



# 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.

May 19, 2023

## ★ APPROPRIATIONS

### ★ Do Pass SENATE Suspense

## Agricultural Employment Policy

The Senate and Assembly Appropriations Committees moved several measures off their respective suspense files on May 18. Those measures now proceed to their respective houses for floor consideration prior to the June 2 house-of-origin deadline. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

- [SB-365](#) Senator Scott Wiener (D-San Francisco) will forbid a district court judge from staying a civil proceeding if either party appeals the finding as to whether the dispute is subject to arbitration. Staying the underlying litigation while the arbitration applicability decision is pending has been common practice, eliminating the need to litigate a dispute that will likely be found subject to arbitration. Several recent court decisions have upheld federal preemption under the Federal Arbitration Act of attempts by the Legislature to restrict arbitration. Farm Bureau opposes SB 365 since arbitration is a useful tool to manage employment litigation liability in California's litigious environment. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*
- [SB-399](#) Senator Aisha Wahab(D-Hayward) prohibits employers from conducting employee meetings in the context of a unionization campaign to explain the employer's opposition to unionization. Farm Bureau opposes because SB 399 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](mailto:blittle@cfbf.com)*
- [SB-497](#) Senator Lola Smallwood-Cuevas (D-Los Angeles), which creates a rebuttable presumption that any adverse personnel action is retaliatory if occurs with 90 days of the occurrence of activities protected from retaliation under the Labor Code, including reporting a violation of the Labor Code and cooperating with investigations related to violations of the Labor Code. As courts already consider proximity in time between protected activities and adverse personnel actions, SB 497 is redundant and further stacks the deck against employers' defense against accusations of retaliation. Farm Bureau opposes. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*
- [SB-553](#) Senator Dave Cortese (D-San Jose) writes into the Labor Code and imposes on all California employers the expansive and detailed requirements of Cal/OSHA's healthcare workplace violence regulation, promulgated by the agency in 2017 in response to incidents of violence by patients against healthcare providers in mental institutions. SB 553 will disrupt an ongoing regulatory process in which the agency is seeking to craft a workplace violence regulation more suited to general industry, where employers' physical sites and workforce are much different from healthcare environments. Farm Bureau opposes. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*
- [SB-616](#) Senator Lena Gonzalez (D-Long Beach) will increase the paid sick leave mandate first established by AB 1522 (L. Gonzalez) in 2013 from three days or 24 hours to 7 days 56 hours. No provision is made in SB 616 to allow employer to manage misuse of paid sick leave. The bill was referred to the Senate Appropriations Committee. Farm Bureau opposes SB 616. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

- [SB-809](#) Senator Lola Smallwood-Cuevas (D-Los Angeles) will hamstring employers' efforts to protect their employees and customers by avoiding hiring violent felons. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

## Air Quality

[SB-253](#) Senator Ben Allen's (D-Santa Monica) bill dealing with businesses reporting their annual greenhouse gas emissions passed out Senate Appropriations Committee with amendments. While this bill targets businesses over a billion dollars it also requires the entire supply chain to report their emissions which could force out small and medium businesses who struggle to report the emissions accurately. [SB-261](#) Senator Henry Stern (D-Calabasas) legislation also is a reporting bill related to reporting climate related financial risk. This legislation is also aimed at companies exceeding \$500 million but the challenge with this legislation is that it could collide with potential federal recommendations on this issue that are currently be reviewed as we speak. It also passed out of Senate appropriations with amendments, and we join a broad coalition of business interests who oppose both bills. Both bills next go to the Senate Floor. *Staff: Chris Reardon; [creardon@cfbf.com](mailto:creardon@cfbf.com)*

[SB-485](#) by Senator Josh Becker (D-Menlo Park) was passed out of the Senate Appropriations Committee. Farm Bureau has been actively engaged on this bill, along with fellow agricultural stakeholders. After initially opposing the bill, Farm Bureau was able to advocate for amendments that resolved our concerns. This bill would require, CARB and CDFA to create a feed additive program to reduce emissions by August 1, 2026. The bill would also require CARB and CDFA to provide the Legislature with a report, 2 years after a safe and effective feed additive is commercially available, about further funding and scientific research that is necessary to improve the incentive program, and convene workgroups to provide a comprehensive assessments to the Legislature of the potential impacts of feed additives. While the current goal of the program would greatly benefit dairy cattle and help reach SB 1383's (Lara, 2016) 40% emission reduction goals, the same cannot be said for beef and feeder operations. Therefore, the bill was amended to only pertain to the dairy industry until more research can be conducted in other livestock operations. Farm Bureau also supported language to incorporate agricultural stakeholders within the workgroup process to ensure a comprehensive assessment of feed additives' impacts. With these amendments, Farm Bureau has moved to a neutral position and continues to work with agricultural stakeholders and the Senator on parameters of the "working group" within the bill. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

