



Farm Bureau at work

California Farm Bureau's government affairs team is at the Capitol, advocating for farmers, ranchers and agriculture's future. Here are some key issues Farm Bureau is focused on this week.

June 24, 2022

Agricultural Employment

Legislation of interest to California agricultural employers continues to move through the committee process in the second house.

[AB 2188](#) (Quirk) passed the Senate Judiciary Committee on June 21, 8-2, after amendments to clarify that its prohibitions will not apply to preemployment testing nor to employers who must comply with federal drug-testing requirements. Otherwise, AB 2188 will ban the use of blood, skin, or urine testing for cannabis metabolites for employment-related screening to detect cannabis use, permitting the use only of saliva tests or performance to determine actual intoxication. A broad coalition of employers has expressed concern that AB 2188 unduly restricts employers' ability to deter on-the-job intoxication. Farm Bureau opposes. *Staff: Bryan Little; blittle@cbbf.com.*

[AB 2183](#) (Stone), agricultural employee card check legislation, passed the Senate Labor, Public Employment and Retirement Committee on June 22 on a 4-0 vote. The bill was referred to the Senate Judiciary Committee, and will also require consideration by the Senate Appropriations Committee as it has been keyed fiscal. AB 2183 is a re-tread of AB 616 (also by Stone) vetoed by Governor Newsom in September 2021. As in the past, proponents characterized the bill as a reform allowing mail-in balloting in Agricultural Labor Relations Board (ALRB) elections despite the bill's plain language permitting union agents to distribute, supervise the completion of, gather and return to the ALRB "ballots" envisioned by the bill. Farm Bureau opposes. *Staff: Bryan Little; blittle@cbbf.com.*

[AB 2243](#) (Garcia) passed the Senate Labor, Public Employment and Retirement Committee on June 22 on a 3-0 vote; one committee member, Josh Newman, asked several questions during the hearing and ultimately abstained. AB 2243 now moves to the Senate Appropriations Committee. The bill directs Cal/OSHA to propose to the Standards Board for its consideration amendments to the Heat Illness Prevention Standard to implement a set super-high heat requirements when the temperature exceeds 105 degrees F, including hourly breaks and distribution of written heat illness prevention plans to employees, amend the Wildfire Smoke Standard to require use of N95 respirators when the AQI for PM 2.5 exceeds 300 and various other changes to both standards dealing with employee training and acclimatization. Farm Bureau opposes because such changes to regulations should be subject to the stakeholder process set forth by law where those seeking changes can petition the Standards Board. *Staff: Bryan Little; blittle@cbbf.com.*

Cal/OSHA has released a draft permanent COVID-19 regulation slated to become effective in January 2022 and remain in place for two years; in the interim, Cal/OSHA is expected to work on a permanent infectious disease standard covering general industry (including agriculture). An early read indicates

the draft rule is less prescriptive and more performance-oriented than the COVID-19 emergency regulations have been so far, and does not include a requirement for employers to pay employees excluded from the workplace under the regulation's requirements. However, a recent troubling development is recent guidance from the California Department of Public Health (CDPH) redefining "close contact" as any infectious person who shares the same airspace with another person – and turning away from the six feet for fifteen minutes in a twenty-four period that has defined close contact for more than two years. This change could potentially greatly broaden requirements for contact tracing, administration of testing, and other aspects of both the COVID-19 ETS and any future permanent standard. *Staff: Bryan Little; blittle@cbbf.com*

Climate Change

The Air Resources Board met on Thursday this week to discuss the Draft Scoping Plan, which, among other things, requires 2-3 million acres of land be managed for wildfire risk, proposes 6,000 acres of agricultural land to be enrolled in easements and 50,000 acres of climate smart agricultural practices be adopted annually. Farm Bureau provided written and oral comments noting several concerns including issues with practicality, baselines and estimates, costs to implement, available technologies, and enhanced regulations. Public comments were halted multiple times due to demonstrations, chanting and interruptions from environmental justice representatives. The Board heard over 500 oral public comments. The Board then discussed the draft on Friday. Several members discussed the role of biomethane, dairy digesters, soil carbon sequestration, pesticide use, transportation challenges for rural areas, modeling and other natural and working lands components. The whole hearing can be found [here](#). *Staff: Taylor Roschen, troschen@cbbf.com*

