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## SENATE COMMITTEE ON AGRICULTURE

Senator Melissa Hurtado, Chair

2025 - 2026 Regular

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**Bill No:** AB 732

**Hearing Date:** 7/1/25

**Author:** Macedo

**Version:** 3/24/25

**Urgency:** No

**Fiscal:** Yes

**Consultant:** Reichel Everhart

**Subject:** Agriculture: neglected or abandoned crops: pests

### **SUMMARY:**

This bill authorizes county agricultural commissioner (CAC), in lieu of imposing a lien on a property that has been determined to be neglected or abandoned, to levy a civil penalty against a person who maintains a pest-related public nuisance in violation of current law. This bill would exclude from the definition of a pest a beneficial organism that is used as a biological control agent or a conservation practice standard or on-farm management practice, as specified.

The bill authorizes county agricultural commissioners to impose civil penalties—up to \$500 per acre, or \$1,000 if no good faith effort to remedy the issue is made within 30 days of the original notice by the owner of the property. These provisions sunset on January 1, 2035.

### **BACKGROUND AND EXISTING LAW:**

- 1) Establishes a neglected or abandoned plant or crop is a public nuisance if it is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it, or other condition, or if it is a host plant of, or provides a favorable or likely harbor for, any pest.<sup>1</sup>
- 2) Prohibits a person from maintaining a neglected or abandoned plant or crop that is a public nuisance.<sup>2</sup>
- 3) Defines “pest” to mean:<sup>3</sup>
  - a. Any infectious, transmissible, or contagious disease of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and

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1. Food and Agricultural Code 5401

2. Food and Agricultural Code 5402

3. Food and Agricultural Code 5006

determines is characteristic of an infectious, transmissible, or contagious disease.

- b. Any form of animal life.
  - c. Any form of vegetable life.
- 4) Requires a CAC, in writing, to notify the owner of record or person in charge of the property having a neglected or abandoned plant or crop that the commissioner has found to be a public nuisance, of the need to remove or destroy the neglected or abandoned plant or crop, as specified. If the removal or destruction of the neglected or abandoned plant or crop is undertaken by the CAC, existing law requires a CAC to cause a notice of lien that describes the land on which it exists to be recorded.<sup>4</sup>

### **PROPOSED LAW:**

This bill:

- 1) 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.
- 2) Defines “Pest” to have the same meaning as defined in Food and Agricultural Code Section 5006.
  - a. FAC 5006: “Pest” means any of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:
    - i. Any infectious, transmissible, or contagious disease of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
    - ii. Any form of animal life.
    - iii. Any form of vegetable life.
- 3) Extends the minimum days before a civil penalty is levied from 15 days to 30 days.
- 4) Extends the minimum days a person charged with the violation has to take a good faith action to rectify the violation from 30 days to 45 days.
- 5) Clarifies for purposes of this article, none of the following constitute sole evidence of a violation of Section 5553:
  - a. The use or presences of a biological control or beneficial organism.
  - b. The use of a conservation practice standard, identified by the Natural Resources Conservation Service of the United States Department of Agriculture’s Field Office Technical Guide, or an on-farm

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<sup>4</sup> Food and Agricultural Code 5404

management practice, identified through the Healthy Soils Program, established pursuant to Section 569.

- 6) a. States any moneys recovered by the commissioner pursuant to this article shall be deposited into the county general fund in which the action is brought and shall be allocated to the commissioner to cover costs associated with enforcement of this division.  
b. Subparagraph (a) does not limit the commissioner's authority to abate a pest that is harbored by a neglected or abandoned plant or crop.
- 7) Sunsets this article on January 1, 2035.

**ARGUMENTS IN SUPPORT:** 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. AB 732 empowers County Agricultural Commissioners 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. AB 732 will strengthen local efforts to protect agriculture, prevent disease outbreaks, and reduce the burden on taxpayers while maintaining fairness for landowners.”

**ARGUMENTS IN OPPOSITION:** The Community Alliance with Family Farmers wrote a letter 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.

“We can foresee scenarios of negative unintended consequences to individual farms due to the broad parameters allowed by AB 732.

“More collaborative, education-first approaches—such as expanding cooperative extension support and incentivizing integrated pest management—are far more appropriate than escalating punitive measures.”

The Senate Rules Committee has double referred this bill to the Senate Judiciary Committee as the second committee of referral. Therefore, if this measure is approved by this committee, the motion should include an action to re-refer the bill to the Senate Committee on Judiciary.

### **PRIOR ACTIONS:**

Assembly Floor:	69 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Agriculture Committee:	8 - 0

**SUPPORT:**

Agricultural Council of California  
Almond Alliance  
American Pistachio Growers  
California Association of Pest Control Advisers  
California Association of Wheat Growers  
California Chamber of Commerce  
California Cotton Ginners and Growers Association  
California Farm Bureau Federation  
California Fresh Fruit Association  
California Grain and Feed Association  
California Pear Growers Association  
California Seed Association  
County of Fresno  
Grower-shipper Association of Central California  
Nisei Farmers League  
Pacific Egg and Poultry Association  
Tulare; County of  
Western Plant Health Association  
Western Tree Nut Association

**OPPOSITION:**

Community Alliance With Family Farmers

**-- END --**