
California Association of Winegrape Growers
California Food Producers
100 Years California Farm Bureau Federation
Western Growers
Fresh produce from our families to yours
Ventura County Agricultural Association
California Apple Commission
California Blueberry Commission
American Pistachio Growers
California Blueberry Association
CAIA
California Agricultural Irrigation Association
Plant California Alliance
California Sweetpotatoes
Wine Institute
Family Winemakers of California
Olive Growers Council of California
California Citrus Mutual
CAFA
California Alfalfa & Forage Association
California State Beekeepers Association
California Strawberry Commission
California Fresh Fruit Association
pork
California Pork Producers Association
PAPA
Pesticide Applicators Professional Association
Agricultural Council of California
Almond Alliance of California
California Association of Wheat Growers
Grower Shipper Association
of Santa Barbara and San Luis Obispo Counties
California Bean Shippers Association
California Grain & Feed Association
California Pear Growers Association
California Seed Association
California State Floral Association
California Warehouse Association
Pacific Coast Rendering Association
Pacific Egg & Poultry Assn
PPelA
Industry's Voice of the West

Occupational Safety and Health Standards Board
The Honorable David Thomas
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

ATTN: Christina Shupe, Executive Officer Via e-mail: cshupe@dir.ca.gov

November 18, 2020

RE: COVID-19 Prevention Emergency Regulations

Dear Chair Thomas:

The undersigned organizations represent a wide variety of agricultural commodities, food processors and supporting industries in California and have a vested interest in creating a safe workplace that complies will all workplace safety guidelines, guidance documents, and standards. We appreciate the opportunity to comment on the proposed emergency regulations and the Board's efforts to provide workplace standards that protect employees from COVID-19.

Our Concerns

We write to express concerns with the proposed COVID-19 Prevention Emergency Regulations. We fully support the intent of the proposed regulations to keep employees safe in the workplace, but request that the Board consider the following concerns:

Clarity: The proposed regulations use several definitions that are broad in scope and unintentionally cover areas beyond the scope of the Board. Additionally, in a few areas, the protocols on the proposed guidance are in conflict with existing guidelines and provide weaker protections against the spread of COVID-19. This would create confusion and potentially have devastating consequences. Throughout this document, the need for clarity is discussed, especially relative to housing and transportation.

Authority: The existing health emergency is already being adequately addressed by enforcement of existing regulations and guidance for compliance with those regulations from the California Department of Industrial Relations Division of Occupational Safety & Health (Cal/OSHA). Over the last few months, the Board has heard testimony from Cal/OSHA staff, employer organizations and worker organizations alike who all verified this. For example, Cal/OSHA staff has testified that they are enforcing COVID-19 workplace guidance documents and guidelines under the Injury and Illness Prevention Program regulation and have indeed issued COVID-19 workplace fines. Thus, current law and procedure are adequately protecting employees, and as such, an emergency does not exist to justify emergency regulations under the Administrative Procedures Act (APA).

Where the proposed regulations exceed the application and enforcement of existing regulations, it goes beyond the authority of the board to regulate the health emergency. In particular, the Board has no authority to regulate housing, transportation, wages, or benefits as proposed by this regulation. This overreach is symptomatic of an attempt to achieve public health objectives through regulation of the employer-employee relationship.

Housing: This section of the regulations does one of the following – it either holds the employer responsible for issues outside the control of the employer, or it gives Cal/OSHA the authority to take enforcement actions against a housing provider for not protecting tenants from COVID-19. This is problematic because it makes no sense to hold employers responsible for actions they cannot control, and Cal/OSHA has no authority to regulate housing/tenant issues.

Additionally, this section conflicts with county health orders on housing and includes a restriction on bunk beds that fails to recognize that engineering steps can be taken to protect against the spread of COVID-19. California has a housing crisis and a regulation that makes it more difficult for employers to provide housing or assist in helping employees find housing does not remedy the situation.

This section should be deleted.

Transportation: This section of the regulations does one of the following – It either holds the employer responsible for issues outside of the control of the employer, or it gives Cal/OSHA the authority to take enforcement actions against a transportation company for not protecting passengers from COVID-19. This is problematic because it makes no sense to hold an employer responsible for actions the employer cannot control, and Cal/OSHA has no authority to regulate passenger safety issues.

This section should be limited to transportation provided directly by the employer for mandatory use by employees as a condition of employment.

The above three issues are discussed below in more detail.

