

Compliance Corner

Effectively Managing Your Grower and Farm Labor Contractor Relationship

By Amy Wolfe,
MPPA, CFRE, President/
CEO Emerita, AgSafe

As harvest gets underway for some and is in full swing for others, the issue around having sufficient labor per-



sists. The challenge drives many growers to use a farm labor contractor (FLC) as a means for ensuring there are enough people to get the job done. Often times,

COMPLIANCE...Cont. on Page 12

Fresno County Under Siege



On the evening of September 4 near Camp Sierra, a man-made wildfire was started. Within hours, it exploded under near perfect fire conditions, threatening and causing harm to the communities of Big Creek, Huntington, Shaver Lake, Auberry, Tollhouse, Burrough Valley, Watts Valley and more. As of print, the fire was over 180,000 acres with 0% containment. Many structures have already been lost. Air quality has deteriorated significantly in the Valley.

FCFB offers prayers to those who have lost their homes and/or livelihoods, and we commend the heroic acts that firefighters throughout the nation have taken to slow the destruction of this wildfire. Coverage on the affects to agriculture and livestock to be continued in next month's edition of Agriculture Today. PC: Clovis Fire Department.

Keeping Agricultural Employees Safe From Wildfire Smoke

Last year, Cal/OSHA passed an emergency regulation meant to protect employees from wildfire smoke. The rule applies to most outdoor workplaces where the current Air Quality Index (current AQI) for airborne particulate matter 2.5 micrometers or smaller (PM2.5) is 151 or greater, and where employers should reasonably anticipate that employees could be exposed

WILDFIRE...Cont. on Page 5



FCFB CEO Ryan Jacobsen loads N95 respirators into a local farmer's vehicle. Overall, over 300,000 N95's have been distributed so far.

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SHOOTING STRAIGHT Forest Mismanagement

► **By Matthew Efid, President**
Fresno County Farm Bureau



As I watch the Creek Fire rapidly spread throughout the Sierra Mountains in our backyard, I find myself selfishly worried about our family cabins at the Shaver Lake Point. Even more so, I am angry, so very angry, and ask myself, “what happened and how did we get here?”

We all know too well that this is not the first, and I fear it will not be the last, fire that we will endure in our local mountains. Just a few years ago, the Rim Fire (2013) tore through the Sierra burning 257,314 acres, becoming California’s fifth largest wildfire and the single largest wildfire in the Sierra Nevada mountain range. It burned for nine weeks at a cost of \$127.4 million. Fortunately, only eleven residences and three commercial structures were

lost as it primarily burned in remote areas. We were fortunate and you would have thought we would have learned from that tragedy.

Unlike the Rim Fire, the Creek Fire is spreading through populated mountain areas. The loss of homes, structures and businesses is eminent, and it seems as if there is no stopping this fire as it threatens multiple mountain communities from Toll House to Yosemite National Park. The fire has doubled in size daily and has now burned over 180,000 acres (September 10), an area larger than the City of Fresno.

The fire started near Camp Sierra, an area that has been actively logged and managed for the last several years. If this is the case, then why has it burned uncontrollably? The answer is simple; we are doing too little, too late. The result of fifty years of forest mismanagement cannot be rectified in such a short period of time. The fuel load is just too great.

California environmental policies forced a change from the historical

management of a natural resource, to a minimal intrusion or “hands off” approach. For example, in 1992, a policy called the Sierra Nevada Framework was drafted and implemented. This policy created the 30” rule; no green trees larger than 30” in diameter could be harvested. This policy change no longer allowed for the highly efficient harvesting of large trees. With the loss in harvest efficiency came a reduction in margins for the logging industry, therefore reducing the cost effectiveness to manage the landscape and smaller trees by logging companies. Burdensome regulations such as these, combined with less expensive wood products from Oregon and Canada, have all but decimated our local timber industry. As mills closed and consolidated (we have lost 123 mills, 18,000 direct jobs, and 38,000 indirect jobs throughout the state since 1981), transportation costs increased to get the raw lumber to the few remaining mills. As costs rose and margins dwindled, so did the logging

STRAIGHT...Cont. on Page 10

GUEST COLUMN

Why I Am Hesitant About Government Policy

► **By Paul H. Betancourt,**
Farmer and Past FCFB President



If you want to know why I question government officials, just take a look at the smoke in the air. The same kind of people who destroyed the forest want to tell us how to live our lives.

The forest in the Sierra will not be right for the next hundred years. It all has to burn to the ground, then start all over. Obama and Newsom want to blame climate change, but, they don’t want to address the fact that government policy caused the

problem. In stopping every fire we could, all with the best of intentions, we destroyed the Sierra for my life time and then some. The underbrush is overgrown and there are too many trees per acre to be supported naturally.

When I complained about what I consider the unreasonable nature of some of the lockdown restrictions last Spring, one of my seminary classmates said, “Well, they are trying to protect us.” Well there is a mouthful right there. For starters, when did that become their job? But, I will skip that one for now. I might be more willing to accept that if they did not have such a bad track record. I get occasional blow back from friends when I question their efforts on public policy, but let’s look at their record.

-I already mentioned the forest policy bought to us by experts and politicians.

-Consider the Tuskegee airmen. These men were and are world class heroes. Yet, they were treated with utter disrespect by the government and used as medical Guinea pigs without their consent.

-Consider the use of Thalidomide and the increase in birth defects in the 1950s. Admittedly the Food and Drug Administration has become more effective over time, but their job has always been to protect us and here they failed. You would think they had learned some humility. Recent events make me wonder.

-Look at our own housing costs in California. The cost of housing

BETANCOURT...Cont. on Page 10

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GUEST COLUMN

Will California Farms Survive The Split-Roll?

By Paul Dictos,
CPA, Assessor-Recorder, Fresno County



On a hot August day, as I stood at the gate of the Stamoules Ranch in Mendota, California, a gentle breeze cooled my razor shaved head and ruffled the leaves of the Pistachio tree nearby.

My long-time friend and fellow Greek Tom Stefanopoulos, a second-generation farmer, asked if California farms will survive this unprecedented economic and political crisis-aka-Split-Roll, listed as Proposition 15 on the November 3, 2020 ballot. When faced with tough questions, professional accountants have a simple answer – it depends.

The coronavirus has forced the entire world into disarray. And the farm and food industries are no exception. With restaurants closing, the dominoes are starting to fall for the farmers who suddenly have nowhere to take their produce. For many farmers, its more cost effective to let crops rot in the fields.

