



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

March 12, 2021

Agricultural Employment

[AB 385](#) (Heath Flora, R-Ripon) is a reform of the Private Attorneys General Act (PAGA). This bill would prevent PAGA actions against an employer arising out of employment that occurs between March 4, 2020 and the end of the COVID-19 pandemic state of emergency, if the employer agrees to waive enforcement of any applicable arbitration agreement with an employee bringing an action for monetary claims and damages. Farm Bureau supports this measure. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*

Originally introduced as a spot bill, [SB 410](#) (Connie Levya, D-Chino) was amended on March 3 to now exempt 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. This analysis involves several government agencies and includes the impact, method and approach of the regulation, the underlying assumptions the agency used to estimate the economic impact of the regulation and the rationale and basis for those assumptions, the specific categories of individuals and business enterprises effected, and the agency's interpretation of the results of this assessment. Farm Bureau is concerned about the potential impact of exempting new OSHA regulatory mandates with no meaningful regulatory analysis. *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*

Senator Mike McGuire (D-Healdsburg) has introduced [SB 685](#) which extends an existing allowance for the employment of minors aged 16 and 17 in packing facilities in Lake County for up to 10 hours per day and 48 to 60 hours per work week when school is not in session. This also requires prior approval of the Lake County Office of Education until January 2, 2032. SB 685 will be heard at the Senate Labor, Public Employment and Retirement Committee on March 22, 2021. Farm Bureau supports *Staff Contact: Bryan Little; 916-561-5622 or blittle@cfbf.com*

Animal Health

California Farm Bureau will be supporting [SB 703](#), a bill introduced by Senator Melissa Hurtado (D – Sanger) that would grant the California Department of Food and Agriculture (CDFA) new authority to establish certification standards for labs that provide services related to CDFA's List of Reportable Conditions for Animals and Animal Products of poultry or livestock. This bill aims to standardize testing and facilities throughout the state to eliminate disparities that can cause incorrect test results. CAFB agrees with the author that inconclusive or false test results can have a severe negative impact to the state's agriculture community including state response, recall, and trade sanctions from other states and countries. The bill will be heard in the Senate Agriculture Committee on March 18, 2021. *Staff Contact: Katie Little, klittle@cfbf.com or (916) 446-4647.*

Climate Change

SB 27 (Nancy Skinner, D-East Bay) would require the Natural Resources Agency, by July 1, 2022 to set goals for carbon sequestration for natural and working lands. The California Air Resources Board, through the 2022 Scoping Plan process would also be required to establish carbon dioxide removal goals for 2030 and beyond. It is likely the goals established under the Natural Resources Agency will be specific to natural and working lands projects, for which agricultural projects would be included, whereas the Air Resources Board goals would be broader to include larger scale projects, such as direct air capture. The bill would also require the Office of Planning and Research to develop a registry to host a list of unfunded projects who applied for the Greenhouse Gas Reduction Fund. This registry is intended to encourage and direct private investors in such projects. Farm Bureau has submitted a letter of concern about the former portion of the bill, specifically that it would require the Natural Resources Agency to develop goals in an expedited unreasonable timeline that may not be practicable and that this goal setting prior to strategizing with stakeholder engagement is conflictual with the Natural and Working Lands Climate Smart Strategy mandated by the Governor's recent Executive Order. This bill will be heard by the Senate Environmental Quality Committee on March 15th and Farm Bureau staff will testify. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

Commodities

Farm Bureau is supportive of a bill, AB 391 (Carlos Villapudua, D-Stockton), a bill which would provide \$5 million from the General Fund to the Department of Food and Agriculture for pollinator health. This funding would be distributed in the form of technical assistance, outreach and grants to encourage and facilitate participation in state and federal conservation programs intended to improve pollinator habitat and forage. This bill has been assigned to the Assembly Agriculture Committee but has yet to be scheduled for a hearing date. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

The U.S. Department of Food and Agriculture has released a final rule for domestic hemp production found here. Several changes, offered as public comments from the California Farm Bureau and Western States Farm Bureau coalition, have been incorporated. This includes amending the required sampling period from 15 days to 30 days before harvest, prohibiting the requirement that only Drug Enforcement Agency laboratories serve as testing facilities until January 1, 2023, providing an opportunity for remediation for hemp that tests above 0.3% THC and increasing the negligence enforcement standard from 0.5 to 1% THC. The final rule is active as of March 22, 2021. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

The Senate Health Committee heard SB 235 (Ben Allen, D-Santa Monica) this week, a bill which would establish authority for the California Department of Public Health to regulate the processing, manufacturing and sale of hemp and hemp products. This bill would declare that food, beverages, cosmetics and supplements as unadulterated should they include hemp or hemp extracts. This bill, and its companion measure, AB 45 (Cecilia Aguiar-Curry, D-Winters) does contain issues related to contaminants, testing procedures and the prohibition on certain hemp products. Farm Bureau testified with an oppose unless amended position and the author has committed to working with Farm Bureau to rectify our concerns. The bill passed Senate Health Committee and has been referred to Senate Agriculture Committee. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