Authority

Cal/OSHA has issued several guidance documents in response to COVID-19. Specific to ag employers, Cal/OSHA has issued, “COVID-19 Infection Prevention for Agricultural Employers and Employees” updated October 27, 2020, which states,

> *California employers are required to establish and implement an Injury and Illness Prevention Program (IIPP) to protect employees from all worksite hazards, including infectious diseases. This guidance does not*

> *impose new legal obligations. It contains information for agricultural employers on how to update their IIPPs to include preventing the spread of COVID-19 in the workplace. This is mandatory in most California workplaces since COVID-19 is widespread in the community.*

The stated justification for the Finding of Emergency is as follows, "*The Occupational Safety and Health Standards Board (Board) finds that the adoption of this proposed emergency standard is necessary to address an emergency pursuant to GC section 11346.1(b)(1). The Board finds that immediate action must be taken to avoid serious harm to the public peace, health, safety, or general welfare, for the reasons stated below*."

However, this is in direct conflict with Section 11346.1(b)(2) of the Government Code which states, *"A finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, shall not be adequate to demonstrate the existence of an emergency. If the situation identified in the finding of emergency existed and was known by the agency adopting the emergency regulation in sufficient time to have been addressed through nonemergency regulations adopted in accordance with the provisions of Article 5 (commencing with Section 11346), the finding of emergency shall include facts explaining the failure to address the situation through nonemergency regulations."*

There is no doubt a "general public need" to stop the spread of COVID-19. In fact, the petitioners state as much in seeking these regulations. The Board Staff Evaluation states, *"The Petitioners have identified a concern in that the tragic effects of the COVID-19 pandemic disproportionately affect people of generally lower-income and socio-economic status, but they have provided no evidence that their proposed statewide ETS, which is necessarily limited to workers, will remedy this concern."*

Additionally, the Finding of Emergency is 57 pages long and includes 71 footnotes that represent the documentation relied upon as part of this emergency action. Nearly all those documents address the "general public need" to stop the spread of COVID-19. This includes housing, transportation, social gatherings, houses of worship, parks and other public places, and much more. This regulation goes far beyond the workplace and attempts to defeat COVID-19 by seemingly treating bus passengers as employees of the transit agency and hotel guests as employees of the hotel. The Finding of Emergency clearly indicates that this regulation is based upon a general public need and is therefore out of compliance with Section 11346.1(b)(2) of the Government Code.

Section 147 of the Labor Code states, *"The board shall refer to the Division of Occupational Safety and Health for evaluation any proposed occupational safety or health standard or variance from adopted standards received by the board from sources other than the division. The division shall submit a report on the proposed standard or variance within 60 days of receipt thereof."* Additionally, Section 147.1 (e) of the Labor Code states the division shall, *"Appear and testify at board hearings and other public proceedings involving occupational health matters."* Consequently, it is important to consider the report and testimony from Cal/OSHA and the report of Board staff.

The Board Staff Evaluation, https://www.dir.ca.gov/oshsb/documents/petition-583-staffeval.pdf states, *"Eric Berg, Deputy Chief of Health for Cal/OSHA has recently testified to the Board that* ***Cal/OSHA is enforcing existing COVID-19 protections and providing consultative outreach to employers with exposed employees. Board staff is unable to find evidence that the vast majority of California workplaces are not already in compliance with COVID-19 requirements and guidelines****."* [Emphasis added.]

The Board Staff Evaluation also states, *"Cal/OSHA's webpage for COVID-19 guidance to employers contains the following statement: Workplace safety and health regulations in California* ***require*** *employers to take steps to protect workers exposed to infectious diseases like the Novel Coronavirus (COVID-19), which is widespread in the community. Cal/OSHA has posted guidance to help employers comply with these* ***requirements*** *and to provide workers information on how to protect themselves and prevent the spread of the disease. [Emphasis added.]"*

The Board Staff Evaluation concludes the following: *"Consistent with the foregoing discussion,* ***Board staff does not believe that the Petitioners' emergency request is necessary*** *and recommends that Petition File No. 583 be DENIED."* [Emphasis Added]

While Section 11346.1(b)(2) of the Government Code requires that the Board demonstrate why nonemergency regulations are not an option, testimony from Cal/OSHA and the Board Staff Evaluation both indicate that not only are emergency regulations unnecessary, nonemergency regulations are also not necessary as existing regulations and enforcement efforts under existing law are sufficient. Specifically, the Board Staff Evaluation states the following, *"Board staff is of the opinion that while the risk of exposure to SARS-CoV-2 is significant,* ***new regulations, whether in the form of an emergency or permanent regulation, are not likely to significantly improve employee outcomes****."* [Emphasis Added.] Consequently, these proposed regulations are beyond a shadow of a doubt out of compliance with Section 11346.1(b)(2) of the Government Code.

