

Walnut Theft Ordinance Information

History: Over the past year the Stanislaus County Department of Agriculture has been asked questions by industry groups and individual growers about the necessity for a Stanislaus County Ordinance that would help curb the amount of walnut thefts occurring in walnut producers fields during the harvest season.

After discussions with other Counties who have walnut theft ordinances and reviewing the California Food and Agriculture Code (FAC) it is believed that an ordinance using language from the FAC with the addition of more restrictions could help reduce the instances of the walnut theft.

Walnut Ordinance Survey: A survey was mailed out to all Walnut producers. There was a 45% response rate to the 469 surveys mailed out.

The information gathered centered on whether producers had or knew of anyone who had nuts stolen from them in the last three years, the perceived level of thefts, whether “gleaning” is allowed, and what role itinerant buyers play.

Survey Outcome: The following is the outcome of the questions asked:

1. Are you aware of any walnut thefts on your property in the last three years?
Yes: 42% No: 55% No Response: 3%
2. Are you aware of any walnut thefts on a neighbor’s property in the last three years?
Yes: 44% No: 44% No Response: 1%
3. Have you seen evidence of a possible theft on you property (tire tracks, left behind hand tools etc)? Yes: 46% No: 53% No Response: 1%
4. Do you believe the level of nut thefts in the County calls for the need of a walnut theft ordinance? Yes: 42% No: 53% No Response: 5%
5. Do you allow employees or others to “glean” left over walnuts after harvest is completed? Yes: 57% No: 38% No Response: 5%
6. Would you be willing to issue official forms to those allowed to glean in order to prove ownership? Yes: 60% No: 20% Nor Response: 21%
7. Do you believe sellers of smaller amounts of walnuts need to provide proof of ownership? Yes: 76% No: 21% No Response: 3%
8. Do you believe walnut buyers at non permanent locations should require proof of ownership as a requirement of purchasing nuts? Yes: 87% No: 9% No Response: 4%
9. Do you believe a walnut theft ordinance would be effective in preventing walnut theft?
Yes: 59% No: 25% No Response: 16%

General Comments Made on Surveys: The comments were 3 to 1 in favor of addressing the issue with most of those against saying there was no need for any further regulations.

Survey Conclusions: The survey shows that there are a substantial number of producers getting walnuts stolen from their fields each harvest season, the dollar amount of these thefts is impossible to determine however anecdotal information would suggest that it is at least in the tens of thousands of dollars.

A large percentage of our producers believe that the roadside buyers and their customers are in need of further regulatory oversight. There seems to be a closer split between those who believe a new ordinance would or would not be of any help to control thefts. Also a substantial number of those against an ordinance are opposed to any new regulations being passed.

The importance of food safety was mentioned by some producers and this will be a larger issue with the passing of new Federal food safety regulations.

Purpose of a Walnut Ordinance: A walnut ordinance would make more restrictive the requirements of the Food and Agriculture Code (FAC) in regards to proof of ownership when selling small lots of walnuts. Current regulations require a proof of ownership of any commodity in excess of 25 pounds. The ordinance would state what form of proof of ownership is acceptable which is not stated in the FAC. This would make it more difficult for those stealing nuts to falsify proof of ownership documents. When selling to a processor, walnut growers could use the forms they are currently using (e.g. weighmaster certificates) in lieu of an official proof of ownership form. An ordinance could also place restrictions on roadside buyers on where they can set up, what sanitary conditions are required, require proof of ownership for each lot they purchase with that proof of ownership being required to accompany the nuts to the processor.

County Resources:

The Department has been inspecting roadside buyers/sellers for many years (checking proof of ownership and quality standards) as part of their authority under the Food and Agricultural Code. The cost is currently covered by General Fund revenue and it is estimated the program will not be a large program as it would be a seasonal program and most walnut growers will not be issuing official proof of ownership documents. We currently spend approximately 80 hrs (\$4,400)/annually conducting these inspections. It is estimated this work will double for several years following the passage of a walnut theft ordinance but would likely decrease over time. With current staffing and funding, the Department can easily handle the increased work load.