Cristina Garcia's (D-Bell Gardens), [AB 2649](#) will be heard in the Senate Environmental Quality Committee on June 29th. The bill, sponsored by the California Association of Resource Conservation Districts, the Carbon Cycle Institute, and the Climate Center, would set a state policy that the natural and working lands sector is responsible to sequester 60 million metric tons of carbon by 2030 and 75 million metric tons by 2035. The bill was also recently amended to require all state policies and programs to address carbon sequestration to also maximize ecological and biodiversity benefits. Farm Bureau is leading a coalition to oppose the bill based on the practicality of the carbon sequestration goals and concerns regarding disruptions to existing and future programs. *Staff: Taylor Roschen, troschen@cbbf.com*

Commodity

The Senate Agriculture Committee met on to discuss [AB 778](#) (Eduardo Garcia, D-Coachella). This Farm Bureau supported bill would require state institutions, except schools, to buy California agricultural products at certain targets: 50% by 2025, 60% by 2027 and 75% by 2030. This bill passed committee unanimously and will next be heard by the Senate Appropriations Committee. *Staff: Taylor Roschen, troschen@cbbf.com*

The Senate Education Committee heard [AB 558](#) (Adrin Nazarian, D-San Fernando) on Wednesday morning. This bill would offer an additional \$0.30 per meal for schools who choose to purchase plant-

based alternatives to meat and dairy products. Farm Bureau and other agricultural organizations opposed the measure and were successful in having the bill amended to require these meal reimbursements to only be eligible for California-grown products and ensure they are minimally processed. These amendments have yet to be publicly viewed and Farm Bureau will remain opposed until that time. The bill will next be heard in the Senate Appropriations Committee. *Staff: Taylor Roschen, troschen@cbbf.com*

Forestry & Wildfire

[SB 926](#) authored by Senator Bill Dodd passed from Assembly Committee on Natural Resources with bipartisan support. The bill would require the Department of Forestry and Fire Protection, to establish the Prescribed Fire Liability Pilot Program to support coverage for losses from permitted prescribed fires by individuals and nonpublic entities, such as Native American tribes, private landowners, and other nongovernmental entities through the Prescribed Fire Claims Fund, which the bill would establish. The bill would require that \$20,000,000 appropriated to the department by the Legislature in the Budget Act of 2021, and any other funds appropriated by the Legislature for the above purpose, be deposited into the fund. Under current law, CAL FIRE has discretion to purchase a third-party liability policy of insurance that provides coverage against loss resulting from a wildland fire sustained by any person or public agency, including the federal government.

[SB 332](#) (Dodd, Chapter 600, Statutes of 2021) modified the liability standards so that no person would be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, that the burn be for the purpose of wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture, and that, when required, a certified burn boss review and approve a written prescription for the burn. The law is intended to assist private prescribed fire practitioners overcome a barrier to conducting prescribed fire, which is the associated liability. Federal and state prescribed fires do not have the same concerns because they are able to self-insure.

Data on the amount of prescribed fire that occurs in California has gaps, because CAL FIRE only requires a burn permit during fire season and not all local air districts track the prescribed fire they permit or report it to the Prescribed Fire Incident Reporting System. While private entities contribute to a large portion of the number of acres treated in California by prescribed fire, many, such as cultural fire practitioners and nonprofits, cannot access insurance to cover damages that could arise if the prescribed fire went out of prescription. Many private entities are unwilling to conduct public purpose burning without insurance or some liability protection.

SB 926 would set parameters to operationalize the \$20 million budget appropriation. The bill establishes the Claims Fund to support coverage for losses from permitted prescribed fires by individuals and nonpublic entities, such as Native American tribes, including cultural fire practitioners, private landowners, and other nongovernmental entities. The Claims Fund would be administered by the Director of DGS, who would develop policies and procedures for the operation and administration of Claims Fund. Furthermore, the bill requires detailed reporting to the Legislature on much of the data that is currently unknown as it relates to prescribed burning

practices. California Farm Bureau supports SB 926. *Staff: Peter Ansel; pansel@cfbf.com*

[SB 396](#), authored by Senator Brian Dahle, has been sitting on the Assembly floor for the second year of this legislative session. Last week, the bill was pulled off the floor, and amended by the Assembly Committee on Natural Resources in a special policy hearing. SB 396 establishes a process for an electrical corporation that owns, controls, operates, or maintains an electrical transmission and distribution line to cut, fell, or trim trees where the electrical corporation does not have existing rights or express permission to do so. The bill requires an electrical corporation to provide notice to the land owner and an opportunity for the land owner to be heard before cutting, trimming, or felling trees.

