

# FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

April 16, 2021

## Agricultural Employment

[SB 685](#) (Mike McGuire, D-Healdsburg) 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 passed the Senate by a 39-0 vote on April 12. Farm Bureau supports. *Staff Contact: Bryan Little; 916-561-5622 or [blittle@cfbf.com](mailto:blittle@cfbf.com).*

The California Agricultural Labor Relations Board (ALRB), the agency created by the Agricultural Labor Relations Act of 1975 to oversee relations between agricultural employers and labor unions seeking to represent agricultural employees, held its monthly meeting on April 14. At the April 14 meeting, the Board received a briefing on the federal H-2A temporary agricultural worker visa program. The invited briefers that appeared on the public agenda for the meeting released in March included four representatives of various state and federal agencies involved in implementation of the H-2A program; the sole private-sector briefer was a representative from the California Rural Legal Assistance, Inc. Farm Bureau worked through Chair Hassid to secure an invitation for San Diego attorney Jean Malitz who represents numerous H-2A employers in California to balance the presentation and the record of the briefing. *Staff Contact: Bryan Little; 916-561-5622 or [blittle@cfbf.com](mailto:blittle@cfbf.com).*

The Division of Occupational Safety and Health (Cal/OSHA) of the California Department of Industrial Relations (DIR) held an advisory committee meeting on the use of personnel lifts and platforms in date palm harvesting and related operations on April 14. The purpose of the advisory committee is to receive feedback from stakeholders for the purpose of promulgating a Cal/OSHA regulation. Farm Bureau participated in support of date producers. A timeline for a propose regulation is unclear. *Staff Contact: Bryan Little; 916-561-5622 or [blittle@cfbf.com](mailto:blittle@cfbf.com).*

## Air Quality

Farm Bureau and a coalition of organizations opposed [AB 1547](#) (Eloise Reyes-Gomez, D-Los Angeles), a bill which would have required public agencies approving new warehouse projects (which would include packing houses and cold storage facilities) maintain a 3,000 yard buffer zone from a sensitive habitat, be subject to cumulative air quality analysis, provide electrical charging stations for vehicles and loading equipment, and conduct extensive public outreach and respond to comments. Farm Bureau argued this proposal is both duplicative of and far more expansive than the requirements for CEQA and would make agricultural warehouse development infeasible. The bill was set to be heard in Assembly Natural Resources Committee this week but due to opposition, the bill was removed and will not be heard this year. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Biodiversity

Assemblymember Lorena Gonzalez's (D-San Diego) bill, AB 564, was pulled from the Assembly Accountability and Administrative Review Committee and will not be heard for the remainder of this year. Farm Bureau led a coalition of agricultural and business interests opposing this bill, which would have codified the Governor's 30% water and land savings by 2030 and prohibited state and local agencies from taking actions and approving projects that are contrary to or would not further this goal. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Cannabis

SB 59 (Anna Caballero, D-Salinas) has been amended by the author to prohibit local jurisdictions from issuing provisional licenses for cannabis cultivation, which allow CEQA to be in process not completed, after July 1, 2022, unless the candidate is a qualified equity applicant. Those with existing provisional licenses could continue until 2028. Farm Bureau had previously advocated that provisional licenses should not be issued immediately, and this change is reflected in the amendment. Staff will continue to request the 2028 allowance for existing licensees be reduced. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Climate Change

The Department of Food and Agriculture will be hosting a webinar with representatives from Israel on climate-smart agricultural practices to assist growers in semi-arid climates. Topics will include agricultural production strategies, farmer-led solutions, and opportunities for collaboration with agricultural research entities. The webinar will be on Tuesday, April 20<sup>th</sup> from 8-9:30am and registration for the event can be found [here](#). *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

