined by the commission, shall be ex officio members of the commission.
  - g. The three districts consist of the following:
    - i. District 1 shall consist of the counties of Imperial, Kern, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Los Angeles, Orange, Riverside, and Ventura.
    - ii. District 2 shall consist of the counties of Alpine, Fresno, Inyo, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, Tulare, and Tuolumne.
    - iii. District 3 shall consist of the counties of Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Yolo, and Yuba.
- 5) Establishes the California Organic Food and Farming Act of 2016. (*Food and Agricultural Code Section 46000*).

Existing federal law:

- 1) Establishes the federal Agricultural Marketing Agreement Act of 1937, which provides authority for federal marketing orders for fruits, vegetables, nuts, and specialty crops. The marketing orders are requested by producers to help solve marketing problems and can cover production in one or several states.

**PROPOSED LAW:**

This bill:

- 1) Allows the California Apple Commission 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.
  - a. The program's operating procedures are subject to approval by the secretary of CDFA.
- 2) Requires the identity of a person determined to be in violation of the program shall be provided to the public, the California Department of Food

and Agriculture (CDFA), and any other state or federal agency responsible for the administration of laws related to organic products.

- 3) States that no reimbursement is required because the only costs incurred will be because the act creates a new crime or infraction, or changes the penalty for a crime or infraction.

### **ARGUMENTS IN SUPPORT:**

According to the author:

“SB 982 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.”

### **ARGUMENTS IN OPPOSITION:**

None received.

### **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. 46473513202855

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, store rooms, coolers, enclosed truck trailers, controlled atmosphere food storage facilities, and shipping containers.

The author contends that the use of 1-MCP on apples nullifies the designation “organic.”

**Suggested Amendment:** The author’s office and sponsors have stated that any administrative, enforcement, and regulatory costs the department incurs when promulgating the organic certification program created by the commission will be reimbursed by the commission. The committee may wish to consider an amendment stating or referencing the following:

“The commission shall reimburse the secretary for all expenditures incurred by the secretary in carrying out his or her duties and responsibilities pursuant to this chapter (*Food and Agricultural Code Section 75535*).”

**Suggested Amendment:** In an effort to clarify the need for the bill, the committee may wish to consider amending the bill with the following findings and declarations:

“SECTION 1. Section 75603 is added to the Food and Agricultural Code, to read: The Legislature hereby finds and declares all of the following:

- (a) California grows apples on 11,000 acres and produces over 1.5 million 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 labeled as organic in California long after their harvest season is completed. They do so by using non-organic methods of storage in an effort 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 Chapter to protect California consumers from mislabeled organic apples will be funded by the California Apple Commission.
- (f) The necessity of ensuring that organic apples 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.”

**RELATED LEGISLATION:**

AB 1826 (Chapter 91, Statutes of 2016): Established the California Organic Food and Farming Act. It revised and recast the California Organic Products Act of 2003.

**SUPPORT:**

None received

**OPPOSITION:**

None received

**-- END --**