Proposition 15 will not help. It will make things worse. It will remove Prop 13's protections for California farmers, triggering annual reassessments

at market value for agriculture-related fixtures, irrigation systems and improvements, including barns, dairies, processing plants wineries, producing fruit trees, nut trees, and vineyards. Agriculture is a \$50 billion industry, the lifeblood of California, and is providing more than one-third of the country's vegetables and two thirds of its fruits and nuts. But when family farmers are faced with structured uncertainty under a clouded political environment, they may be forced to sell their property to real estate developers because the property taxes have become so burdensome. Many fear that Prop 15 will create a major fiscal incentive to local government to rezone property away from agricultural use to take advantage of the higher taxes and satisfy Californians' insatiable appetite for more taxes.

Furthermore, Prop 15 will inadvertently trigger massive property tax increases on solar energy property and jeopardize the industry. It was only a couple of decades ago-1980-when California voters enacted Revenue and Taxation Code Section 73 which excludes active solar energy systems from "new construction." Passage of Prop 15 would make all solar systems-except residential solar owned by the homeowner- currently in place and excluded from property tax, be subject to property tax at their full fair

market value, even though voters enacted this incentive to encourage the development of solar energy throughout the state. Section 73 is credited with helping drive California's national leadership in solar energy and materially lowering energy costs for Californians. This is another California flip-flop. What is wrong with Sacramento!

Fresno county has the largest solar energy installations in the state of California, with over 18,000 acres [built and entitled] covered with industrial solar panels. Conservative estimates of the market value of industrial solar panels in Fresno county is pegged at approximately \$15 billion. At present tax rates, this translates to \$165 million in higher property taxes to the industry. There are also approximately 13,000 residential properties in Fresno County with leased solar panels. Currently they are exempt from taxation. Passage of Prop 15 will make them taxable to the lessor as fixtures. And guess who is going to end up footing the bill? You guessed it right. All Californians because our state depends on solar energy to keep our lights on and A/C running during Fresno's hot summer nights.

According to Solar Industries Association (SBI), www.seia.org/states California has installed enough solar to power 7,812,254 homes. With 2,307 Solar Companies, 74,255 good

paying solar jobs and a projected five-year growth of 14,957 MW, I am afraid Proposition 15 may put this industry in a chokehold.

CNBC recently released the "America's Top States for business in 2019". The annual study reviews each state, poring over more than 60 measures for business competitiveness to rank categories like cost of living, business friendliness and access to capital. Overall California is ranked 32 of 50. But doubling down on a couple of key categories show that our state is at the bottom of the barrel when it comes to nurturing a pro-business environment. California also ranked 49 out of 50 in the cost of living category.

Passage of Prop 15 would have an adverse effect on California taxpayers, and especially the small family farmer, the backbone of the industry, may soon belong to history.

California's cost of living is already among the nation's highest. We should not make it even more expensive to live here. Prop 15 will make it more difficult for Californians living paycheck-to-paycheck.

Vote no on Prop 15 to save our family farms and keep the American dream alive for the youth aspiring to be the "Future Farmers of America".

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WILDFIRE

Continued from Page 1

to wildfire smoke. The measures, discussed later in detail, require filtering respirators be distributed when the thresholds are met or exceeded. The most common respirator to be utilized is the N95.

Due to the COVID-19 pandemic, N95s have been in short supply, with priority going to the healthcare industry. Due the shortage, the agricultural community has had difficulties obtaining needed supplies. Fortunately, on August 20, the State of California and the California Department of Food and Agriculture opened a supply of N95s to county agricultural commissioners to deal with the impending wildfire smoke filling up the Valley. This was in addition to the initial supply the state offered to assist with pesticide applications when required by product labeling

In partnership with the Fresno County Agricultural Commissioner's Office, FCFB and other agricultural associations hosted several N95 distribution events to provide the personal protective equipment to agricultural employers for their essential employees. In addition, disposable masks to combat COVID were also distributed. In total, FCFB distributed almost a quarter million N95 respirators and over 50,000 disposable masks. Additional dates will likely be planned throughout September. Contact the FCFB office at (559) 237-0263 or info@fcfb.org for more information.

Wildfire Regulation

With exceptions, emergency regulation section 5141.1, Protection from Wildfire Smoke, applies to workplaces and operations where the current Air Quality Index (AQI) for PM2.5 particulate is 151 or greater ("unhealthy") and where the employer should reasonably anticipate that employees may be exposed to wildfire smoke.

Current conditions can be found on several online sources such as www.airnow.gov .

Employers must take the following measures to protect workers when the current AQI is 151 or greater:

- Implement a system for communicating wildfire smoke hazards in a form readily understandable by all affected employees, including provisions designed to encourage employees to inform the employer of wildfire smoke hazards without fear of reprisal.
- Training employees according to section 5141.1 Appendix B.
- Implement engineering controls, when feasible, to reduce employee exposure to PM2.5 to less than a current AQI of 151 (or as low as feasible if less than a current AQI of 151 cannot be achieved). Examples include providing enclosed structures or vehicles for employees to work in, where the air is filtered.
- Whenever engineering controls are not feasible, or do not reduce employee exposures to PM2.5 to less than a current AQI of 151, implement changes to work procedures or sched-

ules when practicable. Examples include changing the location where employees work or their work schedules.

- Provide proper respiratory protection equipment, such as disposable filtering facepiece respirators (dust masks), other half facepiece respirators, or full facepiece respirators*. Visit Cal/OSHA's website for more information.

*To filter out fine particles, respirators must be labeled N-95, N-99, N-100, R-95, P-95, P-99, or P-100, and must be labeled as approved by the US National Institute for Occupational Safety and Health (NIOSH). Full facepiece respirators provide at least five times as much protection from fine particles as half facepiece respirators such as filtering facepiece respirators (dust masks).

- The employer must provide respirators for employee use on a voluntary basis when the current AQI for PM2.5 is equal to or greater than 150 but less than 500. The employer must require employees to use respirators when the current AQI for PM2.5 is greater than 500.

If the current AQI is less than 151, the employer may provide filtering facepiece respirators (dust masks) to employees or allow employees to bring their own.

For more information, contact FELS' Gilbert Altamirano at galtamirano@CFBF.com or 559-908-9489.

California Farmland Trust Elects New Officers, Appoints New Board Members

By California Farmland Trust



With a passion for preserving California's farmland, California Farmland Trust is

proud to share the results of those elected to serve our Board of Directors as well as new Board member appointments.

"We're honored to have such well-known and well-respected individuals serve on the CFT Board" shared Charlotte Mitchell, CFT Executive Director. "Our board members each bring professional skills and a passion for agriculture that serve in furthering our mission and protecting farmland."

Newly Elected Officers

Jon Harvey, President

Jon Harvey retired from Cisco as a Hardware Engineer Manager and is now a ski patroller at

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Golden Owl Award Returns To Crown California's Top Ag Educator

From August 1 through December 31, 2020, students, parents, fellow teachers or other supporters can nominate their favorite agricultural teacher for a chance to be recognized as the best in California through the Golden Owl Award®.

