

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.

August 12, 2022

APPROPRIATIONS

The Senate and Assembly Appropriations Committees met this week to discuss the final set of bills moving through the Legislature and determine whether they will move to the Floor or be held for the remainder of the session. Both committees collectively heard hundreds of bills, approximately 700. Below is a high-level summary of bills monitored closely by Farm Bureau staff and their disposition. Those held in committee are no longer eligible to be heard this year. Those passed will move on the Floor of their originating house.

Passed Appropriations Committee: Assembly

Agricultural Employment

The Assembly Appropriations Committee cleared two Senate measures from their suspense file on August 11:

[SB-1044](#) (Durazo), which 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 employees 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. SB 1044 cleared the Assembly Appropriations Committee with as-yet unspecified amendments. Farm Bureau opposes. *Staff: Bryan Little; blittle@cfbf.com.*

[SB-1162](#) (Limón) 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), 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 on employers who contract with entities who employ 100 or more employees. This payroll information will be published on DCR'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 DCR to publish will not reflect differences in regional costs or other factors that can influence employee compensation. SB 1162 cleared the Assembly Appropriations Committee

with as-yet unspecified amendments believed to address employers' concerns about public disclosure of payroll data. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com.*

Air Quality

[SB-1101](#) (Anna Caballero, D-Fresno) would establish a geologic carbon sequestration working group to provide guidance to the Air Resources Board on site selection, environmental monitoring and mitigation requirements for deep carbon injection sites. These projects have been proposed throughout the San Joaquin Valley. *Staff: Taylor Roschen, troschen@cfbf.com*

Biomass

[SB-1109](#) by Senator Caballero passed from the Assembly Appropriations Committee Suspense file without amendments. The bill would continue the existing BioRAM contracts that require the purchase of 125 megawatts of bioenergy for an additional five years. The bill would require any incremental procurement of electricity products from bioenergy resources by a new contract or contract extension of 5 years or longer in duration to be from a resource that meets emission limits equivalent to, or more stringent than, the best available retrofit control technology determined at the time of procurement by a new contract or contract extension.

Staff: Peter Ansel, pansel@cfbf.com

Cybersecurity

[SB-892](#) by Senator Hurtado passed from the Assembly Appropriations Suspense file with amendments to remove requirements on Cal OES. The bill would require a report of cyberattack or cyber threat submitted pursuant to guidelines developed pursuant to these provisions to be confidential and would prohibit disclosure as a public record. The bill would require Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness. *Staff: Peter Ansel, pansel@cfbf.com*

Forestry & Wildfire

[SB-926](#) authored by Senator Dodd passed from Assembly Appropriations Suspense file with amendments to conform the bill to the administration's trailer bill language on the same issue. The bill would require the Department of Forestry and Fire Protection, to establish the Prescribed Fire Liability Pilot Program to support coverage for losses from permitted prescribed fires by individuals and nonpublic entities, such as Native American tribes, private landowners, and other nongovernmental entities through the Prescribed Fire Claims Fund, which the bill would establish. The bill would require that \$20,000,000 appropriated to the department by the Legislature in the Budget Act of 2021, and any other funds appropriated by the Legislature for the above purpose, be deposited into the fund. Under current law, CAL FIRE

has discretion to purchase a third-party liability policy of insurance that provides coverage against loss resulting from a wildland fire sustained by any person or public agency, including the federal government. *Staff: Peter Ansel, pansel@cfbf.com*

Land Use

[SB-1084](#) (Melissa Hurtado, D-Sanger) would prohibit agricultural land from being purchased by a foreign government and require the Department of Food and Agriculture to develop a study identifying the amount of farmland in the State under foreign land ownership annually. *Staff: Taylor Roschen, troschen@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 is discussions with the author's office and there may be amendments to the bill prior to its consideration on the floor. The bill was heard in the Assembly Appropriations Committee on August 10th and received approval to move to the Assembly floor. *Staff: Karen Mills, kmills@cfbf.com*