## Insurance

[SB-264](#), authored by Senator Roger Niello (R-Fair Oaks) passed from Senate Appropriations with a recommendation to be placed on the Senate Floor Consent Calendar. Farm Bureau supports SB 264. As previously discussed, SB 264 would extend disaster loss deductions incurred in any city or county that is proclaimed by the Governor to be in a state of emergency to taxable years beginning before January 1, 2029, and would extend for those taxable years the provision prohibiting any law that suspends, defers, reduces, or otherwise diminishes the deduction of a net operating loss from applying to these specified disaster losses. *Staff: Peter Ansel; [pansel@cfbf.com](mailto:pansel@cfbf.com)*

### ★ Do Pass ASSEMBLY Suspense

## Agricultural Employment Policy

- [AB-524](#) Assemblymember Buffy Wicks (D-Oakland) adding "family caregiver status" to the list of protected classes covered by the Fair Employment and Housing Act. "Family member" is not limited to actual family members, but includes any person the employee considers to be like family, vastly broadening the circumstances under which an employee can invoke family leave rights under FEHA. This will expand the circumstances under which employers will experience FEHA-related litigation, which is already extensive. Farm Bureau opposes. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

- [AB-594](#) Assemblymember Brian Maienschein (D-San Diego) allowing local prosecutors like district attorneys and city attorneys to enforce the Labor Code, leading to inconsistent enforcement. Potential violations of Cal/OSHA standards and Workers Comp requirements are exempted. AB 594 does not protect employers from double recovery under the Labor Code and the Private Attorneys General Act (PAGA). Farm Bureau opposes. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

## Ag Technology

Farm Bureau sponsored legislation; [AB-1016](#) by Assemblymember Reggie Jones-Sawyer (D-Los Angeles), creates a training program for the use of Drone technology for pesticide applications. It passed out of the Assembly Appropriations Committee today with no opposition. The bill has passed two policy committees and now the appropriations committee with little or no opposition. It next goes to the Assembly floor where we expect broad support from both Democrats and Republicans. *Staff: Peter Ansel, [pansel@cfbf.com](mailto:pansel@cfbf.com)*

## Air Quality

Farm Bureau has joined other agricultural stakeholders in opposing [AB-985](#) by Assemblymember Joaquin Arambula (D-Fresno). This bill was heard in the Assembly Appropriations committee this week, and was taken off of the suspense file and passed out of the committee. This bill would eliminate the San Joaquin Valley Air Pollution Control District's emission reduction credit (ERC) allowance. This will severely inhibit the capacity for the District to achieve state and federal air quality standards and effectively prohibit the permitting of any critical business operation within the District's jurisdiction. AB 985 would dismantle this ERC program and require all existing and future emission reduction credits in all banks to expire as of January 1, 2024. CARB has reviewed the District's ERC program and determined that further changes are unnecessary. AB 985 is also a substantial overreach, eroding local control offered to jurisdictions, including the District, to take meaningful, locally approved steps to improve air quality. This bill now moves to the Assembly Floor before proceeding to the Senate. *Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

## Pesticides

Three pieces of legislation passed out of the Assembly Appropriations committee today that the Farm Bureau opposes. [AB-652](#) Assemblymember Alex Lee (D-San Jose) would create an Environmental Justice Advisory Committee to advise the Department of Pesticide Regulation on ways to better integrate environmental justice issues into department programs, policies, and decision-making activities. [AB-99](#) Assemblymember Damon Connolly (D-San Rafael) would create statewide pesticide policy that would not allow use of herbicides or pesticides on state roads or highways and finally Assemblymember Rebecca Bauer-Kahan (D-Orinda) has introduced [AB-1042](#) which would create an unnecessary regulatory structure related to the registration of pesticide treated seeds in California. Farm Bureau will continue to oppose and work with our coalition partners as it moves to the Assembly floor. *Staff: Chris Reardon; [creardon@cfbf.com](mailto:creardon@cfbf.com)*

## Water

The three major water rights-related bills that Farm Bureau is actively fighting in a coalition with hundreds of other business or water organizations all passed out of Appropriations committees this week. These bills, which may be heard on the floor either next week or the week of May 29, include [AB 460](#) by Assemblymember Rebecca Bauer-Kahan (D-Orinda), [AB 1337](#) by Assemblymember Buffy Wicks (D-Oakland), and [SB 389](#) by Senator Ben Allen (D-Malibu). Through the next two weeks, Farm Bureau staff will continue to work with the opposition coalition to meet with members who may be able to help stop these bills on the floor.

