SENATE COMMITTEE ON HEALTH
Senator Akilah Weber Pierson, Chair

BILL NO: AB 2706
AUTHOR: Soria
VERSION: March 19, 2026
HEARING DATE: June 3, 2026
CONSULTANT: Vincent D. Marchand

SUBJECT: Acidified foods and low-acid foods

SUMMARY: Repeals the Cannery Inspection Act, including the requirement that canneries obtain a license from the California Department of Public Health (CDPH), and instead establishes requirements governing the manufacturing, processing, or packing of an acidified food or low-acid food, including a requirement that persons engaged in these activities register with CDPH and obtain a scheduled process for the packing of acidified or low-acid foods from a qualified processing authority.

Existing law:
1) Enacts the Sherman Food, Drug and Cosmetic Law, enforced by the California Department of Public Health (CDPH), which provides broad authority for CDPH to enforce food safety requirements, including that food is not adulterated, misbranded, or falsely advertised. Requires CDPH, when adopting regulations necessary for the enforcement of the Sherman Law, to make those regulations conform with those adopted under the federal Food, Drug, and Cosmetic Act, to the extent practicable. [HSC §109875, et seq., and §110065]

2) Requires persons engaged in the manufacture, packing, or holding of any processed food in California to have a valid processed food registration from CDPH that is required to be renewed every year. Provides for certain exemptions to this requirement, including if the manufacturing or packing of processed food is limited solely to activities authorized by a different type of food processing-related license or permit, such as a cannery license. [HSC §110460 et seq., and §110480]

3) Establishes the Cannery Inspection Act (Cannery Act), which provides for the licensure and regulation of entities engaged in the canning of fish, meats, or any other food product which requires the use of a pressure cooker. Specifies that food products that do not require the use of a pressure cooker but necessitate acidulation and pH determinations are included in the Cannery Act. [HSC §112750, et seq.]

4) Establishes, under the Cannery Act, a Cannery Inspection Board consisting of six members, as specified, and requires the Cannery Inspection Board to estimate the cost of the separate inspection and laboratory control required to be made for each food product subject to the Cannery Act. [HSC §112685 and §112700]

5) Requires CDPH to collect from each cannery, in addition to the annual license fee, a pro rata share of the estimated cost of inspection and laboratory control. [HSC §112765]

This bill:
1) Repeals the Cannery Act, including the requirement that persons or entities engaged in the commercial canning of food products that require the use of a pressure cooker, or that necessitate acidulation and pH determinations, obtain a license from CDPH.

2) Replaces the Cannery Act with new provisions of law that prohibit a person from engaging in the commercial manufacturing, processing, or packing of an acidified food or low-acid food, including any fish or fish product, or any meat or meat product, for the use of consumption by people or animals without a "scheduled process" obtained from a processing authority, as defined.

3) Repeals an exemption for licensed canneries from the requirement that any person engaged in the manufacturing or packing of any processed food have a processed food registration, and instead requires those engaged in the manufacturing or packing of an acidified food or low-acid food to obtain a processed food registration.

4) Requires every person engaged in the manufacture, packing, or holding of an acidified food or low-acid food in this state that is required to have a scheduled process, pursuant to this bill, to pay $350 annually in addition to their annual processed food registration fee required under existing law. Requires this $350 fee to be deposited into the Food Safety Fund, established under existing law, and used for the purpose of conducting inspections and reviews of acidified or low-acid food manufacturing facilities.

5) Defines the following terms for purposes of this bill:
   a) "Scheduled process" means the process selected by the processor as adequate under the conditions of manufacture for a given product to achieve commercial sterility or for use under the conditions of manufacture for a food in achieving and maintaining a food that will not permit the growth of microorganisms having public health significance;
   b) "Acidified food" means shelf-stable low-acid food to which acid or acid food is added and packaged within a hermetically sealed container with a finished equilibrium pH of 4.6 or below and a water activity greater than 0.85;
   c) "Low-acid food" means shelf-stable food, other than an alcoholic beverage, packaged in a hermetically sealed container with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85. Excludes tomato or tomato products with a finished equilibrium pH of less than 4.7; and
   d) "Processing authority" means a person who has:
      i) Expert knowledge of thermal processing requirements for low-acid foods packaged in hermetically sealed containers with adequate facilities for making those determinations or expert knowledge in the acidification and processing of acidified foods. Specifies that "determinations" includes evaluating the overall effectiveness of a scheduled process to produce a safe product and using validated procedures to determine if deviations from a validated scheduled process create a risk to public health that require subsequent mitigation; and,
      ii) Expertise sufficient to make determinations for purposes of federal regulations that require scheduled processes for low-acid foods to be established by qualified persons having expert knowledge of thermal processing requirements for low-acid foods in hermetically sealed containers, and federal regulations that require a competent processing authority to evaluate products that need to be further evaluated for potential public health significance.

6) Prohibits a person from labeling any bottle, can, jar, carton, case, box, barrel, or any other receptacle, vessel, or container of whatever material or nature that may be used by a packer or manufacturer for enclosing any acidified or low-acid food, any statement relative to the

product having been inspected by CDPH unless the statement has been approved in writing by CDPH.

7) Requires a person who manufactures, processes, or packs any acidified food or low-acid food in violation of this bill to pay CDPH all reasonable costs of inspection and any laboratory examination, as determined by CDPH, that were necessary to ascertain that the embargoed product was packed in violation of this bill. Requires costs paid to CDPH to be deposited in the Food Safety Fund, as specified.