Wildlife

[SB 856](#) (Dodd – Napa) passed out of the Assembly Appropriators Committee. This bill would affect regulations regarding hunting of feral pigs. Farm Bureau, along with an Ag based coalition, has now moved to a full support position after previously opposing this bill. Amendments 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. This bill now moves to the Assembly Floor. *Staff: Katie Little, klittle@cfbf.com*

Passed Appropriations Committee: Senate

Agricultural Employment

[AB-2183](#) (Stone), United Farm Workers-supported card check legislation masquerading as a bill allowing for mail-in voting for union elections cleared the Senate Appropriations Committee suspense file on August 11 and will be eligible for Senate floor consideration in the coming days. *Staff: Bryan Little, blittle@cfbf.com*

Two additional Assembly measures clearing the Senate Appropriations Committee suspense file on August 11:

[AB-2188](#) (Quirk) 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. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

[AB-2243](#) (Garcia) requires Cal/OSHA to submit proposed revisions to the Heat Illness Prevention Standard and the Wildfire Smoke Standard for consideration of the Cal/OSHA Standards Board that would create new “ultra-high heat” procedures and require use of respirators when the Air Quality Index exceeds 300 but removes any requirement that poor air quality be associated with a wildfire. Farm Bureau opposes unless amended on the grounds that the bill’s provision concerning conditions under which the agency must propose to the Standards Board that employers may use voluntary respirator rules are ambiguous and confusing. AB 2243 was referred to the full Senate with as-yet unspecified amendments. *Staff: Bryan Little, blittle@cfbf.com*

Commodities

[AB-778](#) (Eduardo Garcia, D-Coachella) would require 60% of the state’s agricultural food products purchased by the state be grown or produced in California by December 31, 2025. Farm Bureau is in support of this bill. *Staff: Taylor Roschen, troschen@cfbf.com*

Forestry & Wildfire

[AB-267](#) authored by Assembly woman Valladares passed from Senate Appropriations Suspense file unamended. Current law until January 1, 2023, exempts from the requirements of CEQA prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act, and requires the Department of Forestry and Fire Protection, beginning December 31, 2019, and annually thereafter until January 1, 2023, to report to the relevant policy committees of the Legislature the number of times the exemption was used. This bill would extend the exemption from CEQA to January 1, 2026. *Staff: Peter Ansel, pansel@cfbf.com*

Natural Resources

[AB-2278](#) (Ash Kalra, D-San Jose) would require the California Natural Resources Agency to submit an annual report to the Legislature on the progress of the state’s 30x30 initiative. *Staff: Taylor Roschen, troschen@cfbf.com*

Pesticide

[AB-2146](#) (Rebecca Bauer-Kahan, D-San Ramon) would prohibit the use of neonicotinoids in non-agricultural settings with certain exemptions. Under the exemptions, applications would need to be predicated by a declaration of an environmental emergency by the Department of Pesticide Regulation

and a determination that softer alternatives chemistries are not available. Farm Bureau is opposed to this measure based on the precedent it would set in regulating agricultural and non-agricultural chemicals separately and not based on scientific findings. *Staff: Taylor Roschen, troschen@cfbf.com*

Transportation

[AB 2836](#) by Assemblymember Eduardo Garcia (D – Coachella) passed out of the Senate Appropriations Committee. 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. *Staff: Katie Little, klittle@cfbf.com*

[AB 2550](#) (Arambula – D) passed out of the Senate Appropriations Committee. 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. This bill now moves to the Senate Floor. *Staff: Katie Little, klittle@cfbf.com*

Water

[AB-2201](#) (Steve Bennett, D-Ventura) passed out of the Senate Appropriations Committee this week with amendments that still do not address concerns. The measure is now on the Senate Floor for a vote by the full Senate. As previously reported, AB 2201 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. Farm Bureau and a large diverse coalition remain opposed. *Staff: Danny Merkley, dmerkley@cfbf.com*

Held Appropriations Committee: Senate

Organic

[AB-2499](#) (Brian Maienschein, D-San Diego) would have created a transition to organic program at the Department of Food and Agriculture. Beyond covering the costs associated with organic production, the grant in the bill would have also covered all, non-organic related, agricultural expenses such as labor, equipment, marketing, etc. *Staff: Taylor Roschen, troschen@cfbf.com*

