

**ASSEMBLY BILL**

**No. 557**

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**Introduced by Assembly Member Caballero**

February 25, 2009

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An act to amend Section 46003 of the Food and Agricultural Code, relating to organic products.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Caballero. California Organic Products Advisory Committee: membership.

Existing law establishes the Department of Food and Agriculture under the control of the Secretary of Food and Agriculture and sets forth the powers and duties of the department and the secretary. Existing law, the California Organic Products Act of 2003, requires the secretary to establish the California Organic Products Advisory Committee for the purpose of advising the secretary regarding his or her responsibilities under the act and sets forth the membership and duties of the committee.

This bill would change the membership of the committee from 15 to 16 and would require that the additional member be a certifier accredited by the United States Department of Agriculture.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 46003 of the Food and Agricultural Code
- 2 is amended to read:
- 3 46003. (a) The secretary shall establish an advisory committee,
- 4 which shall be known as the California Organic Products Advisory

1 Committee, for the purpose of advising the secretary with respect  
2 to his or her responsibilities under this act and Article 7  
3 (commencing with Section 110810) of Chapter 5 of Part 5 of  
4 Division 104 of the Health and Safety Code.

5 (b) The advisory committee shall be comprised of ~~15~~ 16  
6 members. Each member may have an alternate. Six members and  
7 their alternates shall be producers, at least one of whom shall be  
8 a producer of meat, fowl, fish, dairy products, or eggs. Two  
9 members and their alternates shall be processors, one member shall  
10 be a wholesale distributor, two members shall be consumer  
11 representatives, one member shall be an environmental  
12 representative, two members shall be technical representatives  
13 with scientific credentials related to agricultural chemicals,  
14 toxicology, or food science, ~~and~~ one member shall be a retail  
15 representative, *and one member shall be a certifier accredited by*  
16 *the United States Department of Agriculture*. Alternates at large  
17 may be appointed to serve in the absence of any of the following  
18 categories: two alternates for producers, one alternate for  
19 processors, one alternate for consumer, and one alternate for  
20 technical representatives. Except for the consumer, environmental,  
21 and technical representatives, the members of the advisory  
22 committee and their alternates shall have derived a substantial  
23 portion of their business income, wages, or salary as a result of  
24 services they provide which directly result in the production,  
25 handling, processing, or retailing of products sold as organic for  
26 at least three years preceding their appointment to the advisory  
27 committee. The consumer and environmental representatives and  
28 their alternates shall not have a financial interest in the direct sales  
29 or marketing of the organic product industry and shall be members  
30 or employees of representatives of recognized nonprofit  
31 organizations whose principal purpose is the protection of  
32 consumer health or protection of the environment. The technical  
33 representatives and their alternates shall not have a financial interest  
34 in the production, handling, processing, or marketing of the organic  
35 products industry. The technical representatives may be involved  
36 in organic research or technical review providing they have no  
37 financial benefit from results of the research project or technical  
38 review.

39 (c) An alternate member shall serve at an advisory committee  
40 meeting only in the absence of, and shall have the same powers

1 and duties as, the category whom he or she is representing as  
2 alternate, except for duties and powers as an officer of the  
3 committee. The number of alternates present who are not serving  
4 in the capacity of a member shall not be considered in determining  
5 a quorum.

6 (d) An alternate member may serve at an advisory committee  
7 subcommittee meeting only in the absence of, and shall have the  
8 same powers and duties as, the member whom he or she is  
9 designated as alternate, except for duties and powers as a  
10 subcommittee chairperson.

11 (e) The members of the advisory committee and their alternates  
12 described in subdivision (b) shall be reimbursed for the reasonable  
13 expenses actually incurred in the performance of their duties, as  
14 determined by the advisory committee and approved by the  
15 secretary.

16 (f) The secretary or his or her representative, State Director of  
17 Health Services, or his or her representative, and a county  
18 agricultural commissioner may serve as ex officio members of the  
19 advisory committee.

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