

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.

July 01, 2022

Recess

Following the passage of the budget, the Legislature has now recessed and will return on August 1st. Upon their return, both houses must get bills through the fiscal committees (Appropriations) by August 12th and pass all bills on to the Governor for his signature or veto by August 31st. In the final month of session, Farm Bureau expects to negotiate on many budget trailer bills and other appropriations as well as policy bills.

Agricultural Employment

[AB 2183](#) (Stone), agricultural employee card check legislation, passed the Senate Judiciary Committee on June 28 on a 8-1 vote; Senator Caballero abstained and Borgeas absent. Because the bill is keyed fiscal, it will be heard by the Senate Appropriations Committee on August 1, where it will likely go to the Appropriations Committee suspense file. AB 2183 is a re-tread of AB 616 (also by Stone) vetoed last fall. 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. Card check legislation has now been vetoed by three California governors (Schwarzenegger, Brown, and Newsom). Farm Bureau opposes. *Staff: Bryan Little; blittle@cfbf.com.*

The Assembly Emergency Management Committee passed [SB 1044](#) (Durazo) on June 27, 4-2 and referred it to Assembly Appropriations to be heard on August 3 (Assembly Member Adam Gray, D-Merced, abstained). Subsequent amendments on June 29 add a few exemptions from the bill's scope of applicability, but do not substantially address concerns that it 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 during a wildfire emergency (for example) even if the employer is in full compliance with all applicable health and safety standards and the wildfire in question is miles away from the worksite. Farm Bureau opposes. *Staff: Bryan Little; blittle@cfbf.com*

The Senate Labor, Public Employment and Retirement Committee passed two measures of interest to agricultural employers on June 29. [AB 1751](#) (Daly) extends the work-relatedness presumption for cases of workplace-acquired COVID-19 until January 1, 2025. Farm Bureau and many others oppose it on the grounds that a two-year extension is unnecessary. The committee passed AB 1751 on a 4-1 vote and referred it to the Senate Appropriations Committee where it will be heard on August 1. The committee also passed;

[AB 2188](#) (Quirk) 4-1 and referred it to the Appropriations Committee. AB 2188 will ban the use of blood, skin, or urine testing for cannabis metabolites for employment-related screening (except pre-hire 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.

Broadband Mapping

Assembly member Wood's [AB 2752](#) passed from Senate Energy, Utilities and Communication Committee with bipartisan support. As discussed previously, this bill would require the Public Utilities Commission, in collaboration with relevant state agencies and stakeholders, to publish an interactive map that includes all developed last-mile broadband service connections from the statewide open-access middle-mile broadband network, the average cost paid by consumers or subscribers for broadband service by census block, and the average consumer price for broadband service advertised by broadband service providers to consumers or subscribers by census block. The bill would also require the commission to make information gathered regarding the average cost paid by consumers or subscribers for broadband service publicly available on its internet website and ensure that no individually identifiable customer or subscriber information is publicly disclosed in the sharing of that information. The bill moves next to Senate Appropriations Committee, and it could be an important tool to make sure investments in rural communities are placed in the right locations. Staff: Peter Ansel; pansel@cfbf.com

Climate Change

Cristina Garcia's (D-Bell Gardens), [AB 2649](#) was 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 testified in opposition to the bill based on the practicality of the carbon sequestration goals and concerns regarding disruptions to existing and future programs. The bill passed Senate Environmental Quality Committee and will next be heard in the Senate Appropriations Committee. Staff: Taylor Roschen, troschen@cfbf.com

The Legislature has passed [AB 2101](#) (Heath Flora, R-Ripon) and the bill will now be considered by Governor Newsom for his signature or veto. The bill, if signed, will require the State to include whole orchard recycling projects on the state clearinghouse that hosts information about carbon sequestration projects seeking funding. "Whole orchard recycling" means the onsite grinding or chipping of trees during orchard removal, and their incorporation into the ground or topsoil prior to replanting. Farm Bureau supported the measure and will be requesting the Governor's signature. Staff: Taylor Roschen, troschen@cfbf.com