Education

The Assembly Budget Subcommittee on Education met on Tuesday, March 9th to discuss funding proposals for the University of California system for the coming fiscal year. Friday Review readers may remember that in 2020, the University of California Agriculture and Natural Resources (UCANR), which also funds the U.C. Cooperative Extension Service and 4-H Youth Development Program, took a 12.7% budget loss (from \$72.6

million to \$63.4 million). Because of this, Farm Bureau led an advocacy effort to encourage the Administration and the Legislature to fully fund UCANR. Ultimately, due to COVID 19, that funding did not materialize and UCANR now has a budget shortfall of approximately, \$13.1 million. The Governor's January budget proposed to only offer an additional \$1.9 million ongoing and one-time funding of \$2 million for fire abatement work. Fortunately, the Budget Subcommittees and the Administration announced they are working to negotiate an early action funding (to be happening before July 1st) to increase the base level for UCANR back to its original \$72.6 million budget. Farm Bureau testified in the Assembly Budget Subcommittee in support. *Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.*

Equity

The Assembly Agriculture Committee will be hosting an informational hearing on Wednesday, March 17th at 9:30 am to discuss implementation of the California Farmer Equity Act. Panelists have yet to be announced; however, Farm Bureau will be an observer. To view the informational hearing, please visit the Committee website [here](#). Staff Contact: Taylor Roschen, troschen@cbbf.com or 916-446-4647.

Livestock and Grazing

AB 434, introduced by Assemblymember Robert Rivas (D – Hollister) earlier this year, is a bill that would make grazing on state lands more accessible in order to prevent the spread of wildfire. The bill would allow long-term grazing leases (between five and twenty years in duration) on state, county, and municipal lands in order to provide ranchers enough time to develop infrastructure such as perimeter fencing and water developments at no cost to the state. As readers may remember, this bill is sponsored by the California Cattlemen's Association and it will be heard in the Assembly Agriculture Committee on April 8, 2021. Farm Bureau is supporting the current bill language and will continue to monitor the measure. *Staff Contact: Katie Little, klittle@cbbf.com or (916) 446-4647.*

Pest Management

The Department of Pesticide Regulation (DPR) will be hosting a workshop on increasing product registration fees on Wednesday, March 17th from 10 am to 12 pm. Currently DPR charges a \$1,150 fee for each application to register a new pesticide product, \$1,150 to annually renew existing products and \$25 for each label amendment. In addition to using the registration fee increases to support existing Departmental functions, DPR proposes to use the additional \$4.8 million to relaunch the development of an online registration system—California Pesticide Electronic Submission Tracking (CalPEST) system. DPR is considering four options as noted below:

	Current Fees	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Application Fee	\$1,150	\$1,500	\$1,150	\$2,700	\$4,750
Renewal Fee	\$1,150	\$1,500	\$1,525	\$1,400	\$1,200
All Amendments	\$25	\$25	\$25	\$25	\$25
Revenues Generated	\$15,839,149	\$20,636,812	\$20,548,887	\$20,644,112	\$20,601,312

Farm Bureau will participate in the workshop. The webinar may be accessed online at [here](#); during and after the webinar, questions and comments may be sent to regfees@cdpr.ca.gov. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Farm Bureau has joined a coalition of agricultural interests to oppose [AB 567](#) (Rebecca Bauer-Kahan, D-San Ramon), a bill that would prohibit the use of noenicitinoid pesticides as seed treatments in California. This legislation disregards California's robust pesticide regulation system, the dramatic improvements in pollinator health enacted by the agricultural industry and the scientific process to determine pesticide safety, including honeybee feeding studies. This bill has been assigned to the Assembly Environmental Safety and Toxic Materials Committee but has yet to be set for a hearing date. *Staff Contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

The California Department of Pesticide Regulation and California Department of Food and Agriculture announced a new work group to accelerate the systemwide adoption of sustainable pest control practices. This 25-member Sustainable Pest Management Work Group are charged to identify pathways to minimize the use of pesticides and expand the use of integrated pest management practices. This group will build upon the [2020 report](#) developed by the Alternatives to Chlorpyrifos Work Group. The members of the Sustainable Pest Management Work Group include:

