



April 20, 2018

Antibiotics

Following the passage of [SB 27](#) (Jerry Hill, D-San Mateo) in 2015, which prohibited the use of antibiotics in livestock in specified circumstances, the Senate and Assembly Budget Subcommittees heard funding requests by the California Department of Food and Agriculture (CDFA) to fully implement the law. Groups, including the Natural Resource Defense Council, testified in opposition stating that CDFA is misinterpreting the intent of the law. Farm Bureau vehemently opposes this assertion. Both Subcommittees voted to leave the item open and will be addressed in future hearings. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Budget

CDFA, Natural Resources Agency, and Department of Pesticide Regulation presented to the Senate and Assembly Budget Subcommittee related to resources to describe budget change proposals related to agriculture. CDFA's presented proposals include the establishment of a Bee Safe Program, Senate Bill 27 (antibiotic use in livestock), the Office of Farm to Fork, Border Protection Stations, agricultural pests and diseases, and other items. The Subcommittees will continue to review these budget requests following discussion in future weeks. *Staff contact: Taylor Roschen, (916) 446-4647 or troschen@cfbf.com.*

Commodities

Under the premise of addressing growing childhood obesity, Senator Bill Monning (D-Carmel) introduced SB 1192, which would have limited the default beverage offered in children's meals at California restaurants to nonfat or 1% fat milk, a nondairy substitute under 130 calories per serving, flavored water, or water. Farm Bureau led a group of dairy producers who worked with Senator Monning to ensure, *all* fluid milk (including 2% and whole milk) should be among the options available as default beverages in children's meals. This is reflective of modern science which repudiates decades old science that suggested consumption of milkfat contributed to obesity. The opposite is actually true. Students who consume whole milk in the morning are more satiated and eat less. They are also healthier and perform better on school. While we continue to believe that flavored milk should also be included as a healthy beverage choice for children, we were unable to obtain that inclusion. SB 1192 has been amended to include all unflavored milk and Farm Bureau staff will continue to work with Senator Monning on the measure. Farm Bureau is Neutral. *Staff contact: Taylor Roschen, troschen@cfbf.com or 916-446-4647.*

California producers who feed their livestock with byproducts from food processors will not be subject to waste hauler registration and reporting requirements if the legislature passes [AB 3036](#) (Ken Cooley, D-

Rancho Cordova). Farm Bureau is sponsoring this bill, to address concerns over local solid waste authorities requiring livestock producers who are picking up byproducts from food processing to be licensed as waste haulers. CalRecycle will also be requiring all waste haulers to report the amount of waste they're diverting to other uses in the near future. Both of these requirements place additional burdens on farmers who are helping divert these byproducts from the waste stream. AB 3036 will eliminate those requirements. The bill was heard by the Assembly Natural Resources Committee this week, where it passed with a 10-0 vote. The bill now moves to the Assembly Appropriations Committee. *Staff Contact: Noelle Cremers, (916) 446-4647 or ncremers@cfbf.com.*

Energy

AB 2208 (Cecilia Aguiar-Curry, D-Napa and Eduardo Garcia, D-Coachella) This bill addresses biomass generation facilities to provide some certainty about their use as a resource in the state's Renewable Portfolio Standard. The bill was heard in the Assembly Committee on Utilities and Energy on April 18 and passed out of the committee as proposed to be amended on a 10 – 0 vote with 5 not voting. The Committee identified policy and implementation challenges in the bill, recommending that the bill be narrowed but to move it forward and allow further discussion and investigation of the implementation challenges, including balancing the need of the various types of renewable generation. The amendments delete the specific percentage requirements for additional generation to be met with geothermal, biogas or biomass and leave it open for further discussions. The bill still requires a specified portion of the purchases be procured from the Salton Sea Known Geothermal Resources Area. *Staff contact: Karen Mills, (916) 446-4647 or kmills@cfbf.com.*

