



August 6, 2010

[AB 2240](#) (Fiona Ma, D-San Francisco), CFBF's sponsored bill, passed out of the Senate Appropriations Committee on Monday with a vote of 8-0. This bill would increase fees to fund CDFA's Market Enforcement Branch. The Branch's primary activities are licensing food processors and produce dealers and investigating complaints filed by farmers who are not properly paid for their California grown farm products. Rising costs to the Branch requires increased fees to ensure that it can continue operating. The bill will increase the fees for: agents licensed under California's dealers and processor laws from \$35 to \$55, the lowest category of licensees (purchasing volumes of less than \$20,000) from \$100 to \$136, and filing informal complaints from \$60 to \$100. The bill now moves to the Senate Floor.

[AB 51](#) (Sam Blakeslee, R-San Luis Obispo) was referred to the Appropriations suspense file in the Senate on August 2. CFBF is in support of the bill, which allows agricultural customers with multiple electric service accounts to aggregate their accounts located on property adjacent or contiguous to their renewable generation facility for the purposes of participating in net energy metering. Although the threshold for costs associated with legislation to trigger referral to suspense is low this year, cost implications from AB 51 are predominately associated with costs for reports to be generated by the Public Utilities Commission. The PUC's budget is not dependent on the general fund, however, as utility rates pay the budget. Stakeholders will be working to get the bill moved off suspense.

The Air Resources Board postponed its consideration of the proposed California Renewable Electricity Standard from its July 22 meeting to its September 23 Board meeting. The Renewable Electricity Standard would set the parameters for meeting California's electricity needs with 33% renewable energy (a 33% renewable portfolio standard). The postponement was in response to a request by Governor Schwarzenegger, who indicated his hope that the 33% requirement could be achieved through legislation this year.

On August 4, the Assembly Appropriations Committee acted on two labor related bills of interest to Farm Bureau. The first, [SB 1474](#) by Darrell Steinberg (D-Sacramento), was subjected to a substantial last-minute amendment; that amendment would effectively require the Agricultural Labor Relations Board to certify a union as a collective bargaining agent if an employer commits an unfair labor practice. As written, the amended version of SB 1474 would require the ALRB to certify the union on the basis of the showing of majority interest necessary to trigger an election, encouraging unions to claim employer unfair labor practices in every union election. The Assembly Appropriations Committee passed SB 1474 on a party-line vote, and the bill now proceeds to the Assembly floor for third reading. A large coalition of agriculture and business organizations including CFBF is opposing SB 1474.

Also on August 4, Assembly Appropriations sent [SB 477](#), (Dean Florez, D-Shafter) legislation to revise the Cal/OSHA heat illness regulation, to the suspense file. The Committee will deal with the suspense file in the next few weeks. SB 477 would require shade for all field workers (not the present 20% requirement) and would require shade to be provided at temperatures exceeding 75 degrees (rather than the present 85 degree requirement). Farm Bureau and a large coalition of business and agriculture are also opposed to SB 477.

A coalition of business and agricultural associations will be opposing [SB 1433](#) (Mark Leno, D-San Francisco) that would require the California Air Resources Board (CARB) to annually adjust the ceilings for air pollution penalties to keep up with inflation. The California agricultural community has quickly been included in the air quality rules that other larger industrial sources have had decades to incorporate into their operations and develop compliance capacity and understanding. In many instances CARB rules are extremely complex and their outreach relies entirely on volunteer associations like the Farm Bureau.

While we work closely with CARB and the local air districts to implement federal and state air regulations, we believe that allowing maximum penalties for noncompliance to adjust automatically across the board is unnecessary and will be punitive to California's agricultural community. If maximum fines and penalties need to be raised for particular air pollution laws due to noncompliance, it should be handled through the legislative process on a case by case basis. This will assure a public process that includes an evaluation of the law's effectiveness and whether the penalties fit the violation. Allowing automatic increases in civil penalties to occur in perpetuity without a thorough review of the law reduces the ability to confirm that the law remains adequate, fair and effective. CFBF opposes SB 1433 that is up for a vote on the Assembly floor.