The bond proposal put forth by Assemblymember Robert Rivas, AB 125 (D-Salinas), passed Assembly Agriculture Committee for which he chairs on Thursday of this week. Bill opponents argued that no funding should be provided to the dairy and livestock sector because of their production methods and greenhouse gas emissions. The bill was amended to include some provisions related to food processor energy efficiency funds and provide \$50 million to public agencies and nonprofits to conduct cultural and prescribed burns and employee housing. The bill was also amended to explicitly prohibit funds to be used on dairy digesters. Farm Bureau has not taken a position but has expressed concern that not enough funds are provided to actual farmers and ranchers, the recipients of funds are overly narrow and important funding projects, like water infrastructure, are not included. The bill will be heard next in Assembly Natural Resources Committee at a date to be determined. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Commodities

AB 1289 (Ash Kalra, D-San Jose) was pulled last minute from Assembly Agriculture Committee due to significant opposition led by Farm Bureau. The bill would have created an incentive program at the Department of Food and Agriculture to pay dairies and livestock producers to transition to plant-based production. The bill made false and disparaging remarks about the animal production industries and would have been impossible for the Administration to implement. The bill would have also required the State to create a ranking of crops by their water use and market demand setting a dangerous precedent. The bill will no longer be heard this year. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

Farm Bureau has an oppose unless amended position on SB 253 (Benjamin Allen, D-Santa Monica), a bill which would create a regulatory pathway for processed hemp products in California. Farm Bureau is requesting three amendments: (1) conformity of the definition of total THC with the federal standard, (2) an independent contaminant testing standard that is not an adoption of cannabis' standards, and (3) a pathway for raw flower sale in the State. The bill was heard and passed out of Senate Agriculture Committee with a

commitment from Senator Allen to make these changes. The bill will next be sent to Senate Appropriations Committee. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

Several County Farm Bureaus have engaged on AB 535 (Cecilia Aguiar-Curry, D-Winters), a bill which would prohibit the representation of olive oil as “California olive oil” unless the olives used were produced in California. This bill would also prohibit the representation of olive oil from a particular region in California unless at least 85% of the olives used were produced in that region. This prohibition would extend to brand names, labels, advertising, and packaging. This bill was heard and passed out of the Assembly Health Committee this week and will next be heard in Appropriations, at a date to be determined. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

Farm Bureau supports AB 778 (Eduardo Garcia, D-Coachella), a bill which would require all state institutions to purchase California-grown and raised products over other domestic and non-domestic agricultural commodities, unless the products are not grown or in season in the State. This would replace the current modest 5% purchase preference available for California producers on state contract bids. The bill passed out of the Assembly Accountability and Administrative Review Committee this week and will likely be comingled with AB 1025 (Robert Rivas, D-Salinas), which did not move forward. AB 1025 would have created a 25% purchase preference for domestic agricultural products. Farm Bureau did not support AB 1025, as it would not give California producers a competitive foothold. Staff will watch these bills closely as they are reconciled and advocate for the California farm, ranch and dairy. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Farm to School

The Department of Food and Agriculture Office of Farm to Fork has announced awarding \$8.49 million in grants to 60 farm-to-school projects per the 2021 California Farm to School Incubator Grant Program. A list of recipients can be found [here](#) which also includes California Foundation for Agriculture in the Classroom. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446*

## Pollinators

Assemblymember Carlos Villapudua (D-Stockton) successfully navigated his bill, AB 391, unanimously out of Assembly Agriculture Committee this week. This bill would appropriate \$5 million to the Department of Food and Agriculture to fund partnerships to encourage farmers to provide pollinator forage and habitat on their properties. Farm Bureau is in support of this bill and it will next be heard in Assembly Appropriations Committee. *Staff Contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

## Water

A measure that would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050 was amended this week. AB 377 (Robert Rivas, D-Hollister) fundamentally removes the State Water Resources Control Board and regional water quality control boards' discretion to address water quality issues. Amendments to the measure amount to exceptions and carve outs, but the goal of the measure remains focused on municipal stormwater and irrigated agriculture. In-spite of the significant amendments this week, it still does not address the fundamental issues that are problematic to agriculture and all others that have permits, waste discharge requirements and conditional waivers with the water boards. AB 377 provisions remain impractical and impossible to achieve because water quality standards are continually evolving with time, therefore the water boards must have discretion to adapt permits to ever changing standards and timelines to achieve success. Farm Bureau and a large diverse coalition continue to meet with Assembly Environmental Safety and Toxic Materials (ESTM) Committee members, the Governor's Office, the Department of Finance and others to explain

in detail how the measure adversely impacts programs that are improving water quality. AB 377 is scheduled to be heard in ESTM next week. Farm Bureau is in strong opposition to the measure. *Staff Contact: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or (916) 446-4647.*

