



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

June 27, 2008

The California Air Resources Board issued the draft for what will eventually become regulations to implement the Global Warming Solutions Act of 2006 (AB 32, Fabian Nunez, D-Los Angeles). There were no big surprises as the concepts have been discussed in workshops over the past year. Of the 169 million metric tons of carbon dioxide that are identified to be reduced by various sectors, only 1 MMT is expected to be reduced from agriculture. Methane capture at dairies is cited in the scoping plan as being able to reduce 1 MMT, but is not included in the total 169 MMT as it is a voluntary reduction, not mandatory. The plan suggests that in 2013 when the five-year review will be conducted, an evaluation will be made whether dairy methane capture should remain voluntary or be required. Other greenhouse gas reduction measures on farms and ranches are mentioned, but acknowledging only that more research is needed before any verifiable reductions could be confirmed.

AB 186 (Bill Maze, R-Visalia and Cathleen Galgiani, D-Tracy) was placed on the Senate Appropriations Committee suspense file this week. This bill extends the Central Valley Rural Crime Prevention Program to 2012. The program is currently set to expire in 2009. CFBF supports programs to reduce the incidence of rural crime and improve recovery rates of stolen goods. The Central Valley Program has allowed the County Sheriffs in the eight Central Valley Counties to hire deputies focused on rural crime investigation. The suspense file will be taken up by the committee in August.

Legislation that provides protections for the grower community while insuring the future use of agricultural biotechnology benefits was approved by the Senate Judiciary Committee on 3-2 vote. [AB 541](#) (Jared Huffman, D-San Rafael) is supported by CFBF and other agricultural groups now that the bill has completely changed. AB 541 now provides statutory protection for growers in possession of de minimis or unintentional amounts of proprietary material and establishes a sampling protocol designed to protect the rights of growers in determining whether or not a patent infringement has occurred. The protocol would include grower permission in order to enter upon the grower's property to take samples of patented seed or crops. There is also language in AB 541 that allows the further clarification, as needed, for the role and responsibility of the Department of Food and Agriculture in the oversight of regulated agricultural biotechnology.

We continued to take steps towards a metal theft solution during this week's marathon of committee hearings. On Monday the Senate Business, Professions, and Economic Development Committee voted on [AB 844](#) (Tom Berryhill, R-Modesto) and it passed unanimously. The committee chair, Senator Mark Ridley-Thomas expressed appreciation to both Assembly Member Berryhill and Senator Calderon for working out their differences and coming up with legislation that both strongly support. AB 844 was also referred to the Senate Environmental Quality Committee and the Senate Public Safety Committee; however the deadline for policy committees to pass bills was this week. To allow AB 844 the ability to continue towards passage, Assembly Member Berryhill amended AB 844 to include an urgency clause.

This exempts the bill from committee deadlines, but requires a two-thirds vote for passage. AB 844 has not yet been set for a hearing in either policy committee.

Much more exciting than the love fest for AB 844 in Senate Business, Professions, and Economic Development was the hearing for SB 691 (Ron Calderon, D-Montebello) in the Assembly Judiciary Committee on Tuesday. Both AB 844 and SB 691 include a requirement for recyclers to obtain a fingerprint of sellers. The American Civil Liberties Union (ACLU) is opposing this provision of the bill. The committee analysis agreed with the ACLU and offered an amendment to remove the fingerprinting requirement. Additionally the committee analysis also recommended setting a \$200 cap for any payment requirements, meaning that anyone bringing in less than \$200 worth of scrap metal would not be subject to having their payment held. Committee members also raised concerns with the process that SB 691 had gone through before reaching the committee. After significant lobbying by the supporters of the bill and both Assembly Member Berryhill and Senator Calderon, the committee voted unanimously for SB 691 as is and decided to let the Assembly Appropriations Committee address the process issue. CFBF strongly supports both AB 844 and SB 691 and is actively working to achieve their passage.

The Senate Local Government Committee heard the recently amended version of AB 1634 (Lloyd Levine, D-Van Nuys) this week. The original version of this bill would have required all dogs and cats in the state to be spayed or neutered unless they were eligible for and obtained intact permits from their local animal control agencies. The bill was amended to require dogs to be spayed or neutered if they had three complaints filed against them or were picked up by animal control for running at large three times. The bill does not require the complaint to be substantiated, however committee members raised significant concern with this and the author agreed to amend the bill to give animal control officers discretion in determining whether to cite an intact dog or cat. The bill passed out of the committee on a party line vote of 3 – 2. Despite the amendments, CFBF remains opposed to this bill. The bill now goes to the Senate Appropriations Committee.

Farm Bureau's sponsored bill, AB 2168 (Dave Jones, D-Sacramento), passed out of the Senate Health Committee unanimously this week. This bill will allow farmers to sell processed agricultural products, such as jams, dried fruits, olive oil, etc. at their farm stands without being classified as Retail Food Facilities and therefore, subject to all of the requirements under the California Retail Food Code. The Senate Appropriations Committee will now hear the bill.

The Senate Environmental Quality Committee approved AB 2760 (Mark Leno, D-San Francisco) straight down party lines on a 5-2 vote. AB 2760 continues to be opposed by a large coalition of agricultural organization as it would require an Environmental Impact Report (EIR) before the aerial application of a pheromone is able to commence in urban areas to eradicate the LBAM. Every pesticide product is required to have extensive testing as a prerequisite to their government approval and is independently evaluated and approved by both the US EPA and CA Dept. of Pesticide Regulation before any product can be applied in California.