There was broad support for the bill at the hearing with anticipated opposition from competing renewable generation sources – wind energy and solar. The next hearing on AB 2208 is in Assembly Natural Resources Committee on April 23. CFBF is in support. *Staff contact: Karen Mills, (916) 446-4647 or kmills@cfbf.com.*

Labor

AB 1913 (Ash Kalra, D-San Jose) expands the foreign labor contractor registration program, intended to register and supervise contractors providing workers through guestworker visa programs like the H-1B high-tech worker program and the H-2b non-ag worker program to farm labor contractors providing workers through the H-2a ag worker program. Such farm labor contractors are currently licensed by the state, and are subject to rigorous licensing, training, bonding and other requirements. AB 1913 passed the Assembly Labor & Employment on March 14 on a 5-1 vote, and passed the Assembly Judiciary Committee on April 10 on an 8-1 vote, and was referred to the Assembly Appropriations Committee. Farm Bureau opposes because AB 1913 would replicate many of the regulatory requirements for state-licensed and bonded farm labor contractors who use the federal H-2a program. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

AB 2941 (Lorena Gonzalez Fletcher, D-San Diego) will expand the existing paid sick leave mandate from 3 days each year to five days each year. AB 2941 passed the Assembly Labor and Employment on April 11 on a 5-2 vote, and was referred to the Assembly Appropriations Committee. Farm Bureau opposes. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

SB 937 (Scott Wiener, D-San Francisco) will impose complex new requirements for employers to provide accommodations to lactating mothers. SB 937 would set new minimum space requirements, require provision of a chair, electricity, and access to a sink and refrigerator in “close proximity” to the employee's worksite. In addition, SB 937 requires an employer to provide a written explanation within 5 days if the employer cannot provide a compliant lactation location and to keep those records for three years. SB 937

passed the Senate Judiciary Committee on April 18 on a 5-2 vote and was referred to the Senate Transportation and Health Committee. Farm Bureau opposes SB 937 unless it is amended to address the difficulty farm employers will have in meeting the bill's lactation location requirements in agricultural fields. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

[SB 1284](#) (Hannah-Beth Jackson, D-Santa Barbara) requires employers of 100 or more employees to submit annual an expanded version of U.S. Equal Employment Opportunity Commission-required EEO-1 reports to the Secretary of State, the Department of Fair Employment and Housing, and the Commission on the Status of Girls and Women. SB 1284 passed the Senate Judiciary Committee on April 17 on a 4-1 vote and was referred to the Senate Judiciary Committee. Farm Bureau opposes due to the expanded reporting mandate imposed on employers and due to concerns that wide dissemination of incomplete pay equity information (for example, no information would be included to reflect that some employees working in expensive metropolitan areas may be paid more than counterparts in lower cost of living areas) will encourage litigation and public criticism. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

[SB 1300](#) (Hannah-Beth Jackson, D-Santa Barbara) would vastly expand the parties who would have standing to sue an employer for allegations of harassment and discrimination. The plaintiff would be excused from having to prove he/she suffered any harassment of discrimination to sue an employer for failing to take any necessary actions to prevent harassment and discrimination. SB 1300 also significantly lowers the standard for proving harassment, allowing any harassment that may become severe or pervasive; current law requires harassment to actually be severe or pervasive to be actionable. The bill creates a new private right of action allowing an employee to sue an employer without having to actually suffer any injury. SB 1300 passed the Senate Judiciary Committee on April 18 on a 5-2 vote, and was referred to the Senate Appropriation Committee. Farm Bureau opposes due to the increased litigation that will be caused by SB 1300. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

[AB 2613](#) (Eloise Reyes, D-San Bernardino) imposes new and redundant penalties under the Labor Code for failure to pay wages timely, piling additional penalties to those already imposed by the Private Attorneys General Act (PAGA) and penalties that can be assessed by the Labor Commissioner. AB 2613 passed the Assembly Labor and Employment Committee on April 18 on a 5-2 vote and was referred to the Assembly Appropriations Committee. Farm Bureau opposes. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

