



CALIFORNIA FARM BUREAU FEDERATION

# FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE



January 22, 2021

## **AIR QUALITY**

The California Air Resources Board has released their [Draft Regulatory Concepts for the Heavy-Duty Inspections and Maintenance \(HD/IM\) Program](#). This regulation is several years in development and was identified in the 2016 Mobile Source Strategy and the 2016 State Strategy for the State Implementation Plan, as well as [SB 210](#) (Connie Leyva, 2019). The regulation is intended to ensure vehicles' emissions control systems remain well-maintained, and to identify vehicles with emission control component malfunctions and require those vehicles with emission malfunctions to undergo timely repairs. Arguably, the repairs would reduce in-use NOx and PM emissions from non-gasoline heavy-duty vehicles greater than 14,000 pounds gross vehicle weight rating (GVWR) that operate in California, including out-of-state vehicles. Farm Bureau is currently reviewing the Draft Concepts and will be submitting comments to CARB staff in the coming weeks. CARB staff seeks feedback and written comments on regulatory concepts by end of February 2021, and it is anticipated for adoption by the end of 2021. For those seeking additional information on HD/IM visit [here](#). Staff Contact: Robert Spiegel at [rspiegel@cfbf.com](mailto:rspiegel@cfbf.com) or (916) 446-4647.

## **CLIMATE CHANGE**

Senator Nancy Skinner (D-Oakland) has introduced [SB 27](#), a bill which would require the California Natural Resources Agency, in coordination with the State Air Resources Board and the Department of Food and Agriculture, by July 1, 2022 to develop a carbon sequestration goal for natural and working lands. This goal would be required to be incorporated into the next update of the Air Resources Board's scoping plan. This is partially already established through the Governor's Executive Order issued last year. The bill would also require the Office of Planning and Research to develop a registry of carbon sequestration and climate resiliency projects not funded through the state's greenhouse gas reduction programs for consideration by private investors. Farm Bureau is still in the process of evaluating this bill and will focus predominantly on the former portion regarding the natural and working lands carbon sequestration goal. Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4746.

The California Natural Resources Agency is hosting a webinar on Wednesday, January 27<sup>th</sup> at 11am to discuss implementation of the Governor's Executive Order to protect 30% of the State's lands and coastal waters by 2030. To participate in the webinar, please register via Zoom [here](#). Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4746.

## **INDUSTRIAL HEMP**

[SB 235](#) (Ben Allen, D-Santa Monica) has been introduced which would clarify that industrial hemp, derivatives, or extracts are not adulterants in food, beverage, cosmetics and supplements. The bill would also set advertising, marketing, testing, packaging and labeling requirements for processed hemp products. This may include licensing of hemp manufacturers with the Department of Public Health. Farm Bureau is

still in the process of evaluating this bill and it's relation to [AB 45](#) (Cecilia Aguiar-Curry, D-Winters). *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4746.*

## **INSURANCE**

For several months, Farm Bureau staff has been working with California's insurance associations, legislative staff and others on a legislative proposal that would authorize the California FAIR Plan to provide basic insurance coverage for farming infrastructure. The FAIR Plan does not believe that current law allows it to offer such coverage and has led to dozens of farms unable to get insurance stretching from San Diego to Mendocino. We deeply appreciate the attention afforded to this issue from the office of Senate President pro Tempore Toni Atkins, Senator Ben Hueso and Senator Mike McGuire. While legislative language is still under development at this time, Farm Bureau and the insurers are very close to finalizing a solution. In the meantime, County Farm Bureaus and our membership should continue providing information to staff relative to farm policy cancelations, non-renewals and other issue related to availability of farm property insurance.

## **LABOR**

The lawsuit challenging the COVID-19 Emergency Temporary Standard (ETS), filed by Farm Bureau and a number of other ag employer organizations as plaintiffs on December 31 will be heard in Superior Court in San Francisco on January 28. That hearing will consider the plaintiffs' request for a preliminary injunction against enforcement of the ETS. Though originally filed in Superior Court in Los Angeles, the cases are being coordinated and heard jointly in San Francisco with similar cases also requesting a preliminary injunction against the ETS filed on December 16 by the National Retail Federation (NRF) and the National Federation of Independent Business (NFIB).

