COMMUNITY SUPPORTED AGRICULTURE LAWS AND REGISTRATION

An introduction and summary of recent legislative changes affecting producers of community supported agriculture programs.

The passage of Assembly Bill 224 (Ch. 404, Stats. Of 2013), now Sections 47060 through 47062 of the California Food and Agricultural Code (FAC), authorized the California Department of Food and Agriculture (CDFA) to adopt regulations establishing a registration program for producers of Community Supported Agriculture (CSA’s). It also required the Department, in consultation with the State Department of Public Health (CDPH) and local health offices, to post small farm food safety guidelines. These guidelines include safe production, processing, and handling of both non-potentially and potentially hazardous foods. Nothing in these sections shall be construed to remove the responsibility of a CSA from obtaining all required permits and licenses, including, but not limited to, a produce handler license or a cottage food permit. For additional information on CSA producer responsibilities and general information see “related links” below. Regarding more details on processed products please go to the California Department of Public Health’s website.

- CSA Producer Registration and Remittance Form
- Small Farm Food Safety Guidelines
- Poultry Guidelines

SUMMARY OF REQUIREMENTS

Producers that market whole produce, shell eggs, or processed foods through a CSA must do the following:

- Register with CDFA’s CSA Program; $75 annual fee, $25 amendment
- Label the consumer box/container with the name and address of the farm making the delivery
- Maintain consumer containers in a condition that prevents contamination
- Inform consumers, either by printed or electronic media, of the farm of origin of each item in the container
- Maintain records that documents the contents and origin of each item in the consumer containers
- Comply with all labeling and identification for shell eggs and processed foods imposed pursuant to the provisions of the Health and Safety Code, including, but not limited to, the farm’s name, physical address and telephone number.

FREQUENTLY ASKED QUESTIONS

Question: What does this do for me?
Answer: CSA registration allows your operation to be considered an ‘approved source’ by local Environmental Health and CDPH.

Question: The form requires me to self certify that I “am knowledgeable and intend to produce in accordance with good agricultural practices”. Does this mean I must adhere to all “guidelines” published by the Department?
Answer: No, the self certification acknowledges your intent to produce in accordance with good agricultural practices. The Department has provided its Small Farm Food Safety Guidelines as a resource to assist producers.

Question: How do I register if I operate a “single-farm CSA” but also sell to others as part of a “multi-farm CSA”?
Answer: You would check both “Single-farm CSA” and “Multi-Farm CSA” under Section B of the registration form.

Question: If I already have my organic registration or certified producers certificate, am I exempt from this registration?
Answer: No, each program has different requirements specific to the production and methodology used when selling.
47060. For purposes of this article, the following definitions apply:

(a) “Community-supported agriculture program” or “CSA program” means a program under which a registered California direct marketing producer, or a group of registered California direct marketing producers, grow food for a group of California consumer shareholders or subscribers who pledge or contract to buy a portion of the future crop, animal production, or both, of a registered California direct marketing producer or a group of registered California direct marketing producers.

(b) “Single-farm community-supported agriculture program” means a program in which all delivered farm products originate from and are produced at the farm of one registered California direct marketing producer, and no more than a de minimus amount of delivered farm products originate at the farms of other registered California direct marketing producers.

(c) “Multi-farm community-supported agriculture program” means a program in which all delivered farm products originate from and are produced at one or more farms of a group of registered California direct marketing producers who declare their association as a group at the time of their annual certification or by amending the annual certification during the year.

(d) “Farm” means a farm operated by a registered California direct marketing producer or a group of registered California direct marketing producers.

47061. A producer that markets whole produce, shell eggs, or processed foods through a single-farm community-supported agriculture program or multi-farm community-supported agriculture program shall comply with all of the following:

1. Register annually with the department as a California direct marketing producer, which shall include both of the following:
   (A) A statement specifying whether the producer is part of a single-farm community supported agriculture program or multi-farm community-supported agriculture program.
   (B) (i) A declaration by the producer that he or she is knowledgeable and intends to produce in accordance with good agricultural practices, as outlined in the small farm food safety guidelines published by the department.
   (ii) A declaration made pursuant to this subparagraph shall not be used to infer that the producer is not required to comply with any other state or federal laws relative to food safety and good agricultural practices.