As more and more invasive species threaten California, the Department of Food and Agriculture (CDFA) needs to be able to respond quickly to pests and diseases before populations grow where they become unmanageable and destructive. In some cases, air and/or ground treatments are necessary in order to reduce infesting populations prior to the completion of an EIR, which generally takes 12-18 months. The Department develops its EIRs concurrently with commencing an eradication program to avoid time-sensitive delays that would wreak havoc on California's environment and economy. CFBF opposes.

The Senate Judiciary Committee unanimously approved [AB 2881](#) (Lois Wolk, D-Davis) that would require real estate disclosure of the state's right-to-farm law. The bill would require the mandatory disclosure for all properties for sale within one mile of land designated as prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance. The disclosure statement would read as follows: This property is located within one mile of a farm or ranch land designated on the current county-level GIS "Important Farmland Map," issued by the California Department of Conservation, Division of Land Resource Protection. Accordingly, the property may be subject to inconveniences or discomforts resulting from agricultural operations that are a normal and necessary aspect of living in a community with a strong rural character and a healthy agricultural sector. Customary agricultural practices in farm operations may include, but are not limited to, noise, odors, dust, light, insects, the operation of pumps and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides. These agricultural practices may occur during any 24-hour period. Individual sensitivities to those practices can vary from person to person. You may wish to consider the impacts of such agricultural practices before you complete your purchase. Please be advised that you may be barred from obtaining legal remedies against agricultural practices conducted in a manner consistent with proper and accepted customs and standards pursuant to Section 3482.5 of the Civil Code or any pertinent local ordinance. AB 2881 will next be heard in the Senate Appropriations Committee.

The California Department of Food and Agriculture announced last week a new development in its strategy to combat the LBAM. U.S. Department of Agriculture researchers recently informed CDFA that sufficient numbers and generations of lab-raised LBAM have completed the rearing process, opening the door for a new sterile release program as an eradication tool. As a result, CDFA anticipates it will move up a delivery date for sterile moths to two years, a timeline that would enable the state to utilize the SIT program on the Central Coast, where the USDA first confirmed LBAM in 2007. Scientists had expected to need five to seven years to adapt SIT to the apple moth, but their work has progressed much more rapidly than expected. Last Thursday, government officials announced that it could begin limited releases of the sterile moths in 2009, with a full-scale program up and running in 2011.

CFBF is a member of the Invasive Pest Coalition; an organization comprised of a broad range of associations committed to efforts to prevent the introduction of invasive pests into California and is very actively involved in the LBAM eradication effort. CFBF is in constant contact with CDFA and USDA to support all of their work to combat this threat to our state.

The Assembly Health and Agriculture Committees heard [SB 200](#) (Dean Florez, D-Shafter) this week. Senator Florez recently amended the bill to require video cameras in all facilities that harvest cattle. The video footage would have to be provided to the California Department of Food and Agriculture. CFBF is opposed to SB 200 for a number of reasons, including the release of proprietary information from the videos, the unclear oversight required by CDFA, and the precedent set by requiring video cameras in livestock handling facilities. The bill passed out of the Assembly Health Committee 9 – 4, but failed passage in the Assembly Agriculture Committee where it only received two votes. Senator Florez mentioned that he plans to reintroduce a version of this bill in the future.

The Assembly Water, Parks, and Wildlife Committee re-heard [SB 994](#) (Dean Florez, D-Shafter) this week. This time the bill passed out of committee 8 – 5, with an interesting mix of votes on both sides. This bill would require the Department of Fish and Game (DFG) to create a Delta smelt hatchery, which would be managed as a mitigation bank. Senator Florez's goal is to increase production of Delta smelt to allow for increased pumping to provide water for users south of the Delta. While CFBF is actively engaged in finding solutions that increase water flow to water users throughout the state, CFBF is

opposing this bill unless it is amended to address the inherent conflict of interest created by having DFG operating a mitigation bank. DFG will be setting the mitigation standards for water users desiring to mitigate their take of Delta smelt, which creates a significant incentive for DFG to set mitigation rates higher than necessary because they benefit from the funding coming to the mitigation bank.

Senator Florez recognized that significant changes were necessary if the bill is to get out of the next committee and will be working with all interested parties in the upcoming weeks to see if a compromise can be reached. CFBF will be participating in these discussions and looks forward to reaching a compromise that will allow mitigation to occur in a well-reasoned manner.

[SB 1436](#) (Denise Ducheny, D-San Diego) passed off the Assembly floor unanimously this week. CFBF is co-sponsoring this bill with the California Cattlemen's Association. SB 1436 seeks to continue accidental take allowances for routine and ongoing agricultural practices under the California Endangered Species Act through 2011. Currently that provision is set to expire January 1, 2009. The bill now goes to the Governor.

Two wireless telephone laws authored by Senator Joe Simitian (D-Palo Alto), take effect July 1, 2008. [SB 1613](#) (2005) prohibits all drivers from using a handheld wireless phone while driving a motor vehicle. [SB 33](#) (2007) prohibits drivers under 18 years old from using either a hands free or wireless device while driving.

CFBF successfully negotiated an exemption for farmers and ranchers to ensure their continued use of the push-to-talk features on their hand held telephones while driving implements of husbandry and other vehicles used in conducting commercial agricultural operations, which includes commercial vehicles transporting agricultural products, farm machinery or supplies to and from the farm. That exemption is also provided for commercial motor vehicles, tow trucks, emergency vehicles, the exemption expires July 1, 2011.

The laws will take effect immediately on July 1; officers will not be issuing warnings nor will there be a grace period for motorists following that date. Officers will be watchful for violators and will be issuing citations, fines increase with each offense. It is important to note that both ears cannot be covered when using an earpiece. The law does not prohibit the use for calls to emergency services.