[AB 2907](#) (Heath Flora, R-Ripon) would have created a "right to cure" Labor Code violations before they would be subject to litigation under the Private Attorneys General Act (PAGA). AB 2907 failed to pass the Assembly Labor and Employment on April 18 on a 2-5 vote. Farm Bureau supported. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

[AB 3080](#) (Lorena Gonzalez Fletcher, D-San Diego) prohibits settlement agreements between employees and employers for labor and employment claims and prohibits arbitration and class action waivers for such claims (probably in violation of federal law). AB 3080 passed the Assembly Labor and Employment Committee on April 18 on a 6-1 vote. Farm Bureau opposes. *Staff contact: Bryan Little, 916-446-4647, blittle@cfbf.com.*

Land Use

In light of the now-defunct North Coast Railroad Authority (NCRA), which was historically created to establish a 300-mile rail line running from Novato to Eureka, Senator Mark McGuire (D-Ukiah) has introduced [SB 1029](#) which proposes to dissolve the NCRA and then create two separate management entities for the northern and southern halves of the existing rail system to convert them to hiking, biking, riding and walking trails. The Farm Bureau has expressed concerns regarding impacts to adjacent land holders, right-of-way and eminent domain issues, and the outstanding debts and contractual liabilities of

the existing NCRA. Farm Bureau is engaged with Senator McGuire and his staff to discuss these important potential impacts and outstanding questions. *Staff contact: Taylor Roschen at troschen@cbbf.com.*

Nutrition

The California Nutrition Incentive Program was established within CDFA in 2015 to provide additional funds to low-income CalFresh (food stamp) recipients to increase their purchases of California-grown fruits and vegetables at certified farmers' markets. To build on this effort, Assembly member Phil Ting (D-San Francisco) introduced [AB 2335](#) which would provide grant funds to small grocers to purchase refrigeration units to host fresh fruits and vegetables for sale. As drafted, the bill specifies that funds will only be available to Alameda, San Francisco, Los Angeles and San Diego. Farm Bureau testified at Assembly Agriculture Committee expressing concern that grant funding should be eligible for all counties, including rural counties who arguably have greater levels of hunger and food deserts. Committee members echoed these concerns and requested Mr. Ting amend the bill as such. Staff is working directly with Mr. Ting's staff to ensure rural California is equally represented. *Staff contact: Taylor Roschen at troschen@cbbf.com or (916) 446-4647.*

Cannabis

Cannabis related legislation has not abated since the passage of the Adult Use and Medicinal Cannabis Regulation and Safety Act of 2017. Legislation of note includes [SB 1459](#) (Anthony Cannella, R-Merced), which would allow county agricultural commissioners to report production and profit totals for commercial cannabis cultivation as a part of annual crop reports, and [AB 2810](#) (Marc Levine-D, Marin), which would establish a Sun-Grown Cannabis Commission at CDFA to address regulatory requirements, marketing, and required research. Farm Bureau is actively engaged in discussions on both measures and has articulated CBBF policy and current state law that cannabis is not an "agricultural commodity." *Staff contact: Taylor Roschen at troschen@cbbf.com or (916) 446-4647.*

Water

Requiring nursery growers and retailers to label all plants produced in California for their water use would be a reality if Assembly Bill 2371 becomes law. AB 2371 (Wendy Carrillo, D-Los Angeles) would require the Secretary of the Department of Food and Agriculture to adopt regulations to require nursery stock be labeled for its water use. Farm Bureau is opposed unless amended. *Staff contact: Danny Merkley, 916-446-4647; dmerkley@cbbf.com*

