

# FRIDAY REVIEW

## LEGISLATIVE AND GOVERNMENTAL AFFAIRS

April 8, 2022

### Agricultural Employment

**Legislative committees are beginning to move bills of interest to California agricultural employers:**

- [AB 1751](#), by Assembly Insurance Committee Chair Tom Daly (D-Anaheim) extends the rebuttable presumption of work-relatedness of instances of COVID-19 for workers compensation purposes originally created by [SB 1159](#) (2020) until January 1, 2025. Farm Bureau and other organizations concerned about the possible impact of COVID-19 claims on employers' workers compensation costs oppose AB 1751 unless it is amended to shorten this extension to January 1, 2024. AB 1751 was approved by Assembly Insurance on a 10-1 vote on March 30 and re-referred to the Assembly Appropriations Committee.

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**Legislation to require employers to mandate vaccination for all employees with no testing option to avoid vaccination ([AB 1993](#), Wicks, D-Oakland) was scheduled hearing on March 30 and withdrawn at Wicks' request.** Wicks' office released the following statement after withdrawing AB 1993 from consideration: "We are now in a new and welcome chapter in this pandemic, with the virus receding for the moment. This provides for us the opportunity to work more collaboratively with labor and employers to address concerns raised by the bill. That is why we have decided to put AB 1993 on pause, and allow space for these conversations to continue and progress." *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com) or (800) 753-9073*

**The Assembly Labor & Employment Committee approved four Farm Bureau-opposed bills on March 30:**

- [AB 2095](#) by Labor & Employment Committee Chair Ash Kalra (D-San Jose) is a retread of failed legislation Farm Bureau has previously opposed that requires reporting of compensation data correlated with various demographic factors like sex and race for the employer's entire U.S. workforce to the Department of Industrial Relations for certification by the state as "high-road employers." Such certifications and the data to support them will be public information, exposing employers to litigation by employment trial lawyers since the data will not include factors that might lead to differences in compensation like experience and location. The Labor & Employment Committee passed AB 2095 4-2 and re-referred it to the Assembly Appropriations Committee.

- [AB 2182](#) (Wicks) expands the anti-discrimination and reasonable accommodation protections of the Fair Employment and Housing Act (FEHA) to cover those with a new and very broadly defined category, people with “family responsibilities.” Farm Bureau and other employer representatives oppose AB 2182 over concerns about new discrimination litigation. Assembly Labor & Employment approved AB 2182 4-2 and referred it to the Assembly Judiciary Committee.
- [AB 2243](#) (Garcia, D-El Centro) requires Cal/OSHA to submit proposed revisions to the Heat Illness Prevention Standard and the Wildfire Smoke Standard that would create new “ultra-high heat” procedures; require mandatory use of respirators when the Air Quality Index exceeds 200 but removes any requirement that poor air quality be associated with a wildfire; requires the agency to submit regulatory proposals to provide “additional protections for piece-rate workers;” and requires the agency to submit proposed revisions to the Heat Illness and Wildfire Smoke standards that are already well-defined, readily understood by agricultural employers and employees and Cal/OSHA. Farm Bureau opposes on the grounds that such changes to the Heat Illness and Wildfire Smoke regulations are best handled through the petition rulemaking process already provided for in the Labor Code and administered by the Cal/OSHA Standards Board; no such proposals have been submitted through that process. Labor & Employment approved AB 2243 4-2 and re-referred it to the Assembly Appropriations Committee.
- [AB 2693](#) (Reyes, D-Colton) extends the requirement to report COVID-19 outbreaks until January 2025. Farm Bureau opposes on grounds that such reporting is no longer necessary; AB 2693 passed Labor & Employment 4-2 and was re-referred to Assembly Appropriations. Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com) or (800) 753-9073

**On April 4, the Senate Labor, Public Employment and Retirement Committee approved Farm Bureau-opposed [SB 1162](#) (Limon, D-Santa Barbara) 4-1 and re-referred it to Senate Judiciary Committee.** SB 1162 requires collection and dissemination of overly-broad and vague compensation information and requires employers to furnish “pay scales” to potential job candidates reducing employers’ flexibility in setting compensation. Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com) or (800) 753-9073

