

ASSEMBLY BILL

No. 337

Introduced by Assembly Member Monning

February 10, 2011

An act to amend Section 35617 of the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 337, as introduced, Monning. Ocean resources: Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government. Existing law requires the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, a marketing assistance program, and a competitive grant and loan program. It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would provide that the voluntary sustainable seafood program, each component of the program, and actions taken by the council to implement the program are exempt from the provisions of the Administrative Procedure Act regarding public participation in the procedure for adoption of regulations.

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 35617 of the Public Resources Code is
2 amended to read:
3 35617. (a) The Ocean Protection Council shall develop and
4 implement a voluntary sustainable seafood promotion program for
5 the state.
6 (b) The program shall consist of all of the following:
7 (1) A protocol to guide entities on how to be independently
8 certified to internationally accepted standards for sustainable
9 seafood. The protocol must be developed in a transparent process
10 and adopted by the council in a public meeting. The council shall
11 identify in a public document that the provisions of subdivision
12 (c) of Section 35550 have been met.
13 (2) (A) A marketing assistance program for seafood caught in
14 California that is independently certified to internationally accepted
15 standards for sustainable seafood. The council shall consult with
16 the Department of Food and Agriculture in implementing this
17 paragraph.
18 (B) Consistent with subparagraph (A), the marketing assistance
19 program shall consist of competitive grants and loans for discrete
20 and limited activities to benefit participants in the fishing industry
21 in California.
22 (3) A competitive grant and loan program, only in years in which
23 funds are appropriated by the Legislature to the California Ocean
24 Protection Trust Fund, for eligible entities, including, but not
25 limited to, fishery groups and associations, for the purpose of
26 assisting California fisheries in qualifying for certification to
27 internationally accepted standards for sustainable seafood. This
28 program may be implemented in coordination with other state and
29 private programs to maximize its effectiveness.
30 (4) The design of a label or labels that may be used exclusively
31 to identify seafood caught in California that is certified to
32 internationally accepted standards as sustainable seafood.
33 (c) Seafood produced through aquaculture or fish farming shall
34 not be certified as sustainable under this division until nationally

1 or internationally accepted sustainability standards have been
2 developed and implemented.

3 *(d) The program, each component of the program, and actions*
4 *taken by the council to implement the program are exempt from*
5 *the provisions of Article 5 (commencing with Section 11346) of*
6 *Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government*
7 *Code.*

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