



## 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.

May 27, 2022

Assemblymember Rob Rivas (D-San Benito) announced that he has the requisite votes to become the next Speaker of the California State Assembly. Asm. Rivas was raised by his mother and grandparents in farmworker housing located in San Benito County. He eventually went on to teach at Hartnell College, become a San Benito County Supervisor, an Assemblymember and, most recently, Chair of the Assembly Agriculture Committee. It has been 24 years since a speaker came from a predominately rural county, the last being Cruz Bustamante (D-Dinuba) from 1996-1998.

An official vote has not been scheduled, and a transition plan is still forthcoming, but it seems clear that he has the support he needs. When that day comes, he will become the 71st Speaker of the Assembly.

### Agricultural Employment

The California Legislature moved several measures of interest to agricultural employers from their house of origin prior to the deadline for that action on May 27:

[AB 2183](#) (Stone), agricultural employee card check legislation, passed the Assembly on May 25, 49-22 with seven absences or abstentions. 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@cfbf.com](mailto:blittle@cfbf.com)

[AB 2188](#) (Quirk) was approved by the Assembly on May 26, 42-23 with 13 absences or abstentions. AB 2188 will ban the use of blood, skin, or urine testing for cannabis metabolites for any 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@cfbf.com](mailto:blittle@cfbf.com)

[AB 2243](#) (Garcia) passed the Assembly on May 25, 47-19 with 12 absences or abstentions. 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 200 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@cfbf.com](mailto:blittle@cfbf.com)

[SB 1044](#) (Durazo) passed the Senate on May 25 on a 24-10 vote with six absences or abstentions. The Durazo bill would prevent 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. As a result, millions of California employers could refuse to work immediately due to the ongoing

COVID-19 pandemic emergency, and employees could refuse to work during a wildfire emergency (for example) even if the wildfire in question is miles away from the worksite. Farm Bureau opposes. *Staff: Bryan Little; [blittle@cbbf.com](mailto:blittle@cbbf.com)*

[AB 1162](#) (Limon) was approved by the Senate on May 24, 27-9 with four abstentions or absences. SB 1162 requires employers of 100 or more employees to submit pay data reports with information about employees' pay according to race, ethnicity and sex to the Department of Fair Employment and Housing (DFEH) and removes the current law exemption allowing employers submitting EEO-1 reports to the U.S. Equal Employment Opportunity Commission to forgo the DFEH report and imposes the reporting requirement of employers who contract with entities who employ 100 or more employees. This payroll information will be published on DFEH's website and made available to the public and will require employers to furnish a pay scale for available jobs in a position announcement and make this information available to existing employees. The Division of Labor Standards Enforcement would be empowered to investigate possible violations and penalize employers for violations. Farm Bureau opposes due to the likelihood the requirements of AB 1162 will expose employers to new litigation concerning their pay and employment practices, as the information SB 1162 requires DFEH to publish will not reflect differences in regional costs or other factors that can influence employee compensation. *Staff: Bryan Little, [blittle@cbbf.com](mailto:blittle@cbbf.com)*.

## Cannabis

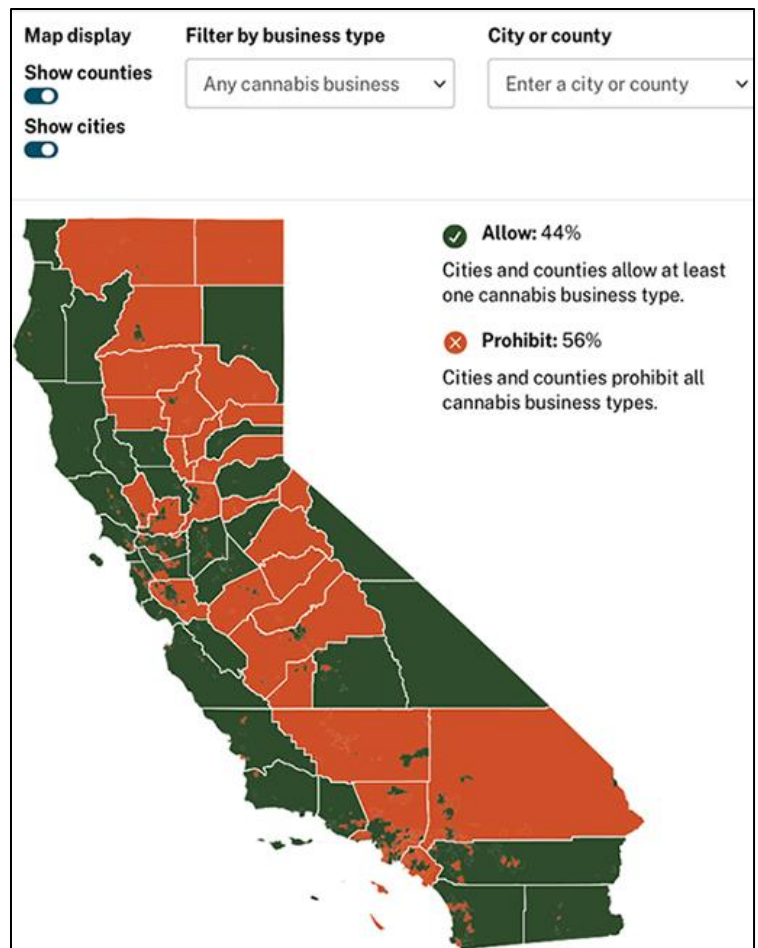
Digging deeper into the current challenges with the legal cannabis market, the map below shows just how fragmented the market is for cannabis farmers. Data from the Department of Cannabis Control (DCC) indicates that only 44 percent of cities and counties allow the licensing of at least one cannabis business type, while 56 percent of cities and counties prohibit the licensing of all cannabis business types. And even more cities and counties – 62 percent – prohibit the licensing of any form of cannabis retail. Illicit cannabis growers could be operating in all of these jurisdictions.