Nominations can be submitted online at GoldenOwlAward.com.

In partnership with the California Farm Bureau® Federation and the California FFA, Nationwide® introduced this annual award last year to honor California's outstanding agricultural educators and to crown our state's Agricultural Educator of the Year—a distinction awarded to Rosemary Cummings of Nipomo High School in Nipomo, California.

As a result of her efforts, Cummings

received the coveted Golden Owl Award trophy and \$3,000 in funding to help bring new educational opportunities to the program and its students.

Cummings was one of six extraordinary California ag teachers recognized as finalists for the 2019-2020 Golden Owl Award, after more than 400 nominations were submitted.

"It's an honor to recognize outstanding teachers for their dedication to agricultural education in their communities," said Brad

Liggett, president of Agribusiness at Nationwide. "This award symbolizes the hard work individual teachers put into agricultural education to help students pursue their passion for farming or other careers in ag."

CBFB President Jamie Johansson



said, "One reason California farmers and ranchers have remained so creative in the crops they grow and the way they grow them is because of the foundation they gained from innovative agricultural teachers. This school year, we are seeing that even more clearly, as teachers adapt to distance learning and new ways of connecting to students. The Golden Owl Award encourages and recognizes the outstanding work performed every day by California agricultural teachers."

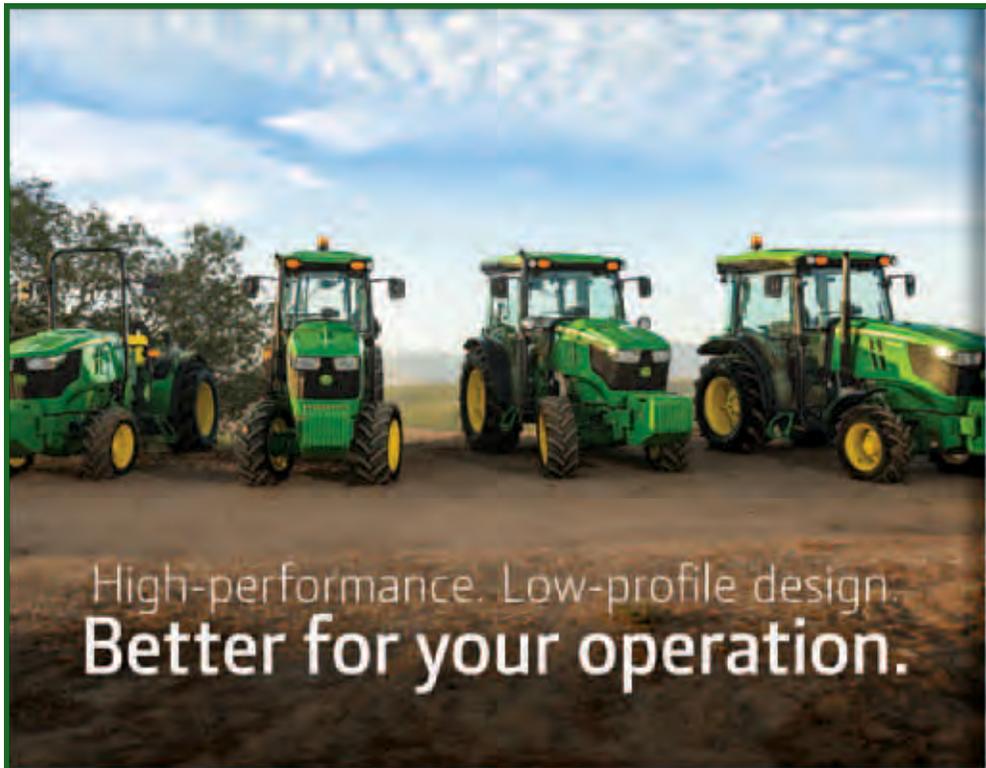
Nationwide inaugurated the Golden Owl Award during 2018-2019 by recognizing the contributions of 17 Iowa and Ohio agricultural teachers. As a result of the positive response from the communities in which Golden Owl Award nominees make a difference, the 2019-2020 Golden Owl Award was expanded to recognize 31 outstanding educators across five states: California, Illinois, Iowa, Ohio and Pennsylvania. Now in 2020-2021, the award is expanding again to include Indiana

and New York.

"Educators devote countless hours, and often their own resources, to positively impact the lives of their students," Liggett said. "As a company with deep roots in agriculture, Nationwide is proud to supply these hard-working and compassionate public servants with additional funding, and we hope to eventually expand our efforts to recognize the work of teachers all across the country."

As the No. 1 farm insurer in the country*, Nationwide supports the future of the agricultural community through meaningful sponsorships of national and local organizations. In conjunction with the Golden Owl Award, Nationwide is donating \$5,000 to each participating state's FFA, including the California FFA, to further support the personal and professional growth of students, teachers and advisors alike.

To nominate a teacher or for more information, visit GoldenOwlAward.com.



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Big Fresno Fair Announces Management Restructure to Achieve Long Term Success Through Elevated Fundraising

➤ By The Big Fresno Fair

The Big Fresno Fair (Fair) Board of Directors announced the transition of visionary Fair CEO John Alkire to the Friends of the Big Fresno Fair (Foundation) as its first CEO. Additionally, the Fair Board voted that Deputy Managers, Stacy Rianda and Lauri King will remain at the helm overseeing all ongoing operations to lead the Fair into the future; no new Fair CEO will be appointed at this time. Both announcements are effective September 1, 2020.

The management restructuring is part of the Fair's strategic plan to elevate fundraising efforts to achieve long term financial independence and success for the 137-year-old Fresno County tradition; an essential function with added emphasis amid the pandemic, which has significantly minimized normal Fair business operations since March.

"On behalf of the Fair Board, we thank John Alkire for his incredible leadership for the past 16 years during which time our Fairgrounds has been visually transformed with perma-



nent features for the entire community to enjoy including two new museums and connections to the community expanded," said Larry Serpa, President of The Big Fresno Fair Board of Directors. "As our Fair moves forward, there is not a more qualified team to lead than Stacy Rianda and Lauri King whose vast industry experience, personal investment in our community and unwavering leadership are quintessential for our future."

Rianda and King have worked alongside Alkire for nearly two decades as part of this revered management team that has garnered four Merrill Awards, the top honor in the fair industry for their vision and innovation. They have worked together to drastically alter the look and operations of the Fresno Fairgrounds to better serve the community and establish engrained community programs to support Fresno County residents - inspiring other fairs throughout the state and nation to adopt similar programs. Rianda and King are highly praised fair professionals with a collective 46 years of industry experience; both have served on the Western Fairs Association Board

and have the distinction of obtaining their Certified Fair Executive (CFE) designation from the International Association of Fairs and Expositions (IAFE) Institute of Fair Management.

