



March 21, 2014

The Honorable Richard Gordon
California State Assembly
State Capitol
PO Box 942849
Sacramento CA 94249-0007

RE: AB 1990 – Urban Agriculture -- SUPPORT

Dear Assemblymember Gordon:

The Community Alliance with Family Farmers (CAFF) is a statewide organization that represents both farmers and non-farm urban residents who support sustainable food and farming policies. CAFF is pleased to support your AB 1990, which will allow urban gardens to sell produce and shell eggs directly to the public or to restaurants.

Farmers in California have a right to erect a farm stand on their property or at the nearest paved road and sell their produce directly to the public without a permit. Farmers may also sell directly to the public through farmers' markets or Community Supported Agriculture (CSA), but they must be registered and pay a fee to do so. This bill would give urban gardeners a right to sell whole produce or shell eggs directly to the public without obtaining a health permit, unless agricultural production is precluded by specific zoning restrictions. We presume that these urban gardeners would then have the same rights as farmers to sell directly from their land or to register and participate in farmers' markets or CSA programs.

We are concerned about rules imposed on producers in the name of food safety. In the County of Napa, rules created for such gardens included a ban on the use of soil amendments that contained animal manure and on the use of recycled water. We consider these to be counterproductive and unwarranted given the challenges that California faces with respect to soil fertility and climate change. In this bill, a proposed amendment says: "*Agricultural products are raised and handled in accordance to the Department of Public Health guidelines dated > and any updates to them.*" We do not believe that the Department of Public Health is the correct agency to oversee agricultural production practices and anyway it would be redundant with 114376 (a): "*Agricultural products shall be grown or produced in compliance with subdivision (b) of Section 113735.*" In the latter section, which was amended in AB 224 (2013), CDFA is charged with posting food safety guidelines for direct-market production, in consultation with public health agencies and—hopefully—the affected producers. A similar provision exists in proposed farmers' markets legislation—AB 1871 (Dickinson)—and we believe that this is the correct approach—a consultative process to

develop guidelines (or “guidance” or “best management practices”) that can assist producers in creating a food safety plan for their particular circumstances and thereby fulfill their obligation to produce non-adulterated food. Given the wide array of agricultural products that will be produced in these gardens, a prescriptive “one size fits all” approach to food safety issues will not work and would also have environmental consequences that the state would have to analyze in an Environmental Impact Report under CEQA.

Sincerely,



David Runsten
Policy Director