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 24, 2024

Ag Employment Policy

Facing the house of origin deadline this week, both chambers passed legislation of concern to agricultural employers this week:

AB 2421 Assemblymember Evan Low (D Campbell), passed the Assembly on May 22, 61-0 with nineteen abstentions or absences. AB 2421, though limited in scope to public employment in California, sets a terrible precedent of conferring an attorney-client-like privilege on communications between an employee and a union or union representative, potentially hampering an employer's ability to investigate safety problems, harassment allegations and to engage in other employee communications that could result in disciplinary action against an employee, setting a bad precedent that a future Legislature could expand to private sector employers. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

AB 2499 Assemblymember Pilar Schiavo (D Chatsworth), passed the Assembly on May 23, 56-8 with sixteen abstentions or absences. On May 20, the bill was substantially amended to remove language changing the number of employees an employer must employ to be affected by the bill from 5 or more to 25 or more, and narrowed the scope of reasons for which leaves can be taken. AB 2499 also requires an employee to offer reasonable accommodation for employees in these situations. Farm Bureau remains opposed due the reasonable accommodation requirements and other concerns. *Staff: Bryan Little, blittle@cfbf.com*

AB 2738 Assemblymember Luz Rivas (D Sylmar), passed the Assembly on May 22, 49-10 with 21 absences or abstentions. AB 2738 will encourage local prosecutor litigation against employers for alleged Labor Code violations (permitted for the first time by Farm Bureau-opposed AB 594, Maienschein, 2023) by requiring a California court to award attorney's fees to a public prosecutor prevailing in a Labor Code-related civil action. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

AB 2754 Assemblymember Anthony Rendon (D Lakewood), passed the Assembly on May 22, 52-3 with 25 abstentions or absences. In its original form, AB 2754 would have expanded Labor Code Section 2810 client employer liability for wages and workers compensation originally established in 2014 from client contractor relationships to shipper-carrier relationships and exposing agricultural shippers to liability for carriers transporting containerized freight. After extensive amendments limiting the bill's effect to port drayage motor carriers and drivers, Farm Bureau shifted to a neutral position. *Staff: Bryan Little, blittle@cfbf.com*

SB 1022 Senator Nancy Skinner (D Berkeley), passed the Senate May 21 30-9 with one absence. Farm Bureau opposes SB 1022 because it expands the existing statute of limitations for any complaint brought by the Civil Rights Department or any of its "authorized representatives" to ten years, completely undoing the purpose of statutes of limitations by allowing actions to proceed long after records have been lost, memories have faded, witnesses have died, and other problems have arisen that statutes of limitations are designed to address. *Staff: Bryan Little, blittle@cfbf.com*

SB 1116 Senator Anthony Portantino (D Burbank) passed the Senate May 21, 22-12 with six absences or abstentions. SB 1116 allows striking workers to collect unemployment insurance benefits and is a retread of Portantino's SB 799 from the 2023 session, which was vetoed by Governor Newsom. Given the fiscal condition of the unemployment insurance trust fund which is currently billions in debt to the federal government and the additional taxes employers are being asked to pay to finance that deficit, Farm Bureau opposes SB 1116. Staff: Bryan Little, blittle@cfbf.com

SB 1299 Senator Dave Cortese (D San Jose), passed the Senate May 22, 29-9 with two absences or abstentions. SB 1299 creates a rebuttable presumption that heat illness suffered by an agricultural employee during a workweek or pay period during which the employee performed work under conditions that would trigger the Heat Illness Prevention standard is work-related and compensable through workers compensation. Farm Bureau opposes. *Staff: Bryan Little, blittle@cfbf.com*

Fairs

SB 1261, authored by Senator Marie Alvarado-Gil (D Jackson) and supported by the California Farm Bureau passed from the Senate this week and moves to the Assembly. This bill will increase the amount of the total gross receipts required to be included in the next annual Governor's Budget for use by the Department of Food and Agriculture and transferred to the Fair and Exposition Fund from 3/4 of 1% to 3%. This bill will help fairs to better manage their budgets, since they will be receiving their full tax allocation instead of funds remaining in the General Fund. *Staff: Peter Ansel; pansel@cfbf.com*

Insurance

SB 1060, authored by Senator Josh Becker (D Menlo Park), passed from the Senate, and moves to the Assembly. Interestingly, the bill touches on a policy area that the Legislature has largely avoided this year – the insurance market. Instead, the Legislature has largely deferred to the the Department of Insurance effort to move forward with a variety of regulation to address the market crisis. Under SB 1060, if a property insurer uses risk models for underwriting purposes, this bill would authorize the models to account for wildfire risk reduction associated with hazardous fuel reduction, home hardening, defensible space, and fire prevention activities. The bill would require an insurer using risk models for underwriting purposes to provide to the department information necessary to ensure compliance with those risk model requirements. California Farm Bureau recently provided public comment to the Department of Insurance (DOI) regarding a similar issue for catastrophe rate models. SB 1060 differs in that it focuses on underwriting models. Also, California Farm Bureau supports AB 1933, authored by Chair of the Assembly Committee on Insurance Lisa Calderon (D Whittier), which requires the DOI to report to the Legislature any wildfire risk models that it regulates. That bill is now in the Senate Insurance Committee. *Staff: Peter Ansel; pansel@cfbf.com*