Senate President Pro Tem, Toni Atkins announced a \$2 billion Senate Early Action Budget Plan to deal with Drought, Safe Drinking Water, and Water Supply Reliability. Senator Atkins is focused on the drought and is interested in getting money out the door between now and July 1<sup>st</sup> to fund existing programs and projects that will help agriculture and others right now, not in six months, or a year from now. The Senate is still working on specifics and proposes an early “Emergency Drought, Safe Drinking Water, and Water Supply Reliability Package of \$2 billion in one-time state and federal funds that may include:

1. Immediate Community Assistance for Water and Drought Relief
  - a. Federal “American Rescue Plan” Funds
  - b. One-time State General Funds
2. Acceleration of general obligation bonds (*Prop 1, Prop 68*) to the extent funds are still leftover.
3. Establish the California Community Water Emergency Investment Fund, consisting of **\$500 million** to provide one-time grants to smaller communities allocated on a competitive basis, capped at \$5 million per communities for the purposes of making immediate drinking water and water supply investments in those communities.
4. Allocate \$300 million more for grants to implement SGMA groundwater management plans.
5. Accelerate appropriation of existing water bond priorities funds where demand is still high (*storm water management projects, Water recycling, Drinking water capital projects*).
6. Establish the California Emergency Drought Water Efficiency Fund and allocate \$500 million statewide to water agencies to make direct grants to homeowners, small businesses, and local agencies to replace high water consumption landscapes with Xeriscapes or water efficiency.
7. Leverage the work started under the Safe and Affordable Drinking Water program to augment and accelerate projects in communities most likely to be impacted by drought, such as the small communities reliant on shallow wells. This complements efforts to build on SGMA plans, which might be both longer-term and potentially more focused on ag and larger municipal systems.
8. Request the California Water Commission to convene an emergency meeting to reallocate \$145 million in existing Prop 1 funds originally set aside for Temperance Flat Dam for other sustainable (non-dam) water investments for agriculture in the Central Valley.
9. One time funding to DWR for state water system operations such as water management technology equipment, i.e. remote sensing for snowpack and precipitation gauges for real-time operations of reservoirs to improve ability to manage/forecast runoff and better know how much water can safely be held in reservoirs vs. precautionary releases for flood protection or fish needs.
10. One-time upgrades for California Department of Fish and Wildlife equipment and monitoring, including stream gauges (to measure temperature and flow) and hatchery water management equipment, to better prepare to respond to drought impacts on fish and wildlife and to know where state intervention will be needed (i.e. to rescue fish, limit diversions, or change stream flow requirements).

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The State Water Resources Control Board announced the completion of its comprehensive look at California water systems that are struggling to provide safe drinking water to communities and how to help them. The assessment identifies both failing water systems and those at risk of failing. The study is part of the state’s Safe and Affordable Funding for Equity and Resilience (SAFER) Program, a comprehensive approach to implementing the Governor’s commitment to ensuring all Californians have safe, affordable drinking water. The Safe and Affordable Drinking Water Fund earmarks \$130 million annually through 2030. Additional funds to address SAFER solutions come from various State and Federal funding sources. The needs assessment does three things: (1) identifies California small water systems and domestic wells that are failing or at risk of failing to provide access to safe drinking water; (2) estimates the cost of interim and long-term solutions for these

Systems; and (3) determines the statewide funding gap and affordability challenges that may be barriers to implementing these solutions. While the Water Board estimates another \$4.6 billion in drinking water grants and loans will be needed to help water systems implement sustainable, long-term solutions, the Biden Administration's recently announced \$2 trillion infrastructure initiative devotes significant resources to new or upgraded water projects and could help close many financing gaps in the years ahead. *Staff Contact: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or (916) 446-4647.*

