

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.

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August 26, 2022

## Agricultural Employment

End-of-session machinations of revived two Farm Bureau-opposed bills that had been moribund since 2021:

[AB-364](#) (Rodriguez) requires farm labor contractors who recruit H-2A workers in Mexico to also register with the Labor Commissioner as foreign labor recruiters, despite the overlapping requirements for doing so with requirements farm labor contractors must already meet to receive their state license. Proponents claim leaving farm labor contractors out of the foreign recruitment licensing requirement was an oversight when legislation creating the foreign labor recruiting program passed in 2014 (SB 477, Steinberg). This is untrue; Farm Bureau was involved in the drafting of that bill and that omission was discussed and approved at the time of SB 477's consideration. Farm Bureau remains opposed to AB 364. *Staff: Bryan Little, [blittle@cfbf.com](mailto:blittle@cfbf.com)*

[AB-857](#) (Kalra) was recently amended to address opponents' concerns that the bill required California H-2A employers to provide a notice to employees that mis-stated the law concerning compensability of travel time (it indicated all travel time on employer-provided transportation is compensable, when in fact time travel time on employer-provided transportation is compensable only if the employer requires employee its use) and employer-provided housing (it erroneously indicated that employees occupying employer-provided housing are considered tenants under California law; in fact, such employees occupy employer-provided housing under license from the employer, not as a tenant). Farm Bureau remains opposed, but is considering lifting opposition. *Staff: Bryan Little, [blittle@cfbf.com](mailto:blittle@cfbf.com)*

Late-session amendments have allowed Farm Bureau to remove opposition to other legislation:

[SB-1044](#) (Durazo), which would have prevented an employer from taking adverse employment action against an employee who refuses to work during the existence of a natural or man-made emergency if the employee believes the work might be unsafe, was amended allowing Farm Bureau to adopt a neutral position. Amendments inserted a "reasonable person" standard with respect to the employee's belief the workplace is unsafe; this in addition to earlier amendments allowing employers to take punitive action against employees who refuse to work if the employer is in compliance with relevant occupational safety and health standards resolved concerns with the bill. The Senate concurred in Assembly amendments on August 24, and the bill is heading for the Governor's desk. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

[AB-2693](#) (Reyes) initially required employers to continue personally notifying COVID-19-exposed employees of their possible worksite exposures through 2024. Recent amendments allow employers to post notice to employees of possible exposures until the end of 2023. Because of these amendments, Farm Bureau has removed opposition. *Staff: Bryan Little, [blittle@cfbf.com](mailto:blittle@cfbf.com).*

[AB-2183](#) (Stone) was amended on August 22 to offer agricultural employers the illusory choice of “voluntarily” surrendering their free-speech and private property rights in as part of a “labor piece” compact in exchange a mail-in ballot unionization election, or failing to opt for “labor peace,” simple card check for determining unionization. Neither option guarantees protection by the Agricultural Labor Relations Board for agricultural employees’ right to make a free and uncoerced choice for or against union representation. Farm Bureau remains adamantly opposed. *Staff: Bryan Little at [blittle@cfbf.com](mailto:blittle@cfbf.com)*

## Budget

The Senate Budget Committee will be meeting on Monday, August 29<sup>th</sup> to discuss the remaining items open in the state budget. The Assembly Budget Committee will be meeting on Tuesday, August 30<sup>th</sup>. Appropriations of note include \$8.09 billion for energy generation, \$800 million for wildfire, \$2.7 billion for drought relief, \$773 million for nature-based climate solutions, \$3.5 billion for zero emission vehicles, \$300 million for extreme heat, and \$3.1 billion for climate. We expect funding proposals to be available to the public over the weekend. Farm Bureau staff will evaluate these bills and testify in the Senate Budget Committee accordingly. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

## Cannabis

### Illegal Cultivation Enforcement

Recent enforcement activities in Los Angeles and Riverside Counties have officially pushed the Department of Cannabis Control over the \$1 billion mark for illegal cannabis seized from illicit operations. These operations and the products they produce threaten consumer safety and the vitality of legal and compliant licensees.

Over the last 13 months, the Department’s law enforcement team has led and assisted other agencies in the service of 232 search warrants, seized more than half a million pounds of illegal product, and eradicated over 1.4 million cannabis plants. This effort has removed more than \$1 billion worth of potentially harmful and often untested cannabis products from the market and eliminated 120 illegal firearms from the hands of criminal enterprises. The team has also recovered \$2.3 million in illegally obtained assets.