The DCC says they obtained this data by reviewing local ordinances and information provided on local jurisdiction websites, and by contacting some local jurisdictions directly. The data tool is in its first iteration and will be updated on an ongoing basis. The DCC plans to roll out as it develops further tools to store, refine, and analyze licensing and compliance data, and to share that data with the public. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com)*

You can view the map online [here](#).

## Climate Change

The Senate and Assembly will be hosting a joint hearing on Tuesday, May 31<sup>st</sup> at 10:30 to hear



presentations on carbon capture and sequestration projects. The livestream can be found [here](#). Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com)

The Assembly Transportation, Natural Resources, and Utilities and Energy Committees will be hosting a joint informational hearing on a proposal to increase funding for programs that reduce greenhouse gas emissions by increasing personal income tax rates on those Californians making more than \$2 million. The hearing can be viewed [here](#). Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com)

## Forestry

On May 24, 2022 the Joint Institute for Wood Products Advanced Innovation Advisory Council (Wood Products Council) conducted a meeting. The Wood Products Council is part of the Wildfire and Forest Health Task Force, and is working to create a supply chain to support the state's goals for forest health projects by giving economic value to treated forest and wildlands woody fuel stocks. The meeting began with an update from the Office of Planning and Research (OPR). It was a brief update on five pilot projects – focused primarily on feasibility and technical assessments of biomass for energy, biochar, or construction products. Each pilot takes slightly different governance, financing, or product use cases, covering a broad range of outcomes. OPR noted that CalPoly Humboldt is creating a digital marketplace to buy and sell woody feedstock – to track buyers and sellers in a centralized location – and was encouraged that this type of innovation would attract capital to California's feed stock markets. OPR reported about a tool under development that will be created to try to inform private landowners of the value of their woody stock. The Council discussed that a lack of private investment exists in California and a lack of data about feedstock values and pricing is challenging in California compared to markets like the Southeast. Because there is not just one customer being targeted for the product's potential use, landowners are unable to determine the best value for their resources.

Next, CALFIRE discussed its workforce development efforts - a wood products grant period that opened on January 2, 2022. In the first quarter CALFIRE had 52 projects apply for \$60 million in grants for both workforce and business development grants, from non-profits, local agencies and for profit businesses. CALFIRE is budgeted for only \$24M in grants this year. If you want to see the list of projects from the first quarter, click [here](#).

Up next, representatives from CLERE Inc. presented next about the nexus between air districts and biomass by focusing on a study about local air district permitting, as well as satellite mapping to locate burn piles. First, CLERE noted that prescribed burning is considered agricultural burning, which requires permits. Interestingly, air districts treat ag burning and prescribed burning as the same for smoke management purposes. Most air districts do not track residential burning (under 10 acre properties), and that is not treated as agriculture burning. CALFIRE has separate permitting for prescribed burns but that system for permits does not connect to data is captured via CARB's PFRS data submission about prescribed burns – pointing to incomplete statewide data on prescribed burns. CLERE's data analysis shows that air districts approve the vast majority of prescribed burning requests with strong ag burning programs have strong prescribed burn programs, including the ability to override CARB no burn days. However, air districts are not overriding CAL FIRE no burn days. Again, they noted that residential burning is largely untracked.