Pesticides

[AB-2247](#) (Richard Bloom, D-Santa Monica) would require the Department of Toxic Substances Control to establish a reporting platform to collect information on products that contain intentionally added perfluoroalkyl or polyfluoroalkyl (PFAS) and require manufacturers of these products to register with the Department. *Staff: Taylor Roschen, troschen@cfbf.com*

Natural Resources

[AB-2649](#) (Cristina Garcia, D-Bell Gardens) would have set a carbon sequestration/removal goal for natural and working lands, in addition to the Scoping Plan goals. Per this bill, the natural and working lands sector would have to sequester 60 million metric tons by 2030 and 100 million metric tons by 2035. These projects would need to be done with "natural sequestration" practices, like cover crop, compost, wetland restoration, etc. Farm Bureau led a coalition in opposition to the bill *Staff: Taylor Roschen, troschen@cfbf.com*

Waste

[AB-1985](#) (Robert Rivas, D-Salinas) would have provided an extension for rural communities to meet the state's organic waste diversion goals, based on a determination by CalRecycle. It would have also authorized CalRecycle to adjust penalties for non-compliance and organic waste procurement targets. *Staff: Taylor Roschen, troschen@cfbf.com*

OTHER ITEMS

Announcement

California Air Resources Board Chair (CARB) Liane Randolph announced that the Board is appointing **Dr. Steven Cliff** as the new Executive Officer, to fill the vacancy left by Richard Corey's retirement in June. Cliff comes to the Board with a background in atmospheric chemistry, experience at state and federal government agencies, previous experience in CARB's Deputy Executive Office, and most recently as Administrator of the National Highway Traffic Safety Administration (NHTSA). *Staff: Hayley Fernandes, hfernandes@cfbf.com*

It has been announced that Secretary Jared Blumenfeld will be leaving the California Environmental Protection Agency will be joining a new climate foundation, Waverley Street

Foundation, created by Lauren Powell Jobs. He will be replaced by Yana Garcia, an Oakland native, who is a legal and policy advisor at the Attorney General. Prior to her position at the Attorney General, she was a deputy secretary for environmental justice, tribal affairs and border relations at CalEPA. She was also an attorney for the nonprofit, Earthjustice. *Staff: Taylor Roschen, troschen@cfbf.com.*

Climate

In another last-minute climate action, the Governor has released his [proposal](#) for consideration in the last month of session. They include putting the state's carbon neutrality goal into law. Friday Review readers may remember that he had established this carbon neutrality goal through an executive order late last year. According to his memo, carbon neutrality would mean "emissions of greenhouses gases to the atmosphere are balanced by removals of greenhouse gas emissions over a period of time." The memo also includes a staggering suggestion to increase the state's premiere climate goal from reducing emissions 40% below 1990 levels to 55% below 1990 levels by 2030. Farm Bureau and others have strong skepticism around the possibility of this new proposal. He would also like the Legislature to consider creating 2030 and 2040 clean energy targets (renewable and zero-carbon resources) on the pathway to achieve the state's current goal of 100% clean electricity sales by 2045. The targets would be 90% clean energy by 2035, 95% by 2040 and 100% by 2045. The proposal also would require 3,200-foot setbacks between any new oil wells and "sensitive" sites, like homes, schools, and parks. Creating a definition of "sensitive receptors" in law could mean it's repeatedly used in other public resources issues impacting agriculture. Finally, the Governor, much to the frustration of the environmental community, is proposing the Air Resources Board develop a model permitting program for geologic carbon storage projects (also known as deep injection), for which agricultural areas may be ideal, and a tracking system for all carbon capture, utilization, and storage projects throughout the state. It also includes broad support "natural carbon sequestration" which includes many of the "climate smart" agricultural practices, like whole orchard recycling, compost, cover cropping, reduced/no-tillage, etc.