"I've said it over and over again, you're only as good as the team you surround yourself with and I've been fortunate to work with the very best in the industry at The Big Fresno Fair. Stacy and Lauri are incredible leaders who work tremendously well together, each bringing their own perspectives and strengths to the table to best serve the Fair. I know they will continue to lead the Fair as they always have to adapt, adjust and emerge a little bit bigger and a little bit better than before," said John C. Alkire, new CEO of Friends of the Big Fresno Fair.

In his new role, Alkire will focus his efforts on raising funds to support deferred maintenance and overall operations of the Fairgrounds to ensure it is around for future generations to enjoy 365 days a year through community events and the annual Big Fresno Fair. He will also oversee the day-to-day operations of the Big Fresno Fair Museum and Fresno County Historical Museum.

"John Alkire's transition to the Friends of the Big Fresno Fair is something that has been in the works for a number of years as a strategy to grow the Foundation. It will enable him to continue his passion for the Fair and its educational programs and build upon the award-winning museums he

THE BIG FRESNO FAIR...Cont. on Page 13



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FRESNO COUNTY FARM BUREAU HAPPENINGS

Fresno County Farmer Perspectives on Water Management and SGMA

By Meredith T. Niles, PhD & Courtney Hammond Wagner, PhD
University of Vermont
Agriculture & Life Sciences

Background

California is currently implementing the Sustainable Groundwater Management Act (SGMA), which became law in 2014. SGMA requires local groundwater sustainability agencies (GSAs) to develop sustainable water management plans and implement them to achieve groundwater sustainability (defined by avoidance of six undesirable results) by 2040. Agriculture is the largest human user of water in California; therefore farmers are an important stakeholder for SGMA implementation and achieving water sustainability. This research surveyed farmers in four California counties (Fresno, Madera, San Luis Obispo, and Yolo) to understand their perspectives on water issues, current and future water management practices, SGMA and policy preferences. This brief details the results of the survey for Fresno County, where 359 farmers responded to the survey. The survey was deployed via mail in the spring of 2019 in collaboration with the Fresno County Farm Bureau.

Farmer and Farm Characteristics

Farmer respondents (92% male, 7% female, 1% prefer not to answer) were on average 64 years old, had farmed 34 years in Fresno County and 64% were full-time farmers. Average farm size was 554 acres, with 80% on average owned by the farmer. The most common crop types were nut trees (45%), vineyard grapes (40%), fruits

crops (30%), and row crops (8%). Most common water sources (in a "normal year") mix of surface and groundwater (47%), groundwater only (38%), surface water only (26%), and no irrigation (2%). Farmers indicated in which GSAs they had land, with the most frequent the Fresno County GSA (39%), North Kings (18%) and Central Kings (13%). Given the high percentage in the Fresno County GSA, it is possible that farmer's misidentified themselves, thinking this was a more general county-level term, rather than the specific GSA unique to a small portion of Fresno County.

Current and Future Water Management Practices

Farmers in the region have already adopted many water management practices, most commonly drip irrigation (61%), crop insurance (45%), and soil moisture sensors (43%). Among non-adopters, farmers also indicated interest in adopting multiple water technologies in the future especially drip irrigation (75%), water monitoring technology (64%), and soil moisture sensors (64%).

Concern for Groundwater Issues

The majority of farmers (77% or greater) are at least somewhat concerned with each of the six SGMA undesirable results. As well, the majority of farmers believe that these undesirable results are already happening or will occur in five years.

Farmer Preferences for Groundwater Sustainability and SGMA

The majority of farmers at least somewhat agree that the SGMA process is being managed locally (67%),

is fair (51%), and has involved farmers (64%). However, fewer than half of all farmers agreed that they knew how to participate (47%) or clearly understood the SGMA policy process (45%). Most farmers believe that water allocation based on standard crop water requirements (68%), historical average pumping (66%), and correlative rights (64%) are at least somewhat fair. The majority of farmers prefer standard crop water requirement indexes (63%) for water monitoring in the future, if necessary. Farmers have mostly received information about SGMA from the local irrigation district (36%), which is also the entity that farmers would most trust for SGMA information (41%), and would like to receive information from (36%). However, farmers also indicated that they would trust SGMA information from the County Agricultural Commissioner (35%), commodity organizations or grower cooperatives (34%), and The University of California Cooperative

Extension (31%). Farmers support a diversity of water policy and management strategies that may be components of SGMA.

SGMA Cost and Policy Need

Most farmers believe that SGMA is necessary in both Fresno County (61%) and California (58%); however, the majority of farmers don't believe that other farmers think SGMA is necessary in Fresno County (33%) or California (34%). This suggests a disconnect between farmer's individual policy preferences and those of their peers. Twenty-two percent of farmers believe SGMA will be affordable to implement; on average, farmers thought SGMA would cost them

\$438 per acre.

Perceptions of Change

Farmers expressed a number of changes in land, policy and climate had occurred recently. A majority of

Key Findings

1. The majority of farmers are concerned about groundwater issues and believe they are occurring now or in the next five years.
2. Farmers have already adopted many water management practices and are likely to adopt more.
3. Majority of farmers believe the SGMA process is managed locally, is fair, and involves farmers; less than half understand the process and how to participate.
4. The majority of farmers support incentive programs, recharge credits, permits for new wells, and water trading through markets.
5. Majority of farmers believe SGMA is necessary in Fresno County and California; however, they don't believe other farmers think SGMA is necessary in these places.

WATER MANAGEMENT...Cont. on Page 15

Nominations are Now Open for 2020's Agriculturalist and Agricultural Business of the Year



The Fresno Chamber of Commerce is now accepting nominations for this year's Agriculturalist of the Year and Agricultural Business of the Year.

These awards recognize individuals and businesses who have demonstrated a sincere commitment to the Fresno County agricultural community, peer leadership and the ability to work with others, and have performed meritorious services in our Valley.

Nominations can be completed online on the Fresno Chamber's website at fresnochamber.com. The deadline to nominate candidates is October 9.



To recognize dogs that work alongside California farmers and ranchers, the California Farm Bureau Federation has launched its first Farm Dog Contest.

Open to Farm Bureau members in California, with support from Nationwide, the contest asks farmers and ranchers to submit a brief story about their dog, plus up to four accompanying photos.

The Grand Prize winner in the contest will earn

Rural Community Outreach

Thanks to Nisei Farmers League, Insure America, the Fresno County Agricultural Commissioner and FCFB, surgical masks and bandanas with COVID messaging have been handed out to agricultural employees. Additionally, package drops have been made in several Fresno County rural communities including Mendota, Huron and Orange Cove. These drops have included masks, hand sanitizer and COVID related messaging.