Looking at a three year window of data of how air districts approved treated burning per capita – the top air districts are all agricultural heavy regions with significant ag burning programs. These air districts are using approved prescribed burns at a high percentage of total acres of forested lands. It was noted that because the study is forest focused, the restrictions on ag burning by air districts and the impact that may have on

those air districts approving prescribed burns are not considered. Not surprisingly, 95% of the identified piles left behind after treatment burned in areas that later experienced uncontrolled wildfire.

The goal of these datasets are to create a validated data that tracks pile locations, in order to identify wood stock fuel sources, both to protect against piles as an ignition source, but also to expand reaches of access to wood fuels for wood products. The data is not tracking the difference in pile size – but does estimate that machine piles related to mechanical work are larger than hand created piles individually, but that in total tonnage, hand piles might be larger. And that much of that is from residential and unregulated.

Finally, Sabbie Miller, an assistant professor from UC Davis' civil engineering department presented about opportunities to use wood products to reach greenhouse gas emissions goals where the products contribute to sequestering by having wood resources go to create short lived materials like paper, but to long lived materials like construction products. Professor Miller discussed interesting use cases for agriculture products such as by products like ash from rice hull or rice ask could be used in replacement of coal's fly ash, which is used to mix into concrete. Biomass ash would reduce emissions for the cement producers, so that they could also develop a more climate friendly product. Biochar shows promise to replace petroleum levels in plastics production. Bio based mechanical properties in composites (polymer mixed with wood fibers) are showing the potential for closed carbon product cycles. An outcome could be building construction projects that are net carbon sinks through the use of bio products in replacement or substitution of traditional construction materials. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com)*

A handful of bills previously discussed are moving out of house of origin this week. Moving to the Assembly, [SB 936](#) from Senator Glazer would create a new forestry training center by having CALFIRE and the California Department of Corrections work in coordination, and [SB 926](#) from Senator Dodd would create a prescribed fire liability pilot program. [SB 1109](#) from Senator Caballero would expand the use of woody biomass in the state's renewable energy goals, creating economic value to forest and ag woody waste. And finally, [SB 1266](#) from Senator Borgeas would create a tax credit for the purchase of back up power generation or battery storage for residences or small businesses located inside a wildfire zone. California Farm Bureau has Support positions on SB 926, 1109, and 1266. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com)*

## Land Use

Another Farm Bureau opposed bill, [AB 2840](#) (Eloise Reyes, D-Los Angeles), passed the Assembly on a vote of 41-25-12. This bill would prohibit siting or expansion of any logistical use building, including a warehouse, packing house, food processing or cold storage, if next to a "sensitive receptor site" unless it included 1,000 feet setbacks on all portions of the property. sensitive receptors include but aren't limited to homes, schools, churches, daycare centers, hospitals, community center or park. Farm Bureau has argued this usurps the purpose of the California Environmental Quality Act and would inhibit important facility improvement to meet consumer demand and meet the state's renewable energy and climate goals. The bill will now move to the Senate and awaits assignment to committee. *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com)*

## Pesticides

A bill by Assemblymember Rebecca Bauer-Kahan (D-San Ramon), [AB 2146](#), passed the Assembly Floor on a vote of 41-25-12. This bill would prohibit the use of neonicotinoid pesticides in all settings, except for agriculture and only under emergency conditions. Farm Bureau and other agricultural organizations will continue to oppose the bill as it moves to the Senate. *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com)*

The Department of Pesticide Regulation has announced they will be holding three workshops on June 27-29<sup>th</sup> to collect feedback on the next phase of developing a statewide notification system for pesticide use. With \$10 million offered in the 2021 budget, DPR began developing the statewide notification system. They have also launched four pilot projects in Riverside, Stanislaus, Santa Cruz and Ventura. The meetings will be an opportunity for stakeholder feedback and information for each is as follows:

- Monday, June 27<sup>th</sup> 1-3pm
- Tuesday, June 28<sup>th</sup> 10am-12pm
- Wednesday, June 29<sup>th</sup> 6-8pm

All of the meetings will be held via Zoom and information on how to attend can be found [here](#) under the “how to participate” tab. Farm Bureau will be participating and providing substantial comment. *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com)*

## Utilities

Farm Bureau had submitted a letter of concern on a bill that would add additional provisions to the law overseeing requirements for farmers and others who excavate above underground infrastructure, such as natural gas lines. [SB 1345](#) (Ochoa Bogh – D) would implement a number of changes to the laws. The bill was heard in the May 19 appropriations hearing and was held in committee, and will therefore not be advancing this year. *Staff: Karen Mills, [kmills@cfbf.com](mailto:kmills@cfbf.com)*