California Farm Bureau submitted a letter of concern regarding SB 396 prior to the Assembly hearing, emphasizing that often the timber to be cut, trimmed, or felled carries economic value, and that land owners need control over their natural resources. As a result, the bill requires the wood resulting from the cut, trimmed, or felled trees to remain on the property unless the landowner makes a timely request to the electrical corporation to perform a treatment of the wood, including, but not limited to, onsite chipping or the removal of the wood from the property. There are other provisions in the bill that address the electrical corporation's requirement to notify land owners, and how resources are to be treated absent a land owner's specificity.

The Assembly Committee on Natural Resources passed the amended version of SB 396 with members Steve Bennett, Laura Friedman, Al Muratsuchi, and Mark Stone abstaining from the vote. It passed with bi-partisan support from members Tasha Boerner Horvath, Heath Flora, Devon Mathis, Kevin McCarty, Kelly Seyarto, and Jim Wood. The bill is back on the Assembly Floor on Third Reading and able to be taken up for vote by the Assembly. Presumably, the recent amendments will require the bill to return to the Senate to concur in amendments, should it continue to move. *Staff: Peter Ansel; pansel@cfbf.com*

Land Use

[AB 2840](#) (Eloise Reyes, D-Los Angeles), a Farm Bureau opposed bill, has recently been amended. The bill would require any expansion or development of a warehouse (which includes agricultural warehouses, packinghouse, cold storage or processing facility) to have 1,000-foot setbacks on the parcel if it's near a receptor site (including homes, daycares, schools, health care facilities, community centers, churches, playgrounds, parks, etc.). The bill was recently amended to only apply to Riverside or San Bernardino Counties. Farm Bureau will continue to oppose the bill with the new amendments and the bill will be heard on June 29th in the Senate Governance and Finance Committee. *Staff: Taylor Roschen, troschen@cfbf.com*

The 30x30 Advisory Committee will be meeting on June 29th from 3 to 4:30PM to discuss the state's efforts to achieve 30% land and waters by 2030. The Committee will hear presentations on tracking methods and additional recommendations from members. The Agenda can be found [here](#) and interested viewers have to register to participate [here](#). *Staff: Taylor Roschen, troschen@cfbf.com*

Organics

[AB 2499](#) (Brian Maienschein, D-San Diego) would establish a transition to organic pilot program at the Department of Food and Agriculture. Farm Bureau was successful in having the bill amended to allow the pilot to be eligible to all farmers with priority for socially disadvantaged farmers, not only for these subgroups. With that said, several portions of the bill are still concerning. The bill passed the Senate Agriculture Committee and will next be heard in the Senate Business, Professions and Economic Development Committee. A \$5 million budget appropriation, without the limiting bill language, has been proposed as well. *Staff: Taylor Roschen, troschen@cbbf.com*

Pesticides

The Department of Pesticide Regulation will be hosting three workshops on June 27, 28 and 29th on the development of a statewide pesticide notification system. Below are live links to each workshop:

- [Monday, June 27: 1:00-3:00 P.M.](#)
- [Tuesday, June 28: 10:00 A.M. - 12:00 P.M.](#)
- [Wednesday, June 29: 6:00-8:00 P.M.](#)

Four pilot projects are currently underway in Ventura, Riverside, Santa Cruz, and Stanislaus counties. More information about the individual pilots and the state's proposal can be found [here](#). Farm Bureau has distributed talking points to County Farm Bureaus for members interested in participating. *Staff: Taylor Roschen, troschen@cbbf.com*

The Office of Pesticide Consultation and Analysis (OPCA) is hosting a public conference on June 28, 2022, from 8:30am to 12:30pm. OPCA provides consultation to the California Department of Pesticide Regulation (DPR) with a focus on the economic analysis of potential pesticide regulatory impacts and pest management alternatives that may mitigate impacts on production agriculture in California. The conference will host discussions their grant-funded research projects, including biological controls, mating disruption, and other reduced-risk pest management practices. Economists and scientists will also present on organic and integrated pest management practices, cost and return studies, and the tension between food safety and some alternative practices. Attendees may be able to obtain continuing education credits with the Department of Food and Agriculture. This conference will be hosted over zoom with the following link [here](#).

