



Dale A. Stern

Partner / Co-Chair, Food & Ag Group

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

(916) 520-5250 | Direct
dstern@downeybrand.com

Practice Areas

Corporate Law | Food & Agriculture | Food Safety & Labeling |
Nonprofit/Tax-Exempt Organizations | Privacy & Data Integrity |
Proposition 65 | Regulatory Law & Business Permitting

With more than 35 years of experience focused on the agricultural industry, Dale Stern is a trusted business and legal advisor to major agricultural producers, processors, and retailers throughout the state.

Dale assists clients with understanding the increasingly burdensome regulatory environment in which food companies must operate in California. Dale skillfully guides clients through the process of obtaining permits and licenses required to engage in the production, processing, marketing and retail sales of food and related products in California.

Dale also provides counsel to his clients on all aspects of their business operations – formation of **business entities** and **non-profit organizations**, day-to-day operations including the drafting of agreements for the sale and purchase of agricultural commodities, and interactions with governmental entities.

Food and agricultural producers and processors also rely on Dale to represent and protect their interests in legislative and regulatory settings, and in supporting or opposing ballot initiatives in California. He drafts legislation and regulations and regularly appears on behalf of clients before the California Departments of Food and Agriculture, Pesticide Regulation, Toxic Substances and various other state and federal agencies, during rulemaking, disciplinary, mediation, arbitration and legislative proceedings. Dale is known for his ability to work with all three branches of government to provide cost effective solutions on behalf of clients.

Experience

Food & Ag

- Serves as general counsel to statewide and national trade associations and charitable foundations representing seed companies, wine grape growers, manufacturing and technology companies, pest control advisers and operators, food processors and retail grocers, having worked with many for more than 30 years. He also represents many of the families and companies of all sizes who are members of these associations in their business activities, transactions and government relations.

- Regularly advises client associations on the development of policy positions in response to pending laws and regulations and challenging government actions that are adverse to clients' interests. He also provides corporate, antitrust, employment, tax exempt and insurance coverage counsel to these associations and foundations. Dale assists the members of trade association clients with obtaining and preserving licenses and permits when agencies seek to deny or revoke any of the various business licenses required to engage in the production, processing, marketing and retail sales of agricultural products in California.
- Drafts legislation and regulations favorable to clients' interests, prepares and presents testimony in support and opposition to proposed rules, and advises clients on strategies for complying with, and lawfully avoiding burdensome regulatory provisions. By working with all three branches of government, he seeks to find cost effective solutions on behalf of clients.
- Works closely with litigators in the Food & Agriculture and Natural Resources practices to challenge unfavorable laws and regulations and to defend food industry stakeholders against aggressive attacks on their business practices, marketing efforts and food products.
- A published writer, Dale has served as an expert witness and regularly presents seminars on a variety of topics, including fiduciary duties of directors and officers of nonprofit organizations, and negotiating and drafting sales agreements for California agricultural commodities.

General Counsel

California Association of Winegrape Growers (CAWG) – General Counsel since 1989 to nonprofit trade association representing grape growers and wineries

- Represented CAWG and Family Winemakers of California as an Intervenor in support of California Department of Food & Agriculture in *Californians Against Toxic Substances et al. v. CDFA* regarding statewide program to counter the devastating impacts of Glassy Winged Sharpshooter and Pierce's Disease on the state's multi-billion dollar wine industry.
- Negotiated and drafted agreements, including the formation of a Limited Liability Company, for the purchase and operation of the annual Unified Wine & Grape Symposium, the largest grape and wine trade show in the country
- Drafted and advocated for the passage of new legislation that provides additional assurances that California grape growers will be paid by the wineries that purchase their crop.
- Represents dozens of CAWG's members, including some of the largest grape farming operations in the State in the negotiation and drafting of seasonal and long term contracts for the sale of wine grapes and wine.
- Represents many of the same grape growers in recovering payments from wineries, including enforcing Producers' Liens and working with the CDFA Market Enforcement Branch to enforce state laws.

California Association of Pest Control Advisers (CAPCA) – General Counsel to nonprofit trade association representing licensed agricultural pest control advisers and operators

- Represents member companies and individuals in pesticide registration and PCA/PCO licensing matters.
- Drafts agreements for services to protect member companies.

Pest Control Operators of California (PCOC) – General Counsel to nonprofit trade association representing structural pest control companies

- Represented PCOC in wrongful termination and member grievance litigations.
- Negotiated and drafted legislative and regulatory amendments improving licensing terms and conditions for industry members.
- Represent numerous member companies and their qualifying managers in licensing actions before the Structural Pest Control Board, California Department of Food and Agriculture and California Department of Pesticide Regulation.
- California Manufacturers & Technology Association (CMTA) – General Counsel to nonprofit association representing regional, national, and international companies engaged in a broad spectrum of manufacturing and technology industries.