These enforcement activities are important in eliminating unfair competition, protecting natural resources, and safeguarding our communities. However, this represents only one part of California’s larger strategy to help create a safe, sustainable, and equitable legal cannabis market. In tandem with law enforcement actions that crack down on illegal activity, DCC staff are working to expand access to tested cannabis products for consumers and lower barriers of participation for

businesses. This includes a recent allocation of \$20 million to DCC to grant cities and counties with funding that will support the creation of cannabis retail access in areas that currently do not allow it. *Staff: Peter Ansel at [pansel@cfbf.com](mailto:pansel@cfbf.com)*

## Climate Change

A strongly debated and failed 2021 bill, [AB-1395](#) (Al Muratsuchi, D-Torrance) has been taken off the inactive file, meaning that it can be considered for the last week of session. This bill would require the state to achieve carbon neutrality by 2045, in accordance with Governor Newsom's Executive Order. This bill would also require the state to set a new climate goal, to reduce 90% of greenhouse gas emissions below 1990 levels by 2045. The current state goal has a 40% emission reduction goal by 2030. Farm Bureau will remain in opposition to this bill. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

[AB-2133](#) (Bill Quirk, D-Hayward) has amended his bill to change the state's greenhouse gas emission reduction goal from 40% below 1990 levels to 55% below 1990 levels by 2030. According to the Air Resources Board, the state is not set to meet its 40% target by 2030. The bill was referred for an emergency hearing by the Senate Environmental Quality Committee. While strong objections were raised by the business and trades communities about job and economic impacts, Dr. Quirk stated that if the state doesn't reach the 55% goal by 2030 or if there are large economic ramifications, the Legislature or the Governor will just change the goal. Regardless of the policy issues, the bill passed on partisan lines, with Senator Dahle and Senator Bates voting "no." This bill will now be sent to the Senate Appropriations Committee for another emergency bill hearing. Farm Bureau is one of many organizations strongly opposing the bill. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

## Forestry & Wildlife

[AB-522](#), authored by Assembly member Vince Fong passed the senate floor 29-2 with Senator Wiener and Senator Wieckowski voting "no". This bill extends the sunset of the Forest Fire Prevention timber harvest plan exemption from February 19, 2024 to January 1, 2026. The bill has been ordered to engrossing and enrolling. *Staff: Peter Ansel at [pansel@cfbf.com](mailto:pansel@cfbf.com)*

[SB-926](#), authored by Senator Dodd, is the previously discussed creates a fund to support the Prescribed Fire Liability Pilot Program. The Senate concurred in Assembly amendments with bipartisan unanimous support, and the bill has been ordered to engrossing and enrolling. *Staff: Peter Ansel at [pansel@cfbf.com](mailto:pansel@cfbf.com)*

[SB-936](#), authored by Senator Glazer requires the California Conservation Corps (CCC) director to establish a forestry training center in northern California in partnership with the Department of Forestry and Fire Protection (CalFire) and the California Department of Corrections and Rehabilitation (CDCR) to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs. Assembly amendments were unanimously concurred in to remove the requirement to report on this training center and other

CCC programs that serve formerly incarcerated individuals. The amendments also remove the December 31, 2024, deadline to establish the training center. The bill has been ordered to engrossing and enrolling. *Staff: Peter Ansel at [pansel@cfbf.com](mailto:pansel@cfbf.com)*

## **Updating the Jackson Management Plan**

The California Natural Resources Agency released a document to update the management of Jackson Demonstration State Forest. The current management plan was adopted in 2016 and was scheduled to be updated in 2026. In May 2022, CNRA and CalFire requested a full review of the Management Plan. With a heavy emphasis tribal inclusion, CRNA set forth the following strategy:

