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.

June 21, 2024

Agriculture Employment Policy

The Governor's office this week announced the results of talks among representatives of business, labor and legislative leadership aimed at reaching a compromise to reform the Private Attorneys' General Act (PAGA) to address concerns about abusive litigation aimed at employers that seldom results in full renumeration to employees who have suffered some problem or loss. While legislative language is not yet available at this writing, according to the Governor's office, features of the deal include:

- Requiring that an employee bringing a PAGA suit to have been personally affected by the employer's alleged violations.
- Expanding the number of Labor Code sections where employers can "cure" violations, reducing the need for litigation and making employees "whole" more quickly.
- Streamlining PAGA litigation by codifying a trial court's ability to limit the scope of claims presented at trial to facilitate manageability of those claims.
- Encouraging compliance with labor laws by capping penalties on employers who quickly take steps to fix policies and practices and make injured employees whole.
- Creating new, higher penalties for employers who act maliciously, fraudulently, or oppressively in violating labor laws.
- Ensuring that more of the penalties go to employees by increasing their allocation from 25% to 35%.

It seems likely that Labor came to the table to negotiate to forestall passage on the November ballot of an PAGA reform initiative. Two separate bills AB 2288 , Assemblymember Ash Kalra (D San Jose) and SB 92 , Senator Thomas Umberg (D Santa Ana) will carry the reform package through the Legislature for the Governor's signature. This must be completed before June 27, the last date on which the PAGA reform ballot initiative can be withdrawn from the ballot by its proponents. Farm Bureau anticipates supporting the legislative package, barring any unanticipated problems. *Staff: Bryan Little, blittle@cfbf.com*

Legislation of interest to California ag employers continued to move through 2nd house policy committees this week:

AB 2499 Assemblymember Pilar Schiavo (D Chatsworth), was approved by the Senate Judiciary Committee on June 16 by a 9-0 vote. It was then referred to the Senate Committee on Labor, Public Employment & Retirement. Amendments in May removed 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. However, 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*

SB-399 Senator Aisha Wahab (D Silicon Valley) prohibits employers from conducting employee meetings in the context of a unionization campaign to explain the employer's opposition to unionization. Wahab recently removed her bill from the inactive file, and it was heard by the Assembly Appropriations Committee and placed on the inactive file. Farm Bureau opposes SB 399 because it is a clear-cut violation of an employer's First Amendment right to free speech and will curb employer's right to fully inform employees about unionization activities. *Staff: Bryan Little; blittle@cfbf.com*

On June 20, the Cal/OSHA Standards Board led by its new Chair, Joseph Alioto, passed long-delayed Indoor Heat Illness Prevention Standard on a 5-0 vote (business member Kate Crawford abstained). Cal/OSHA representatives at the meeting indicated they intend to request an expedited review of the regulation by the Office of Administrative Law, aiming for an August 1 effective date. This version of the Standard exempts state and local corrections activities, which the agency undertook in an expedited "corrections" procedure provided for in the Administrative Procedures Act in response to budgetary concerns brought to the agency by the Department of Corrections and Rehabilitation. Farm Bureau remains concerned about the feasibility and clarity of a number of provisions of the regulations as they may apply to facilities that had not been previously understood as "indoor" but may now be (like some packing sheds) and monitoring of temperatures and compliance with temperature limits in vehicles like trucks and tractors. *Staff: Bryan Little; blittle@cfbf.com*

Air Quality

CARB EJAC held a meeting on June 14 where they discussed direct regulation of livestock methane. They invited Climate Action California to present on why they believe CARB is improperly calculating methane reductions. CAC directly contradicted CARB without data to back up their claims including but not limited to saying we are not on track to meet our emission reduction goals, when in fact we are on track to meet our emissions goals. CAC is urging dairies to be forced to submit information to the state of California. EJAC continued to repeat the false claims that incentives increase herd size. CAC is urging EJAC and CARB Board Members to ask CARB staff to start moving along further investigation. *Staff: Steven Fenaroli, sfenaroli@cfbf.com*

Farm Program

FARMER Program Guidelines direct funding to local air districts to administer agricultural vehicle and equipment incentive projects. Ahead of the workshops, CARB will post the discussion document online. As a current draft outlines, the majority of proposed changed have to do with administering the programs by the regional air districts and eligible projects appear to be mostly similar to current programs. *Staff: Steven Fenaroli, sfenaroli@cfbf.com*