It is also important to note the Board's statutory scope of authority under the California Occupational Safety and Health Act of 1973. Section 6300 of the Labor Code states, *"The California Occupational Safety and Health Act of 1973 is hereby* ***enacted for the purpose of assuring safe and healthful working conditions*** *for all California working men and women by authorizing the enforcement of effective standards, assisting and encouraging employers to* ***maintain safe and healthful working conditions,*** *and by providing for research, information, education, training, and enforcement in the field of occupational safety and health."* [Emphasis Added.]

Relative to definitions of terms:

- Section 6303 (a) states, *""Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on, except a place where the health and safety jurisdiction is vested by law in, and actively exercised by, any state or federal agency other than the division."*
- Section 6303 (b) states, *""Employment" includes the carrying on of any trade, enterprise, project, industry, business, occupation, or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is engaged or permitted to work for hire, except household domestic service."*
- Section 6306 (a) states, *""Safe," "safety," and "health" as applied to an employment or a place of employment mean such freedom from danger to the life, safety, or health of employees as the nature of the employment reasonably permits."*

When these sections are read concurrently, one must conclude that the authority of the Board relative to adopting orders is to protect the safety and health of workers when they are working and in the places they are working. Consequently, the Board has no authority to provide as written in Section 3205(c)(10)(C) that *"employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job."*

This section is so broad as to require that the employer pay an employee who may or may not have been exposed at work unless under exception 2, "the employer demonstrates that the COVID-19 exposure is not work related." To meet the test of this exemption, the employer must prove a negative, thereby negating any potential application of the exemption. We believe it is fine to exclude COVID-19 cases and exposure from the workplace in an effort to assure that COVID-19 is not spread to other employees in the workplace. However, the Board has no authority to regulate earnings, seniority, rights and benefits.

We appreciate the intent of this provision is to protect against the spread of COVID-19 and we support efforts to keep COVID-19 out of the workplace. However, this regulation goes much further by taking on the reasons that motivate people to work. This provision seeks to make sure that financial considerations are eliminated when an employee determines whether to report non workplace exposure or a positive test to the employer. This is a broad societal issue which speaks directly to the general public need addressed by this emergency regulation and why these emergency regulations do not comply with Section 11346.1(b)(2) of the Government Code.

Moreover, the provisions of the proposed regulations relative to housing and transportation are clearly not within the authority of the Board. Specifically, the definitions of "employer-provided" are so broad as to cover virtually any type of housing and transportation of which the employer has no access, control or authority. This is discussed in more detail below.

Housing

As discussed above, Sections 6300, 6306(a), and 6303(b) of the Labor Code the authority of the Board relative to adopting orders is to protect the safety and health of workers when they are working and in the places they are working. However, Section 3205.3 of the proposed regulations broadly define employer-provided housing to include situations that are not relative to the work or the workplace. Specifically, this section states, *"Employer-provided housing is housing that is **arranged for** or provided by an employer, other person, or entity to workers, and in some cases to workers and persons in their households, in connection with the worker's employment, **whether or not rent or fees are paid or collected**."* [Emphasis Added]

In agriculture, housing is a serious concern, which has been made worse by COVID-19. To deal with this crisis, Governor Newsom has created a "Housing for the Harvest" program. https://covid19.ca.gov/housing-for-agricultural-workers/. Under this program, employers can help identify housing options for employees who need to be isolated such as COVID-19 positive employees and employees who have been exposed.

There are currently 13 counties participating in the program. Each county has a flier available online. Santa Barbara County as an example: https://files.covid19.ca.gov/pdf/H4HFlyerSantaBarbara.pdf. The flier states the following, *"If you are a farmworker or food processing worker who has COVID-19 or has been around someone who has COVID-19, you may be able to stay in a free hotel room. By staying in a hotel away from others, you can protect your family and co-workers from getting COVID-19."*

It is important to note that this is NOT an employer-based program. Instead, employers are encouraged to share this information with employees who need housing. However, under Section 3205.3, if an employer provides the flier to the employee, that employer has "arranged for" housing for an employee, and the employer is therefore responsible for COVID-19 protections in the hotel room. Especially since the stated scope of Section 3205.3 includes, "hotels and motels."