\$1,000. A First-Place winner receives \$500; there is also a \$250 award for Second Place and \$100 prize for Third Place.

In the story submitted with the entry, farmers and ranchers have an opportunity to describe how their dog enriches their lives while supporting them in doing their jobs. Entrants can list any special skills their dog has, tricks it can perform as well as non-farm-work activities the dog and its owners enjoy.

The California Farm Dog Contest opened in mid-August. Entries are due October 16. For full contest information, see www.cfbf.com/farmdogcontest.

Member Benefit



Farm Bureau Bonus Cash is exclusively for active Farm Bureau members who are residents of the United States. Offer is valid through 1/4/21 for the purchase or lease of an eligible new 2019/2020/2021 model year Ford or Lincoln vehicle. This incentive is not available on Mustang Shelby® GT350®/GT350R/GT500®, Mustang BULLITT, Ford GT and F-150 Raptor. This offer may not be used in conjunction with most other Ford Motor Company or Lincoln Motor Company private incentives or AXZD-Plans. Some customer and purchase eligibility restrictions apply. Must be a Farm Bureau member for 30 consecutive days prior to purchase. Visit FarmBureauAdvantage.com or LincolnFarmBureauAdvantage.com or see your authorized Ford or Lincoln Dealer for qualifications and complete details.

New FCFB Members

FCFB welcomes the following new Agricultural, Associate, Collegiate, Business Members (BM) and Premium members who joined last month:

NAME	CITY	MEMBER TYPE
Roland Roos and Company	Fresno	BS
Greg Renna	Fresno	Agriculture
Gipson Farms Inc	Reedley	Agriculture
Mazzei Nursery LLC	Fresno	Agriculture
Loraine Trigueiro Custom Farming LLC	Caruthers	Agriculture
Erzurum Express Inc.	Fresno	Agriculture

Membership Values

Visit the FCFB website at www.fcfb.org for a complete list of benefits or contact the office at (559) 237-0263 or info@fcfb.org for details.

September Board Report

FCFB held its Board of Directors' meeting on September 3. The featured speaker was California State Senator Andreas Borgeas.

Borgeas spoke about the lockdown at the state capital due to COVID-19 and the end of legislative session. Borgeas also provided an update on SB 559, which was funding for the Friant-Kern Canal. That bill was stalled in appropriations

Fresno County Agricultural Commissioner Melissa Cregan provided an update on N95 respirators that were provided by the State to agricultural employers/employees due to the bad the air quality.

Local UCCE Director Karmjot Randhawa provided an update on funding and new positions that were added. Randhawa also mentioned that her staff was still making farm calls even though they are

working remotely due to COVID-19.

California Farm Bureau Federation Representative Andrew Genasci spoke about the annual CFBF meeting. He also provided an update on legislative bills and that CFBF is actively opposing Prop 15.

The next FCFB Board Meeting and Meeting of Members is scheduled for Thursday, October 22, at 5 p.m.

WORKING FOR YOU

This past month, Fresno County Farm Bureau represented its members throughout the county and state by bringing agricultural interest to the forefront of discussions. Here's where FCFB represented you this month:

- Fielded nearly 40 media calls and interviews pertaining to topics such as air quality, N95's, COVID and farmworker conditions.
- Distributed more than 300,000 N95 respirators and 50,000 disposable masks to essential agricultural employees in Fresno County.
- Appeared as a guest on KMPH "What's in Season" segment which focused on pista-

chios.

- Held our Board meeting remotely.
- Participated in several Central Valley BizFed coalition meetings.
- Was a panelist for the North America Ag Roundtable.
- Held a Farm Bureau meeting with local Congressmen.
- Participated in the Fresno Chamber Governmental Affairs meeting.
- Prepared the member database for new upgrades.

STRAIGHT

Continued from Page 2

companies. Just as we need to be profitable to continue our operations to feed the nation and world, so do the loggers.

With the decline in the timber industry, so began the decline of the health and well-being of our forests. Costs to manage the forests rose and loggers morphed into government contractors, essentially logging or clearing only when a contract was available. Obviously, this is not a sustainable solution and the tree density became too great. With the higher tree density, there is less water percolating into our streams and lakes, and higher competition for nutrients. This results in a population of unhealthy trees which are unable to defend themselves against insects and pathogens, a situation that was compounded by a cyclical drought. The result: dead trees littered throughout the landscape with underbrush growing out of control.

In addition to the forests, the economic decline of the logging industry has many mountain communities

struggling to survive. Tourism has become one of the primary economic drivers, but, without a forest, what is the draw for tourists to visit? Add the financial burden of the COVID-19 shutdowns, and I am afraid that some of these communities will never rebound.

Big Creek was one of several small mountain communities established to support the Southern California Edison hydroelectric plants. If these power plants have been damaged, due to the fire, what does that mean for rebuilding those communities? How does this compound an already strained electrical grid; a grid that is admittedly failing due to the aggressive “green” policies imposed by the State of California. Unbelievably, the State of California does not consider hydroelectric generation to meet the “green” standard for energy.

Livestock, a natural tool for grass management and defense against wildfire, has also been restricted. These animals have historically grazed on federal and state lands, but as environmental policies changed, livestock were restricted from “sensitive” areas of the forest as they were deemed

“destructive.” Yet once an “unhealthy” wildfire has ravaged these “sensitive areas”, burning, killing, and obliterating all flora, fauna, and wildlife along the way, we are left with nothing but a moonscape. The ash and sediment are left to pollute our streams, rivers and lakes. I can’t help but once again ponder how logging or grazing the forests is not better for our environment?

When considering air quality, I reflect on the burdens placed on Ag for clean air and choke on the hypocrisy. I don’t disagree that several health issues are directly related to poor air quality. I myself am an asthmatic. Ag has been forced to update our equipment to “cleaner” burning engines and low dust harvesters, while also modifying farming practices to reduce impacts to air quality. Reduction and/ or elimination of burning annual prunings and orchard removals has become extremely restrictive and expensive. Yet the pollution caused by the number of cars on the road daily, significantly outweigh the minimal gains that are realized through the tremendous efforts and cost to agriculture by these regulations.

Looking out my window through the haze, I can barely see a glowing red sun rising; the glow due to heavy pollution in the air from the smoke and ash from our forests burning. I again ask myself, how is it that the logging or grazing of our forests is not beneficial to our air quality? I come back to the same revelation; log it, graze it or watch it burn.