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Transportation

[AB 2415](#) by Assemblymember Lackey (R – Palmdale) will be heard in the Senate Transportation Committee next week. This bill would extend the exemption for agricultural vehicles from the BIT program until January 1, 2026. The original legislation, introduced in 2016, excluded an agricultural vehicle from being subject to the BIT program, and defined agricultural vehicle to mean a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating of 26,000 pounds or less, including that the vehicle is operated by certain individuals and is used exclusively in the conduct of agricultural operations when operating in commerce. The bill also

required the Department of the California Highway Patrol, in consultation with the Department of Motor Vehicles, to report to the governor and the Legislature about the impact of excluding agricultural vehicles from the BIT program before January 1, 2022. Due to delays, this report has not been filed by CHP. This Cattlemen's sponsored bill would extend the agricultural exemption from BIT by three years – until January 1, 2026. This will provide the Legislature and stakeholders the opportunity to address any concerns CHP may identify regarding the exemption; if no significant concerns exist, this extended sunset provides time for later legislation to make the agricultural vehicle exemption permanent. Farm Bureau continues to support this measure. *Staff: Katie Little, klittle@cbbf.com*

Water

[AB 1164](#) (Heath Flora, R-Ripon), as previously reported, would enable irrigation districts to construct and maintain regulating reservoirs to store and efficiently convey irrigation water in the same manner as private agricultural entities. The measure came short by two votes of get out of the Senate Natural Resources and Water Committee a couple weeks ago. However, the measure was granted reconsideration and will be heard again next week in the same committee. With Senators Eggman and Jones present next week, the measure is expected to pass out of committee. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cbbf.com*.

[AB 2201](#) (Steve Bennett, D-Ventura) would prohibit a groundwater well permitting agency from approving a permit for a new groundwater well, or for an alteration to an existing well in a basin subject to the Sustainable Groundwater Management Act (SGMA) unless they receive written verification from the Groundwater Sustainability Agency (GSA) that manages the basin. Additionally, AB 2201 would require the local permitting agency to post the well permit application on its website for at least 30 days before approving the permit. The measure exempts domestic wells pumping less than 2 acre-feet per year and public water supply wells. AB 2201 will be heard in the Senate Governance and Finance Committee next week. Farm Bureau has met with Assemblymember Bennett and his staff to express our concerns. Farm Bureau is opposed. *Staff: Danny Merkley, dmerkley@cbbf.com*.

[SB 489](#) (John Laird, D-Santa Cruz) would authorize the state to advance funds for the Pajaro River Flood Risk Management Project. The project will increase flood protection along the river from its current protection from an 8-year storm to providing protection from a 100-year storm. The measure will be heard in the Assembly Water, Parks and Wildlife Committee next week. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cbbf.com*.

[SB 880](#) (John Laird, D-Santa Cruz), as previously reported, would extend indefinitely the January 1, 2023 sunset of existing law authorizing those who divert 100 acre feet of water or more per year to be considered qualified to install and maintain their water diversion measurement devices if they take a course taught by the University of California Cooperative Extension, and pass a proficiency test. The measure will be heard in the Assembly Water, Parks and Wildlife Committee next week. Farm Bureau supports. *Staff: Danny Merkley, dmerkley@cbbf.com*.

Wildlife

This week, [SB 856](#) (Dodd, D – Napa) was amended to include important language that removed CA Farm Bureau's former concerns. Farm Bureau, along with an Ag based coalition, has now moved to a full support position. Former amendments addressed concerns with restrictions on night-time depredation of wild pigs. Under current law, a property owner may take a wild pig "immediately" when that pig is encountered in the act of damaging or destroying property, which is typically at night given that wild pigs are predominantly nocturnal. Under a previous version of SB 856, nighttime depredation take by a property owner would have only been allowed after providing at least 24 hours' notice to CDFW. This would have required ranchers either to guess when feral pigs may cause property damage, or to wait until after property damage has taken place. This language was stricken in the Appropriations committee, and now mirrors current law.

The most recent amendments addressed Farm Bureau's concerns with the elimination of wild pig hunting on contained hunting preserves. Despite arguments from proponents, there is no evidence that hunting preserves contribute to California's wild pig population. These preserves follow strict guidelines for fencing, tagging, and tracking of their animals, and submit those animals to CDFA inspection. Most importantly, there is no evidence that supports the theory that these tagged-and-tracked pigs escape preserves and contribute in any way to California's feral pig problem. Moreover, hunting preserves are a vital part of California's hunting community and provide access to hundreds of disabled and beginning hunters. The issue concerning hunting was previously eliminated on the Senate Floor, and the clarifying amendments now grandfather-in existing hunting preserves in the state. Farm Bureau thanks Senator Dodd with working with us and our ag partners to address these very important issues. The bill will be heard in the Assembly Water, Parks & Wildlife Committee next week. Staff: Katie Little, klittle@cfbf.com