Commodity

The Senate Agriculture Committee met 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@cfbf.com*

[AB 558](#) (Adrin Nazarian, D-San Fernando) was recently amended. This bill would offer an additional \$0.30 per meal for schools who choose to purchase plant-based alternatives to meat and dairy products. Based on Farm Bureau and other agricultural organizations' positions, the bill was amended to require preference to be given those California produced plant-based milk and meat alternatives. Farm Bureau is reviewing the bill and considering our position. The bill will next be heard in the Senate Appropriations Committee. *Staff: Taylor Roschen, troschen@cfbf.com*

Forestry & Wildfire

Senator Dodd's Prescribed Fire Liability Claims Fund, [SB 926](#), moved through the Assembly Committee on Natural Resources with bipartisan support. The momentum continues, as the bill was on the Assembly Committee on Judiciary's Proposed Consent file this week. As succinctly noted in the Committee analysis:

"Wildfires in California are continuing to increase in frequency and intensity, resulting in loss of life and damage to public health, property, infrastructure, and ecosystems. A growing body of evidence suggests one of the most effective ways to limit the damage from large wildfires is to return California's forests to a more natural fire regime by utilizing controlled burns to eliminate dead and dying vegetation and help reduce forest density. To that end, this non-controversial bill requires the Department of Forestry and Fire Protection to finish establishing the Prescribed Fire Liability Pilot Program by the beginning of 2023, and establishes a Prescribed Fire Claims Fund to be administered by the Department of General Services. The fund established by this bill would be used to offset losses should a controlled burn escape containment and damage property. Importantly, this bill does not change any liability standards related to damages stemming from controlled fires."

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

[AB 522](#), authored by Assemblymember Fong, passes from Senate Natural Resources Committee. the bill narrowly passed from the Senate Natural Resources Committee this week. As previously discussed, since the Forest Fire Prevention (FFP) exemption become effective in February 2019, Registered Professional Foresters have submitted 186 notices of exemption. Of these, 179 were accepted, five were returned, and the filer(s) withdrew two. Based on the acreage provided in the notices of exemption, the use of this exemption since 2019 would have treated (or will treat) 15,867 acres. CALFIRE reports that the average exemption project is about 95 acres, with projects ranging in size from two acres to 299 acres, distributed throughout the Coast, Cascade, Sierra, and Southern Areas. The current FFP exemption is effective until February 19, 2024. While consideration of an extension is timely this year, it could also be passed in 2023, to take effect January 1, 2024, without

interrupting use of the exemption. The bill advanced with Democrat Senators Hertberg, Hueso, and Eggman joining with Republican Senators Grove and Jones to move the bill. Senators Skinner, Stern, Limon, and Allen abstained from voting. California Farm Bureau supports AB 522.

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Garnering bipartisan support this week was [AB 267](#), authored by Assembly member Valladares, passed from the Senate Environmental Quality Committee. As previously discussed, the bill would extend a CEQA exemption for prescribed fire activities on federal lands inside of California that have satisfied NEPA. In 2020, CALFIRE used the exemption 19 times, in 17 counties. However, because only CALFIRE is required to report the number of times it used the exemption, the number of times this exemption is used is likely higher. For example, according to information provided to Committee by Rural County Representatives of California, the Sierra Nevada Conservancy (SNC) which has voluntarily tracked its usage of the exemption, reports using the exemption for 32 projects from 2020 to 2021, covering 37,000 acres of forestland. California Farm Bureau supports AB 267. *Staff: Peter Ansel; pansel@cfbf.com*

Land Use

[AB 2840](#) (Eloise Reyes, D-Los Angeles), a bill which 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.), was recently heard in the Senate Governance and Finance Committee. Because the bill did not get enough support for a vote, the bill was presented for information only. Farm Bureau testified in opposition. The bill is dead for the remainder of the year. *Staff: Taylor Roschen, troschen@cfbf.com*