- Demonstrating Restoration Ecology and Restoration Economies - This involves redoubling efforts to model both restoration ecology and restoration economy through Jackson forest management. In restoring previously over-logged forests, Jackson has the opportunity to study how to restore the structure and function of old-growth forests and set second and third-growth forests on this trajectory. Science shows that redwood forests need active management. “Let the trees grow old” is not a stand-alone strategy. These forests need gaps, variable densities, uneven-age stands from seedlings to decaying logs, and other measures of forest resilience. Resilience actions on Jackson, from silvicultural prescriptions to removing old logging roads and restoring streams for wildlife, provide the opportunity to understand ecosystem function and resilience in large complex forests; and then use these findings to guide restoration towards an old-growth forest structure. From the value of carbon-storing forests to the forest products removed to achieve the desired stand structures, managing for a robust restoration economy on the Jackson will show that good jobs and a productive forest reinforces good ecology.
- Expanding the Jackson Advisory Group (JAG) - Since the Jackson Advisory Group leads the update of the Management Plan that shapes the future management of the forest, perspectives of members on the Advisory Group are critical. The Advisory Group already has traditionally included a cross-section of foresters, ecologists, and community members. It is important to expand this breadth of experience and expertise to help shape an updated vision for the forest. Earlier this year, a new tribal seat was established, and a tribal leader joined the Advisory Group. The Director of Science and Conservation Planning at the Save the Redwoods league was also recruited to join the group. These new members are: - Reno Franklin, Former Chair, Kashia Band of the Pomo Indians - Dr. Joanna Nelson, Director of Science and Conservation Planning, Save the Redwoods League - Al Lawrence, Lawrence Timber.
- Establishing Tribal Co-Management - Nearly a dozen tribes hold an ancestral claim to the land that is currently the Jackson State Demonstration Forest. Moving forward, the forest can serve as a model of innovative tribal co-management where tribal expertise and experience shapes how the forest is managed, and tribal communities can fully utilize the forest. CalFire is pursuing distinct co-management agreements with individual tribes, recognizing the sovereignty of each tribal government. It will also seek to establish a tribal co-management structure in the Jackson Management Plan to ensure tribal capacity is not an inhibiting factor for tribal engagement.

- Integrating Tribal Co-Management into the Jackson Management Plan - The revision of the Jackson Management Plan presents a critical opportunity to establish a bold new model for substantive tribal co-management. A clear and concrete vision for tribal co-management, grounded in the principles of improving tribal access, tribal influence and transparency will be built into the Jackson Management Plan. While the details will continue to be developed, the broad vision for tribal co-management on the Jackson includes:
  - Establishing a Tribal Advisory Council for the Jackson with a representative from each of the local tribes, supported by several staff from CalFire. This council would have input into the update of the Jackson Management Plan and be presented with planned management activities on the Jackson for early input. This Tribal Advisory Council would not replace CalFire's obligations to government-to-government consultations with the individual tribes.
  - A percentage of the revenue generated from the Jackson State Demonstration Forest from timber sales, camping fees, etc. will fund projects on the forest to be developed and directed by the Tribal Advisory Council to meet tribal needs and priorities. Ensuring that economic opportunities on the Jackson Forest include and prioritize local tribes and their members.
  - Provide training for tribal members, State workers and potentially local contractors on how State can best engage with tribes and how tribes can more easily navigate the State bureaucracy.
  - Expand opportunities for professional training and certification for tribal workforce development in natural resource management, recreation management, restoration forestry and conservation biology.
  - Individual Tribal Co-management agreements CNRA and CalFire have invited tribal consultations with tribes claiming ancestral land on the Jackson. Each tribe will have co-management needs and priorities based on their unique needs. This will involve formalizing co-management agreements with willing tribal partners to allow access and co-management for traditional, natural, and cultural resources.

A few detailed examples of what activities under a tribal co-management agreement might include are:

- Building in authorization to enter into co-management agreements with individual California Native American tribes.
- Increased protections of cultural resources.
- Increased Tribal access and use of natural resources and materials, including timber. Examples include waiving permit requirements for Tribal members, sharing cut logs, conducting cultural burns, and managing stands of oak trees for improved acorn production. This also could result in increased cultural burning.
- To note, other tribes have requested consultation to discuss sustainable forestry and natural resource harvesting in a broader context.
- Making Strategic Investments to Improve the Forest Until Now - The JDSF as an entity has never been able to utilize an operating budget from the State's general fund. Historically, timber sale revenue from JDSF funded research and operations across the State demonstration forest system. This funding structure has created a perception that the driving factor of timber