## **TAXATION**

ACA 1 (Cecilia Aguiar-Curry, D-Winters, and Gonzalez, Chiu) has been reintroduced for the 2021-22 legislative session. ACA 1 would allow local governments to increase taxes (e.g., parcel taxes, sales/use taxes, Mello-Roos taxes) with a 55 percent vote of the electorate – instead of the two-thirds vote currently required under the California Constitution. Specifically, the lower vote threshold would apply to tax proceeds that are earmarked for public infrastructure, such as water and stormwater projects, park facilities, open space, transportation improvements, flood control, hospital construction and broadband infrastructure among others. As in previous years, Farm Bureau will oppose the legislation as we believe that the imposition of parcel taxes should require a two-thirds vote of the electorate.

## **WATER**

The State Water Resources Control Board voted unanimously this week to adopt General Waste Discharge Requirements for Winery Process Water. The Water Board adopted the Order after eight hours of discussion and testimony with all the changes released just the evening prior to the Board meeting and some additional revisions during the meeting. The Board often edits, amends, or makes changes to their staff's recommendations on the fly during the Board meeting adoption process—a messy process that can be helpful at times or not other times. Some of the changes were helpful for the largest wineries, allowing them to participate in a regional groundwater monitoring plan, instead of being required to install expensive individual groundwater monitoring for land application of wastewater. The Board also decided to allow wineries with subsurface disposal systems that are required to meet effluent limits to install groundwater monitoring wells, approved by the regional water board in a public process. This option is expensive and generally does not produce positive results. If monitoring determines the groundwater is above approved limits, the winery would be required to have an approved Nitrogen Control Plan within one year, showing how they would meet effluent limits. Farm Bureau staff testified during the lengthy meeting, pointing out concerns for the added burden and expense of implementing the Order during the pandemic and after the

impacts from recent wildfires on wineries, particularly the smallest wineries. Additionally, we voiced concern over the smallest wineries automatically being bumped up to the next tier if deemed to be in a "high density area," and we testified that the subsurface disposal system effluent limits needed to be changed. The General Order Change Sheet issued Tuesday night and other documents can be found [here](#).

The Central Valley Salinity Coalition will provide an overview of the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) program from 10:00 to Noon on February 10<sup>th</sup>. The Central Valley Nitrate and Salt Permit Compliance webinar is for permitted dischargers, consultants and others interested in salinity management and will provide salt control compliance options available to permittees. The webinar is designed to provide information about available compliance options if you have recently received a Salinity Notice to Comply. Register [here](#). More information is available on the CV-SALTS [website](#).

## **WILDFIRE**

2020 was California's largest wildfire season on record. With more than 4.1 million acres burned, it's clear that California must take necessary steps to decrease the occurrence and risk of wildfire. The state continues to commit unprecedented funding to various forest health, community resiliency, and fire technology endeavors. In response, California legislators have introduced about one dozen wildfire prevention bills. Some, like [AB 9](#) (Jim Wood, D-Healdsburg), does not currently include substantive language but will likely provide additional frameworks for wildfire prevention efforts. [AB 52](#) (Jim Frazier, D-Brentwood) is an attempt to provide additional funds from California's Greenhouse Gas Reduction Fund (GGRF) for wildfire prevention

Additionally, [SB 63](#) (Henry Stern, D-Ventura) is a reintroduction of [SB 1348](#) (Stern, 2020) that failed to pass by the midnight deadline in the Senate last year. Farm Bureau originally was opposed unless amended on SB 1348 and worked with the author and committee staff on protecting private property rights. Staff is currently reviewing SB 63 and may choose to support the legislation this year. It's likely that wildfire, insurance and utility legislation will be priorities again in the 2021-22 legislative session.