Along with the high-profile water rights bills Farm Bureau is opposing, several bills we support related to water will also be considered on the floor in the next two weeks. These bills are related to atmospheric river forecasting, statewide water storage expansion goals, permit and CEQA streamlining for diverting

flood flows for recharge and long-term storage, drought relief for farmers, stream gage network enhancement, and expansion of the California Water Plan purpose and use. *For more details on specific bills, contact Alex Biering, [abiering@cfbf.com](mailto:abiering@cfbf.com).*

### ★ Held Appropriations Committee: ASSEMBLY

## Animal Health and Welfare

This week, [AB-1232](#) by Assemblymember Damon Connolly (D-San Rafael) was held on the suspense file in the Assembly Appropriations Committee. This means the bill has not passed out of the committee, and cannot move forward to the Senate at this time. Farm Bureau submitted comments with California Cattlemen's Association which shared our mutual concerns about the bill. This bill would require CDFA to establish and administer a resilient and higher welfare grant program to support the implementation of higher standards of care and more climate-smart farming practices by providing education materials, outreach, and incentives to producers and processors seeking to improve farm animal welfare and increase capacity to meet growing demand for higher welfare and welfare-certified products. AB 1232 would require CDFA to establish an annual competitive grant application process that enables producers and processors seeking to improve farm animal welfare to apply to the department for financial assistance and to give priority to certain applications. Farm Bureau has many concerns with the implications of this bill including; 1) establishing arbitrary animal welfare standards, 2) implying that producers who do not apply for this program do not practice animal welfare principles in their current operations, 3) the creation of an un-funded program at CDFA, especially during a time when other proven climate friendly programs are being cut (SWEEP, Healthy Soils, and Pollinator Habitat). The bill was likely held due to the large costs associated with this program.

*Staff: Katie Little, [klittle@cfbf.com](mailto:klittle@cfbf.com)*

### ★ Held Appropriations Committee: SENATE

## Dairy

[SB-709](#) Senator Ben Allen's (D-Santa Monica) legislation eliminating the tools reduce dairy methane emissions was made a 2 year bill. Farm Bureau was very active with working with our coalition partners and Central Valley legislators on this important issue. We expect further discussions as we get through this legislative session and into later this year. *Staff: Chris Reardon; [creardon@cfbf.com](mailto:creardon@cfbf.com)*

## Land Use

[SB-224](#) by Senator Melissa Hurtado (D-Sanger), concerning restricting foreign governments from purchasing or leasing agricultural property in California was held in committee. There was significant opposition to this legislation in the policy committee. While the Farm Bureau didn't take an official position on this bill, we expect this conversation will continue on this subject in the future.

*Staff: Chris Reardon; [creardon@cfbf.com](mailto:creardon@cfbf.com)*

## ✦ OTHER ITEMS OF INTEREST

### Agricultural Employment Policy

Governor Newsom on May 15 signed [AB-113](#), a budget trailer bills that implement the September 2022 deal between the California Labor Federation, United Farm Workers, and Governor Newsom that lead the governor to reverse his prior opposition to AB-2183 (Stone) and sign that bill. AB 113 eliminates the “labor peace” provisions in the original version of AB 2183, leaving card-check as the means for qualifying labor unions seeking to represent an agricultural employer’s employees. The bill enacts major changes to the Labor Code without any consideration by the legislature’s policy committees. Farm Bureau opposed because the bill did not restore farm employee’s former rights to an Ag Labor Relations Board-supervised secret ballot election, which served to protect those employees from undue intimidation and coercion. *Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

### Budget

Both Senate and Assembly Budget Resource Subcommittee’s met this week to discuss the recently released May Revise numbers. One of the issues that stood out to us was the Department of Pest Regulation’s request for \$2.3 million for additional positions and a report on field fumigants. Farm Bureau testified in both committees in opposition to this request because they are proposing a significant increase in the mill assessment next year that will cover many of these same issues. *Staff: Chris Reardon; [creardon@cfbf.com](mailto:creardon@cfbf.com)*

## ✦ ANNOUNCEMENTS

### CESA and Wildlife

This week, Governor Newsom, the Department of Fish and Wildlife, Yuba Water Agency, and NOAA Fisheries announced an [agreement](#) of one of the most ambitious watershed recovery efforts in California. This framework will reopen miles of habitat to multiple native fish species and promote the return of imperiled spring-run Chinook salmon to their native habitat in the North Yuba River for the first time in more than 100 years. This collaboration includes major actions to help recover imperiled fish:

- Construction of a new fishway – a channel resembling a natural river that salmon, steelhead, sturgeon and lamprey can follow to get around the U.S. Army Corps of Engineers’ Daguerre Point Dam to reach more than 10 miles of healthy spawning habitat.
- Construction of a modernized water diversion at Daguerre Point Dam to supply irrigation water south of the lower Yuba River that will protect fish passing the intake.
- The initiation of a comprehensive reintroduction program to support recovery efforts of spring-run Chinook salmon with a goal of returning them to their original habitat in the North Yuba River above New Bullards Bar Reservoir as soon as 2025.