Fliers from each county include the logos or official symbols of county agencies, the California Department of Food and Agriculture (CDFA) and the California Department of Public Health (CDPH), but not those of the Labor and Workforce Development Agency, Department of Labor, or Cal/OSHA. The reason for this is obvious: Housing is not a workplace issue. The unintended consequence of Section 3205.3 is to adopt a policy which is contrary to efforts by the state, local agencies, and nonprofits to help provide housing during this crisis.

This section places strict requirements on the employer relative to assignment of housing, physical distancing, controls, face covering, cleaning, disinfecting, screening, testing and isolation. However, Section 3205.3 fails to recognize that in many housing situations, the employer has no ability to assure compliance in the individual living spaces.

In short, housing, as defined by Section 3205, is not a workplace issue when it is not provided directly by the employer as a condition of employment and is under the control of the employer.

In addition to concerns with the lack of authority for this section, the scope of this section and the unintended consequences discussed above, we are very concerned with the overly prescriptive requirements of Section 3205.3. For example, Section 3205.3(h) requires a private cooking and eating facility for individuals exposed to COVID-19. As the scope of Section 3205.3 specifically includes hotels and motels we must consider how this would apply in a hotel setting. For example, the Housing for the Harvest program provides free meals instead of a private cooking and eating facility.

Additionally, Section 3205.3(e)(1) states, "*Employers shall ensure that housing units, kitchens, bathrooms, and common areas are effectively cleaned and disinfected at least once a day to prevent the spread of COVID-19."* This section is in direct conflict with guidance from the Center for Disease Control and Prevention, CDPH, Cal/OSHA and common sense which all dictate that hotel guestrooms NOT be cleaned daily. Instead, guest rooms are to be cleaned at the end of a guest stay and ideally should be left vacant for 24 hours prior to cleaning.

To clean a hotel room daily puts hotel staff at risk, especially if the guestroom is being used to isolate a person who was exposed or tested positive for COVID-19. That is why the COVID-19 Industry Guidance: Hotels and Lodging dated July 29, 2020 from CDPH & Cal/OSHA specifically states, *"Consider leaving rooms vacant for 24 to 72 hours prior to or after cleaning, if feasible."* It is impossible to clean a guestroom daily and leave it vacant for 24 to 72 hours.

Ultimately, Section 3205 would prohibit an employer from advising an employee of the Housing for the Harvest program as the program does not provide a private cooking and eating facility and hotel and motel rooms are not cleaned and disinfected daily. This is contrary to the interests of the protection of public health.

Additionally, Section 3205.3 requires employers to, *"Ensure beds are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads. For beds positioned next to each other, i.e. side by side, the beds shall be arranged so that the head of one bed is next to the foot of the next bed. For beds positioned across from each other, i.e. end to end, the beds shall be arranged so that the foot of one bed is closest to the foot of the next bed. Bunk beds shall not be used."*

These restrictions do not consider the use of partitions or other engineering controls. This is inconsistent with guidance from local health officials for residential facilities. For example, the Los Angeles County Department of Public Health issued guidance which states, *"Consider placing partitions (e.g., nailing string from wall-to-wall and hanging sheets or blanket, using dressers or cardboard boxes as a barrier, etc) between beds."* This applies to bunk beds as well.
http://publichealth.lacounty.gov/sapc/docs/providers/covid19/starr/Guide%20to%20Social%20Distancing%20and%20Bed%20Positions%20(04-01-20).pdf

Other provisions, such as Section 3205.3(e)(1) are problematic and would no doubt lead to unintentional violations: *"Cleaning and disinfecting shall be done in a manner that protects the privacy of residents."*

The privacy rights of residents must be protected, thereby making compliance with and enforcement of this provision challenging at best. To demonstrate compliance with this requirement, employers would need to keep detailed logs of cleaning and disinfecting (including listing the areas and times and dates of cleaning and disinfecting) and obtain signed statements from residents that privacy was respected at all times. This includes statements from residents who are not employees.

Additionally, how would Cal/OSHA enforce this, as housing, as defined by this section, is not the workplace? If a Cal/OSHA inspector knocks on the door, are the tenants obligated to allow the inspector to inspect their housing? Is the employer obligated to notify residents who are not employees that they must allow an inspector into their private home?

