

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

July 09, 2021

Agricultural Employment

This week saw legislative action on bills of concern to agricultural employers:

[AB 73](#) (Robert Rivas, D-Salinas) would allow agricultural employers to access a state-operated essential workers' respirator stockpile originally created by legislation in 2020. The bill passed the Senate Labor, Public Employment and Retirement Committee on July 5 on a 5-0 vote and was referred to the Senate Appropriations Committee. After reviewing amendments made to AB 73 on June 28 and 29, Farm Bureau requested additional amendments in hopes of being able to offer support. *Staff: Bryan Little; 916-561-5622 or blittle@cfbf.com*

[AB 701](#) (Lorena Gonzalez, D-San Diego) establishes an entirely new regulatory regimen for warehousing and food processing employers with 100 or more employees at a site or 1000 or more statewide who use performance metrics, making such metrics difficult and legally hazardous to use. AB 701 passed the Senate Labor, Public Employment and Retirement Committee on July 5 by 4-1 vote and was referred to the Senate Judiciary Committee. Farm Bureau opposes. *Staff: Bryan Little; 916-561-5622 or blittle@cfbf.com*

[SB 410](#) (Connie Levya, D-Chino), which exempts occupational safety and health regulations from the standard regulatory impact analysis current required of all proposed regulations with an economic impact in excess of \$50 million, passed the Assembly Labor and Employment Committee on a 5-2 vote and was referred to the Assembly Appropriations Committee on a 9-4 vote on July 7 and is eligible for floor consideration. Farm Bureau opposes. *Staff: Bryan Little; 916-561-5622 or blittle@cfbf.com*

[SB 606](#) (Lena Gonzalez, D-Long Beach) creates a new classification of employment law violations that will cause some employers to be dubbed "egregious employers" and would thereby subject them to much higher penalty levels. These would be levied on an employee-by-employee basis rather than location by location. Farm Bureau opposes. SB 606 passed the Assembly Judiciary Committee on July 6 by an 8-2 vote and was referred to the Assembly Appropriations Committee.

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Air Quality

The California Air Resources Board has released a [draft](#) of the 2021 California Agricultural Equipment emissions inventory, which updates population, activity, emission rates, and resulting emissions from agricultural equipment in the state. The updated inventory was developed using data from a 2018 agricultural equipment survey, USDA acreage data, satellite data on farm acres per county, others. It also incorporates equipment replacements through various incentive programs. To discuss the methodology and data used to develop the draft, CARB is hosting a webinar on July 15th at 1:00pm. Registration to view and participate in the virtual event can be found [here](#). Public comments are due by July 30th over email to Julie Schiffman at

Julie.schifman@arb.ca.gov. Farm Bureau is in the process of reviewing the inventory and potentially providing comments. Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Animal Health & Welfare

In the midst of record-breaking temperatures, the California Dairy Quality Assurance Program has issued the following message: The National Weather Service has issued a [warning](#) for excessive heat throughout California, extending into next week. Particularly concerning is that overnight lows in many areas may remain in the mid to upper 70s, temperatures that minimize nighttime thermal recovery of livestock. [Attached](#) is a CDQAP advisory for the coming heat event. In addition to resources related to protecting both cattle and employees from anticipated record high temperatures, the advisory also includes new information from CDFA on mortality management during the heat wave. Importantly CDFA has established a Rendering Disruption Emergency Call Number to facilitate collection of field information and help coordinate response between agencies. The number will be monitored throughout the anticipated heat event, including nights and weekends. The staff at CDFA is also nearing completion of a county-by-county emergency response plan as well as coordinating development of long term solutions with the department's sister agencies. Industry trade organizations are an important part of this planning process, including the Ag Council, CDC, CFBF, MPC and WUD. Staff: Katie Little at klittle@cfbf.com or (916) 446-4647

Appointment

Michael Flores has been appointed Deputy Secretary at the California Department of Food and Agriculture. It is likely Mr. Flores will focus on fairs and expositions. Mr. Flores has been a Political Consultant since 2019, served as senior advisor for the California Correctional Peace Officers Association 2005-2019, multiple positions for Governor Gray Davis, was President and Commissioner of the California Fish and Game Commission and Chairman of the Wildlife Conservation Board.

Climate Change

Farm Bureau has joined a large coalition opposing AB 1395 (Al Muratsuchi, D-Torrance) which will be heard in the Senate Environmental Quality Committee on Monday. This bill would amend the state's existing climate goal of reducing greenhouse gas (GHGs) emissions 40% below 1990 levels by 2030 to a 90% reduction of GHGs below 1990 levels by 2045. This would be a rapid and aggressive acceleration of the state's reduction goal beyond the authorized date for the Cap and Trade system. Moreover, Farm Bureau has expressed concern that this will reprioritize focus on investments in GHG emission reductions leaving little incentives available for on-farm carbon sequestration activities. Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

The Senate Natural Resources Committee will hear a bill, AB 284 (Robert Rivas, D-Salinas), on Tuesday opposed by the agricultural community. This bill would require the Air Resources Board to set a carbon sequestration and greenhouse gas emission reduction goal for 2045. Farm Bureau is leading a large coalition in opposition arguing that the Board does not have regulatory authority over natural and working lands and as such, any goal should be developed only based on what's possible under voluntary, incentive-based practices. Thus far, Mr. Rivas and the sponsors have been unwilling to make such a reference in AB 284. This bill would also create the first of its kind, sector specific emission reduction goal for the natural and working lands sector. No such sector-specific goal exists for any other industry, including those subject to Cap and Trade obligations. Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