FISCAL EFFECT: According to the Assembly Appropriations Committee, no state costs.

PRIOR VOTES:

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	13 - 0
Assembly Health Committee:	16 - 0

COMMENTS:

1) *Author's statement.* According to the author, established in 1925, the Cannery Inspection Program, administered by CDPH, regulates the commercial manufacturing and packing of low-acid and acidified foods, which are susceptible to the growth of *Clostridium botulinum*, the bacterium that produces the deadly botulinum toxin. While the fundamental goal of ensuring food safety remains, some of the original elements of the Cannery Act are no longer necessary due to a number of factors, including the establishment of more comprehensive federal food safety laws like the Food Safety Modernization Act (FSMA). All food processors are required to comply with FSMA. However, only processors located within California are required to comply with the California Cannery Law penalizing those operating in California and discouraging new investment in food processing. This bill reflects a move towards a more modern and streamlined approach to food safety that is in harmony with federal standards. This bill is a collaborative work product between my office, the Governor's office, CDPH, and impacted industries to update the law in a manner that continues to protect public health but reduce costs to those operating in California.

2) *Background on botulism and the enactment of the Cannery Inspection Program.* The Cannery Act was enacted in 1925 in response to a number of fatalities due to botulism outbreaks in canned olives and other canned foods that were produced in California. Foodborne botulism is caused by the ingestion of food containing the neurotoxin produced by the bacterium Clostridium botulinum. This bacterium is commonly found in nature, including in the soil, the environment, and certain foods we eat, and is harmless under most conditions. However, under certain anaerobic conditions (absence of oxygen) and optimal pH, moisture, and temperature, the C. botulinum spores will germinate into vegetative cells and toxin is produced when the bacteria multiply. The botulism toxin is one of the deadliest toxins known, causing serious and potentially deadly botulism disease. Botulism is characterized by paralysis of motor and autonomic nerves, usually beginning with cranial nerves. Blurred vision, difficulty swallowing, and weakness or difficulty controlling the muscles used to speak are common initial symptoms. If not treated immediately, death may result. Hermetically sealed containers of low-acid foods and/or acidified foods that are devoid of oxygen and stored without refrigeration are particularly susceptible to the growth of C. botulinum and the hazard of toxin formation if they are not properly processed.

To prevent botulism in shelf-stable canned foods, the food is placed into their final containers, sealed, and then subject to thermal sterilization processes where the containers are placed into what is called a retort (sometimes called an autoclave), which is essentially a big pressure cooker. The retort uses one of three processes: steam, water spray or falling water, or complete water immersion. The package or containers are heated to 250 degrees Fahrenheit for several minutes under high pressure to kill bacteria and achieve commercial sterilization.

3) *Federal canning regulations.* Under the federal Food Safety Modernization Act, enforced by the FDA, commercial processors of shelf stable acidified foods and low-acid canned foods in a hermetically sealed container to be sold in the United States are required to register each establishment and to file scheduled processes with the FDA for each product, container size and type, and processing method. The requirements in this bill use similar definitions of low-acid and acidified foods, with the same pH and water activity levels. The federal regulations also require that qualified persons approve the standard processes that canneries use to achieve sterilization of these products, which this bill closely mirrors with the requirements for manufacturers to obtain a "scheduled process" from a qualified "processing authority."

4) *Support.* This bill is supported by California Dairies, Inc., the Dairy Institute of California, Niagara Bottling, and the California League of Food Producers. Supporters note that the current cannery law framework was enacted almost a century ago, and that this model is outdated, redundant in some instances to federal standards, and poorly matched to modern processing technologies and food safety systems. Supporters state that this bill thoughtfully eliminates the application of the antiquated cannery licensing requirements and replaces them with a more appropriate framework that requires producers to obtain schedule process approval from a qualified processing authority, and to register with CDPH prior to manufacturing, processing, or packing such products. Supporters state that this bill will promote regulatory clarity for manufacturers by aligning requirements with current industry practices and federal processing standards that already govern many of these products. Doing so will reduce unnecessary regulatory costs for businesses, and will support economic growth opportunities and competitiveness for California food manufacturers while protecting public health.

   Baldwin Richardson Foods Company also supports this bill, noting that their experience pursuing new acidified foods and low-acid product approvals under the existing law generally lacked clarify regarding application processes, required testing procedures, management of deviations, and regulatory and technical direction was inconsistent. The changes in this bill will better facilitate manufacturing approvals and will be a positive force for generating manufacturing investment in the state. Baldwin suggests that the language could be improved to provide greater clarity on the use of processing authorities.

5) *Clarifying who can be a processing authority.* This bill requires persons who are engaged in the manufacturing, processing, or packing of low-acid and acidified foods obtain a "scheduled process" from a "processing authority" who meets certain requirements. Those requirements involve having expert knowledge of thermal processing requirements, and expertise sufficient to make certain determinations required under federal canning regulations. However, there is nothing in this bill to ensure that this "processing authority" is independent from the manufacturing entity. The Committee may wish to consider an amendment to ensure that the processing authority is an independent, third party.

SUPPORT AND OPPOSITION:

Support: Baldwin Richardson Foods Company
California Dairies, Inc.
California League of Food Producers
Dairy Institute of California
Niagara Bottling

Oppose: None received

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