California League of Food Producers (CLFP) – General Counsel to nonprofit trade association representing canners, dryers and processors of agricultural products

- Represent CLFP in legislative and regulatory matters, including food safety, labeling and Prop 65.
- Represent tomato, fruit and nut processing companies, including Fortune 500 companies, in transactions for the purchase of raw agricultural products and the sale of finished food products.

California Grocers Association (CGA) – General Counsel since 1990 to nonprofit trade association representing closely held and publicly traded retail grocery companies, wholesalers and suppliers

- Drafted and negotiated dozens of legislative bills and regulations relating to all aspects of the warehousing, transportation and retail sales of grocery products in California.
- Working with litigation team, challenged many statewide and local laws and ordinances that adversely impacted CGA members.
- Conceived, incorporated and represent related California Grocers Association Educational Foundation, and three for-profit subsidiaries of CGA.
- Represent numerous member retailers and suppliers in wide variety of regulatory matters, including weights and measures, hazardous material handling, employee retention ordinances, Prop 65, food safety and labeling, ABC licensing, and emergency preparedness matters.

California Manufacturers & Technology Association (CMTA) – General Counsel to nonprofit trade association representing a broad spectrum of manufacturing and technology companies

- Provide general counsel services ranging from updating corporate documents to employment and litigation counseling.
- Negotiated and drafted agreements relating to office space, service contractors and consultants.
- Advise board members on fiduciary duties of volunteer directors and compliance with state and federal laws.

- Provide general counsel services to related charitable foundation and wholly-owned for-profit subsidiary.

Professional & Community Service

- California Polytechnic State University, Pomona, College of Agriculture, Dean's Advisory Council, Chair, 2010-2019
- Western Growers Association
- Napa Valley Grap growers
- California Lawyers Association
- California Association of Pest Control Advisors
- American Agricultural Law Association
- American Society of Association Executives
- Provides frequent seminars on the fiduciary duties of volunteer directors of nonprofit corporations.
- Dale has been a frequent lecturer/speaker for the California Association of Winegrape Growers (CAWG) since 1996. Many district grower associations (e.g. Napa, Sonoma, Lake, Mendocino, Suisun Valley, Livermore Valley, Paso Robles, San Joaquin, Amador, El Dorado, San Joaquin, and Temecula) will partner with CAWG to conduct a "Smart Marketer" seminar for growers and wineries in their area. Topics are usually negotiating and drafting wine grape purchase and sale agreements, enforcing the California Producers' Lien law, collecting from wineries that pay slowly or not at all, and complying with the California Department of Food & Agriculture's Processor Law.
- Dale has also spoken and served on panels covering the same topics for the Unified Wine & Grape Symposium educational sessions during the annual industry trade show in January of each year in Sacramento.

Education

- J.D., University of California at Davis School of Law, 1987
- B.S., Agricultural Biology, California Polytechnic State University, Pomona, 1984

Honors & Rankings

- AV Preeminent® Rating by Martindale-Hubbell®
- *Sacramento Business Journal*, Best of the Bar, 2015, 2017
- *Sacramento Magazine*, Top Lawyer, Legislative & Government Affairs, Nonprofit Organizations, Food & Agriculture Law, 2015-2023
- California Polytechnic State University, Pomona, College of Agriculture, 2010 Distinguished Alumni Award Winner

Speaking Engagements / Events

- *Veggie Wars: Legal Update on the Perishable Agricultural Commodities Act & Related Produce Laws*, Presenter, Western Agricultural and Environmental Law Conference, May 4, 2023
- *Smoke Issues and Grape Contracts*, California Association of Winegrape Growers and Allied Grape Growers Webinar, July 16, 2021
- *Coffee with CGA General Counsel*, California Grocers Association's Independent Operators Symposium, June 7, 2021
- *Wildfires and Smoke: Managing Uncertainty and Risk*, Unified Wine & Grape Symposium, General Session, January 26, 2021
- *COVID-19 Webinar No. 5: Considerations for Businesses & Employers in the Food & Ag Industry*, Downey Brand COVID-19 Webinar Series, April 17, 2020
- *Contracts: Language and Enforcement*, Presenter, California Association of Winegrape Growers - Lodi Grower Meeting, January 21, 2020
- *Coffee With CGA's General Counsel*, Presenter, California Grocers Association's Independent Operators Symposium, January 17, 2020
- *Managing Risk in the Food Delivery World: Understanding Product Recall*, Joint Presentation Hosted by Downey Brand, EPIC, and Berrian Insurance Group, October 17, 2019
- *Pesticide Drift: Compliance, Liability, and Protection*, Co-presenter, 10th Annual Spray Safe Program, February 6, 2019
- *Pesticide Drift: Compliance, Liability, and Protection*, Co-presenter, Yuba-Sutter Farm Bureau, March 28, 2018
- *The Local View: The Beat Goes On*, Panelist, 2nd Annual Lodi Vineyard and Wine Economics Symposium, June 29, 2017
- *Stay Fresh with the Latest Information on Packaging Law and Design*, Co-presenter, The Produce Packaging Seminar, May 31, 2017; June 7, 2017; June 20, 2017
- *Understanding the PCA's Obligations in Order to Maintain CEQA Protections*, Presenter, California Association of Pest Control Advisers (CAPCA) Annual Conference, October 18-20, 2015
- *Legal Update*, Presenter, California Association of Winegrape Growers (CAWG), January 13, 2015
- *California Winegrape Leadership Forum*, Presenter, California Association of Winegrape Growers (CAWG), December 3, 2014
- *Managing PCA's legal Exposure*, Presenter, California Association of Pest Control Advisers (CAPCA) Annual Conference, October 20, 2014
- *Lawfully Selling Shell Eggs in California Under Proposition 2 and AB1437*, Presenter, California Grocers Association (Webinar), October 8, 2014
- *Agriculture Purchase and Sale Agreements*, Presenter, Sacramento County Bar Association, Business Law Section, March 12, 2014