## Water

A measure that 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. [AB 1164](#) (Heath Flora, R-Ripon) would also limit the height of any structure to 15 feet. The measure passed out of the Assembly on consent this week and will next be heard in the Senate Natural Resources and Water Committee. Farm Bureau is in support. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com)*

As previously reported, [AB 2201](#) (Steve Bennett, D-Ventura) would codify the Governor’s Drought Executive Order regarding local groundwater well permitting agencies and Groundwater Sustainability Agencies (GSAs). The Executive Order does not change permitting authority. Item 9.a. of the order states that local well permitting agencies must receive written verification from the GSA that the proposed well (in high and medium priority basins) is consistent with the adopted Groundwater Sustainability Plan (GSP) and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed, and item 9.b. states that regardless of basin priority, local well permitting agencies must determine before issuing a well permit that the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure, thus eliminating the ministerial act of issuing a well permit statewide. The measure passed out of the Assembly 44-22-10 and is headed to its first Senate policy committee. Farm Bureau remains opposed. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com)*

As previously reported, [AB 2451](#) (Jim Wood, D-Santa Rosa) would require the State Water Resources Control Board to establish a Drought Section within the Division of Water Rights. The measure passed out of the Assembly 47-20 and is yet to be scheduled for a Senate policy committee hearing. Farm Bureau has not positioned on the measure. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com)*

As previously reported, [AB 2639](#) (Bill Quirk, D-Hayward) is one of several bills introduced to implement the Planning and Conservation League’s recommendations contained in a recent report entitled, “[Updating](#)



[California Water Laws to Address Drought and Climate Change](#).” The measure requires the State Water Resources Control Board to complete the Bay-Delta Plan by the end of 2023, or put a moratorium on issuing new water rights. The provisions of the bill would essentially hinder progress on voluntary agreements and stop the Sites Reservoir Project as well as similar water projects that require a water right issued by the State Water Board. AB 2639 failed to pass out of the Assembly 34-26-18 and will not move forward. Farm Bureau opposed the measure. Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com).

A measure that 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. Farm Bureau supports. [SB 880](#) (John Laird, D-Santa Cruz) passed out of the Senate on consent this week 39-0. Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com)

A bill that would require the Secretary of the Natural Resources Agency and the Secretary of Cal/EPA to convene a committee to develop and submit recommendations to the Governor and the Legislature for modernizing California water laws and regulations, and state and local water agencies. [SB 1219](#) (Melissa Hurtado, D-Sanger) passed out of the Senate 21-6-13. Farm Bureau is discussing concerns with the author and has not yet positioned on the measure. Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com)

A measure that would not allow the approval of a groundwater sustainability plan (GSP) by the Department of Water Resources to determine the allocation of groundwater pumping rights. Simply put, groundwater rights are ultimately determined by the courts in adjudications. [SB 1372](#) (Henry Stern, D-Los Angeles) passed out of the Senate on consent this week. Farm Bureau views the measure favorably. Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com)

The California Department of Conservation has announced the award of \$40 million to regional organizations working to implement the [Multibenefit Land Repurposing Program](#). This program intends to provide funding and planning for repurposing fallowed agricultural lands. Four recipients were awarded, including the Kaweah Delta Water Conservation District, Pixey Irrigation District, CA Marine Sanctuary Foundation and the County of Madera (Madera/Chowchilla RCD, Madera County Farm Bureau, Madera Ag Water Association and the CA Farmland Trust). \$2 million was also awarded to the Environmental Defense Fund and Self-Help Enterprises to do communication and outreach. You can read more about the awarded projects [here](#). Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com)

## Wildlife

Farm Bureau is pleased to remove our opposition to Senator Dodd’s [SB 856](#). This bill creates a new management approach for wild pigs by revising and recasting provisions applicable to wild pigs, replacing the existing wild pig tag requirement with a wild pig validation that would authorize taking any number of wild pigs specified by the Fish and Game Commission. CAFB had major concerns with the bill, as introduced. We joined an ag coalition to oppose the bill, and worked with the author’s office on our concerns. As introduced, SB 856 would have added 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. SB 856 also sought to eliminate 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 first issue concerning nighttime depredation was stricken in the Appropriations committee, and now mirrors current law. The second issue concerning hunting was eliminated on the Senate Floor earlier this week, and the proposed amendments grandfather-in existing hunting preserves. With these amendments, Farm Bureau is pleased to support SB 856 if amended to clarify that individuals who operated enclosed hunting preserves prior to January 1, 2022 will be permitted to continue those business operations subsequent to SB 856 becoming law. We look forward to continuing to work with the author and our partners in the coalition on this issue moving forward. Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)