

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 732 (Macedo)
Version: June 17, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Agriculture: neglected or abandoned crops: public nuisances: pests

DIGEST

This bill authorizes the imposition of a civil penalty, in lieu of a lien, upon a property owner found to have violated the law related to remediating pest-related nuisances, as provided.

EXECUTIVE SUMMARY

California is the national leader in agricultural production. According to the California Department of Food and Agriculture, in 2023, California's farms and ranches generated \$59.4 billion in economic output.¹ As such, California's Integrated Pest Management system is imperative to protecting this industry. Existing law requires landowners to remediate neglected croplands that can become a breeding ground for harmful pests. Property owners are legally required to remediate pests; however, if the county agricultural commissioner is required to step in, the commissioner is authorized to recover the cost to the taxpayers by filing a lien on the impacted property. The author argues that liens do not always result in timely cost recovery. In light of this, the bill authorizes the imposition of civil penalties in place of a lien. The bill provides notice requirements, an opportunity to remediate before a penalty is assessed, and provides procedures for an appeal. The bill is similar to AB 2745 (Mathis, 2024), which was vetoed by the Governor. (See Comment 2, below, for veto message.) The bill is author sponsored and supported by various counties and agricultural and business organizations. The bill is by various organizations advocating for small farmers and the environment. The bill passed the Senate Agricultural Committee on a vote of 5 to 0.

¹ Cal. Dept. of Food and Ag., *California Agricultural Production Statistics*, available at <https://www.cdfa.ca.gov/Statistics/>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes a county agricultural commissioner to, whenever necessary, enter and make an inspection of any premises, plant, conveyance, or thing in their jurisdiction. (Food and Ag. Code § 5023.)
- 2) Provides that any person who negligently or intentionally violates any state or federal law or regulation, including any quarantine regulation, by importing any plant, or other article, that, by virtue of being pest or disease infested, causes an infestation of a plant, pest, or disease, or causes an existing infestation to spread beyond any quarantine boundaries, is liable civilly in a sum not to exceed twenty-five thousand dollars (\$25,000) for each act that constitutes a violation of the law or regulation. (Food and Ag. Code § 5028(c).)
- 3) Authorizes the Attorney General to seek civil penalties, not to exceed ten thousand dollars (\$10,000) per violation, against any person who violates the division of the Food and Agricultural Code regarding agricultural quarantines and inspections. (Food and Ag. Code § 5310.)
- 4) Provides that in lieu of the penalties provided for in 3), a county agricultural commissioner may seek administrative penalties not to exceed two thousand five hundred dollars (\$2,500) per violation of the division of the Food and Agricultural Code regarding agricultural quarantines and inspections. (Food and Ag. Code § 5311.)
- 5) Authorizes the Director of the Department of Food and Agriculture or a county agricultural commissioner, if any pest exists on a premises, to hold any plant or other host or possible carrier which is, or may be, capable of disseminating or carrying the pest, as well as any plants, other hosts, or other possible carriers on any premises within five miles of the premises on which the pest was found to exist. (Food and Ag. Code § 5701.)
- 6) Requires that if the agricultural commissioner of any county determines by inspection that there is a condition which constitutes a nuisance, as defined, on any property or premises within the jurisdiction, the commissioner make a report of the inspection to the district attorney or to the county counsel if the board of supervisors has authorized the county counsel to file a nuisance petition. (Food and Ag. Code § 5571.)
- 7) Requires that upon the filing of a nuisance petition in accordance with 6), the court to issue a citation which requires that the owner or person that is in charge or in possession of the property appear at a time and place which is specified to show

cause why the neglected or abandoned plant or crop should not be removed or destroyed. (Food and Ag. Code § 5574.)

8) Provides that any neglected or abandoned plant or crop is a public nuisance in any of the following circumstances:

- a) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any pest, in or on it;
- b) It is a menace to the agriculture of the county, district, or vicinity because of the existence of any other condition than the condition described in a); or
- c) It is a host plant of, or provides a favorable or likely harbor for, any pest. (Food and Ag. Code § 5551.)

9) Provides that it is unlawful for any person to maintain any neglected or abandoned plant or crop which is a public nuisance. (Food and Ag. Code § 5553.)

10) Requires that, if the removal or destruction of any neglected or abandoned plant or crop that is a public nuisance as specified in 8), above, is undertaken by the county agricultural commission, the commissioner may record a notice of lien which describes the land on which it exists to be recorded. (Food and Ag. Code § 5631.)

11) Defines “pest” to mean any of the following things that are, or are liable to be, dangerous or detrimental to the agricultural industry of this state:

- a) any infectious, transmissible, or contagious disease of a 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;
- b) any form of animal life;
- c) any form of vegetable life. (Food and Ag. Code § 5006.)