- *Vineyard Safety and Compliance - Legal and Regulatory Update*, Presenter, American Society for Enology and Viticulture National Conference, June 27, 2013
- *Grape Contracts*, Presenter, Temecula Valley Winegrowers Association 30th Annual Grape Day, April 18, 2013
- *Recent Developments in State and Federal Politics of Importance to Food Processors*, Presenter, California League of Food Processors, Legislative and Regulatory Update, February 2013
- *PCA Liability and CEQA Compliance with Written Recommendations*, Presenter, California Association of Pest Control Advisers (CAPCA) Annual Conference, October 23, 2012
- *Grape Contract Update*, Presenter, Temecula Valley Winegrowers Association, Grower Smart Marketer Seminar, June 15, 2012
- *Changes to Contracts and an Update on AB 907*, Presenter, San Joaquin Valley Winegrowers Association, Grower Smart Marketer Seminar, May 22, 2012
- *Contracts, Liens and the Legal Ramifications of Selling Grapes Outside of a Contract*, Presenter, Sonoma County Winegrape Commission, Grower Smart Marketer Seminar, May 17, 2012
- *Grape Contract Updates: Key Impacts to Your Business in 2012*, Presenter, California Association of Winegrape Growers (CAWG) and Lodi District Grape Growers Association, Grower Smart Marketer Seminar, March 7, 2012

Publications

- *Update: Signature Gatherers and Solicitors*, California Grocer, Issue 1, March 2020
- *Dealing With Delayed Harvest Demands*, California Association of Winegrape Growers, February 2014
- *King Amendment to Farm Bill Threatens California Ag*, California Farmer, Fall 2012
- *Proposition 37: New Requirements for Labeling Food in California*, California Grocers Association, CGAbulletin, October 2012
- *ADA News*, California Grocers Association, CGAbulletin, October 2012
- *Proposition 37: The Challenges Faced by the Food Supply Chain*, Downey Brand Food & Agriculture Law Practice Group, October 2012
- *Fresh & Easy Neighborhood Market, Inc. Prevails in Closely Watched Item Pricing Case*, California Grocers Association, CGAbulletin, August 31, 2012

Legal Alerts

- *FDA Announces Proposed Changes to Agricultural Water Requirements Under the Food Safety Modernization Act*, December 9, 2021
- *US Supreme Court Confirms Farmers' Private Property Rights*, June 25, 2021
- *Farmers Affected by COVID-19 May Seek Economic Relief from the Department of Agriculture's Coronavirus Food Assistance Program (CFAP)*, May 22, 2020

- *California Enacts Legislation in an Attempt to Level the Playing Field in Proposition 65 Enforcement Actions*, October 12, 2017
- *Proposition 65 Warning Required for Furfuryl Alcohol as of September 30, 2017*, October 5, 2017
- *FDA Issues Final Rule Under Food Safety Modernization Act*, June 16, 2016
- *Products with Antimicrobial Claims May Need to Be Registered as Pesticides*, February 18, 2015
- *Supreme Court's Ruling in Pom Wonderful LLC v. Coca-Cola Co. Confirms That Private Companies May Sue Competitors For False and Deceptive Food and Beverage Labels*, June 17, 2014
- *Farm Lenders and Farming Organizations File Amicus Brief in Crucial Ninth Circuit Water Case*, May 23, 2014
- *United States Supreme Court Rules for Monsanto in Roundup Ready Patent Case*, May 13, 2013
- *Farmers May Be Surprised To Find Themselves The Joint Employer Of The Workers Provided By Their Farm Labor Contractor*, May 2013
- *Comment Period Open for FDA Proposed Rules to Implement Food Safety Modernization Act*, January 2013
- *OEHHA's Cumulative Impacts Efforts Likely to Affect Agricultural Communities*, January 2013
- *Horne v. Department of Agriculture – A Small Step in the Right Direction or Simply a False Sense of Hope for Handlers of Agricultural Commodities?*, October 2012
- *Court Rules on Goldfields Parties' Definition of "Groundwater"*, October 2012