harvest in the Jackson is to maximize revenue and that ongoing investments to care for the forest were ignored. CalFire will utilize new funding provided by Governor Newsom and the Legislature to make specific improvements to the forest, in consultation with tribal and community partners, including slash pile treatments, research on protection of large trees within managed forests, various restoration and treatment projects throughout the forest, and various recreational signage. Funds will also be used to support cultural resource protection including the re-creation of traditional tribal features on the landscape. To support this, the State has now invested \$10 million to fund personnel costs on the State Demonstration Forest System, including the Jackson, and is working to establish permanent funding to support the multiple uses of the demonstration forests. Recent funding from the state to support operations of the demonstration forests means that revenue from sustainable harvesting can be reinvested in wildfire fuels reduction projects, recreational improvements, new scientific research, public outreach and education, and tribal co-management projects. The FY 21-22 budget included \$10 million for the State Demonstration Forest System including JDSF. The FY 22-23 budget requests an additional \$5 million for the year. CalFire and CNRA are working toward ongoing permanent funds to support the components of this vision statewide.

- **Implementing Important Immediate Improvements** - A portion of recent funding is already being used to improve wildland fire resiliency and general forest resiliency, through cleaning up slash piles, and identifying and removing decked and down logs posing a fire risk or a pathogen/insect risk. Recent funding has also launched important research projects on carbon storage and provided resources for preparing a large-scale prescribed burn. Operationally, CalFire will modify all current THPs to focus timber harvest operations on smaller trees and halt removal of trees over 48 inches in diameter. CalFire will include permanent protection of large, specified trees to enhance future carbon sequestration over time and prioritize forest management that demonstrates climate resiliency outcomes, and enhanced or accelerated “large complex forest” conditions.
- Lastly, communication and public engagement will remain a top priority. Community and stakeholder site visits for education, public engagement and feedback will be made available and a collaborative communication and outreach plan will be drafted to elevate stories related to the JDSF and all state demonstration forests. This includes important Tribal partnerships and the value of coast redwood forests as stable, resilient carbon sinks. *Staff: Peter Ansel at [pansel@cfbf.com](mailto:pansel@cfbf.com)*

## Land Use

Senator Melissa Hurtado's (D-Sanger) bill, [SB-1084](#), has passed the Assembly and has been now moved to the Senate for a final concurrence vote. This bill would prohibit foreign governments from purchasing or holding interest in agricultural land in California after January 1, 2023. It would also require the Department of Food and Agriculture to annually report information about agricultural land ownership trends. If the bill passes the Senate on concurrence and moves to the Governor, Farm Bureau will be requesting approval of the bill. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

## Pest Management

The Department of Food and Agriculture with the U.S. Department of Agriculture has announced a quarantine placed in the unincorporated area of Valley Center in San Diego County for the find of multiple Mexican Fruit Flies. The quarantine area spans 77 miles and the map can be found [here](#). In response, the state and federal government will release sterile males to disrupt mating. In addition, any property within 200 meters of the find will be treated with an organic formula, Spinosad. Finally, fruit will also be removed from any residence within 100 meters of the find. The Mexican fruit fly can lay its eggs in and infest more than 50 types of fruits and vegetables, severely impacting California agricultural exports and backyard gardens alike. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

## Transportation

On Thursday California became the first state to end sales of new gas-powered cars by 2035. The [Advanced Clean Cars II](#) Regulation was addressed again at the CARB board meeting yesterday. After this topic was discussed in June, CARB staff made amendments to the proposed regulation which opened another 15-day comment period this month. As *Farm Bureau at Work* readers might recall, “the Advanced Clean Cars II (ACC II) regulatory proposal will drive the sales of zero emission vehicles (ZEV) to 100-percent ZEVs in California by the 2035 model year while reducing smog-forming emissions from new internal combustion engine vehicles.” This second hearing allowed for stakeholders to comment on the amendments to the proposal before the Board took a vote. CA Farm Bureau provided commentary that focused on the hurdles this regulation will pose on rural communities. In our testimony, CAFB acknowledged that “This proposal will ultimately impact farm employees, small businesses, and food prices. Farmers have already committed to addressing statewide air pollution through enrolling in various CARB programs. Additionally, the ACC2 increases our concerns surrounding California’s food security by asking farmers to rely on a grid that is prone to blackouts, public safety power shutoffs, and power outages.” After the Board heard testimony from various stakeholders, they held a discussion and voted on the proposed rulemaking. The proposal passed, and the regulation now goes to the Office of Administrative Law. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