“Where dams once broke up this important habitat, we can now use a holistic approach in returning anadromous fish to this important part of their native habitat in California,” said CDFW Director Charlton H. Bonham. “This agreement envisions a much-improved big picture of a restored watershed, with surging rivers and healthy fish populations once again.”

California’s Central Valley once saw annual returns of spring-run Chinook numbering close to 600,000, greatly contributing to the fisheries and economy of the West Coast. The Yuba River was a Chinook salmon stronghold, supporting many miles of spawning grounds from its confluence with the Feather all the way up to the snow melt tributaries of the North, Middle and South Yuba rivers.

*Staff: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com)*

## ◆ EXCEPTING APPLICATIONS

### **CDFA ANNOUNCES VACANCIES ON FERTILIZER INSPECTION ADVISORY BOARD'S TECHNICAL ADVISORY SUBCOMMITTEE**

SACRAMENTO, May 16, 2023 – The California Department of Food and Agriculture (CDFA) Fertilizer Research and Education Program (FREP) is announcing four vacancies on the Fertilizer Inspection Advisory Board's (FIAB) Technical Advisory Subcommittee (TASC). This subcommittee serves as an expert scientific panel on matters concerning efficient use of fertilizing materials and irrigation water. TASC members assist in setting research priorities for the FREP Grant Program, review and recommend research and outreach proposals to FIAB for funding, and advise on FREP activities.

FREP is funded through a mill assessment on the sale of fertilizing materials. FREP funds and facilitates research, education and demonstration projects to improve proper use of fertilizing materials and irrigation water in agriculture. The program serves researchers, growers, agricultural supply and service professionals, extension personnel, public agencies, consultants and the public.

TASC applicants must demonstrate technical, applied and scientific expertise in the fields of agronomy, soil science, plant science, production agriculture or environmental issues related to the use of fertilizers and irrigation water in California. The term of office for subcommittee members is three years. Members receive no compensation but are entitled to reimbursement of necessary travel expenses in accordance with the rules of the California Department of Human Resources. Individuals interested in being considered for an appointment should complete the TASC Application Packet available on the [FIAB TASC webpage](#) and email it to [FREP@cdfa.ca.gov](mailto:FREP@cdfa.ca.gov) with a two-page resume or curriculum vitae. The application deadline is July 31, 2023.

### **SECRETARY ROSS ANNOUNCES FIRST HISTORICALLY UNDERSERVED AND SMALL FARM ADVISORY COMMITTEES TO ADVISE ON EQUITY AND INCLUSION**

*Applications for Committee Membership are Currently Available*

SACRAMENTO, May 15, 2023 – CDFA Secretary Karen Ross today announced the Department's first historically underserved and small farm advisory committees to support equity and inclusion throughout the organization's programs, policies and services. Application periods for both committees are open through June 30, 2023.

"Since 1919, CDFA has served the public along with California's farmers, ranchers and farmworkers," said Secretary Ross. "Today, our department takes a step forward in recognizing the importance of California's minority and small-scale producer communities. By establishing these committees, we are continuing a commitment to equity and inclusion within California agriculture as we work together to navigate the challenges they face. Amid the very real impacts of weather whiplash we're seeing in real-time, it's more important than ever to provide a voice for all our farming communities when it comes to CDFA's programs and policies."

The Black, Indigenous, and People of Color (BIPOC) Producer Advisory Committee will advise the CDFA Secretary on matters pertaining to the implementation of the Farmer Equity Act and efforts to ensure socially disadvantaged farmers and ranchers are better served through CDFA's programs, policies and communications. Committee representation includes: 6 BIPOC producers, 1 representative of a California Native American tribe; 2 non-profit organizations that represent or serve BIPOC producers; 2 academic members and 1 technical assistance provider.

The Small-Scale Producer Advisory Committee will advise the CDFA Secretary and California State Board of Food and Agriculture on matters pertaining to small- and medium-scale producers related to programs, research, technology, workforce development, technical assistance and equity issues. Committee representation includes: 5 small-scale producers; 1 California Native American tribe; 1 urban agricultural

organization; 1 non-profit representing or serving small-scale producers; 1 academic member and 1 technical assistance provider. Interested applicants can apply through the links below:

BIPOC Producer Advisory Committee Application: [English](#) [Español](#)  
Small-Scale Producer Committee Application: [English](#) [Español](#)

Committees will meet on a quarterly basis, four times per calendar year. Meetings will be held in January, April, August and October. Appointments are for four-year terms, initial appointments will be staggered. Committee members receive no compensation but are entitled to reimbursement for actual expenses incurred while attending committee meetings. More information on the committees can be found:

[CDFA - BIPOC Producer Advisory Committee](#)  
[CDFA - Small-Scale Producer Advisory Committee](#)