12) Provides that where a writ of mandate is issued for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion in the determination of facts is vested in the inferior tribunal, corporation, board, or officer, the case is to be heard by the court sitting without a jury, and that all or part of the record of the proceedings before the inferior tribunal, corporation, board, or officer may be filed with the petition, may be filed with respondent’s points and authorities, or may be ordered to be filed by the court. (Code Civ. Proc. § 1094.5.)

This bill:

1) Provides that in lieu of imposing a lien, a county agricultural commissioner may levy a civil penalty against a person who fails to abate a pest-related nuisance to an

adjoining or nearby property and the violation results in economic or ecological damage or would result in economic or ecological damage if the pest-related nuisance is not abated.

- 2) Provides that the civil penalty provided in 1), above, is not to exceed \$500 per acre of property determined to be a nuisance, as specified.
- 3) Requires that, at least 30 days prior to the imposition of a civil penalty pursuant to 1) above, the person charged with a violation is to receive notice of the nature of the violation and be given an opportunity to be heard, including the right to review the evidence and the right to present evidence on their own behalf.
- 4) Requires the notice transmitted pursuant to 3), above, to include a link to the internet website of the University of California's Statewide Integrated Pest Management Program.
- 5) Requires, upon serving a person the notice specified in 3), above, the county agricultural commissioner to refer the person charged with the violation to the nearest University of California Cooperative Extension service office.
- 6) Provides that, if the person charged with the violation cannot, after a reasonable search, be found within the county, the notice specified in 3), above, must be served by posting copies of it in three conspicuous places upon the property or premises or by mailing a copy of the notice to the owner of the property or premises at their last known address.
- 7) Requires the notice transmitted pursuant to 3), above, to include the following language: "This is a notice of a violation of Section 5553 of the California Food and Agricultural Code, relating to maintaining a public nuisance. This notice of a violation has been issued by your county's agricultural commissioner. For more information or assistance, please contact their office. Do not ignore this notice." as specified.
- 8) Prohibits the imposition of civil penalties pursuant to 1) if the person charged with the violation takes a good faith action to rectify the violation within 30 days of receiving notice pursuant to 3).
- 9) Provides that, if the person charged with the violation does not take a good faith action to rectify the violation within 45 days from the issuance of a civil penalty pursuant to 1), above, the county agricultural commission may increase the penalty to \$1,000 per acre of property determined to be a nuisance.
- 10) Provides that a review of the decision of the county agricultural commissioner to impose a penalty may be sought by the person against whom the penalty was levied within 30 days of the date of the decision by seeking a writ of mandate.

- 11) Requires that any civil penalties collected by a county agricultural commissioner be deposited into the county general fund of the county in which the action is brought and is to be allocated to the commissioner to cover costs related to the enforcement of the provisions of this bill.
- 12) Provides that none of the following constitute sole evidence of a violation of these provisions:
 - a) the use or presence of a biological control or beneficial organism; or
 - 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 management practice, identified through the Healthy Soils Program, established as specified. This provision does not limit the Commissioner's authority to abate a pest that is harbored by a neglected or abandoned plant or crop.
- 13) 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.
- 14) 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.
- 15) Authorizes a person against whom a civil penalty is levied by a commissioner to appeal to the Secretary of CDFA within 10 days of the date of receiving notification of the penalty, and provides that review of the decision of the Secretary may be brought in court as a writ.
- 16) Repels these provisions on January 1, 2035.

COMMENTS

1. Stated need for the bill

The author writes:

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.

2. Pest abatement through civil penalty enforcement

Existing law requires a county agricultural commissioner who is aware of a pest nuisance to investigate the issue and provide notice to the land owner that remedial action must be taken immediately. This notice requires the county agricultural commissioner to provide the landowner with information regarding sources of assistance in remedying the nuisance, including the ability to seek help from the University of California's various agricultural extensions. However, because of the severe threat these pests can pose, if the nuisance is not remedied in a timely manner, the county can step in and take remedial action to eliminate the nuisance pest. When this occurs, existing law authorizes the county agricultural commissioner to file a lien against the nuisance property in order to recover the cost to taxpayers of fixing a nuisance on private property.

Liens can be an appropriate remedy to recover costs associated with remedial actions on real property; however, liens may not need to be paid until a property is sold. If a property owner does not proactively pay off any debts owed to have the lien removed, the county may have to wait until the property is sold to recover costs expended. In the interim, taxpayers are on the hook for funds expended.

This bill seeks to address this issue by authorizing a county agricultural commissioner who has to remediate a nuisance pest on private property to seek civil penalties against the landowner instead of filing a lien. The bill authorizes the recovery of up to \$500 per acre of treated land. The bill requires the county agricultural commissioner to provide notice to the landowner before seeking civil penalties and offers the landowner the opportunity to be heard on the matter. The bill also provides the ability to seek enhanced penalties of \$1,000 per acre if the landowner fails to make a good faith effort to address any ongoing nuisances or fails to pay the penalty in a timely manner.

