



May 22, 2020

**COVID 19**

The Department of Public Health and the Governor's office announced a new regional variance that will establish criteria for larger populated counties to phase into re-opening, moving through Stage 2 of the Governor's Response plan. To qualify, counties must attest that:

- Hospitalization and test positivity rates are stable (less than 5% change over a week and less than 8% over two weeks) or declining;
- Are prepared with testing (1.5 tests per 1,000 residents or testing available for at least 75% of residents), contact tracing, PPE; and
- Have plans for county-wide containment.

The Department also announced that some sectors of the economy statewide can begin reopening with modifications, including office spaces and counseling services in places of worship, curbside libraries and drive-in movie theaters. *Staff contact: Jim Houston, [jhouston@cfbf.com](mailto:jhouston@cfbf.com).*

**Energy and Utilities**

SB 350 (Jerry Hill, D) was introduced in anticipation of the approval of Pacific Gas & Electric Company's exit from bankruptcy. The Governor nevertheless is setting up a plan "B" option in the event PG&E is not able to effectuate the bankruptcy plan. SB 350 would authorize the PUC to petition a court to appoint a receiver to assume possession of Pacific Gas and Electric Company's property and to operate its electrical and gas systems if the commission determines in a proceeding that the appointment of a receiver is warranted. The bill would authorize a court to appoint such a receiver and would require the receiver to control and operate Pacific Gas and Electric Company upon such terms and conditions as the court prescribes. This bill would also authorize the Governor, or the Governor's designee, to incorporate Golden State Energy as a nonprofit public benefit corporation for the purpose of owning, controlling, operating, or managing electrical and gas services for its ratepayers and for the benefit of all Californians. The bill would require the Governor to appoint Golden State Energy's 9-member initial board of directors, subject to confirmation by the Senate, and would require the initial board to amend Golden State Energy's bylaws to include procedures for the election of subsequent board members. Farm Bureau joined a coalition letter raising concerns with the provisions of the bill including the open ended authority to implement the use of Golden State Energy, the structural elements of the Board of Directors and how the valuation of PG&E would be determined in an acquisition by Golden State Energy. The bill will be heard in Assembly Utilities and Energy on May 28th. *Staff contact Karen Mills; [kmills@cfbf.com](mailto:kmills@cfbf.com); 916-561-5655; Robert Spiegel; [rspiegel@cfbf.com](mailto:rspiegel@cfbf.com); 916-446-4647.*

**Food Safety**

The U.S. Food and Drug Administration has released the findings of its investigation into three foodborne illness outbreaks, namely E. coli o157:H7, from romaine lettuce or leafy greens in the Salinas Valley that occurred in November and December 2019. FDA considers adjacent or nearby land use for cattle grazing as the most likely contributing factor associated with these three outbreaks. The Agency considers indirect

transmission of fecal material from adjacent and nearby lands from water run-off, wind, animals or vehicles to the romaine fields, or to the agricultural water sources used to grow the romaine, as possible routes of contamination. In summation, FDA has determined:

- Each of these three outbreaks was caused by different strains of E. coli O157:H7;
- Outbreak A strain was found in two different brands of fresh-cut salads;
- Traceback investigations identified a common grower with multiple ranches/fields;
- The Outbreak A strain was detected in a fecal-soil composite sample taken from a cattle grate on public land less than two miles upslope from a produce farm;
- Other STEC strains, while not linked to the outbreaks, were found in closer proximity to where romaine lettuce crops were grown, including two samples from a border area of a farm immediately next to cattle grazing land in the hills above leafy greens fields and two samples from on-farm water drainage basins.

The full report can be read [here](#). In response, the Department of Food and Agriculture, FDA and academia are conducting a study, in consultation with the leafy green industry to identify opportunities to mitigate for future risks. For more information or any interested participants in study should contact CFBF staff. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com), or 916-446-4647.*

## Labor

On May 20, the Assembly Labor and Employment Committee considered a number of measures under a truncated legislative timeline. Measures the Committee passed that are of interest to farm employers were passed by the committee on party-line votes and referred to the Assembly Appropriations Committee for further consideration of related fiscal issues:

[AB 1947](#) (Ash Kalra, D) extends the filing period for workplace retaliation claims under the Labor Code from six months to one year and authorizes a court to award attorney's fees if they win a "whistleblower" lawsuit. Farm Bureau opposes AB 1947 because it will encourage needless employment-related litigation. AB 1947 passed on a 5-2 vote.