Consider the following example: An employee tells the employer in casual conversation that he/she is looking for a cheaper rental. The employer says, "I have a friend who has a huge house and is looking for a roommate. Here is the number." Under Section 3205.3, the employer could be viewed as arranging housing for the employee. Which means that the private resident of the house, who is not an employee of the employer, would then be subject to inspections by Cal/OSHA.

This section is fraught with problems and should be deleted.

Transportation

The concerns with Section 3205.4 are similar to the concerns with the housing section. Keep in mind that the Housing for the Harvest program provides transportation as well. Again, using Santa Barbara County as an example, the flier states the following:

The free hotel stay includes:

- ✓ *A room for up to 14 days*
- ✓ *Free meals*
- ✓ *Free transportation*
- ✓ *Free wellness checks*

As stated above, this transportation is in no way provided by the employer and is in no way under the employer's control, yet because Section 3205.4 applies to, "any transportation of an employee, during the course and scope of employment, provided, arranged for, or secured by an employer," the employer is responsible for transportation from the workplace to the hotel provided under Housing for the Harvest.

Imagine the situation where an employee tells the employer at the workplace that she/he tested positive for COVID-19. The employer takes immediate steps to isolate the employee and asks appropriate questions about whether the employee can isolate at home. The employee says, "no," so the employer hands the employee the Housing for the Harvest program. The employee then makes a call, and the nonprofit agency then provides immediate transportation to send the employee to a hotel under the program. Under this situation, the employer acted expeditiously and responsibly to deal with the situation and protect employees in the workplace.

Yet, Section 3205.4 provides that the employer is responsible for COVID-19 safety precautions on the ride to the hotel. In which case, this raises several questions:

- How is compliance to be achieved?
- Is the employer supposed to inspect the vehicle?
- Should the employer get in the vehicle with the employee to make sure that no other passengers are picked up?
- Is the employer required to ask the driver for documentation on when the vehicle was last sanitized?
- Perhaps the employer should take a look at the air filtration of the vehicle to be sure it meets the requirements of Section 3205.4.
- The employer would be wise to keep records of all of this.

Additionally, many agricultural employers arrange for the services of a third-party transportation provider. These include bus companies, farm labor vehicles and others. In such case, Section 3105.4(f)(2) makes the employer responsible for the actions of the driver who is an employee of the third-party transportation provider.

It is important to note that guidance for Public and Private Passenger Carriers, Transit, and Intercity Passenger Rail from Cal/OSHA, CDPH and California State Transportation Agency (CSTA) and updated on October 20, 2020 clearly provides that the transportation company or public transportation agency is responsible for compliance by both the driver and the passengers. Specifically, the guidance states, *"This document provides guidance for public and private passenger carriers (e.g. shuttle providers, taxis, and rideshare operators), transit agencies, California state-supported intercity passenger rail operators (Capitol Corridor, San Joaquins, and Pacific Surfliner), and passenger vessel operations. The guidance is intended to support a safe, clean environment for workers and customers."*

Section 2100 of the Civil Code states, *"A carrier of persons for reward must use the utmost care and diligence for their safe carriage, must provide everything necessary for that purpose, and must exercise to that end a reasonable degree of skill."* Therefore, Section 3105.4 is in conflict with that guidance and Section 2100 of the Civil Code as this section of the proposed regulations makes the employer of the passengers responsible for the actions of the transportation provider. For compliance and enforcement purposes, it must be clear who is responsible for providing a safe vehicle.

Therefore, it is important to look at the regulatory bodies that may promulgate regulations to provide for such safe carriage.

California law, including requirements of local jurisdictions, uses several different legal frameworks to regulate transportation services. These include, but are not limited to, licensing and safety standards for the following.

- Charter carriers.
- Ridesharing companies regulated as a type of charter carrier by the California Public Utilities Commission (Cal. Pub. Util. Code §§ 5430–45.2)
- Common carriers (Cal. Pub. Util. Code § 211).
- Microtransit companies,
- Passenger stage corporation.

Regulating the safety of busses and other similar vehicles lies with the Department of Motor Vehicle within CSTA. Specifically, Section 34500 of the Vehicle Code states, *"The department shall regulate the safe operation of the following vehicles: (c) Buses, schoolbuses, school pupil activity buses, youth buses, farm labor vehicles, modified limousines, and general public paratransit vehicles."* Indeed, over the years, DMV has promulgated several regulations dealing with the safety of passengers within these vehicles.

