

April 23, 2021

Agricultural Labor

The Assembly Labor & Employment Committee (Kalra, D-San Jose, Chair) advanced several bills to the Assembly Appropriations Committee on April 22 that Farm Bureau opposes that are of concern to agricultural employers:

AB 616 (Stone, D-Monterey Bay) creates a new "ballot card" election option for labor unions seeking to unionize employees under the Agricultural Labor Relations Act (ALRA). The "ballot card" procedure amounts to "card check," allowing union organizers to coerce, intimidate, or otherwise induce agricultural employees to sign "ballot cards." AB 616 denies agricultural employees the right to an Agricultural Labor Relations Board-supervised secret ballot election that protects employees from intimidation from any party with an interest in the outcome (the reason secret ballot elections were strongly advocated by farm unionization activist Cesar Chavez). Farm Bureau opposes. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com.*

AB 701 (Lorena Gonzalez, D-San Diego) establishes an entirely new regulatory regimen for warehousing and food processing employers with 100 or more employees at a site or 1000 or more statewide who use performance metrics, making such metrics difficult and legally hazardous to use. It requires employers to disclose any such performance metrics to employees (despite the fact they will be different from task to task), requires Cal/OSHA to promulgate a new workplace safety regulation to restrict the use of performance metrics including issues related to repetitive motion injuries, expands presumption of employer retaliation to issues related to performance metrics and vaguely requires that any time spend to "comply with health and safety laws" is compensable time. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*.

AB 955 (Gonzalez) expands the paid sick leave mandate created by AB 1522 (2015) from 3 days or 30 hours to five days or 40 hours of paid sick leave available by the employee's 200th calendar day of employment and requires employers to permit carry-over of up to 48 hours or 6 days of paid sick leave. Farm Bureau opposes. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*.

AB 1179 (Wendy Carrillo, D-Los Angeles) creates a new employer-funded "emergency childcare" benefit for up to 60 hours of childcare when another childcare is unavailable. The emergency childcare benefit accrues and carries-over in a manner similar to paid sick leave, and unused benefits are not payable on termination. Farm Bureau opposes. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*.

AB 1192 (Kalra) creates a massive new employment-related metrics-reporting regimen, creating a body of data about wages, working conditions, benefits and virtually any other measurable aspect of employment that will be furnished to the Department of Industrial Relations and published on its website for the purpose of

"naming and shaming" employers and exposing them to litigation. Farm Bureau opposes. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com.*

Air Quality

Farm Bureau has joined a large coalition to oppose, AB 1001 (Cristina Garcia, D-Bell Gardens). This bill would require facilities applying for a new or modified permit to prepare a duplicative environmental impact report. Specifically, the bill will authorize the air district to deny a permit if they find that "cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities." Not only is this intent rectified by CEQA, but it also gives air districts broad authority beyond CEQA considerations. The bill will be heard by the Assembly Natural Resources Committee on Wednesday, April 26th. *Staff Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

Animal Health & Welfare

AB 888 (Levine, D-Marin), a CALIFORNIA FARM BUREAU SPONSORED BILL, has been amended and set for a hearing in the Assembly Agriculture Committee. AB 888 would expand the utilization of on-farm slaughter by a registered mobile slaughter operator (MSO) to also include goats, sheep and pork. Under existing law passed by AB 2114 (Bigelow, 2018), on-farm slaughter is currently limited to only cattle. AB 888 provides an additional opportunity for goat, sheep and pork ranchers to utilize an MSO for custom exempt processing. Under the exclusion, a rancher could sale a live animal directly to a customer for their own personal use. The legislation would authorize an MSO to conduct the slaughter of the animal on a private ranch as opposed to having the animal transported to a slaughterhouse. The benefit to the rancher is that this potentially minimizes costs for transport, harvest and processing at a slaughter facility, and without the significant delays in scheduling. This option has also various animal health and safety benefits as well because the animal is never required to leave the ranch and doesn't experience the added stressor of transport nor the risk of injury. AB 888 is a limited exclusion to provide smaller ranchers greater flexibility. The bill caps the number of animals sold by a rancher to 35 per month and requires the rancher to maintain specified records for two years. The legislation further requires the MSO to be registered with the California Department of Food and Agriculture, and to also maintain records on slaughtered animals for two years. Lastly, the bill also requires the custom exempt processor, or the individual providing cut-and-wrap services for a ranch-harvested animal, to also maintain specified records for two years. AB 888 does not allow for the commercial sale of any meat product from this framework and requires the meat to be consumed by the purchaser of the animal, members of their household, their employees and non-paying guests. Farm Bureau appreciates the commitment of Assemblymember Levine to carry forward this solution and our membership in Marin County for their assistance in improving this piece of legislation. *Staff Contacts: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647 and Katie Little at klittle@cfbf.com or (916) 446-4647.*