Land Use

AB 2149, authored by Assemblymember Damon Connolly (D San Rafael), passed from the Assembly, and moves onto the Senate. The bill adds inspection and safety requirements to gates, stemming from a tragic accident that occurred on a private school property. Farm Bureau and Wine Institute met with the author's office and the bill's sponsors to negotiate amendments to exempt agriculture and forestry from the bill. The bill's language is improved but not yet a full exemption, and so we remain opposed unless amended. Farm Bureau appreciates the sponsors' and author's work to keep their bill's integrity intact, while understanding the unintended consequences it may have on agriculture. The bill moves to the Senate. *Staff: Peter Ansel; pansel@cfbf.com*

Pesticides

Three Assembly bills having to do with pesticides regulations passed off the Assembly floor on partisan votes. AB 1864 Assemblymember Damon Connolly (D San Raphael), pesticide use around schools, AB 1963 Assemblymember Laura Friedman (D Glendale), cancellation of paraquat and AB 2552 Assemblymember Laura Friedman (D Glendale), related to elimination of certain uses of first generation

rodenticides. All three bills will now be moving to Senate Policy Committees where we will continue to work with our coalition partners to either amend or stop them in committee. *Staff: Chris Reardon, creardon@cfbf.com*

ANNOUNCEMENTS

INVASIVE FRUIT FLY QUARANTINE LIFTED IN SANTA CLARA COUNTY

Ag Officials Urge Residents to Take Steps to Prevent Future Introductions of Invasive Species

SACRAMENTO – May 22, 2024 – Thanks to the cooperation and diligence of Santa Clara County residents and local agricultural officials, the California Department of Food and Agriculture (CDFA), with the United States Department of Agriculture (USDA) and the Santa Clara County Agricultural Commissioner, has declared the end of the Oriental fruit fly quarantine in Santa Clara County following eradication of the invasive pest. The declaration comes nearly nine months after officials first detected populations of the Oriental fruit fly in the area and established a quarantine encompassing parts of Sunnyvale, Santa Clara, Cupertino, San Jose, Milpitas, Mountain View, Saratoga, and Campbell.

"Thanks to the responsiveness and cooperation of Santa Clara's residents, and our partners at the Santa Clara County Division of Agriculture and the United States Department of Agriculture, we were able to quickly and safely eradicate this infestation of the Oriental fruit fly," said Victoria Hornbaker, Director of CDFA's Plant Health and Pest Prevention Services Division. "As with so many invasive species, when we can detect infestations early and respond promptly, we stand the best chance of protecting our backyard fruits and vegetables and ultimately safeguarding California's agricultural heritage."

During the quarantine, crops that are hosts for the invasive pest — which include more than 300 varieties, such as citrus and other fruits, nuts, vegetables, and berries — were not allowed to be moved from the properties where they were grown. Commercial crops were required to meet stringent treatment or processing standards before being harvested or moved. While the Santa Clara County quarantine area has been lifted, there are currently six other active fruit fly quarantines in California, which still threaten California's natural environment, agriculture, and economy.

As the temperatures rise and vacationers ramp up their travel plans, local agricultural officials are urging residents to refrain from bringing back potentially infested produce from their trips. While you are at home, we urge residents to continue to stay vigilant for signs of invasive pests and cooperate with local officials. To help prevent any future introductions of invasive species, residents should follow these guidelines:

- Cooperate with agricultural officials and allow them access to your garden to place traps, inspect plants, conduct necessary treatments, or remove potentially infested produce.
- Determine if your property is located within an active quarantine area by visiting CAFruitFly.com.
- Buy fruit trees and vegetable plants from licensed California nurseries, as receiving agricultural goods from uncertified sources can spread invasive pests. Source your plants locally and responsibly. To search for a licensed nursery near you, visit CDFA's Directory of Licensed Nurseries.
- Inspect your garden for signs of invasive fruit flies or maggots and report any findings to CDFA at 1-800-491-1899 or your local county agricultural commissioner's office
- When entering the United States from another country, avoid bringing agricultural products — including fruits or vegetables. Help us protect our agricultural and natural resources and California's unique biodiversity from invasive fruit flies — please Don't Pack a Pest (www.dontpackapest.com) when traveling or mailing/receiving packages.