Packaging

A long-debated bill, [SB 54](#) (Ben Allen, D-Santa Monica) passed the Legislature and was immediately signed by Governor Newsom. The bill requires minimum content standards and source reduction requirements for single-use packaging and food service products. This work will be conducted by CalRecycle through an extended producer responsibility (EPR) program, wherein which producers of plastic packaging come together as a producer responsibility organization (PRO), develop a plan to reduce plastic material use or encourage compost-ability/recyclability, and assess themselves to fund this work. CalRecycle is responsible for approving PRO plans, budgets, and monitoring implementation. Producers' responsible for compliance include those who manufacture plastic materials in the state. If the materials are not manufactured in state, the entity that brings the items into California would be the responsible party. While this was strongly opposed by Farm Bureau in prior years, an agricultural coalition was able to obtain a full exemption for fresh agricultural products. Friday Review readers may have heard of competing, much more punitive ballot initiative that qualified for the November election. Based on the current language of SB 54, the initiative signatories have agreed to remove the initiative for consideration. *Staff: Taylor Roschen, troschen@cfbf.com*

Pesticides

The Department of Pesticide Regulation recently held three workshops on June 27, 28 and 29th on the development of a statewide pesticide notification system. The state's proposal, which can be found [here](#), would create a system where a user may anonymously input a California address and receive notifications 24 hours in advance of any restricted material products used within a 9-mile radius. The notification would not include the exact address of the application but would identify if it occurred within 1-mile of the address inputted. This would require applicators to adjust the time in which they file notices of intent, may create more instances of use challenges through appeals and protestor/trespass incidents. Though well attended, the workshops were not a safe place for applicators or farmers to express opinion as public comments from agriculture were often met with personal attacks from anti-pesticide advocates. Farm Bureau has communicated this concern to the Administration and DPR leadership and are discussing additional options for farmer input. DPR is also accepting written comment until July 15th. Farm Bureau will submit comments and provide letters for County Farm Bureaus and individual members interested in submitting. Thank you to all those that attended; your leadership and courage is valued and appreciated. *Staff: Taylor Roschen, troschen@cfbf.com*

Transportation

On Thursday, The San Francisco Bay Conservation & Development Commission (BCDC) voted to move forward with the re-development of the Howard Terminal at the Port of Oakland. The Howard Terminal might sound familiar to readers as it has been the focus of the USDA's attempts to alleviate port congestion issues at the Port of Oakland. In March, the USDA designated this 25-acre section of the port as a pop-up yard for agriculture. This terminal was able to house 8,000 grounded empty containers in an attempt to address labor and chassis shortages. The proposed mixed-use development will convert the current terminal into housing, hotels, store-fronts, restaurants, and a baseball stadium. Commission staff released a report recommending this new development stating, "staff finds that the Applicant [Oakland Athletics] has demonstrated that removing Howard Terminal would not detract from the regional capability to handle the projected growth in cargo within the forecasted planning horizon." Furthermore, the ports responded, "the uses on the Howard property are not water-dependent, are temporary in nature, and/or could be relocated on short notice within the Seaport's existing 305 acres of ancillary backlands." Farm Bureau signed onto an agricultural based coalition letter opposing this development citing the need for increased port access, especially in light of the current backlog the industry is still facing. After hours of public comment, the development was approved by the BCDC 23 to 2. For more information, please visit the [BCDC website](#). *Staff: Katie Little, klittle@cfbf.com*

Utilities

Farm Bureau previously submitted a letter of concern on a bill establishing interim targets to reach SB 100 clean energy goals and establishes a California Affordable Decarbonization Authority as a nonprofit public benefit organization as a mechanism to help fund various electric utility-related programs and activities. Farm Bureau focused its concern with [SB 1020 \(Laird\)](#) on clarifying no ratepayer funds would be used as part of the Climate and Equity Trust Fund established in the bill

and to encourage the authors to create reporting requirements to ensure the cost associated with the bill are carefully monitored to confirm the bill has the desired effects of reducing utility bills. The bill moved through Assembly Utilities and Energy and Natural Resources with no revisions and is now in Assembly Appropriations. *Staff: Karen Mills, kmills@cfbf.com or Kevin Johnston at kjohnston@cfbf.com.*