**On April 5, Cal/OSHA released draft language likely to be adopted by the Cal/OSHA Standards Board at its April 21 meeting to readopt the COVID-19 Emergency Temporary Standard (ETS)** originally adopted in November 2020, readopted in June 2021, and readopted for the second time permitted by the Administrative Procedures Act in December 2021. The Governor’s February 28, 2022, executive order extended the life of the second readoption, allowed the Standards Board to readopt the ETS for a third time, and extends its life to December 31, 2022. The draft 3<sup>rd</sup> readoption eliminates requirements for surface disinfection and cleansing, deletes references to “fully vaccinated” to distinguish among employees; requires employers to furnish N95 respirators on demand to employees regardless of vaccination status, and ties quarantine and workplace exclusion requirements to guidance issued by the California Department of Public Health. Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com) or (800) 753-9073

## Forestry and Wildfire

**The Wildfire and Forest Resilience Task Force issued a [Strategic Plan for Expanding the Use of Beneficial Fire](#) to expand the use of prescribed fire and cultural burning to build forest**

**and community resilience statewide** – efforts critical to forest management and wildfire mitigation. By expanding the use of beneficial fire, the state can utilize smart burning tactics on brush and other fuels to help both prevent the start of fires and mitigate the spread of wildfires.

Based on a collaborative effort of the state’s leading fire experts and managers, the Strategic Plan sets a target of expanding beneficial fire to 400,000 acres annually by 2025, a shared goal between state, federal, tribal, and local entities – part of an overall goal to treat 1 million acres annually in California by 2025. The state invested \$1.5 billion in wildfire resilience in 2021 alone, including significant support for prescribed fire and cultural burning. Some notable comments: “We know that returning good fire to the ground is one of our best tools in the fight against catastrophic wildfire and climate change,” said Task Force Co-Chair and California Secretary for Natural Resources Wade Crowfoot. “This Strategic Plan includes the key steps we need to take over the next few years to build capacity, return to a culture of beneficial fire, and invest in our future.” And from the federal government: “This plan is vital to improve the health and resilience of the state’s forests, reduce wildfire risk of vulnerable communities, and increase stewardship by Native American fire practitioners,” added Task Force Co-Chair and U.S. Forest Service Regional Forester Jennifer Eberlien. The key elements of the Strategic Plan include:

- Launching an online prescribed fire permitting system to streamline the review and approval of prescribed fire projects;
- Establishing the state’s new Prescribed Fire Claims Fund to reduce liability for private burners;
- Beginning a statewide program to enable tribes and cultural fire practitioners to revitalize cultural burning practices;
- A prescribed fire training center to grow, train, and diversify the state’s prescribed fire workforce;
- An interagency beneficial fire tracking system;
- Pilot projects to undertake larger landscape-scale burns; and
- A comprehensive review of the state’s smoke management programs to facilitate prescribed fire while protecting public health.

The Action Plan will be funded by a proposed \$1.2 billion additional investment in forest health for fiscal years 2022-23 and 2023-24. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com); 916-446-4647*

**Related legislation supported by California Farm Bureau includes Senator Dodd’s [SB 926](#),** which passed from the Senate Government Organization Committee with bipartisan support on April 6, 2022. The bill moves to Senate Appropriations with a recommendation it be placed on the Consent Calendar, meaning the bill likely will not face any opposition or members voting against the bill and it should move onto the Assembly. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com); 916-446-4647*

## Gas Tax Relief

**The drama continues around Assembly member Kiley’s [AB 1638](#).** Last week, the bill was amended during the Assembly Transportation Committee hearing in a real time maneuver by Assembly Democrats rarely seen. AB 1638 was effectively gutted and replaced with an approach to provide gas tax relief to consumers through a fund directly paid into by gas suppliers. The bill

passed from Assembly Transportation on a 9-4 partisan line vote, with Republicans opposing a Republican bill and Democrats supporting. Now on the Assembly floor, for two consecutive days leading into the legislation spring recess, Assembly member James Gallagher, the lower house's Republican minority leader, has withdrawn unanimous co (permission) of all those Members present, absent any objection, debate, or vote on the adoption of the committee amendments for two consecutive days. Clearly, the legislative and political maneuvering around the cost of gasoline and California's gas tax is far from resolved. *Staff: Peter Ansel; [pansel@cbbf.com](mailto:pansel@cbbf.com); 916-446-4647*