The Department of Food and Agriculture's Environmental Farming Act Science Advisory Panel is scheduled to meet on July 15th from 9am to 3pm. The panel will discuss developing a below-ground biodiversity metric,

receive an update on the Healthy Soils Program, consider recommendations from an advisory committee empaneled to review the State Water Efficiency and Enhancement Program (SWEEP), and review comments on the proposed Conservation Agricultural Planning (CAP) Program. Farm Bureau had provided written comment on the last two components and will do so orally. Interested parties can register to view or provide public comment [here](#). Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

The Department of Food and Agriculture is facilitating a webinar on July 20th from 7-11:30am with representatives from California and the Western Cape region of South Africa to discuss agricultural impacts and strategies on climate change. Registration for the event can be found [here](#). Speakers include: Dr. Peter Johnston, University of Cape Town, Dr. Tapan Pathak, UC Merced, Dr. Amrith Gunasekara, CDFA, and Dr. Stephanie Midgley, Western Cape Department of Agriculture. Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Commodities

Senate Health Committee will convene on Wednesday to hear AB 535 (Aguiar-Curry, D-Winters), a bill which addressed standards for olive oil labeling. The bill was heard in the Senate Agriculture Committee last week where the author committed to taking amendments to require the front label of olive oil using the word California to include the following statement: “___ percent (or ___%) California olive oil.” These amendments are not yet reflected in the bill language. Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Food Safety

The first of the California Agricultural Neighbors webinars on food safety was held on June 30th. The working group is also hosting one more webinar with subject matter experts on the [interim report](#) and food safety recommendations to limit the persistence of E. coli from food safety experts. Below is a synopsis of the remaining webinar and link to register to participate.

- July 14th 9-11am: On-farm factors that may affect STEC survival and contact with produce ([Zoom Registration](#))

The first of the webinars hosted on June 30th was recorded and can be found [here](#). Staff: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Insurance

SB 11 (Rubio, D-Baldwin Park), Farm Bureau’s sponsored legislation to authorize the California FAIR Plan to underwrite insurance coverage for commercial farms and ranches, has unanimously passed in the Senate by a vote of 39-0. The bill now awaits further action from Governor Newsom. For those who have been tracking the development and discussions related to SB 11, this legislation has been nearly one-year in the making. Farm Bureau, our respective coalition members, and the California Department of Insurance, have been working in earnest to address the insurance availability issues impacting commercial agriculture. It’s also important to acknowledge that our legislative leaders, Senate Pro-Tem Toni Atkins (D-San Diego) and fellow Senators Ben Hueso (D- San Diego), Bill Dodd (D-Napa), Brian Dahle (R-Bieber), Mike McGuire (D-Healdsburg), Andreas Borgeas (R-Fresno), Brian Jones (R-Santee), and Assemblymembers Frank Bigelow (R-O’Neals) and Ken Cooley (D-Rancho Cordova), were instrumental in their support of the legislation as well. Should Governor Newsom sign SB 11, the legislation would take effect immediately. For the FAIR Plan, however, the clock starts ticking and they will have 90-days to submit the insurance forms, guidelines, and rates to the California Department of Insurance for approval. Throughout the negotiations on SB 11, FAIR Plan and the Department have been developing the framework of the farm policy. It is our understanding that FAIR Plan and the Department are in working in concert so that California’s commercial agricultural

businesses will have coverage before the end of this year. Once approved by the Department, FAIR Plan property insurance policies will be made available to California insurance agents and brokerages.

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Water

The State Water Resources Control Board adopted the fee schedule this week for their new Winery General Order to regulate wastewater discharges from winery operations. As previously reported the Winery General Order was adopted after the Water Board's annual fee adoption meeting for the Waste Discharge Permit Fund (WDPF) in September, therefore the Water Board staff presented winery fee recommendations and the Board adopted a tiered fee schedule this week based on volume of process water generated. The Winery General Order fees are anticipated to remain in place as adopted until September 2022 when they will be reevaluated and potentially adjusted to meet program needs. The fee schedule is as follows:

PROCESS WATER GENERATED	FEE
<10,000-30,000 ga./yr.	\$750
30,001-100,000 ga./yr.	\$1,000
100,001-300,000 ga./yr.	\$1,200
300,001-600,000 ga./yr.	\$2,000
600,001-1,000,000 ga./yr.	\$3,000
1,000,001-3,000,000 ga./yr.	\$7,000
3,000,001-7,000,000 ga./yr.	\$13,000
7,000,001-15,000,000 ga./yr.	\$19,000

For greater detailed information regarding the adopted Winery General Order go [here](#). Staff: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.

As reported last week, the State and regional water boards presented a draft racial equity resolution at a public workshop this week. The majority of the discussion seemed to be focused on the need for a more balanced diversity in the water boards' workforce. Additional public comment was focused on a greater need for instream flows for Native Americans, the reallocation of water rights to reflect inequities in the diversity of water right holders, drinking water quality for poorer communities and people of color, among other public comments. Written comments from the public are due by noon, this Monday, July 12th. Submit written comments to: commentletters@waterboards.ca.gov with subject line: "Comment Letter – Racial Equity Resolution."; or by fax to: (916) 341-5620; or mail to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, P.O. Box 997377, MS 7400, Sacramento, CA 95899-7377. The California Farm Bureau encourages Farm Bureau members to submit comments on how the water boards' policies and regulations disproportionately impact farmers, ranchers and their employees of racial diversity. The draft proposed Racial Equity Resolution is available on the State Water Board's website at: https://www.waterboards.ca.gov/racial_equity/ Submit written comments to: commentletters@waterboards.ca.gov with subject line: "Comment Letter – Racial Equity Resolution."; or by fax to: (916) 341-5620; or mail to: Clerk to the Board, Ms. Jeanine Townsend, State Water Resources Control Board, P.O. Box 997377, MS 7400, Sacramento, CA 95899-7377. Farm Bureau is engaged in the process. Staff: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.