Additionally, the California Public Utility Commission website states the following: "*The Commission has regulatory and safety oversight over for-hire passenger carriers (limousines, airport shuttles, charter and scheduled bus operators) and Transportation Network Companies."* https://www.cpuc.ca.gov/transportation/

To the extent the Labor Code allows the Board to regulate on the actions within a vehicle of a transportation company, it is only to the extent the regulation applies only to the employees of the transportation company and would be enforceable only with the transportation company. The Board has no authority whatsoever to regulate relative to the employers of passengers in the vehicles of the transportation company.

The authority to regulate the safety of vehicles and passengers in vehicles lies solely with the Department of Motor Vehicles and the California Public Utilities Commission (PUC). The Board has full authority to protect the driver (an employee of the transportation company) from COVID-19. This may include requirements that would apply to passengers. However, to the extent these proposed regulations are intended to protect the health and safety of passengers, that authority lies with DMV or the PUC, not the Board.

Consequently, the scope of Section 3205.4 is beyond the Board's authority and is in conflict with the Civil Code and existing guidance. We therefore respectfully request that this section be deleted.

Conclusion & Potential Amendments

There can be no question that these proposed regulations go far beyond the authority of the Board. Additionally, these proposed regulations are not in compliance with the requirements in the APA in demonstrating a need for an emergency regulation. To the contrary, existing regulations are being strictly enforced and cover each and every issue of these proposed regulations (to the extent the proposed regulations are within the scope of the Board). Finally, the regulation lacks clarity and may create confusion, thereby putting the public at risk.

We agree with the Board Staff Evaluation and ask that the Board Members seriously consider the advice of your staff. These proposed regulations should not move forward, in part for the reasons stated by Board staff, "*While the risk of exposure to SARS-CoV-2 is significant, new regulations, whether in the form of an emergency or permanent regulation, are not likely to significantly improve employee outcomes."*

If the Board chooses to disregard staff advice and approve an emergency regulation, we respectfully seek the following amendments which may resolve some of the above issues:

- We request Section 3205(c)(10)(C) be amended by deleting this sentence. *"For employees excluded from work under subsection (c)(10) and otherwise able and available to work, employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job."* If stricken, exception 2 should also be deleted.

- We request that Section 3205.3 related to housing be deleted. If it is not deleted, it needs to be amended so that it only applies to housing provided directly by the employer as a condition of employment and is under the direct control of the employer. Additionally, to be consistent with guidance from county health officials, this section must be amended to allow bunk beds as well as partitions and engineering controls in sleeping areas.

- We request that Section 3205.4 related to transportation be deleted. If not deleted this section must be amended to only apply to vehicles owned by the employer and for mandatory use by employees as a condition of employment.

- In the interest of a meaningful rule-making process, we request that this regulation include a sunset date that is directly tied to the COVID-19 pandemic. The petitioners have made it clear that they are seeking this emergency regulation as a springboard to developing a permanent regulation dealing with

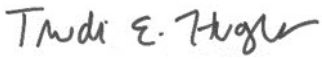
infectious diseases. That rulemaking process should include a full vetting of the issues involving a robust stakeholder process. As time runs out in the next several months on the emergency regulation, it would not be appropriate to even consider converting these flawed emergency COVID-19 regulations into a permanent infectious disease regulation.

We respectfully request that this emergency regulation not move forward. It is simply not necessary, and it is not ready. If you feel it must be approved, we respectfully request the above amendments.

Thank you for your consideration of our concerns.

Sincerely,

Michael Miiller
Director of Government Relations
California Association of Winegrape Growers



Trudi Hughes
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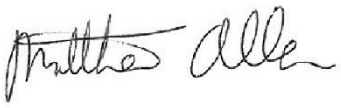

Matthew Allen
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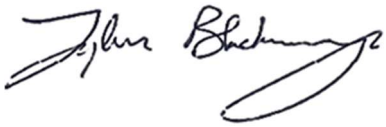

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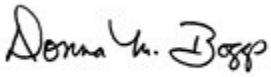

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Debbie Murdock
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Tyler Rood
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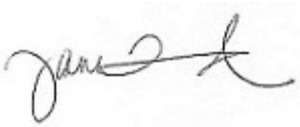
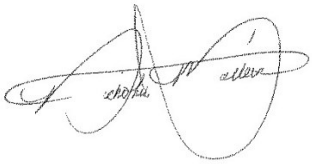


Jane Townsend
Executive Director / Executive Officer
California Agricultural Irrigation Association
California Alfalfa and Forage Association
California Bean Shippers Association



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