2. Label the consumer box or container used to deliver farm products to the consumer with the name and address of the farm delivering the box or container.

3. Maintain the consumer boxes or containers in a condition that prevents contamination.

4. Inform consumers, either by including a printed list in the consumer box or container or by delivering a list electronically to the consumer, of the farm of origin of each item in the consumer box or container.

5. Maintain records that document the contents and origin of all of the items included in each consumer box or container, in accordance with department regulations.

6. Comply with all labeling and identification requirements for shell eggs and processed foods imposed pursuant to the provisions of the Health and Safety Code, including, but not limited to, the farm’s name, physical address, and telephone number.

(b) A registered California direct marketing producer that is in compliance with this section and in good standing shall be deemed an approved source, as defined in Section 113735 of the Health and Safety Code.
(c) A potentially hazardous food, as defined in Section 113871 of the Health and Safety Code, shall not be included in a consumer box distributed pursuant to this article unless that food has been produced, processed, and handled pursuant to all applicable federal, state, and local food safety requirements.

(d) Poultry and rabbit meat produced pursuant to Part 2 (commencing with Section 25401) of Division 12, and other meats produced pursuant to Chapter 4.1 (commencing with Section 18940) of Part 3 of Division 9, that are marketed under this chapter shall comply with handling requirements established in the small farm food safety guidelines published by the department, as described in paragraph (2) of subdivision (b) of Section 47062.

(e) An enforcement officer, as defined in Section 113774 of the California Retail Food Code (Part 7 (commencing with Section 113700) of Division 104 the Health and Safety Code) may enter into and inspect a community-supported agriculture program in response to a public food safety complaint. The enforcement officer may recover reasonable costs associated with that inspection from the registered direct marketing producer operating the community-supported agriculture program.

(f) Nothing in this section shall be construed to remove the responsibility of a community-supported agriculture program from obtaining all required permits and licenses, including, but not limited to, a produce handler license or a cottage food permit.

47062.

(a) The fee for, or the fee for amendment to, the annual registration of a registered California direct marketing producer shall be set by regulation enacted by the secretary that is reflective of the actual cost of the processing of registration or amendment to the registration, but in no event shall either fee exceed one hundred dollars ($100) annually.

(b) Fees collected pursuant to this article shall be deposited in the Department of Food and Agriculture Fund and shall be used by the department for the administration of this article. Administration of this article shall include all of the following:

1. Create and maintain a registration system for California direct marketing producers.

2. In consultation with the State Department of Public Health and local health officers or designees, publish, periodically update, and post on the Department of Food and Agriculture's Internet Web site small farm food safety guidelines on, but not limited to, safe production, processing, and handling of both nonpotentially hazardous and potentially hazardous foods.

3. Coordination expenses incurred relative to meetings of any ad hoc direct marketing advisory committee established by the secretary.

(c) All or part of the annual registration fee shall be waived if fees are paid by a California direct marketing producer to the department for registration or certification under any other program under the purview of this chapter.

(d) The provisions of this article shall be complied with regardless of any waiver of fees granted.

(e) The adoption, amendment, or repeal of any fee pursuant to this section shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. An order to adopt, amend, or repeal regulations concerning the fee pursuant to this section shall be transmitted within 30 days by the secretary to the Office of Administrative Law. The Office of Administrative Law shall file the order promptly with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The order shall contain all of the following:

1. Indicate that the regulations are adopted, amended, or repealed pursuant to this chapter.

2. State that the order is being transmitted for filing.

3. Request that the Office of Administrative Law publish a notice of the filing of the order and print an appropriate reference in Title 3 of the California Code of Regulations.