We deserve better! When will Californians realize that our elected representatives and their disastrous policies have failed us? What is the threshold that forces people to say enough is enough, that forces the environmental community to acknowledge that they were wrong about the policies that they forced on all of us as Californians? Remember the eighty-five people who lost their lives due to the Paradise Fire? Were there any significant forest management policy changes made after that loss? We have an opportunity to begin to make these changes at the ballot box this November. The question is: are we the voters willing to make our voices heard and right these wrongs?

BETANCOURT

Continued from Page 2

is seen as a root cause of poverty in California. Why is there a shortage of housing? Sacramento and their enviro friends have made it hard to build in California. They have suppressed supply, and if you suppress supply in

the face of increased demand, what happens to price? Anyone? Anyone? If you do not know the answer to this, not only did you flunk Econ 101, I am pretty sure you are not up to the task of running our state.

Do want to know how to lower poverty in California without paying a penny in tax money? Let builders build

homes. In fact, it will raise taxes because of the economic activity and increase in land values.

If I had the room I could go on.

There is no contrition and no humility, just arrogance and hubris. They just double down. When the movie Titanic came out, it was supposed to

be a cautionary tale about hubris—the arrogance of those who think their technology is unsinkable. How about a cautionary tale about the misuse of government power?

Amartya Sen-1998 winner of the Nobel in Economics by proving govern-
BETANCOURT...Cont. on Page 11

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BETANCOURT

Continued from Page 10

ments CAUSE famine. If government policy can starve people to death, which is the slowest way to kill someone, maybe a little humility before we storm off “trying to help people.”

We have just had a preview of how far the government will go “to pro-

tect us” during a public health crisis. I am unimpressed. Imagine what they will do to “protect us” from climate change.

I am particularly unimpressed with how California Governor Newsom has been running a one man show. The Legislature has been ineffectual for six months. As I tell my students, the

Founders “really, really did not like the king.” We may think the three ring circuses that are Sacramento and D.C. are ridiculous, but the Founders wanted to keep all the power out of one person’s hands.

I was raised to respect the people in government, Bless their hearts. But, as a student of history, I have learned

they are human. The politicians are especially conflicted since they are trying to get elected and re-elected. One of our jobs is to keep an eye on them and call them out when they blow it. This is an experiment in self-government. It was never intended that we just turn everything over to the experts. There is nothing wrong with a little skepticism.

OFFICERS

Continued from Page 5

Sugar Bowl. A former Board member of Brentwood Ag Land Trust (BALT), Harvey joined the CFT Board in 2018, following the BALT and Central Valley Farmland Trust merger that formed California Farmland Trust. Harvey became immersed in land conservation at a young age, when he recognized the connections between his appreciation for wildlife, a family history of farming, and his love for fresh food.

Patrick Johnston, Vice President

Patrick Johnston lives in Brentwood where his family has farmed since 1923. He is currently a partner in Dwelley Family Farms, growing both conventional and organic fruits and vegetables. He was a board member

of the Brentwood Agricultural Land Trust, until its merger with Central Valley Farmland Trust to form CFT.

Maxwell Norton, Secretary

Maxwell Norton is a retired Farm Advisor with the UC Cooperative Extension, and a founding member of the Merced County Farmland and Open Space Trust, which later formed the Central Valley Farmland Trust. He is the Past President of the Merced County Chamber of Commerce, Past President of the California Association of Farm Advisors and Specialists, and Past Chairman of Merced County Economic Development Task Force.

Ken Oneto, Treasurer

Ken Oneto resides in Elk Grove where he grows cherries, walnuts, dry beans, tomatoes and wine grapes on the family farm. He is a graduate of

the California Ag Resources Training Program and the Ag Leadership Program. He was a founding member of the Sacramento Valley Ag Land Conservancy which helped to form the Central Valley Farmland Trust, and currently serves as the President of the Sacramento County Farm Bureau.

New Appointed Board Members Ryan Jacobsen

Ryan Jacobsen resides in Fresno, where he currently serves as the CEO of the Fresno County Farm Bureau. He is the first Board member to serve the organization from Fresno County. Jacobsen currently serves as president of the Fresno Irrigation District Board of Directors, secretary/treasurer of the Kings River Water Association and president-elect of the Rotary Club of Fresno. He is also the host of the tele-

vision show, Valley’s Gold.

Theresa Kiehn

Theresa Kiehn is the Acting President and Chief Executive Officer of AgSafe. Her career also included a tenure with the Great Valley Center, where she supported the formation of the Central Valley Farmland Trust. In addition to her current role, she serves on the Turlock Farmers Market Board of Directors, the Salas Family Foundation, is a ZThe California Farmland Trust is a California Non-Profit 501(c)(3). Our mission is to help farmers protect the best farmland in the world. To date, we have protected 16,708 acres of farmland on 77 family farms. To learn more visit us: www.cafarmtrust.org

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COMPLIANCE

Continued from Page 1

though, growers use FLCs believing that in doing so, there is a firewall of protection between them and the liability of having workers. Nothing could be further from the truth in California. The current COVID-19 pandemic adds layers of complexity to their already complicated relationship, as growers and FLCs alike work diligently to mitigate the disease's risks. It is critical that growers not only understand the challenges inherent in working with an FLC but also how to vet a contractor to ensure the best possible working relationship.

Understanding Your Joint Employer Risk

Nearly five years ago, California changed the state Labor Code, Section 2810.3 to more fully define joint employment liability as it pertains to worker safety and compensation issues. The modification impacted all employers, not just those in agriculture, and applies when the contracting company (for example, the grower), uses six or more employees from the contractor. If fewer than 20 employees are working between both businesses, there is an exemption from these provisions. However, during harvest when the need for bodies exist, this allowance is rarely any help.

The regulation holds the grower equitably responsible with the FLC for ensuring workers are protected from possible injury and illness, and that all the conditions of employment compensation are met. The latter includes but is not limited to stipulated wages, a workplace free from harassment and discrimination, and paid sick leave and health insurance are provided. As such, the grower must take steps to ensure that the FLC they work with complies all these applicable employment laws and that they demonstrate a good faith effort to stay informed of the FLCs business practices in these areas.

There is also a federal law, updated in March 2020, that speaks to joint employer liability. Under the Fair Labor Standards Act (FLSA), when an employee performs work for the employer that simultaneously benefits another person, that person will be considered a joint employer when that person is acting directly or indirectly in the interest of the employer in relation to the employee.

Part of the update included the cre-

ation of a four-part test to simplify for an employer their understanding of whether the liability exists. Joint employment will exist if the grower does the following for the FLC employees:

- hires or fires the employees;
- supervises and controls the employees' work schedule or conditions of employment to a substantial degree;
- determines the employees' rate and method of payment; and
- maintains the employees' employment records.

