



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

January 17, 2020

Food Safety

The California Department of Food and Agriculture is hosting a town hall meeting on Tuesday, February 4th from 9am-3pm at the Monterey County Agricultural Commissioner's Office (1432 Abbott Street, Salinas, CA) to discuss potential produce safety research opportunities to address food safety issues, particularly related to leafy greens. The Department is looking to explain the intent of a longitudinal environmental research study in California; identify leafy green growers interested in advancing what is currently known in food safety; and share details about grower participation in a research project with FDA, including duration, confidentiality, and communication. For additional information please contact: Lina Ngyuen at lina.ngyuen@cdfa.ca.gov. Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.

Labor

Two California-based federal judges, in separate actions, enjoined actions of the California Legislature as over-reaches preempted by Federal law. On Jan. 16, Judge Robert Benitez of the U.S. District Court for the Southern District of California issued a permanent injunction in a lawsuit brought by the California Trucking Association seeking to overturn AB 5 with respect to motor carriers. Judge Benitez's order constrains California Attorney General Xavier Becerra and California government agencies from enforcing Assembly Bill 5. AB 5 codified and expanded the application of a rigid "ABC" test to determine whether service recipients may classify workers as independent contractors or must classify them as employees for enforcement purposes under the Labor Code, Unemployment Insurance Code and Industrial Welfare Commission wage orders. Passed by the California Legislature in 2019, AB 5 took effect on Jan. 1. In his Order Granting Preliminary Injunction, Judge Benitez concluded:

"There is little question that the State of California has encroached on Congress' territory by eliminating motor carriers' choice to use independent contractor drivers, a choice at the very heart of interstate trucking. In so doing, California disregards Congress' intent to deregulate interstate trucking, instead adopting a law that produces the patchwork of state regulations Congress sought to prevent. With AB-5, California runs off the road and into the preemption ditch of the [Federal Aviation Administration Authorization Act of 1994]."

Judge Benitez's order applies only to motor carriers, though other litigation seeking to overturn AB 5 is pending. For more information about AB 5 and how it impacts agriculture, please see [FAQ](#) on AB 5 Worker/Contractor Standards. Staff contact: Bryan Little at (916) 561-5622 or blittle@cfbf.com

Another piece of legislation, AB 51— California's attempt to limit the use of workplace arbitration agreements—won't go into effect in January thanks to a federal judge's Dec. 30 order. The U.S. Chamber of Commerce and other business groups raised serious questions about whether the Federal Arbitration Act preempts the state's employment arbitration law, U.S. District Judge Kimberly Mueller said in her order granting a temporary restraining order against the law.

California's restriction on workplace arbitration would prohibit employers from requiring job applicants or employees to sign arbitration pacts as a condition of employment. That represents a departure from the tactic tried by other states of declaring that agreements to arbitrate certain types of claims are invalid. Although just a temporary restraining order, the ruling deals a blow to a state statute on arbitration designed to pass legal muster where others failed. *Staff contact: Bryan Little at (916) 561-5622 or blittle@cfbf.com*

Organic

The California Organic Products Advisory Committee (COPAC) will be meeting at the Alisomar Conference Grounds in Pacific Grove on Thursday, November 23rd from 12:30-3:30pm [800 Asilomar Avenue, Pacific Grove, CA 93950]. Items for consideration by COPAC include: budgets, enforcement actions and the National Organic Program. More information about eh meeting can be found [here](#). *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

Pesticides

The Department of Pesticide Regulation and the Department of Food and Agriculture co-hosted two of the three informal workshops to discuss the cancellation of chlorpyrifos and discuss the proposed recommendations of the Working Group. Meetings were held in Fresno and Sacramento with limited farmer attendees, but a strong showing from anti-pesticide advocates. Farm Bureau staff were present at both meetings and provided substantial public comment regarding concern for the process of cancellation and its precedent, impacts to crops wherein alternatives are ineffective or nonexistent, and advocated for immediate action by the State to make growers whole for their losses from pest infestation. The Working Group is expected to release a new draft of the recommendations with greater detail in April. A final meeting will be held in Oxnard next week at the following date and time:

- January 21, 2020; 5:30-7:30pm; South Oxnard Senior Center, 200 E. Bard Road, Oxnard, 93033

For county Farm Bureaus and growers who were not able to attend any meeting, Farm Bureau will be submitting a comment letter at the end of this month and do ask that you do as well. Comments are due to alterantives@cdpr.ca.gov by January 31st at noon. Farm Bureau will share our draft letter with county Farm Bureaus for their additions and endorsements. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647 and Corinne Madison, cmadison@cfbf.com or 916-561-5618.*

Utilities

SB 378 (Wiener, D – San Francisco) was recently amended and will be heard in Appropriations Committee on January 21st. This bill would require California's investor owned utilities to annually report to the California Public Utilities Commission (CPUC), local governments and others state entities on the inspection status and maintenance records of its infrastructure; authorizes the CPUC and Department of Consumer Affairs to establish a procedure to reimburse customers impacted by a de-energization event to recover any financial losses; and would assess a \$500,000 civil penalty/per hour on an investor owned utility for a de-energization event. The ultimate goal of the legislation is to ensure that the use of a public safety power shutoff (PSPS) is done so judiciously and to determine what, if any, progress is being made by the utilities in upgrading their existing infrastructure. Farm Bureau has no position on SB 378 but will continue to monitor the legislation. *Staff contact: Robert Spiegel at rspiegel@cfbf.com or (916) 446-4647.*

Water

As reported last week the Governor's Proposed 2020-21 Budget contains \$1 billion to support various water management programs and projects. The budget also proposes a \$4.75 billion Climate Resilience Bond that if passed by the voters in November would pay for:

- \$395 million to support local groundwater management sustainability agencies implementing their groundwater management plans in critically over drafted basins.
- \$360 million in grants and loans to disadvantaged communities to improve access to safe drinking water.
- \$200 million for grants, incentive and demonstration projects to enhance agricultural lands for water quality and efficiency, and other projects.
- \$140 million to remove barriers for native fish and provide enhanced water flows and reconnect aquatic habitat to help endure drought and adapt to climate change.

Additionally, the budget proposes \$103 million one-time General Fund for the draft Water Resilience Portfolio, including \$60 million for SGMA implementation, of which \$20 million goes to the State Water Efficiency and Enhancement Program (SWEEP), as well as investments in the New and Tijuana rivers. *Staff contact: Danny Merkley, dmerkley@cbbf.com or 916-446-4647.*