

# Seed Law Enhancement Proposal

California Ag. Commissioners and Sealers Association



# Seed Services Program

- ▶ The goal of seed law enforcement is to protect seed consumers, including vegetable and field crop growers, as well as urban landscapers through California Seed Law and the Seed Services Program
- ▶ Administered statewide by the California Department of Food and Agriculture's Pest Exclusion Branch
- ▶ Verifies accuracy and accessibility of seed label statements as to variety, type, purity, and germination
- ▶ CDFA and county agricultural commissioners carry out inspection and enforcement activities



# Regulations



## ▶ **FAC §52288:**

- ▶ Ensure that seed purchased by the buyer is properly identified and of the quality and amount represented by the label
- ▶ Success of agriculture and the seed industry depends upon the continued commitment to industry-funded research in order to improve the quality and variety of seed available to the consumer

## ▶ **FAC §52323 & Assembly Bill No. 419 (4):**

- ▶ California Seed Law regulates shipment, delivery, transport, and sale of agricultural and vegetable seed within the state
- ▶ \$120,000 aggregate funding for all counties
- ▶ Extended inoperative date to 7/1/2020, and repeal date to 1/1/2024

## ▶ **FAC §52324:**

- ▶ Counties with no registered seed labelers: receive \$100
- ▶ Counties with registered seed labelers: apportionments based on enforcement activity for registered seed labelers

## ▶ **FAC §52325:**

- ▶ Cooperative agreement with county through memorandum of understanding (MOU), in effect for a 5-year period
- ▶ Statewide compliance level determined by the secretary



# Agriculture Commissioner Responsibilities

**FAC §2281:** Except for provisions of joint responsibility with director, the commissioner is responsible for local administration of enforcement program

- ▶ Seed Subvention program is optional (FAC §52323)
  - ▶ Each County determines whether they would like to participate
- ▶ County apportionments differ based on enforcement activity of registered seed labelers

$$\text{Rate of compensation per unit of enforcement activity} = \frac{\text{total statewide units of activity}}{\$120,000 - (\$100 \times \# \text{counties without registered seed labelers})}$$

- ▶ Activities a commissioner may take on:
  - ▶ Registration and Assessment
  - ▶ Seed Label Inspection
  - ▶ Inspection and sampling
  - ▶ Certification
  - ▶ Enforcement



# Commissioner Survey Results

## Considerations:

- ▶ A stronger partnership between CAC's and CDFA is needed for training and overall guidance of the program
- ▶ Counties are willing to perform additional duties to enhance the program and further protect the industry
- ▶ Enforcement activities in the form of outreach and education
- ▶ Industrial Hemp seed may become a major player for enforcement activities
- ▶ Basic equipment needed to perform inspections is lacking in many Counties
- ▶ Counties without High Risk contracts hesitant to perform seed work since funding sources are limited
- ▶ County cost to approve MOU internally may be more than CAC receives from the agreement



# Proposal

- Augment seed contract with a portion of the Unrefunded Gas Tax (UGT)
  - *Senate Bill 1*: UGT enacted
  - *Revenue and Taxation Code § 8352.5, FAC § 224(g)*: UGT transferred to CDFA fund; amount determined biennially for Commissioner use

\$300,000	+	\$120,000	=	<b>\$420,000</b>
Seed Program		Seed Program aggregate amount		total for Statewide Subvention



# UGT Program Implementation

- CDFA would continue with current seed sampling activities
- CDFA to increase coordination with counties and provide hands-on training for inspectors to ensure uniform sampling procedures
- CDFA to update information compiled from seed database on a weekly, instead of monthly basis
  - Seed database information shared with Counties allowing them to check and address any possible issues in a timely manner
- A portion of funding to be used for purchase of needed county seed sampling equipment
- A portion would be used for counties performing seed work related to high risk, but these counties may not have a high risk contract



# UGT Program Implementation Continued...

- ▶ A portion of funding would be used to increase inspections on 008's to determine seed cleanliness and label compliance upon entry into California
  - ▶ Fewer verbal phone releases of incoming seed shipments
- ▶ Industrial Hemp seed sampling protocol that complies with requirements while minimizing impacts to growers for a viable new commodity
- ▶ Four-year sunset extension for upcoming legislative bill
- ▶ Multi-year MOU's between CDFA and Counties





# UGT Program Implementation Funding Usage

- **FY 19-20 \$300,000**
  - \$150,000 used as a rollover to FY 20-21
  - \$150,000 used to establish a reserve fund to be used for unanticipated needs
- **FY 20-21 and FY 19-20 rollover balance**
  - \$100,000 for county staff training
  - \$150,000 + rollover balance for county subvention increase to do more 008s and label reviews including hemp and purchase needed county equipment
  - \$50K for counties without High Risk contract



**California Ag. Commissioners  
and Sealers Association**

**Thank you**