

## CONCURRENCE IN SENATE AMENDMENTS

AB 732 (Macedo)

As Amended September 3, 2025

Majority vote

**SUMMARY**

This bill would define pest as an infectious, transmissible, or contagious disease of a plant, or a disorder of a plant that manifests symptoms or behaviors characteristic of an infectious, transmissible, or contagious disease that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state and would authorize a county agricultural commissioner (CAC) to levy a civil penalty against a person who maintains a public nuisance.

**Senate Amendments**

- 1) Deletes the bill definition of a 'pest' to mean either of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:
  - a) Any infectious, transmissible, or contagious disease of a plant.
  - b) Any disorder of a plant that manifests symptoms or behaviors that the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
- 2) Defines "pest" to have the meaning as in Section 5006 of the Food and Agriculture Code. "Pest" does not include a beneficial organism that is used as a biological control agent or a conservation practice standard or an on-farm management practice, including a standard or practice identified by the Natural Resources Conservation Service of the United States Department of Agriculture's Field Office Technical Guide or through the Healthy Soils Program, established as specified.
- 3) Defines "good faith action" to mean a diligent and honest effort to abate the nuisance identified in a notice provided by the agricultural commissioner, as determined by a reasonable person.
- 4) Allows the party to appeal the notice of a violation, as specified.

**COMMENTS**

California's agriculture and ecosystem is threatened by invasive pests and diseases. Invasive pests and diseases can disrupt delicate ecosystems, endanger plants, outcompete native species, alter soil chemistry, and affect water systems. California's farmers, ranchers and land managers, including land trusts, non-profits and other Non-Governmental Organizations (NGOs) work hard to manage their properties in a way that addresses pests and diseases appropriately and pursuant to the standards of Integrated Pest Management (IPM). Through IPM, farmers combine biological, cultural, mechanical, and chemical control methods, based on the specific context of the issue and the goal may not be to eradicate the pest completely, but rather to keep their numbers at a level where they do not cause significant damage to crops, structures, or the environment. For pests that are truly damaging, exotic (triggering a quarantine action), etc., eradication may not just be the goal, but a requirement.

CACs and the California Department of Food and Agriculture (CDFA) deploy a network of resources and work together to protect the State against disease and pest introduction and address pest pressures that could otherwise devastate the State's agricultural communities. In 2024, the state spent over \$40 million to treat for fruit flies, which resulted in growers being under quarantines for prolonged periods, severely limiting their movement and their ability to sell commodities.

Under the current law, CDFA has one tool to manage most nuisance based pest issues on abandoned properties. They must go through a lengthy process to issue a lien on the property owner, pay for the cost to abate the nuisance using the County's limited resources, and then wait to be reimbursed from that lien process. If the County does not have the financial resources to cover these initial abatement costs, neighboring property owners must overly respond on their properties for dereliction. If the County does pursue the process and is compensated, the time is protracted, removing resources that could be otherwise spent on trapping and surveying for potential pest outbreaks, responding to public needs, or covering other essential services. As this issue becomes more acute, this seeks to provide another tool in the toolbox for commissioners. Ultimately, if after a civil penalty is issued in this bill and abatement is not undertaken by the property owner, the County can pursue the lien process already authorized.

### **According to the Author**

As severe weather, changing land use, and low commodity prices push farmers to abandon their lands, neglected properties are becoming breeding grounds for pests and diseases that threaten neighboring farms. Current law provides only a slow and costly lien process, leaving counties without effective enforcement tools to help keep pests and diseases under control on abandoned land. This bill empowers CACs to issue civil penalties against negligent property owners who fail to manage their land, hence, reducing reliance on the slow and costly lien process. With invasive species costing growers millions and disrupting ecosystems, this bill ensures timely intervention when property owners ignore notices to address infestations. This bill will strengthen local efforts to protect agriculture, prevent disease outbreaks, and reduce the burden on taxpayers while maintaining fairness for landowners.

### **Arguments in Support**

This bill provides an additional tool for CACs to ensure vacant landholders are responsible stewards of their environment and neighbors. The bill strikes a balance by addressing the needs of small farmers who may be struggling with pest issues due to cost or are making good faith efforts to comply, while still allowing for action against landowners who are negligent. At the same time, it preserves the authority of the State and CACs to address high-priority invasive species when necessary. This bill will empower CACs to take timely action, helping to mitigate the spread of pests and diseases that may threaten the broader agricultural landscape. By providing CACs with civil penalty authority, the bill ensures accountability for landowners who neglect their responsibilities, ultimately protecting California's agriculture, environment, and economy.

### **Arguments in Opposition**

The Community Alliance with Family Farmers writes stating they "oppose unless amended." The letter states:

*"While CAFF supports the goal of protecting California's agricultural integrity, this bill raises serious concerns about fairness, implementation, and due process:*

1. Expanded Enforcement Authority without Adequate Safeguards: Granting county agricultural commissioner's unilateral authority to levy fines of up to \$1,000 per acre based on a subjective determination of a nuisance opens the door to inconsistent enforcement and potential abuse.
2. Punitive Financial Penalties on Small Landowners: The scale of the penalties is disproportionately burdensome, especially for small, resource-constrained farmers and property owners who may already face environmental or financial challenges. An acre-based penalty system may unfairly penalize individuals regardless of intent or ability to act.
3. Ambiguous and Overly Broad Definition of "Pest": The proposed redefinition of "pest" introduces uncertainty by relying on symptoms or behaviors "characteristic" of disease, allowing enforcement to hinge on interpretation rather than clear, scientifically validated criteria.
4. Premature Enforcement Deadlines: Although the bill allows for a 15-day window for corrective action, in many cases, this may be insufficient to investigate, access technical support, or take remedial steps – especially if the 15-day window occurs during crucial harvest times. Small family farms would be placed in the no-win situation of having to choose between violation remediation or harvesting their crops that sustain their existence.
5. Insufficient Consideration for Regenerative Practices: While the bill attempts to exempt USDA conservation standards and Healthy Soils Program practices, it still enables commissioners to override these protections, creating confusion for landowners participating in state-sanctioned sustainability efforts.

The opponents foresee scenarios of negative unintended consequences to individual farms due to the broad parameters allowed by this bill. More collaborative, education-first approaches—such as expanding cooperative extension support and incentivizing integrated pest management—are far more appropriate than escalating punitive measures.

## **FISCAL COMMENTS**

- 1) CDFA reports minor and absorbable costs as a result of this bill. CDFA collaborates with and provides support to CACs on pest detection and mitigation actions. It is possible there may be appeals to the secretary of CDFA related to civil penalties levied under this bill; however, the department anticipates any costs related to such appeals are likely absorbable (Department of Food and Agriculture Fund).
- 2) Possible minor cost pressures to the courts to the extent a person appealing a decision by the secretary of CDFA seeks a writ of mandate in superior court (Trial Court Trust Fund, General Fund).

## **VOTES:**

### **ASM AGRICULTURE: 8-0-0**

**YES:** Soria, Alanis, Aguiar-Curry, Connolly, Jeff Gonzalez, Hadwick, Irwin, Ransom

### **ASM JUDICIARY: 12-0-0**

**YES:** Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Lee, Sanchez, Stefani, Zbur

**ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Alanis

**ABS, ABST OR NV:** Pellerin

**ASSEMBLY FLOOR: 69-0-10**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Arambula, Boerner, Carrillo, Flora, Gallagher, Jeff Gonzalez, Irwin, Celeste Rodriguez, Sanchez, Wallis

**UPDATED**

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