

ASSEMBLY BILL

No. 14

Introduced by Assembly Member Gatto

August 17, 2015

An act to add Article 5 (commencing with Section 110424.5) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 14, as introduced, Gatto. Food labeling: wastewater from oil and gas field activities.

Existing federal law, the Federal Food, Drug, and Cosmetic Act, regulates, among other things, the labeling of foods introduced or delivered for introduction into interstate commerce and generally prohibits the misbranding of food. Existing state law, the Sherman Food, Drug, and Cosmetic Law, generally regulates misbranded food, which includes food that is not properly labeled. A violation of these provisions is a crime.

This bill, with a specified exemption, would require a manufacturer who produces packaged food that contains a plant irrigated with wastewater from oil and gas field activities that contains well stimulation treatment additives and fluids or a retail facility that sells a raw agricultural commodity that was irrigated with wastewater from oil and gas field activities that contains well stimulation treatment additives and fluids to label those products in a specified manner. The bill would also require a farmer, producer, or supplier who knows that the product he or she is selling to a manufacturer or retailer was made with, or consists of, plants irrigated with wastewater to disclose that fact to the

manufacturer or retailer. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Article 5 (commencing with Section 110424.5)
2 is added to Chapter 4 of Part 5 of Division 104 of the Health and
3 Safety Code, to read:

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5 Article 5. Products Irrigated With Oil and Gas Field Wastewater

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7 110424.5. (a) A manufacturer who produces packaged food
8 that contains a plant irrigated with wastewater shall place a label
9 on the package that states the following:

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11 “This product was produced using plants irrigated with recycled
12 or treated hydraulic fracturing or oilfield wastewater.”

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14 (b) A retail facility that sells a raw agricultural commodity that
15 was irrigated with wastewater shall place a clear and conspicuous
16 label on the retail store shelf or bin in which that commodity is
17 displayed for sale that states the following:

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19 “Grown using recycled or treated hydraulic fracturing or oilfield
20 wastewater.”

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22 (c) For purposes of this article, “wastewater” means wastewater
23 from oil and gas field activities that contains well stimulation
24 treatment additives and fluids.

25 110424.6. A farmer, producer, or supplier who knows that the
26 product he or she is selling to a manufacturer or retailer was made
27 with, or consists of, plants irrigated with wastewater shall disclose
28 that fact to the manufacturer or retailer.

1 110424.7. A manufacturer or retailer who, in good faith, sells,
2 offers for sale, labels, or advertises a product in reliance on the
3 representations of the farmer, producer, or supplier that the product
4 was not produced with plants irrigated with wastewater, shall not
5 have violated Section 110424.5 unless the manufacturer or retailer
6 knew, or should have known, that those representations were false.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

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