Forestry and Wildfire

SB 1101 authored by Senator Monique Limon (D Santa Barbara), passed from the Assembly Committee on Natural Resources on the consent calendar. Farm Bureau supports the bill, which provides expedited state contracting for prescribed burns and pre-burn activities related to preparing lands for prescribed burns. *Staff: Peter Ansel; pansel@cfbf.com*

SB 1159 authored by Senator Bill Dodd (D Napa), passed from the Assembly Committee on Natural Resources. Farm Bureau supports the bill, which would require the Governor's Office of Planning and Research to evaluate the inclusion of a CEQA exemption for roadside projects no more than 5

road miles from a municipality or census-designated place that are undertaken solely for the purpose of wildfire risk reduction. *Staff: Peter Ansel; pansel@cfbf.com*

Packaging

SB 1231 Senator Ben Allen (D Santa Monica), is supported by California Farm Bureau. It resolves an unanticipated internal conflict with the implementation of SB 343 (2021) and SB 54 (2022) by expressly authorizing a petition process to allow producers to continue to make recyclability claims, including displaying the chasing arrows symbol, on packaging that is compliant with SB 54. SB 1231 is necessary to blend existing state requirements. It is supported by a large coalition of agriculture and manufacturing entities. *Staff: Steven Fenaroli, sfenaroli@cfbf.com*

Pesticides

Senate Environmental Quality Committee recently met on June 19th to hear four bills that deal with the DPR mill tax AB 2113 by Assemblymember Eduardo Garcia (D Coachella), cancelling the use of Paraquat. AB 1963 by Assemblymember Laura Friedman (D Glendale), pesticide use around schools AB 1864 by Assemblymember Damon Connolly (D San Rafael) and the removing the use of first generation anti-coagulant rodenticides AB 2252 by Assemblymember Laura Friedman (D Glendale). All four bills got out of the committee and will next be heard in the Senate Agriculture Committee except for AB 2252 which will go to Senate Natural Resources Committee. AB 2113 is part of greater discussions with Governor's office and legislative leadership which we continue to be engaged in. We also look forward to discussions with the Senate Agriculture Committee on how these other bills can be amended or held in committee. *Staff: Chris Reardon, creardon@cfbf.com*

Poultry

California Department of Food and Agriculture is urging poultry producers across California to discourage interaction with wild birds and consider housing poultry indoors. They are also asking California Organic Certifiers to allow poultry producers to move their poultry inside rather than outside where the risk of exposure to wild birds is increased.

Poultry Housing Request

Organic Poultry Exemption Request

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Taxation

On June 20, the California Supreme Court ruled that Taxpayer Protection Act (TPA) could not appear on the ballot. The court said that the measure was a revision of the constitution and thus unconstitutional. The California Farm Bureau Board endorsed this measure in 2023, and with County Farm Bureaus, had been getting the word out about the significance of the measure and importance to members. Farm Bureau members rallied behind the measure and the support was resounding.

It's clear that this initiative was a monumental concern for the those in power – hence them suing to keep it off the ballot. And we already know that more local taxes are coming. And there are already threats of another split roll tax measure coming in 2026. ACA 13 and ACA 1 , two measures that would change voting thresholds for bonds, and other initiatives, are still on the ballot in November which should be cause for major concern.

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Statement on California Supreme Court Ruling on Taxpayer Protection Act

SACRAMENTO, CA—The Taxpayer Protection and Government Accountability Act (TPA) campaign issued the following statement from Rob Lapsley, president of the California Business Roundtable, Jon Coupal, president of the Howard Jarvis Taxpayers Association and Matthew Hargrove, president, and CEO of the California Business Properties Association:

"Today's ruling is the greatest threat to democracy California has faced in recent memory. Governor Newsom has effectively erased the voice of 1.43 million voters who signed the petition to qualify the Taxpayer Protection Act for the November ballot. Most importantly, the governor has cynically terminated Californians' rights to engage in direct democracy despite his many claims that he is a defender of individual rights and democracy. Evidently, the governor wants to protect democracy and individual rights in other states, but not for all Californians.