A Farm Bureau sponsored measure that would add clarifying language to Section 1601 of the Fish and Game Code will be heard next week in the Assembly Water, Parks and Wildlife Committee. AB 2545 (James Gallagher, R-Yuba City) would define "stream" and "river" as a body of water that flows at least periodically or intermittently through a definite channel that supports fish or aquatic life. This change would narrow when a streambed alteration agreement would be required to activities only in the bed, bank, or channel rather than the entire floodplain. The measure would also clarify that artificial water conveyance infrastructures, including lined and unlined canals, flood control channels, irrigation ditches, and drainage ditches are excluded from requiring a streambed alteration agreement. *Staff contact: Danny Merkley, 916-446-4647; dmerkley@cbbf.com*

The measure reported on last week that would circumvent the existing regulatory process for determining the water quality and safety of produced water for irrigation was scheduled to be heard in the Assembly Environmental Safety and Toxic Materials Committee next week, but the author was unable to gather the necessary votes and pulled the bill. AB 2828 (Laura Friedman, D-Glendale) ignores years of work by

farmers, landowners and agricultural irrigation districts, under the direction of the Central Valley Regional Water Quality Control Board to conduct countless water quality and crop safety tests, all showing that produced water is a clean, safe and dependable water source. Farm Bureau, a coalition of agricultural organizations and irrigation districts are opposed to the measure. *Staff contact: Danny Merkley, 916-446-4647; dmerkley@cfbf.com*

Wildlife

The Fish and Game Commission adopted a predator policy at its meeting this week. The policy was drafted by the Predator Policy Working Group, of which Farm Bureau was a member. The working group agreed on most of what was included in the draft policy, however there were a few areas of disagreement between animal rights representatives and others. The animal rights groups pushed strongly for the policy to prioritize non-lethal control over lethal control. Farm Bureau testified before the Commission on the importance of the policy not being used to eliminate important predator management tools. Ultimately, the Commission adopted a policy without taking the recommendations of animal rights groups and adopted the policy on a 3-1 vote, with Commissioner Russell Burns being the no vote. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

California's trapping licensees can breathe a sigh of relief after the Fish and Game Commission voted to stop a proposed rulemaking to increase trapping fees. The Center for Biological Diversity (CBD) and Project Coyote petitioned the Fish and Game Commission to fully account for all costs associated with administration and enforcement of licensed trapping in California and sued last year when the Commission did not increase license fees. The Commission had been considering whether or not to begin a rulemaking process to change the fees to ensure that costs were fully covered. At the February Commission meeting the Department of Fish and Wildlife (DFW) presented its cost assessment of activities necessary to administer licensing of trappers. DFW estimated its costs to administer the licensing program to be \$107.34 per license and the Commission estimates its costs to be \$3.08 per license, for a total cost of \$110.42 per license. Currently DFW charges \$117 for residents, \$39.40 for resident youth, and \$579 for non-residents. CBD argues that the full cost of enforcement should be included in estimating the costs of licensing. Ultimately, CBD would like trapping licenses to be prohibitively expensive to dissuade anyone from getting a license. At this week's Commission meeting DFW testified that it spent \$13,000 on enforcement related to trapping last year, but those costs were all associated with unlicensed trappers. Farm Bureau testified on the topic to point out that since enforcement must occur whether or not California licenses trappers, it doesn't make sense to include enforcement costs in the licensing fees. The Commission agreed and voted 3-0 to remove the rulemaking from the Commission's calendar. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*

Tricolored blackbirds are now listed as threatened under the California Endangered Species Act (CESA) after a vote by the Fish and Game Commission. The birds were added to CESA as candidates in December 2015 and the Commission made the final listing decision Thursday, after a three-hour discussion. Farm Bureau and representatives of Western United Dairymen and Dairy Cares all testified in opposition and pointed out problems with the science used to justify listing. The Department of Fish and Wildlife (DFW) committed to working on a safe harbor agreement to allow for incidental take for dairies that agree to protect colonies nesting on their farms. Farm Bureau will be working with DFW to create a safe harbor agreement that is as similar as possible to the 2084 regulations that allowed for incidental take during candidacy. The final vote was 4-0 for the listing. *Staff contact: Noelle Cremers at (916) 446-4647 or ncremers@cfbf.com.*