April 11, 2016

The Honorable Mark Stone
State Capitol
Room 5155
Sacramento, CA 95814

RE: AB 1826 – SUPPORT IF AMENDED

Dear Assemblyman Stone:

The Community Alliance with Family Farmers (CAFF) is a statewide organization that represents both farmers and non-farm urban residents who support sustainable food and farming policies. Many of California’s organic farmers, including some of the state’s most successful organic producers, are members of CAFF. The State Organic Program (SOP) has been a lively topic of debate among organic farmers for years, so we applaud your willingness to tackle the subject.

AB 1826 does three main things: 1) eliminates duplicative paperwork required for California organic farmers to be certified as organic and registered with the state, 2) expands the scope of the State Organic Program at CDFA beyond enforcement to include promotion of organics and assistance to the organic industry, and 3) makes small changes to fees. CAFF strongly supports the elimination of duplicative paperwork, but has concerns with the expansion of CDFA’s role in the organics industry.

Because California is the only state with a state organic program, California organic farmers face costs and requirements that others do not. Specifically, in addition to being certified to be in compliance with the National Organic Program (NOP), California organic farmers must also register with the state and pay an annual registration fee. To make matters worse, state registration is a lengthy and time-consuming process that requires farmers, as well as handlers and retailers, to re-package much of the same information that is collected during the NOP certification process, and farmers must report information on a commodity by commodity basis, which the NOP does not require. AB 1826 will combine these two processes by deeming that an NOP-certified person also is deemed to be registered. This is a most welcome improvement that CAFF strongly supports.

We urge you to reconsider, however, the language in FAC 46002(c) and 46013 that expands the SOP’s focus beyond enforcement. The integrity of the organic brand and the trust of consumers in organic products are essential to the California organic industry. Because organic products often carry a price premium in the market, the incentive to skirt the rules or commit outright fraud does exist. California’s organic industry enjoys a good reputation with
consumers in part because of the state’s enforcement activities, and we believe those should continue and, in fact, be enhanced. The NOP does not have the resources to properly enforce the law in California.

But AB 1826 also includes in the statement of purpose of the SOP vague requirements to “expand, improve and protect the production of organic products,” “assist operations in achieving organic certification,” and “provide technical assistance, education, outreach and guidance to the organic industry.” Because AB 1826 does not significantly reduce the fees that farmers are paying, which is what the farmers requested, CAFF does not believe that the expansion of CDFA’s role into these vague promotional purposes is a prudent use of the registration fees paid by our members.

We do believe that more should be done to improve enforcement, such as improving state and county staff training in inspection and enforcement, improving consistency of inspection and enforcement among counties, expanding pesticide residue testing and coordinating it among CDFA, DPR and accredited certifiers, and providing technical assistance and education to farmers on how to achieve and maintain compliance. CAFF would support AB 1826 if it clarified that the primary purpose of the SOP remains compliance and enforcement and limited the use of funds from the registration fee to improving enforcement. We urge you to consider these clarifying amendments and would be happy to provide appropriate amendment language.

CAFF appreciates your consideration of our views.

Sincerely,

David Runsten
Policy Director

Cc: Members, Assembly Agriculture Committee
    Jim Collin, Assembly Agriculture Committee