We are disappointed that the California Supreme Court has put politics ahead of the Constitution, disregarding long-standing precedent that they should not intervene in an election before voters decide qualified initiatives.

Direct democracy and our initiative process are now at risk with this decision, showing California is firmly a one-party state where the governor and Legislature can politically influence courts to block ballot measures that threaten their ability to increase spending and raise taxes. Using the courts to block voters' voices is the latest effort from the Democrats' supermajority to remove any accountability measures that interfere with their agenda – a failed agenda that continues to drive up the cost of living with little accountability and few results.

This ruling sends a damning message to businesses in California and across the country that it is politically perilous to invest and grow jobs for the future.

In light of this ruling and the state's large budget deficit, a huge amount of tax increases is on the way that are sure to make California's cost of living even higher. We will continue to explore our legal options and fight for the people's right to hold their government accountable through direct democracy."

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About Californians for Taxpayer Protection and Government Accountability
Californians for Taxpayer Protection and Government Accountability is a bipartisan coalition of homeowners, taxpayers, and businesses committed to ensuring California remains affordable for families and accountable to its voters. For more information, visit www.taxpayerprotection.com.

Transportation

AB 2900 was heard in Senate Environmental Quality committee where it passed unanimously with Farm Bureau's support. AB 2900 by Assemblymember Esmeralda Soria (D Fresno) would require CARB to provide a dedicated technical assistance program to owners of small fleets to support the transition to cleaner emission-compliant trucks, either through the establishment of the Small Agricultural Truck Fleet Assistance Program or by using an existing program. It will be heard next in Senate Transportation Committee. *Staff: Steven Fenaroli, sfenaroli@cfbf.com*

Vehicle Miles Traveled (VMT) Tax

California is starting to consider a vehicle mile traveled (VMT) tax to replace the gas tax. The state has begun to give drivers $400-$800 to enter their pilot program where they are charged by the mile for each mile they drive. California is looking at a potential $5 billion decline from gas tax due to the adoption of electric vehicles which do not pay a gas tax. *Staff: Steven Fenaroli, sfenaroli@cfbf.com*

ANNOUNCEMENTS

REPORT: 97% OF FRUITS AND VEGETABLES TESTED IN CALIFORNIA ARE FREE OF ILLEGAL PESTICIDE RESIDUES
SACRAMENTO – Newly released California Department of Pesticide Regulation (DPR) data show that 97% of fresh fruit and vegetable samples collected and tested contain no illegal pesticide residue.

The department's 2022 California Pesticide Residue Monitoring Annual Report includes information on 3,281 produce samples collected from more than 500 businesses throughout California.
Key findings from the report include:

- 97% of fresh produce tested had no detectable pesticide residues or had residues below health-protective thresholds set by the federal government.
- 37% of all samples collected had no detectable pesticide residues, while another 60% had residues below federal benchmarks. Just 3% of all samples had illegal residue levels.
- Only 1% of domestically grown produce sampled and tested contained illegal residues.
- No illegal residues were found on 78 types of produce tested, including highly consumed products like avocados and apples.
- Of the illegal residues found, 82% were on imported produce.

VIDEO: Learn more about DPR's food safety and residue monitoring program. Transcript, PDF

DPR samples produce from wholesale and retail outlets, distribution centers, roadside and farmers markets. Samples include imported and domestically grown produce that have been both organic and conventionally farmed. When illegal detections are found, the department traces the produce back to the store, distributor, and farmer. Produce with illegal detection is quarantined and may be destroyed to prevent further distribution of tainted products.

Samples are analyzed by scientists at California Department of Food and Agriculture laboratories and tested for 500 types of pesticides and related compounds. The testing occurs on unwashed, unpeeled produce. Residue quantities above limits set by the U.S. Environmental Protection Agency are illegal to sell. These limits are called "tolerances" and are set for specific pesticides found on specific crops.

In gathering produce samples, special emphasis is given to the types of produce commonly consumed by children. The department also prioritizes produce varieties with a history of illegal pesticide residues, produce originating from countries with past illegal-residue detections, and products often treated with pesticides listed under Proposition 65 as carcinogens or reproductive toxins. See our website for more information on DPR's food residue monitoring program, and to view past reports.