Farm Bureau joined a coalition opposing [SB 733 \(Hueso\)](#), which was recently gutted and amended, to require the California Public Utilities Commission (CPUC) to establish a renewable hydrogen procurement program with goals for each utility. Additionally, the bill allows gas utilities to recover costs from ratepayers for these new massive capital investments in pipelines. Based on coalition feedback, the bill received significant revisions and has become a more passive consideration of renewable hydrogen rather than a mandate. However, the coalition remains opposed as the Energy Commission is currently undertaking a study regarding renewable hydrogen that will not be completed until next year, making the bill premature. The bill is currently in Assembly Appropriations. *Staff: Karen Mills, kmills@cfbf.com or Kevin Johnston at kjohnston@cfbf.com.*

Farm Bureau previously filed an Oppose unless Amended letter for a measure that would expedite undergrounding of distribution lines. [SB 884](#) (McGuire - D) purported to establish an expedited utility distribution infrastructure undergrounding program. Farm Bureau was successful in amending the language regarding the need to seek non-ratepayer funding by the electric IOUs. Since then, the bill has undergone several additional amendments as the bill has moved through the Assembly. Farm Bureau plans to file a letter of concern addressing additional clarifications in timing and stakeholder participation prior to the bill being heard in Assembly Appropriations. *Staff: Karen Mills, kmills@cfbf.com or Kevin Johnston at kjohnston@cfbf.com.*

Waste

Farm Bureau has recently engaged on [AB 1985](#) (Robert Rivas, D-Salinas) seeking amendments. This bill, which is set to be heard in the Senate Appropriations Committee, would require CalRecycle to create and publish a list of entities that have organic waste products, like compost, available. According to the author, the intention of the bill is to help local governments achieve their organic waste diversion and recycling goal by connecting generators of organic waste products with those who may use them. Farm Bureau is seeking amendments to clarify that organic material intended for animal feed or rendering may be included on this list. *Staff: Taylor Roschen, troschen@cfbf.com*

Water

[AB 1164](#) (Heath Flora, R-Ripon), 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 passed out of the Senate Natural Resources and Water Committee this week and was rereferred to the Senate Appropriations Committee. The measure is sponsored by the Modesto Irrigation District. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cfbf.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 passed out of the Senate Governance and Finance Committee this week 3-2, with Senators Hertzberg, Durazo and Weiner voting against Committee Chair Caballero's recommendation. Senator Nielsen voted no with the Chair. AB 2201 will next be heard in the Senate Appropriations Committee. The measure, in large part, is now crafted after the Governor's Drought Executive Order issued March 28th, an order that has already cause significant confusion between the GSAs and local well permitting agencies. Farm Bureau has met with Assemblymember Bennett and his staff to express our concerns. Until the Executive Order has time to sort out the many questions that have surfaced it is premature to lock its provisions into the California Water Code by enacting AB 2201. Farm Bureau is opposed and working with a large diverse coalition. *Staff: Danny Merkley, dmerkley@cfbf.com.*

[SB 489](#) (John Laird, D-Santa Cruz) a measure authorizing the state to advance funds for the Pajaro River Flood Risk Management Project passed out of the Assembly Water, Parks and Wildlife Committee this week and was rereferred to the Assembly Appropriations Committee. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cfbf.com.*

[SB 880](#) (John Laird, D-Santa Cruz) passed out of the Assembly Water, Parks and Wildlife Committee this week and was rereferred to the Assembly Appropriations Committee. The measure extends 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 is sponsored by the California Cattlemen's Association and supported by the California Farm Bureau. *Staff: Danny Merkley, dmerkley@cfbf.com.*