Farm Bureau supported [AB 2406](#) (Aguiar-Curry – D) passed unanimously off of the Senate Floor. This bill would prohibit an intermodal marine equipment provider from imposing per diem, detention, or demurrage charges on an intermodal motor carrier and beneficial cargo owners. Under ordinary circumstances, these fees are designed to encourage the efficient use of containers. However, during our recent and ongoing port congestion crisis, late charges have been imposed on California businesses by international ocean carriers even when containers cannot be returned due to circumstances not within the control of the importer, exporter or trucker. While detention and demurrage fees have increased across the globe, ocean carriers are charging two to ten times the fees in Los Angeles and Long Beach versus other major ports worldwide. The bill would help alleviate the pressure that these fees put on California businesses, and attempt to address one of the many issues facing our ports. This is one of the last steps before the bill can move to the governor’s desk for either his signature or veto. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

[AB 2415](#) by Assemblymember Lackey (R – Palmdale) has been enrolled and presented to the governor. 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. The governor will either sign or veto this measure in the coming weeks. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

CAFB has signed onto an Ag-based coalition to oppose [AB 2550](#) (Arambula – D). This bill would require the California Air Resources Board (ARB), if the San Joaquin Valley Air Pollution Control District does not receive a determination of attainment from the United States Environmental Protection Agency (US EPA) by the appropriate deadline, to coordinate with the district and community-based organizations to identify gaps in the state and district implementation plan. AB 2550 requires ARB to develop a program, rules, or regulations that they deem necessary to enable the district to attain and maintain that national ambient air quality standard and authorizes those solutions to have the same force and effect as a program, rule or regulation adopted by the district. CAFB opposes the bill as it will not provide any additional air quality benefit, does not recognize California Air Resources Board’s (CARB) existing significant oversight authority or collaborative process that already occurs with local air districts, and does not provide any additional tools to address mobile source emissions, the largest contributor to the state’s air quality challenges. The bill has passed off of the Senate floor and moves to the governor’s desk. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

[AB 2836](#) by Assemblymember Eduardo Garcia (D – Coachella) has passed off of the Senate floor. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2033. The Carl Moyer Program provides incentives to private businesses and public agencies to voluntarily clean up older, dirtier vehicles and mobile off-road engines through retrofit or replacement. It provides funding to reduce particulate pollution and NOx, which contributes to smog formation and cleans up on-road, off-road, marine, locomotive, stationary agricultural pumps and farm equipment engines. Farm Bureau has joined a large coalition of agricultural stakeholders to support this measure. This bill now moves to the governor’s desk. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

## Utilities

Farm Bureau has submitted an Oppose Unless Amended letter on [SB-529](#) (Hertzberg – D) which would direct the CPUC to revise their rules to authorize each public utility electrical corporation to use the permit-to-construct process to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities rather than the more expansive certificate for public convenience and necessity process. The bill does not define what is meant by extension, expansion, upgrade, or other modification and with the extensive miles of transmission lines on agricultural properties, a new process for making changes to the lines could potentially undermine a review to assess the impact to property owners. Farm Bureau discussed its concerns with the author's office and although amendments were made to one section of the bill, it does not fully address our concerns and our position remains unchanged. The bill is on third reading and expected to be voted on imminently by the full assembly. *Staff: Karen Mills, [kmills@cfbf.com](mailto:kmills@cfbf.com)*

## Water

[AB-1164](#) (Heath Flora, R-Ripon), passed out of the Senate 32-7-1 this week and referred back to the Assembly Water, Parks and Wildlife Committee for concurrence of Senate amendments. As previously reported, AB 1164 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 is sponsored by the Modesto Irrigation District and limits the height of any structure to 15 feet, and a storage capacity of no more than 1,500 acres-feet. Farm Bureau is in support. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com)*

## Wildlife

This week, [SB 856](#) (Dodd, D – Napa) was passed off of the Assembly floor and moves to the governor's desk. Farm Bureau, along with an Ag based coalition, moved to a full support position after previously opposing this bill. Amendments added in June addressed concerns with restrictions on night-time depredation of wild pigs, as well as Farm Bureau's concerns with the elimination of wild pig hunting on contained hunting preserves. Farm Bureau thanks Senator Dodd with working with us and our ag partners to address these very important issues. The governor will either sign or veto this measure in the coming weeks. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*