[AB 2043](#) (Rob Rivas, D) requires the Cal/OSHA Standards Board to adopt a coronavirus protection standard no later than Feb. 1, 2021 through a process that will be exempted from the requirements of the Administrative Procedures Act and (apparently in the period between AB 2043 becoming law and the adoption of the standard) requires farm employers to implement the provisions of Cal/OSHA's guidance on COVID-19. It is unclear what a farm employer's legal obligations will be with regard to implementing the Cal/OSHA guidance should it differ from the regulation AB 2043 mandates. Farm Bureau opposes AB 2043 because OSHA's guidance and current mix of enforcement and compliance assistance is sufficient to protect employees. AB 2043 passed committee on a 6-1 vote.

[AB 2999](#) (Evan Low, D) mandates a 10-day unpaid bereavement leave in the Labor Code. This leave would be added to the proliferating leave mandates already imposed by the federal government (FMLA, and Families First Coronavirus Response Act (FFCRA)-mandated expanded FMLA, and paid sick leave) and the state government (CFRA and a lengthy list of leaves for a bewildering variety of reasons mandated in either the Labor Code or the California Family Rights Act (CFRA)). Farm Bureau opposes AB 2999 because it complicates the already burdensome requirements for employers to manage paid and unpaid leaves. AB 2999 passed committee on 5-1 vote.

[AB 3216](#) (Ash Kalra, D) seeks very broadly to expand eligibility, reach and scope of pregnancy disability leave, California Family Rights Act leave, the New Parent Leave Act, AB 1522 Paid Sick Leave, and state administered disability insurance benefits. AB 3216 incorporates expansions of eligible reasons, persons for whom an employee may take leave, reasons for leave and the extent of all these leaves that employee advocates have

sought for years in various bills; the Committee staff analysis cites no fewer than 20 legislative proposals dating back to 2007 which would either be enacted or expanded by AB 3216; essentially AB 3216 represents decades-long wish list of employee advocates seeking expansive leave mandates for California employers; for this reason, Farm Bureau opposes AB 3216. The bill passed the committee on a 5-1 vote. *Staff Contact: Bryan Little; [blittle@cfbf.com](mailto:blittle@cfbf.com); 916-561-5622.*

### **Land Use**

[SB 950](#) (Hannah-Beth Jackson, D) is a bill that would expand the California Environmental Quality Act's (CEQA) patchwork of existing requirements with costly new mandates that will burden local agencies, add substantial time and costs to the CEQA process and provide project opponents with new legal arguments to delay or block housing and other projects. The bill would specifically expand non-English noticing requirements, which will expand opportunities to challenge projects. It proposes a clumsy attempt to address late hit letters—comment letters that are submitted on the final day of the public comment period intended to overburden lead agencies. Finally, and of highest note for agriculture, the bill would revise the original legislative intent of CEQA to require considerations of environmental justice. Farm Bureau has joined a coalition of interests in opposition. The bill is set to be heard in the Senate Environmental Quality Committee on Friday, May 29<sup>th</sup>. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com), or 916-446-4647.*

### **Pesticides**

[SB 86](#) (Elena Durazo, D) has been recently amended to address granular chlorpyrifos. Specifically, this bill would require the Department of Pesticide Regulation (DPR) to prepare and report on a quarterly basis to the Legislature and the California Surgeon General about the amount of granular chlorpyrifos use and the location of its use, potential reasons from any volume of change from the prior quarter and describe how DPR monitors exposures and reduces risk. Farm Bureau will likely join a coalition of agricultural interests in opposition. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com), or 916-446-4647.*

### **Rural Crime**

[SB 903](#) (Shannon Grove, R) recently passed the Senate Public Safety Committee and is slated to be heard in Senate Appropriations. The bill would specify how funds collected for agricultural theft penalties would be dispersed amongst the Central Coast Rural Crime Prevention Program. Farm Bureau is in support. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com), or 916-446-4647.*

### **Taxation**

[SB 956](#) (Hannah-Beth Jackson, D) would establish the California Tax Expenditure Review Board to assess major tax expenditures and make recommendations to the legislature. The legislation is one-sided and narrowly focused on measuring only the revenue decreases as a result of a tax incentive. The ultimate objective of the legislation is to eliminate certain tax incentives to California businesses, including agriculture's partial sales and use tax exemptions, and use that revenue to fund other state programs. SB 956 is a reintroduction of SB 468 (Jackson, 2019), which was vetoed by Governor Newsom. SB 956 was heard in the Senate Governance and Finance Committee and passed by a vote of 4-1, with Senators Hurtado and Moorlach not voting. CFBF is in opposition to the legislation as part of a large coalition of business, manufacturing and tax organizations. *Staff contact: Robert Spiegel, at (916) 446-4647 or [rspiegel@cfbf.com](mailto:rspiegel@cfbf.com)*