

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.

September 30, 2022

Agricultural Employment

Governor Newsom has signed several measures related to agricultural employment that were opposed by Farm Bureau:

On September 28, **Governor Newsom signed [AB-2183](#)** (Stone, Scotts Valley) after giving strong signals during the last week of the legislative session that he would not do so as it lacked adequate protections for the integrity of union election processes. AB 2183 was substantially amended on August 22 to create a bifurcated system to determine union representation of farm employees, presenting employers a no-win choice: either forfeit their free-speech rights to discuss the pitfalls of unionization and forfeit private property rights upheld in the *Cedar Point U.S. Supreme Court* decision by allowing union access to their property to ensure their employees have an opportunity to vote (albeit through a flawed mail-in balloting process) on the question of representation; otherwise, the question of unionization would be decided by a simple card-check scheme in which many employees would never be asked their preference on union representation. In his about-face announcement, Governor Newsom highlighted an agreement with UFW and the Labor Federation to push for a bill to amend AB 2183 in the 2023 session. Those amendments would do away with the "labor peace" election procedures in favor of a card-check procedure unadorned by phony mail-in balloting procedure to try to disguise card check. AB 2183 will become law as passed in August as of January 1, 2023 and California agricultural employers should be on the lookout for stepped-up union activity. *Staff: Bryan Little, blittle@cfbf.com.*

Governor Newsom signed [AB-2188](#) (Bill Quirk, D-Fremont) on September 18. AB 2188 will ban work-related blood testing for cannabis metabolites but allow saliva testing. This is problematic because of supply chain restrictions in the availability of saliva testing; major testing firms indicate saliva testing is not generally available. Late amendments to AB 2188 did not address concerns about AB 2188 hampering employers' efforts to provide safe, drug-free workplaces leading Farm Bureau oppose. Because of concerns expressed by employers about availability of saliva testing, the bill's effective date is delayed until January 1, 2024. *Staff: Bryan Little, blittle@cfbf.com.*

Governor Newsom signed [SB-1162](#) (Monique Limón, D-Ventura) on September 27; it will become effective on January 1, 2023. 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 Civil Rights (formerly the Department of Fair Employment and Housing) and removes the current law exemption allowing employers submitting EEO-1 reports to the U.S. Equal Employment Opportunity Commission to forgo the DCR report and imposes the reporting requirement of employers who contract with entities who employ 100 or more employees. A late-

session amendment removed a provision requiring payroll information will be published on DCR's website and made available to the public. A provision requiring employers to furnish a pay scale for available jobs in a position announcement and make this information available to existing employees remains. The Division of Labor Standards Enforcement would be empowered to investigate possible violations and penalize employers for violations. Farm Bureau opposed due to the bill's new employer mandates. *Staff: Bryan Little, blittle@cfbf.com.*

Governor Newsom also vetoed two measures opposed by Farm Bureau:

AB-364 (Freddie Rodriguez, D-Inland Empire), which **Governor Newsom vetoed** on September 27, would have required 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 agreed to at the time of SB 477's consideration. *Staff: Bryan Little, blittle@cfbf.com*

Governor Newsom vetoed AB-857 (Ash Kalra, D-San Jose) on September 27 that would have required employers to furnish to employees notices 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). Though a late session amendment addressed these issues, Farm Bureau remained opposed because the mandatory notice required by AB 857 is redundant. *Staff: Bryan Little, blittle@cfbf.com*

Commodities

Governor Newsom has signed two Farm Bureau supported bills, **AB-778** (Eduardo Garcia, D-Coachella) and **SB-490** (Anna Caballero, D-Fresno). The former, AB 778, requires all state institutions who purchase agricultural products, to buy at least 60% from California farms and ranches by January 1, 2026. This does not apply to schools. It also removes the 5% bid preference for California-grown products but replaces it with a California purchase mandate for schools, if the in-state bid is the lowest price. SB-490 creates the Buy American Food Act, which requires schools to receive federal food reimbursement to buy domestically produced agricultural products unless the in-country bids are more than 25% the cost of domestic ones. While Governor Newsom touted California agriculture's sustainability in his signing message, he does specify that this bill will likely increase the costs of universal school meals, which will require budget action next year. *Staff: Taylor Roschen, troschen@cfbf.com*