- Jenny Broome, Driscoll's
- Don Cameron, Terranova Ranch
- Casey Creamer, California Citrus Mutual
- Jim Farrar, UC Integrated Pest Management
- Chris Geiger, City of San Francisco
- Kim Harley, UC Berkeley
- Lisa Herbert, Sutter County Agricultural Commissioner
- Nina Ichikawa, Berkeley Food Institute
- Dan Kaiser, Environmental Defense Fund
- Susan Kegley, Pesticide Research Inc.
- Margaret Lloyd, UC Extension, small farm advisor
- Suguet Lopez, Líderes Campesinas
- Gabriele Ludwig, Almond Board of Calif.
- Pam Marrone, Chestnut Bio Advisors
- Nayamin Martinez, Central California Environmental Justice Network
- John McKeon, Taylor Farms
- Cliff Ohmart, Pest Control Advisor
- Scott Park, Park Farms
- Margaret Reeves, Pesticide Action Network
- Taylor Roschen, California Farm Bureau
- Sarah Ryan, Big Valley Band of Pomo Indians
- Daniel Sonke, Campbell Soup Company
- Paul Walgenbach, Bayer
- Ron Whitehurst, Pest Control Advisor
- Houston Wilson, UC Organic Agriculture Institute

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Utility

Senator Josh Becker (D-San Mateo) introduced [SB 345](#), which would require that the California Public Utility Commission (CPUC) develop a common definition of “nonenergy benefits” in all distributed energy resource programs. This, in many circumstances, could be contrary to the core purpose of the CPUC to determine appropriate rates and ensure reliable utility services. CAFB joined with a coalition to oppose the legislation because the CPUC's core expertise is in setting appropriate rates and ensuring oversight over the state's regulated utilities to ensure appropriate and cost-effective utility service. Its functions are fundamentally economic ones; ensuring that California's ratepayers are not paying more than they need to for reliable services. Prioritization of nonenergy benefits over other cost-effectiveness factors may result in increased costs that burden those very customers sought to be benefited by this bill. Incorporating environmental benefits into all of

the CPUC's demand response programs could cause unforeseen difficulties, including unnecessary increases in rates with marginal environmental benefit. A hearing on the bill will be held on March 15 in Senate Energy, Utilities and Communications. *Staff Contact: Karen Mills at kmiills@cbbf.com.*

Water

A measure that would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050 was amended this week. As previously reported, [AB 377](#) (Robert Rivas, D-Hollister) would prohibit the State Water Resources Control Board and regional water quality control boards from authorizing an National Pollution Discharge Elimination System (NPDES) discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard. Furthermore, the measure would prohibit water boards from authorizing a best management practice permit term authorizing a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. AB 377 provisions are impractical, infeasible, and impossible to achieve. The amendments do not fix this so the Farm Bureau and a large coalition of agricultural, business and municipal organizations have met with the author's staff and the Assembly Environmental Toxic Materials Committee members and consultants to inform them of our strong opposition in detail to the measure. AB 377 has not been scheduled for a hearing date, but the only two available hearing dates are April 7th and 21st. *Staff Contact: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.*

As reported last week, the State Water Resources Control Board will hold the General Waste Discharge Requirements for Winery Process Water Fee Stakeholder Meeting Monday, March 15th at 1:00 p.m. CORRECTION, I mistakenly wrote "Tuesday" last week, but the meeting is this Monday.

- The meeting webcast link is: <https://video.calepa.ca.gov/>
- Questions about fees may be submitted prior to and during the meeting to: FeeBranch@waterboards.ca.gov
- Questions about the Winery General Order should be submitted to: DWQ-inery@waterboards.ca.gov
- More information about the Winery General Order can be viewed at: https://www.waterboards.ca.gov/water_issues/programs/waste_discharge_requirements/winery_order.html

Additionally, Water Board staff will hold three public (virtual) informational workshops in April about the adopted General Waste Discharge Requirements for Winery Process Water. The topics will include enrollment eligibility, compliance timelines, and an overview of the order requirements. I will resend this information as a reminder as the workshop dates approach.

- Workshop #1 - Thursday, April 8th, 5:30-7:00 PM
 - Web access via Zoom: <https://waterboards.zoom.us/j/98034832268?pwd=aHRrTjRCRW8yVHhKanh0SW52NWdoZz09>
 - Call into Zoom: +1 669 900 9128 US (San Jose/West Coast), Meeting ID: 980 3483 2268, Passcode: 085061
- Workshop #2 - Wednesday, April 21st, 12:00-1:30 PM
 - Web access via Zoom: <https://waterboards.zoom.us/j/91764988616?pwd=Zm0xN2p3NW5jcGJMzZOTU9sK205Zz09>
 - Call into Zoom: +1 669 900 9128 US (San Jose/West Coast), Meeting ID: 917 6498 8616, Passcode: 125048

- Workshop #3 - Friday, April 23rd, 12:00-1:30 PM
 - Web access via Zoom:
<https://waterboards.zoom.us/j/94801766533?pwd=bG9mYkpJNXdzSE9pL1ZyRTFMSGxpUT09>
 - Call into Zoom: +1 669 900 9128 US (San Jose/West Coast), Meeting ID: 948 0176 6533, Passcode: 782596