Climate Change

AB 1395 (Al Muratsuchi, D-Los Angeles) would declare it is the policy of the State that it achieve carbon neutrality by 2045 and maintain net negative greenhouse gas emissions thereafter. In developing and enacting this carbon neutrality goal, the Air Resources Board would be required to ensure that carbon sequestration is achieved through 90% emissions reductions and 10% be achieved through carbon removal/sequestration, prioritize "nature-based" solutions, and only consider solutions that practices that don't increase pollutants or contaminants, be monitored on an ongoing basis, and be enforceable. Farm Bureau has joined a coalition to oppose this measure, which will be heard in Assembly Natural Resources Committee on Wednesday, April 28th. *Staff Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

SB 27 (Nancy Skinner, D-Berkeley) would require the Natural Resources Agency, by July 1, 2022, to set goals for carbon sequestration for natural and working lands. The California Air Resources Board, through the 2022 Scoping Plan process, would also be required to establish carbon dioxide removal goals for 2030 and beyond. The bill would also require the Office of Planning and Research to develop a registry to host a list of unfunded projects that applied for the Greenhouse Gas Reduction Fund. This registry is intended to encourage and direct private investors in such projects. Farm Bureau originally had a concern position but has since then negotiated with the author to require the Agencies to be guided by the Natural and Working Lands Climate Smart Strategy, being developed now, and that any climate goal developed for natural and working lands be vetted for cost-effectiveness and technological feasibility. Farm Bureau was also successful in requiring the Scoping Plan include references to state provided funding mechanisms to implement the strategy. Based on these amendments, Farm Bureau has moved to a neutral position and the bill will be heard in Senate Natural Resources on Tuesday, March 27th. Staff *Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

The Scientific Advisory Panel at the Department of Food and Agriculture will be meeting on April 29th from 9am to 3pm. The Panel will hear an update on several information items on Climate Smart Agriculture (including Healthy Soils, Technical Assistance and the State Water Efficiency and Enhancement Program) and below and above ground biodiversity measuring tools. Interested parties can register to watch the hearing here and meeting materials can be found here. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Commodities

Friday Review readers may remember that AB 778 (Eduardo Garcia, D-Coachella), which passed the Assembly Accountability and Administrative Review Committee last week, will be heard in Assembly Agriculture Committee on Thursday, April 29th. This bill would require all state institutions to purchase California-grown and produced agricultural products rather than out of state or county products, regardless of bid price. The bill does contain a caveat related to products not grown in California, out of season products and USDA school meals. It was also recently amended to exclude canned, frozen and dried products. Farm Bureau supports AB 778 and will testify next week to that effect. *Staff Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

The Department of Food and Agriculture has announced a vacancy on the California Apiary Board, which is responsible for making recommendations to the Secretary on the beekeeping industry. The term of the member is 4 years. Interested applicants should send a resume to Patricia.Bohls@cdfa.ca.gov by May 21st. Additional information can be found here. *Staff Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

Insurance

SB 11 (Rubio, D-Baldwin Park), Farm Bureau's sponsored legislation to authorize the California FAIR Plan to underwrite insurance coverage for commercial farms and ranches is currently on the Consent Calendar in the Senate. The legislation passed unanimously in the Senate Insurance Committee and has no opposition. SB 11 is supported by a coalition of our agricultural colleagues and insurance associations. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

Packaging

The Senate Environmental Quality Committee will hear SB 54 (Benjamin Allen, D-Santa Monica) on Monday. This bill is similar to last year and would, among other things, establish the Plastic Pollution Producer Responsibility Act, prohibiting producers of single-use, disposable packaging or food service ware be sold, distributed or imported into California unless they are recyclable or compostable. While the definition

of "producer" is yet to be defined, last year's bill set producers as users in California if the products came from out of state. This standard would apply to many plastic, single use packaging materials used in agriculture, including bags for salads and fresh produce, plastic film wrap and others, threatening food safety, longevity, and freshness. Farm Bureau has joined a coalition with an oppose unless amended position on the bill, highlighting a variety of bill deficiencies and infrastructure/funding requirements. *Staff Contact: Taylor Roschen at troschen@cfbf.com or 916-446-4647.*

Taxation

AB 80 (Burke, D-Inglewood), a bill which would forgive business from paying income tax for taking Paycheck Protection Program (PPP) loans during the COVID-19 pandemic, has been amended and passed by the Senate. The bill awaits further consideration in the Assembly where the legislation is expected to easily pass. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

Transportation

SB 287 (Grove, R-Bakersfield), a bill which would resolve an ongoing licensing issue related to hauling horse and stock trailers, passed the Senate Transportation Committee and will be heard the Senate Appropriations Committee on May 3rd. Farm Bureau is supporting the legislation. In 2019, the California Highway Patrol (CHP) issued formal clarification regarding the California driver license requirements for towing horse and/or stock trailers, fueling confusion among the agricultural and equine communities. CHP determined that operators of horse and stock trailer combinations with a GVWR greater than 10,000lbs used in a "recreational capacity" are ineligible for any of the farmer and rancher exclusions provided in California Vehicle Code section 12804.9(b)(3)(G). The determination means that horse trailers leaving a horse show, or from a backcountry trailhead, are not considered "agriculture" and thus are ineligible for the exclusion provided above. Instead, these operators would otherwise be required to have a valid Class A commercial driver's license. SB 287 corrects this flawed interpretation and would grant operators the same licensing flexibility as others with recreational vehicle endorsements. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