A bill by Cecilia Aguiar-Curry (D-Winters), [AB-2303](#), has been **signed into law**. This bill will specify that only agave spirits derived from agaves grown in California can be labeled “California agave” or some variation of that. It also empowers the Department of Food and Agriculture to seize spirits labeled in violation. *Staff: Taylor Roschen, troschen@cfbf.com*

Equity

Governor Newsom has signed [AB-649](#), a bill by Assemblymember Steve Bennett (D-Ventura) which would create the Office of Environmental Justice and Tribal Relations within the Department of Resources Recycling and Recovery (CalRecycle). This office will be responsible for integrating environmental justice into programs, policies and initiatives and lessening environmental impacts on disproportionately impacted communities and populations. *Staff: Taylor Roschen, troschen@cfbf.com*

Forestry

[SB-926](#) (Bill Dodd, D-Vacaville) and [AB-522](#) (Mike Fong, D-Monterey) were **signed by the Governor**. SB 926, authored by Senator Dodd deletes the provision requiring the Forest Management Task Force at CalFIRE to develop recommendations for the implementation of an insurance pool or other mechanisms for prescribed burn managers. Instead, the bill establishes, until January 1, 2028, the Prescribed Fire Liability Pilot Program, to be administered by CalFIRE, to increase the pace and scale of the use of prescribed fire and cultural burning and to reduce barriers for conducting prescribed fires and cultural burning. This bill was signed by the Governor. Farm Bureau supported SB 926. *Staff: Peter Ansel; pansel@cfbf.com*

AB 522, authored by Assemblymember Fong extends the Forest Fire Prevention Exemption. As discussed previously, the Z'berg-Nejedly Forest Practice Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, including the harvesting of trees for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns, known as the Forest Fire Prevention Exemption. Existing regulations implementing that exemption specify that it becomes inoperative 5 years after February 19, 2019. Now, with AB 522 the operation of the Forest Fire Prevention Exemption does not become inoperative until January 1, 2026. AB 522 was signed by the Governor. Farm Bureau supported AB 522. *Staff: Peter Ansel; pansel@cfbf.com*

The Wildfire and Forest Resilience Task Force conducted its regional Sierra Nevada meeting this week in Grass Valley. After introductory remarks from California Natural Resources Agency Secretary Wade Crowfoot, the Task Force’s science team presented an overview of Forest Resilience in the Sierra Nevada and discussed their draft regional resource kit to help forest collaboratives assess the condition of their landscapes and prioritize projects. You can view the Sierra Nevada kit [here](#). Other panels discussed: (1) the connection of data and project development, noting the use of remote sensing and decision support systems to plan and prioritize projects, (2) funding strategies to align new federal and state investments in forest health and community resilience, and (3) the pathways for wildfire resilient outdoor recreation opportunities

to help bring economic opportunities to wildfire impacted communities. You can read a white paper about the outdoor recreation strategies [here](#). Staff: Peter Ansel; pansel@cfbf.com

Insurance

Insurance Commissioner Ricardo Lara ordered insurance companies to preserve residential insurance coverage following Governor Gavin Newsom's latest emergency declarations. The Commissioner's Bulletin shields those policyholders within the wildfire perimeter or in adjacent ZIP codes of the Mountain, Barnes, and Fork fires in Siskiyou, Modoc, and Madera counties from insurance non-renewal or cancellation for one year from the date of the Governor's September 19th declaration regardless of whether they suffered a loss. The moratorium order includes 30 ZIP codes in the Siskiyou, Modoc, and Madera counties, affecting approximately 31,000 wildfire survivors. Visit the Department of Insurance website [here](#) to see if your ZIP code is included in the moratorium or contact the Department of Insurance at 800-927-4357 or via chat or email at insurance.ca.gov if you believe your Insurance Company is in violation of this law, or have additional claims-related questions. Staff: Peter Ansel; pansel@cfbf.com