Only one workshop is necessary to attend. No registration is required. Farm Bureau will participate in the Fee Stakeholder meeting and the workshops on the General Order. *Staff Contact: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.*

The Department of Water Resources (DWR) released the draft award recommendation for the Sustainable Groundwater Management (SGM) Grant Program's Proposition 68 Implementation – Round 1 grant solicitation. The recommended awards provide \$26 million in Proposition 68 grant funding to 6 Awardees. DWR received 15 applications requesting a total of approximately \$70 million in grant funds and approximately \$36.5 million in Local Cost Share. Of the \$26 million available, \$5 million will be used towards projects that will solely benefit underrepresented communities. The six recommended awards are comprised of 16 individual construction projects within critically overdrafted basins that will construct 7 new and expand 3 existing recharge basins covering over 130 acres, several serving communities with limited access to safe, affordable drinking water. An additional 3 projects will cover over 45,000 acres of agricultural land in an innovated approach referred to as Flood Managed Aquifer Recharge (Flood-MAR). All of these projects will improve groundwater conditions, increase water supply reliability, increase drought resiliency, reduce flood risk, improve groundwater quality, and reduce surface subsidence. These funding recommendations are subject to public review for a minimum of 15 calendar days ending on March 22nd. **Public comments on the draft funding awards must be submitted to sgwp@water.ca.gov no later than Tuesday, March 22nd by 5 PM.** For more information on the Grant Program, visit the SGM Grant Program [website](#). *Staff Contact: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.*

The California Water Commission will next meet on March 17th, St. Patrick's Day. The meeting will be webcast live at: <https://www.water-ca.com/> The agenda includes, but is not limited to the following items of interest:

- 2020 Annual Review of the State Water Project (**Action Item**),
- State Water Project Briefings: Aging Infrastructure and Climate Change,
- State Water Project Flexible Resources Study,
- Sustainable Groundwater Management Act Implementation Update.

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On February 4, 2021, the State Water Resources Control Board, Division of Water Rights released a [staff report on climate change](#), with recommendations to make water availability analysis for permitting new water rights more robust. The public comment period has been extended until the end of day on March 31st. Comments and questions can be submitted to Jelena Hartman at jelena.hartman@waterboards.ca.gov. Division staff will host a live webinar on Thursday, March 18th from 11:00 a.m. to 1:00 p.m. The webinar will provide a detailed overview of the staff report and provide an opportunity to ask questions and comment. Participants may also provide input on the recommendations; data sources and approaches not captured in the report. To register please visit [here](#). The webinar will be recorded for those who cannot attend or if the webinar surpasses Zoom meeting capacity. Additional, information is available at: [Water Rights and Climate Change webpage](#). *Staff Contact: Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.*

The Central Valley Regional Water Quality Control Board is developing a Strategic Plan to guide its actions for the next 5-7 years. The Regional Board will conduct a three-hour virtual workshop on Friday, March 19th from 9:00 to noon to further explore some of the priorities that the Board has been discussing. The California

Farm Bureau will participate. For additional details please visit the Regional Board's [website](#). *Staff Contact:* Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.

The Department of Water Resources (DWR) this week released the draft *California's Groundwater – Update 2020*, known as Bulletin 118. The update contains information on the condition of the state's groundwater, and provides a comprehensive look at statewide groundwater activities, compiling technical information and data from 2003 to 2020. This bulletin recognizes the passage of the [Sustainable Groundwater Management Act \(SGMA\)](#) in 2014 and builds a statewide framework to share new information and progress made by locals who are managing groundwater basins across the state. It also highlights emerging topics such as water markets and the impacts of climate change on groundwater and summarizes groundwater information for each of the state's 10 hydrologic regions. The publication contains a Highlights overview section with [Regional Summaries](#) and a detailed [Statewide Report](#), which features current knowledge of groundwater resources including information on the location, characteristics, use, management status and conditions of the state's groundwater. The publication also presents findings and recommendations that support the future management and protection of groundwater. This information can help communities and local water managers work together to find unique ways to manage their groundwater basins for long-term reliability and support actions being implemented as part of Governor Gavin Newsom's [2020 California Water Resilience Portfolio](#). DWR will present an overview of the bulletin update at a public webinar meeting on March 30 at noon. A 45-day public comment period is now open on the draft report. Public comments can be emailed to CalGW@water.ca.gov and will be accepted through April 26th. Farm Bureau will review the bulletin and provide detailed comments. The final version of *California's Groundwater* is expected to be released this summer. Additional information is available at [California's Groundwater webpage](#). *Staff Contact:* Danny Merkley, dmerkley@cbbf.com or (916) 446-4647.