AB 505 (Gallagher, R-Yuba City), a bill which would have provided greater flexibility for the transportation of specified implements of husbandry, has been held in the Assembly Transportation Committee as committee staff and the California Highway Patrol work on a potential solution. The bill will likely not move forward until 2022 and is supported by the Farm Bureau. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

Utilities

AB 525 (Chiu, D-San Francisco), a bill which would have required the development and then mandated procurement of offshore wind generated electricity for California's investor owned utilities, was substantially amended in the Assembly Utilities and Energy Committee. The legislation is now considered a study bill which will be utilized for the planning and eventual buildout of offshore wind generation projects in the future. AB 525 passed in the Assembly Utilities and Energy Committee and has subsequently been referred to the Assembly Natural Resources Committee. Farm Bureau is now NEUTRAL on AB 525. *Staff Contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647 and Karen Mills at kmills@cfbf.com.*

AB 1087 (Chiu, D-San Francisco), a bill which would eliminate the California Climate Credit on electricity bills of residential, agricultural and commercial ratepayers to fund the Environmental Justice Community Resiliency Hubs Program (Program), is being opposed by Farm Bureau as part of a coalition of business, industry and other agricultural organizations. The coalition doesn't oppose the creation of the (Program), as some of California's most disadvantaged communities continue to lack access to many of state's clean energy programs. However, we fundamentally disagree with the funding source. Member staff have indicated a

willingness to clarify a provision of the bill to ensure that the California Climate Credit would in fact remain with commercial, industrial and agricultural ratepayers. A decision is pending on the amendment, and should the language be incorporated, Farm Bureau would move to NEUTRAL. *Staff Contacts: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647 and Karen Mills at kmills@cfbf.com.*

SB 67 (Becker, D-San Mateo), a bill which would revise California's Renewable Portfolio Standard (RPS) by accelerating procurement of renewable energy and create a new "clean energy" criterion for specifically evening peak electricity usage. Farm Bureau, along with the California Chamber of Commerce and other electrical ratepayers are opposed to the legislation on the grounds that SB 67 would dramatically increase electrical rates on all ratepayers. The modification of the RPS percentages, and the associated costs of energy procurement by the utilities and higher energy rates, will act as a significant barrier for the agricultural community to undertake other carbon reducing opportunities – this would include vehicle replacement, soil amendments, on farm efficiencies for water delivery and other capital intensive investments. The costs borne for this expedited renewable energy procurement completely ignores the other imbedded costs of improving investor owned utility infrastructure, especially those improvements related to wildfire resiliency. Both renewable energy development and procurement, as well wildfire related investments, are likely to result into the tens of billions of ratepayer dollars. *Staff Contacts: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647 and Karen Mills at kmills@cfbf.com.*

Water

A measure that removes the State Water Resources Control Board and regional water quality control boards' discretion to address water quality issues was heard and passed out of the Assembly Environmental Safety and Toxic Materials Committee this week, 5-4. As previously reported, AB 377 (Robert Rivas, D-Hollister) fundamentally removes the State Water Board and regional water quality control boards' discretion to condition water board permits, WDRs and conditional waivers of waste discharge to achieve water quality over time. The measure is headed to the Assembly Appropriations Committee next. Farm Bureau is in strong opposition to the measure. *Staff Contact: Danny Merkley, dmerkley@cfbf.com or (916) 446-4647.*

The California Water Commission voted to approve $14.3 million in early funding from its Water Storage Investment Program to the Sacramento Regional County Sanitation District this week. The early funding for the district's Harvest Water Program project would help the district continue its aggressive construction schedule to provide a safe and reliable supply of highly treated waste water from a sewage plant near Elk Grove for agricultural uses near the Cosumnes River and the Stone Lakes wildlife refuge to help reduce groundwater pumping, supporting habitat protection efforts and providing near-term benefits to the Sacramento-San Joaquin Delta. *Staff Contact: Danny Merkley, dmerkley@cfbf.com or (916) 446-4647*

Governor Newsom proclaimed a regional drought emergency for the Russian River watershed in Sonoma and Mendocino counties to ensure the protection of health, safety, and the environment. The emergency proclamation gives the State Water Resources Control Board the authority to consider modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes, adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water. This authority short circuits the water rights process can fast track curtailments to agricultural water users in the watershed. *Staff Contact: Danny Merkley, dmerkley@cfbf.com or (916) 446-4647.*