Land Use

An Assembly Agricultural Committee bill, [AB-2964](#), has been **signed by Governor Newsom**. This bill will make many changes to the California Farmland Conservancy Program Act, a law which is a grant program to fund local governments and nonprofits to acquire agricultural conservation easements and promote other projects to preserve agricultural land. In summary, this bill, will allow program funds to cover sustainable agricultural practices, conservation easements, planning (including technical assistance and land use planning), and fee title or easement acquisitions. The bill also removes the requirement that 90% of the funds be used for interest acquisition and the requirement that local government provide a resolution in support of the proposal. It also specifies that funded easements or fee title acquisitions must be for contracts in perpetuity, rather than 25 years, which the statute allowed. Finally, it specifies which types of activities are compatible with agricultural conservation easements, including but not limited to: processing, marketing, conservation or restoration of natural resources (in a manner that doesn't impair agriculture), reductions of greenhouse gases, support water or air quality improvement, farmworker housing development, and renewable energy generation required on farm. Staff: Taylor Roschen, troschen@cfbf.com

The Governor has vetoed [SB-1084](#) (Melissa Hurtado, D-Sanger). This bill would have prohibited foreign governments from purchasing, leasing or holding an interest in agricultural lands after January 1, 2023. This bill would have also required the Department of Food and Agriculture to provide annual reports on agricultural and natural resources acquisitions by foreign entities. In his [veto message](#), the Governor noted that USDA already compiles and distributes such information. Staff: Taylor Roschen, troschen@cfbf.com

Pesticides

Governor Newsom has vetoed a bill strongly opposed by Farm Bureau, [AB-2146](#) (Rebecca Bauer-Kahan, D-San Ramon). This bill would have prohibited the non-agricultural use of neonicotinoid pesticides in the State and made on minor exemptions if use was necessary, as determined by the Department of Pesticide Regulations. Beyond impacting several residential based pest treatment programs, this bill would have set dangerous precedent of usurping the science-based risk assessment system used to regulate pesticides in California. *Staff: Taylor Roschen, troschen@cfbf.com*

Pollinators

[AB-719](#) (Assembly Agriculture Committee) has been signed and is effective January 1, 2023. This bill increases the number of beekeepers on the State Apiary Board from 5 to 7 and adds an Agricultural Commissioner and member representing recipients of beekeeping services. It also makes various changes to the Apiary Law, including adding brokers to compliance requirements, specifies seizure, transported and contaminated hive disposal procedures. *Staff: Taylor Roschen, troschen@cfbf.com*

Transportation

Farm Bureau supported [AB 2406](#) (Cecilia Aguiar-Curry, D-Davis) has been signed by the governor. This bill will 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 will help alleviate the pressure that these fees put on California businesses, and attempt to address one of the many issues facing our ports. In his signing message, the governor states, "The nation has experienced an acceleration in goods movement over the last two years and the supply chain ecosystem has struggled to keep pace [...] It is critical that shipping industry stakeholders continue to use all available tools to find efficiencies and encourage the 24/7 movement of goods. If unintended consequences arise that affect productivity at California ports, my Administration will work with the Legislature to address those issues. This is a fundamental matter of fairness for our California businesses and the consumers who ultimately pay the price." The bill will go into effect January 1, 2023. *Staff Contact: Katie Little, klittle@cfbf.com*

Water

[SB-489](#) (John Laird, D-Santa Cruz) a measure authorizing the state to advance funds for the Pajaro River Flood Risk Management Project was signed by the Governor. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cfbf.com*

[SB-880](#) (John Laird, D-Santa Cruz) was **signed by the Governor**. 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.*

[SB-1372](#) (Henry Stern, D-Santa Barbara) was **signed by the Governor**. The measure 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. Farm Bureau is in support. *Staff: Danny Merkley, dmerkley@cfbf.com.*