## Land Use

**A bill by Assemblymember Jim Patterson, [AB 1773](#), passed the Assembly Agriculture Committee and will now be heard in the Assembly Local Government Committee following recess.** This bill would appropriate \$40 million for subvention funding for counties with lands enrolled in the Williamson Act. The bill was co-authored by Democrats and Republicans and passed out of committee unanimously. *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com) or 916-446-4647.*

## Marketing

**The California Department of Food and Agriculture has announced a vacancy on the Shell Egg Advisory Committee, which is responsible for making recommendations to the Secretary on quality standards for shell eggs, uniformity of inspection, adjustment of fees for administration and enforcement, and the annual budget.** The vacancy is for one alternate industry member for a term to expire March 16, 2025. Individuals interested should send a brief resume by April 18, 2022 to: Ms. Penny Arana / Meat, Poultry and Egg Safety Branch 1220 N Street / Sacramento, California 95814 [penny.arana@cdfa.ca.gov](mailto:penny.arana@cdfa.ca.gov). *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com) or 916-446-4647.*

**A Farm Bureau supported bill, [AB 2153](#) (Joaquin Arambula, D-Fresno), passed the Assembly Human Services today.** This bill would expand the existing EBT Fruit and Vegetable Pilot Program to allow CalFresh recipients to receive additional funds for purchasing California-grown fruit and vegetables at certified farmers' markets and retail locations. The bill will now be heard in the Assembly Agriculture Committee. *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com) or 916-446-4647.*

**[AB 2500](#) (Joaquin Arambula, D-Fresno) would establish a Farm to Hospital Grant Program at the Department of Food and Agriculture.** This program would provide funds to state and non-profit hospitals to purchase California-grown agricultural products and fund infrastructure improvements in hospital kitchens to prepare more agricultural product. The bill passed the Assembly Agriculture Committee, and the bill will now be heard in the Assembly Health Committee. Farm Bureau supports this bill. *Staff: Taylor Roschen, [troschen@cbbf.com](mailto:troschen@cbbf.com) or 916-446-4647.*

## Pesticides

The Assembly Environmental Safety and Toxic Materials Committee heard a Farm Bureau opposed bill [AB 2146](#) (Rebecca Bauer-Kahan, D-San Ramon) this week. This bill would prohibit the use of neonicotinoids for all users in California, with an exemption for agricultural purposes and under an emergency use declared by the Director of the Department of Pesticide Regulation. The bill will now be referred to the Assembly Appropriations Committee to be heard after the Legislative recess. Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.

## Rural Broadband

**Two bills have been recently amended that take different approaches to increase access to affordable broadband in communities that are often overlooked by internet service providers.**

- Assembly member Eduardo Garcia amended his [AB 2751](#) this week. The bill sits in the Assembly Communications and Conveyance Committee and as amended, would require the Department of Technology to establish and implement a Net Equality Program. The program would only allow for the state to contract with an internet service provider (ISP) that offers affordable home internet plans, as identified by the California Public Utilities Commission. Because the state cannot regulate broadband directly, ISPs can create an affordable home internet plan voluntarily. AB 2751 would create minimum performance and maximum monthly costs (\$40) for the plans. If the bill makes it into law, it could be a useful incentive to encourage the largest ISPs that conduct business in California and seek to do business with the state to make sure that all communities have access to broadband.
- While the state is prohibited from directly regulating broadband providers, it is permitted to regulate video cable television providers (cable TV) under authority granted by the federal government. Last year, Senator Caballero's [SB 28](#) amended the statute that governs how cable TV providers are regulated by the California Public Utilities Commission for the first time in over fifteen years. Recognizing that the previously mentioned ISPs and cable TV networks are often one and the same, **Assembly member Chris Holden has now jumped through the window that Senator Caballero opened with [AB 2748: The Digital Equity in Video Franchising Act of 2022](#).** The bill completely guts existing law, replacing it with a modern video franchising framework that acknowledges that while broadband is outside the scope of state regulations, the real work reality is such that the same network delivering cable TV also provides home internet to the vast majority of Californians. Together, the two bills use different approaches to increase broadband network development, and pricing to make it accessible and affordable in the communities still lacking service – namely rural, lower income census tracts. Staff: Peter Ansel; [pansel@cfbf.com](mailto:pansel@cfbf.com); 916-446-4647