Governor Gavin Newsom made the following appointments this week:

1. **Nancy L. Vogel**, 53, of Sacramento, has been appointed Deputy Secretary for Water at the California Natural Resources Agency, where she has been Director of the Governor's Water Portfolio Program since 2019 and was Deputy Secretary of Communications from 2015 to 2017. Vogel was Director of Communications at Resources Legacy Fund from 2017 to 2019, Assistant Director of Public Affairs at the California Department of Water Resources from 2012 to 2015 and Principal Consultant at the California Senate Office of Oversight and Outcomes from 2008 to 2012. She was a Staff Writer at the Los Angeles Times from 2000 to 2008 and at The Sacramento Bee from 1991 to 2000. Vogel earned a Master of Arts degree in journalism from the University of California, Berkeley. This position does not require Senate confirmation and the compensation is \$168,000. Vogel is a Democrat.
2. **Beatriz E. Gonzalez**, 52, of Thermal, has been appointed to the Colorado River Basin Regional Water Quality Control Board. Gonzalez has served as District Coordinator of Expanded Learning Programs at the Coachella Valley Unified School District since 2011 and has served in several positions there since 1995, including Para-Educator for Special Education, Program Specialist for Bright Futures and as a Community Liaison for Healthy Start. She is a member of the Desert Community College District Board of Trustees. This position requires Senate confirmation and the compensation is \$250 per diem. Gonzalez is a Democrat.
3. **Vivian E. Perez**, 59, of Holtville, has been appointed to the Colorado River Basin Regional Water Quality Control Board. Perez has been Center Manager at Planned Parenthood of the Pacific Southwest since 2016 and a Faculty Member at the University of Phoenix since 2010. She was a Provider Network Consultant at Fresenius Health Partners from 2016 to 2017. Perez was Operations Manager at Fresenius Medical Care North America from 2012 to 2014. She was a Commissioner for the Imperial Valley Housing Authority appointed by the City of Holtville from 1997 to 2013. Perez earned a Master of Public Administration degree from San Diego State University. This position requires Senate confirmation and the compensation is \$250 per diem. Perez is a Democrat.
4. **Essra Mostafavi**, 39, of Bishop, has been appointed to the Lahontan Regional Water Quality Control Board. Mostafavi has been Founder and Chief Executive Officer of Geode Environmental Inc. since 2017. She was Senior Project Manager at VCS Environmental from 2015 to 2017. Mostafavi was an Associate Environmental Planner at Caltrans District 8 from 2012 to 2015. She was on the Board of Directors at Global Majority from 2010 to 2012. Mostafavi was Acting County Director at Winrock International in 2010. She earned a Master of Arts degree in international environmental policy at the Middlebury Institute of International Studies. This position requires Senate confirmation and the compensation is \$250 per diem. Mostafavi is a Democrat.
5. **Donald C. Young**, 48, of Morgan Hill, has been appointed to the San Francisco Bay Regional Water Quality Control Board. Young has been a Senior Vice President at Salas O'Brien since 1998. He is a former Board Chair of the San Jose Evergreen Community College District Foundation and a graduate of Leadership San Jose. This position requires Senate confirmation and the compensation is \$250 per diem. Young is a Democrat.
6. **Virginia Madueno**, 55, of Riverbank, has been appointed to the Delta Stewardship Council. Madueno has been Managing Partner at SanGuard LLC since 2020, Co-Owner and Director of Marketing Communications at World Tile Design and Showroom since 2014, and President and CEO at Imagen LLC since 2003. She was a Member of the City Council for the City of Riverbank from 2005 to 2012, where she was Mayor from 2009 to 2012. She was a Community Organizer at Clean Water Action from 2009 to 2011 and a Public Information Officer for Stanislaus County from 1989 to 2001. She serves as

a member of the Boating and Waterways Commission and on the Board of Trustees of Gallo Center for the Arts. This position requires Senate confirmation and the compensation is \$50,497. Madueno is a Democrat.

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