The FLSA does not stipulate that all these factors must be in place, nor does it note that the presence of only one of these elements will constitute liability. Rather, the regulation states that all circumstances will be considered, including factors such as the length of the relationship between the grower and FLC, pervasiveness of the actions by the grower, and the overall workplace culture that exists. The U.S. Department of Labor, Wage and Hour Division enforces the FLSA and, along with the California Department of Industrial Relations, Division of Labor Standards Enforcement, will hold a grower liable for the failings of his or her farm labor contractor.

As a result, a grower's risk has grown because both the U.S. Department of Labor and the California Division of Labor Standards Enforcement can cite the business for the same violation by the farm labor contractor. This is an instance of two-for-the-price-of-one and not in the good way. With so much at stake, it is critical that growers take the time to vet their FLC annually as well as request evidence of compliance throughout the course of the season.

Vetting Your Farm Labor Contractor

Prior to when a grower needs the services of an FLC, it is important to request evidence of compliance with the many employment laws impacting the contractor, as well as those that fall under the auspices of joint employment liability. If the contractor is not able to provide written evidence of compliance, that is a sign that the grower may need to consider finding a new farm labor contractor. At minimum, the FLC should provide the following documentation:

- Copy of current State of California FLC License
- Copy of the Federal FLC Certificate of Registration
 - If providing worker transportation, Transportation Authorization should be noted
 - If providing worker housing, Housing Authorization should be noted
- Proof of workers' compensation insurance
- Proof of general liability insurance
- Copy of the Injury and Illness Prevention Program (IIPP)
- Copy of the COVID-19 IIPP Supplement
- Copy of the Heat Illness Prevention Program
- Copy of the Employee Handbook, including an Anti-Harassment and Discrimination Policy
- Evidence of the following annual training for supervisors and workers:
 - Sexual Harassment Prevention (2 hours for supervisors, 1 hour for workers)
 - General Workplace Safety
 - Heat Illness Prevention
 - Worker Protection Standard
 - COVID-19 Risk Protection
 - First Aid/CPR (1 trained individual for every 20 workers)
- Evidence of worker wage and other compensation terms and conditions provided to the crew that will be contracted
- Copy of a paystub, with confidential information removed

and determining compliance, moving forward working with the contractor makes sense it is also important to check in on the FLC and their crews periodically throughout the season. Onsite, you should be looking for the following, which demonstrates actionable compliance related to the paperwork initially reviewed:

- First aid kits with each crew
- Enough water and shade for the number of workers present, including ensuring that workers can maintain appropriate social distancing protocol
 - Clean, usable portable toilets with ample hand washing supplies, enough to encourage best practices in accordance with CDC COVID-19 recommendations
 - Appropriate personal protective equipment (PPE), including face coverings and hand sanitizer for use when not immediately next to hand washing stations
 - An emergency action plan, including a map of how to safely evacuate the property, easily accessible for workers
 - Required postings, including Pesticide Safety Information Sheet A-8 and A-9

Should something appear amiss during a field visit, it is critical to communicate what was deficient with the farm labor contractor and determine the immediate corrective action plan. It is also important that follow-up occur to ensure changes are made and documented. Failing to do so more simply codifies the definitive liability, as defined under California regulations, for the grower based on the lack of compliance by the FLC.

Keep in mind that both the list of items to review prior to engaging a contractor and the list of elements to evaluate in the field are not exhaustive. For a complete, robust list, contact AgSafe at safeinfo@agsafe.org or 209-526-4400. That being said, these provide an excellent place for growers

to start the critical and important task of further protecting their business by more thoughtfully considering who to engage when trying to tackle the ever-present labor challenges.

For more information about worker safety, human resources, labor relations, pesticide safety or food safety

COMPLIANCE...Cont. on Page 13

(Source: US Department of Labor, Wage and Hour Division)

In California, farm labor contractors must possess both a state FLC license as well as a Certificate of Registration, issued by the U.S. Department of Labor, Wage and Hour Division, as seen here.

If, after review of these elements

COMPLIANCE

Continued from Page 12

issues, please visit www.agsafe.org, call (209) 526-4400 or email safeinfo@agsafe.org. AgSafe is a 501c3 nonprofit providing training, education, outreach and tools in the areas of safety, labor relations, food safety and human resources for the food and farming industries. Since 1991, AgSafe has educated over 85,000 employers, supervisors, and workers about these critical issues.

Cal/OSHA is Enforcing Guidance



Cal/OSHA has recently shifted its enforcement

emphasis from education and outreach to citations for violations of the Injury and Illness Prevention Program (IIPP) and Heat Illness Prevention Program (HIPP) rules.

Cal/OSHA asserts that compliance with the IIPP regulation in the context of the COVID-19 pandemic necessarily entails implementation of its Safety and Health Guidance: COVID-19 Infection Prevention for Agricultural Employers and Employees (updated July 22) and its COVID-19 General Checklist for Agricultural Employers and COVID-19 Daily Checklist for Agricultural Employers.

The agency is further asserting that failure to furnish sufficient shade to

allow for six-foot social distancing will be cited as a violation of both the IIPP and HIPP regulations.

FELS urges agricultural employers to familiarize themselves with those guidance documents and to implement their provisions to the extent practical in their operations.

You can find more information on FELS' website at www.fels.net, or by contacting FELS's Gilbert Altamirano at galtamirano@CFBF.com.

DOL Issues Updated FFCRA Paid Sick Leave Guidance



The U.S. Department of Labor has issued up-

dated Families First Coronavirus Response Act (FFCRA) Guidance.

The guidance states that FFCRA paid sick leave and expanded Family and Medical Leave Act (FMLA) requirements are cumulative for 2020. According to the new guidance, an employee who exhausts his or her entitlement of 80 hours of paid sick leave, is later furloughed, returns to work and then again needs sick leave is not entitled to additional paid leave under the FFCRA.

Similarly, an employee who used six weeks of expanded FMLA leave during spring 2020 and needs more leave in the fall because a child's school or daycare is closed is entitled to only

the amount of leave remaining (i.e., six weeks), not a renewed amount.

An employer recalling employees from furlough may not extend an employee's furlough due to the employee's need for FFCRA leave. For example, if an employee being recalled from furlough has a child whose school or daycare is closed, the employer may not extend the furlough to avoid providing the employee with paid FFCRA leave.

An employer may require an employee to provide a negative COVID-19 test before returning from an FFCRA leave, as long as the requirement is uniformly applied and not applied only to employees who take FFCRA leave.

For example: An employee requests two weeks of paid FFCRA leave to care for a family member who tested positive for COVID-19. Upon the end of those two weeks of leave, the employer may require the employee to provide a negative COVID-19 test or to telework for some time only if the employer requires all employees to provide a negative COVID-19 test after exposure to someone who tested positive for COVID-19.