A coalition of environmental and environmental justice groups sent a response [letter](#). In it, they are supportive of the Governor's proposal for putting carbon neutrality in law but would also like to see a 90% greenhouse gas emission reduction goal by 2045 and a 50% reduction goal by 2030. They would like to set a specific climate goal for natural and working lands, a request Farm Bureau has been fighting year over year. With respect to carbon capture and storage and engineered carbon removal projects, they are generally not supportive, because they believe it still allows polluters to emit. If the Administration does want to pursue these projects, they have argued that advanced oil recovery should not be pursued, that projects must result in air and water quality improvements, withstand seismic events, and allow for 1,000 years of storage, among other things. The letter demonstrates support for the 3,200-foot set back proposed by Governor Newsom and immediate transition to zero emission vehicles. Finally, the stakeholders support the proposed clean energy targets but only if it includes "truly clean energy," which is a nod to low carbon intensity fuels like hydrogen and natural gas as problem sources.

For these goals to be realized, the Legislature will need to approve them and drop them into existing bills in the final hours of the allowable timeline. They may also need to go back through the legislative process (policy committees, appropriations, and final floor votes). Farm Bureau will continue to monitor bills to look for these policy proposals. *Staff: Taylor Roschen, troschen@cfbf.com.*

Fertilizers

The Department of Food and Agriculture has three vacancies on the Fertilizer Inspection Advisory Board responsible for advising the Department on fertilizing materials. The positions include two board members and one public member. Board member applicants must hold a current fertilizing materials license or be a representative of a licensed firm. Interested applicants should submit a resume and complete a [questionnaire](#) by August 26th and send it to: Brittnie.Williams@cdfa.ca.gov or CDFA; Feed, Fertilizer and Livestock Drugs Regulatory Services Branch; Attn: Brittnie Williams; 1220 N Street Sacramento, CA 95814. *Staff: Taylor Roschen, troschen@cfbf.com.*

Food Quality

The Department of Food and Agriculture has multiple vacancies on the Standardization Advisory Committee, which is responsible for making recommendations to the Department regarding assessment rates, inspections and program budgets. Current vacancies are as follows:

- One position representing oranges, other citrus or table grapes
- One position representing a fresh fruit other than oranges, another citrus and table grapes;
- Four positions representing broccoli, tomatoes or lettuce;
- One position representing a vegetable other than broccoli, tomatoes and lettuce; and
- One position representing any other commodity not noted.

Interested applicants should send a completed [Questionnaire](#) and a letter of recommendation to Sarah Cardoni, CDFA Inspection and Compliance Branch, 1220 'N' Street, Sacramento, CA 95814, or via e-mail to Sarah.Cardoni@cdfa.ca.gov. *Staff: Taylor Roschen, troschen@cfbf.com.*

Pesticides

The California Department of Pesticide Regulation has awarded \$1.78 million in Alliance Grants, which promote Integrated Pest Management (IPM). Funded projects include two for agriculture specifically, two for urban pest management and one for wildland pests. They are as follows:

- Wild Farm Alliance (Watsonville)—create videos, field days and webinars for continuing education requirements for natural-enemy habitat to control pests.
- Cal Poly, San Luis Obispo—mite, mildew and mold control on strawberries with UV-C light
- UC Riverside—pheromone attractants for Argentine ants
- Esperanza Community Housing (LA)—home retrofit for pest prevention

- Lake County Watershed Pollution District—manual removal of creeping water primrose, aquatic invasive, in Clear Lake and wetland communities

For more information about each project, descriptions can be found [here](#). Staff: *Taylor Roschen, troschen@cfbf.com*.

Water

Yesterday, the Governor announced his “Water Supply Strategy”. The document raises the visibility on several key and important water issues, but it is the third such document this administration has released, and similar plans were issued by Governors Schwarzenegger and Brown. Plans and actions are two different things, and it is the failure of these plans to become actions that has us at Farm Bureau a bit skeptical. There is little new in this report and many of the actions suggested have been repeatedly impeded by CalEPA staff. Additionally, there is language in there about “modernizing water rights administration for equity, access, flexibility and transparency”. Staff: *Danny Merkley at dmerkley@cfbf.com*