## Water

**The California Department of Food and Agriculture has selected 11 organizations to receive \$5 million in funding through a new competitive grant program, the Water Efficiency Technical Assistance (WETA) program.** WETA allocates funds to support technical assistance for water efficiency and nutrient management for California farmers and ranchers. Supported activities include providing on-farm pump and irrigation system evaluations and recommendations, providing pump efficiency testing, and delivering training in irrigation efficiency and nutrient management. The full list of awardees can be found [here](#). *Staff: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

**Farm Bureau has discovered a two-page “Drought Well Drilling Requirements Fact Sheet” to help understand requirements in Governor Newsom’s Executive Order N-7-22 issued last week.** The Fact Sheet clarifies that local well permitting agencies retain permitting and enforcement authority, however they must consult with the local Groundwater Sustainability Agency to verify the permit will not adversely impact the Groundwater Sustainability Plan adopted. Additionally, the local well permitting agency must determine the new or replacement well will not interfere with existing nearby wells. Farm Bureau sent a copy of the Fact Sheet to each county Farm Bureau in an email this week. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or (916) 446-4647.*

**A measure that would take a comprehensive approach to addressing California’s chronic water shortage passed out of the Assembly Water, Parks and Wildlife Committee this week 13-0 with two members absent.** As previously reported [AB 2078](#) (Heath Flora, R-Ripon) would expand the Department of Water Resources Atmospheric Rivers research, mitigation, and climate forecasting program (AR Program) to include forecast-informed reservoir operations (FIRO) and integrate FIRO into the department’s water supply operations and flood and hazard risk mitigation efforts. The bill would also advance the department’s atmospheric river forecast capabilities and include refined climate projections for various environmental conditions. Farm Bureau is in support. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or (916) 446-4647.*

**A measure to implement a recommendation in a recent report by the Planning and Conservation League (PCL) passed out of the Assembly Water, Parks and Wildlife Committee this week 9-4 with Assemblymembers Dahle, Nguyen, Salas, and Smith voting No.** [AB 2639](#) (Bill Quirk, D-Hayward) is one of several bills introduced to implement the PCL/water law professors’ recommendations contained in a recent report entitled, “[Updating California Water Laws to Address Drought and Climate Change.](#)” Farm Bureau opposes the measure unless amended to soften the date and remove the water rights moratorium language. *Staff: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or (916) 446-4647.*

**[SB 880](#) (John Laird, D-Santa Cruz) passed out of the Senate Appropriations Committee this week 6-0 with one member absent.** As previously reported, SB 880 would extend indefinitely the January 1, 2023, sunset of existing law authorizing those who divert 100 acre feet of water or more per year to be considered qualified to install and maintain their water diversion measurement devices if they take a course taught by the University of California Cooperative Extension and pass

a proficiency test. Farm Bureau supports. *Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com) or (916) 446-4647.*

**A measure that would provide the State Water Resources Control Board with authority to allow water diverters options to use remote sensing methodology to measure water diversion and use amounts passed out of the Senate Natural Resources and Water Committee this week 8-0. [SB 832](#)** (Bill Dodd, D-Napa) took technical amendments in Committee to correct drafting errors. With these amendments Farm Bureau supports. *Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com) or (916) 446-4647.*

**A measure that would dissolve the State Water Resources Control Board was amended in the Senate Natural Resources and Water Committee this week. [SB 1219](#)** (Melissa Hurtado, D-Sanger) as introduced would have dissolved the State Water Board as of January 1, 2025, and designate the Department of Water Resources as the successor. As amended this week, the measure would require the Secretary of the Natural Resources Agency and the Secretary of Cal/EPA to convene a committee to develop and submit recommendations to the Governor and the Legislature for modernizing California water laws and regulations, and state and local water agencies. Farm Bureau is closely monitoring SB 1219, but has not taken a position. *Staff: Danny Merkley, [dmerkley@cbbf.com](mailto:dmerkley@cbbf.com) or (916) 446-4647.*