You can find more information on DOL's FFCRA guidance on FELS' website at www.fels.net, or by contacting FELS's Gilbert Altamirano at galtamirano@CFBF.com

THE BIG FRESNO FAIR

Continued from Page 7

helped to create," said Brian I. Tatarian, President of the Friends of the Big Fresno Fair Board.

The Fair has been in constant contact with state and local health officials to review opportunities to continue operations by hosting adapted, innovative events that meet the defined health guidelines of these entities to help keep the community safe. Currently the Fair's flea market and outdoor satellite wagering facility are operating, while plans to move forward with a drive-thru Fair food event and livestock exhibition in October continue. Additional details will be made available on those activities by September 7.

More information on Friends of the Big Fresno Fair, including how you can get involved and donate to support the Fair can be found online at: www.fresnofair.com/p/about-us/friends-of-the-fair.

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What's in Season: Pistachios

Each month, FCFB participates on the KMPH Fox 26 Great Day segment called "What's in Season." The live segment airs the second Monday of the month at 9:15 a.m.

Pistachios overview.

The pistachio tree, which is a member of the cashew family, is native to regions of Central Asia, including present-day Iran and Afghanistan. Archaeology shows that pistachio seeds were a common food as early as 6000 BCE.

While referred to as a nut, pistachios are the seeds of a fruit that grows in bundles (like grapes).

California produces almost all of the nation's pistachios, with a value of \$2.62 billion in 2018, making it a top five producing commodity in the state. In Fresno County, pistachios ranked number three, producing more than \$862 million in 2018.

Are there different pistachio varieties?

The most popular pistachio variety is the Kerman. Some other varieties are the Golden Hills, Lost Hills, Peters (male) and Randy (male).

Pistachio plantings.

The pistachio tree is dioecious (i.e.

"two houses"), meaning the male flowers are borne on one tree and the female flowers on another. Therefore, both male and female trees are required to produce nuts. Male trees do not bear nuts. Male trees must be dispersed through the orchard so that female trees are pollinated. Pollen is blown to female trees. Bees are not involved in pollination, although they do gather pollen from the flowers on male trees.

Ideal pistachio growing conditions.

Pistachio trees grow best and produce the most nuts in an arid semi-desert climate with long, dry, hot summers; low humidity; and cool but not frigid winters.

Pistachio harvest.

Pistachios are harvested with the use of machines. The machine grasps the trunk of the tree and gently shakes the tree allowing the nuts to fall into a catching frame, never touching the ground. The nuts are then transferred to bins and transported to the processing plant.



Once pistachios are harvested, the outer hull must be removed within a short period of time (24 hours max) to avoid shell staining and product deterioration. (The hull traps moisture which stains the shell if left for a long period of time.) Hulls are removed mechanically and then the nuts are washed and dried and separated by size. Drying the nuts down to a stable moisture

level without over-drying is the difference between a good pistachio and a great pistachio.

Those nuts that are not opened naturally on the tree are separated out and electronic color sorting machines then check and separate the nuts for any shell staining or discoloration.

How should they be stored?

Once dried to 4-6 percent moisture, but before further processing, nuts can be held at 68°F and 65-70 percent relative humidity for up to one year.

What else is in season?

- Apples • Rice
- Garlic • Sorghum
- Pumpkins • Walnuts

Source: CDFA, Fresno County Crop & Livestock Report, Wikipedia, UCANR, Keenan Farms

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WATER MANAGEMENT

Continued from Page 8

farmers felt that nut acreage (96%), urban land use (85%) and corporate-owned farms (81%) had increased in the last five years. Conversely, 77% of farmers felt that family owned farming operations had decreased in the same time period. Ninety-six percent of farmers also felt that number of regulations for farms and the amount of reporting and paperwork for regulations had increased in the last five years while 56% felt that farmer engagement in the policy process increased. The majority of farmers (52%) agreed that the global climate is changing, while 46% agreed that average global temperatures are increasing and 34% agreed that human activities are an important cause of climate change. Forty-four percent of farmers felt that climate change presents more risks than benefits to agriculture globally and 41% agreed that climate change presents more risks than benefits to

agriculture in Fresno County. Finally, a majority (55%) disagreed that water availability has changed because of climate change.

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To read more and to view other surveys, please visit <https://waterfdn.org/research-briefs-ca-farmer-perspectives-on-groundwater-management/>

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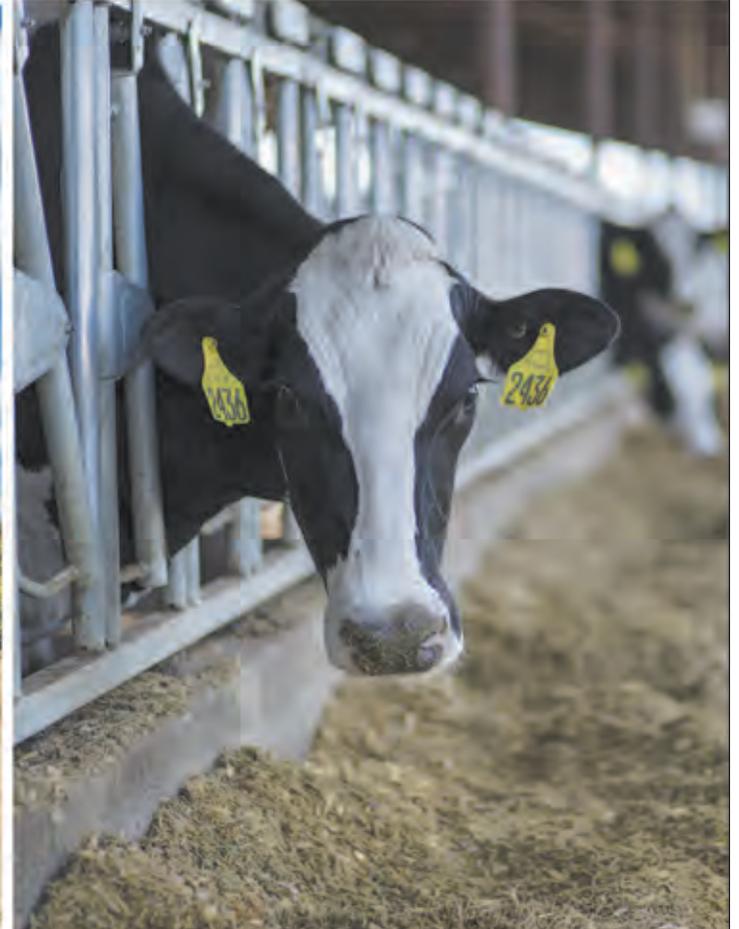
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