The bill provides several provisions to ensure due process is protected. First, recent amendments to the bill extended all the notice timelines in the bill by an additional 15 days. Additionally, a landowner is offered resources to help address the issue. Under the bill, if the landowner makes a good faith effort to remedy the issues within 30 days of receiving notice, they will not be penalized. The bill tiers the penalties by imposing a \$500 per acre penalty at first and only increases the penalty to \$1,000 per acre if the landowner continues to ignore pests on their property. Furthermore, the bill explicitly

allows landowners to offer evidence to seek a lower penalty. Lastly, the bill specifies that a landowner wishing to contest all penalties is entitled to seek a writ of mandate in superior court.

AB 2745 (Mathis, 2024) was similar to this bill and would have authorized the Secretary of CDFA or a county agricultural commissioner to levy a civil penalty against a person violating specified provisions relating to plant quarantine and pest control. AB 2745 was vetoed by Governor Newsom stating:

While I support the author's goal of giving county agricultural commissioners an enforcement tool to combat negligent properties that harbor harmful pests, the broad definitions in this bill may unintentionally lead to penalties being assessed against growers who utilize insects in their practices that are not harmful to adjacent areas.

I encourage the Legislature to work with relevant stakeholders on legislation that provides enforcement tools to combat negligent properties while providing sufficient protections for growers utilizing beneficial insects.

To address the concerns raised in the Governor's veto message, this bill provides that a "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. This includes 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. Statements in support

The California Association of Resource Conservation Districts writes in support stating:

California is home to 95 Resource Conservation Districts (RCDs) that serve rural, urban, and suburban populations throughout the state. CARCD represents the network of RCDs comprised of conservation professionals and local experts committed to work hand-in-hand with landowners, farmers, ranchers, and communities to implement sustainable land management practices.

RCDs are deeply engaged in promoting and implementing Integrated Pest Management (IPM) practices that align with the state's environmental goals. We have seen first-hand the devastating effect that invasive pests have on our agricultural lands as well as our natural resources. The policy proposed by AB 732 will provide additional tools to the state's County Agriculture Commissioners to remediate nuisance pests.

Importantly, the language of the bill exempts conservation or on-farm management practices from the definition of a "pest." Many of these practices — such as planting

hedgerows, cover cropping, rotational grazing, and water-efficient irrigation systems – intentionally foster beneficial organisms, improve ecological function, and build resilience on working lands. In some instances, these practices could be interpreted as a nuisance and subject the implementing landowner to the civil penalties provisions of the bill. We appreciate the clarity AB 732 provides regarding these important conservations and on-farm management practices.

4. Statements in opposition

Community Alliance With Family Farmers writes in opposition unless amended, stating concerns with the following:

1. **Unilateral Authority Without Due Process:** AB 732 grants unelected county agricultural commissioners (CACs) the authority to impose civil fines of up to \$1,000 per acre based solely on their determination that a pest-related public nuisance exists. This enforcement power can be exercised without judicial oversight, a formal hearing, or third-party review – depriving property owners of fundamental due process rights before penalties are levied.
2. **Subjective and Ambiguous Standards:** The bill allows penalties to be assessed based on a vague and overly broad definition of a “pest,” including “symptoms or behaviors characteristic” of disease. This ambiguity creates the risk of arbitrary or inconsistent enforcement, especially when paired with the CAC’s wide discretion in interpreting what constitutes a violation.
3. 4. **Accelerated Penalty Escalation Without Clear Criteria:** If a farmer cannot demonstrate a vaguely defined “good faith effort” within 30 days of notice, the fine may double. The absence of clear criteria for what qualifies as a good faith effort increases the likelihood of arbitrary application, particularly for those without access to immediate legal or technical support.
5. **Expanded Enforcement Authority without Adequate Safeguards:** Granting county agricultural commissioners 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. The procedural “safeguards” cited by the bill’s proponents merely codify the CAC’s internal process for collecting penalties. They do not protect landowners from improper enforcement or guarantee impartial review. The CAC acts as investigator, prosecutor, judge, and beneficiary, which is fundamentally unjust.
6. **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.

7. 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 Community Alliance With Family Farmers has concerns with the appeal process in the bill and would like to see a more local appeals process such as is provided in Section 829-1 of Chapter I of Division B29 of the Ordinance Code of the County of Santa Clara that provides for appeals to a local grievance committee of nuisances on agricultural lands.

SUPPORT

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

OPPOSITION

Californians for Pesticide Reform
Central California Environmental Justice Network
Community Alliance With Family Farmers
Farm-to-Consumer Legal Defense Fund

Pesticide Action & Agroecology Network
Resilient Foodsheds

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 2745 (Mathis, 2024) would have authorized the Secretary of CDFA or a county agricultural commissioner, in lieu of specified civil actions, and except as specified, to levy a civil penalty against a person violating specified provisions relating to plant quarantine and pest control. AB 2745 was vetoed by Governor Newsom. (See Comment 2 for veto message.)

PRIOR VOTES

Senate Agriculture Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 69, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Agriculture Committee (Ayes 8, Noes 0)
