



November 2, 2018

### **Agriculture, Generally**

The State Board of Food and Agriculture will be meeting from 12 to 2:30pm in Kern County at Grimmway Farms (12062 Buena Vista Blvd, Arvin, CA 93203) to hear from local farmers and associations on key agricultural issues. Prior to the meeting, the Board will tour the Kern Water Bank and visit a field/processing facility at Grimmway Farms. Invited speakers include: Teresa Siles (Nuffer, Smith, Tucker Public Relations); Scott Horsfall (California Leafy Greens Marketing Agreement); Rob Yraceburu (Wonderful Orchards); Edwin Camp (D.M. Camp & Sons/Arvin-Edison Water Storage District); and Undersecretary Gregory Ibach (USDA's Marketing and Regulatory Programs). *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

### **Climate Change**

The Department of Conservation, in the first in a series of a Ag Talks, hosted a presentation by the Marin Carbon Project to discuss carbon management practices on farm in the interest of climate change mitigation and adaptation. Presenters included Jeff Creque with the Carbon Cycle Institute, Nancy Scolari with the Marin RCD, and Jeff Stump, with the Marin Agricultural Land Trust. CFBF staff attended. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

### **Industrial Hemp**

The California Department of Food and Agriculture's Industrial Hemp Advisory Board met on October 30<sup>th</sup> to discuss items, including: methodology and procedures to amend a list of approved industrial hemp seed cultivars, what constitutes industrial hemp destruction and associated grower responsibilities, sampling procedures, definition of tetrahydrocannabinol (THC), the development of an agricultural pilot program, and recent changes to state and federal law. The Board also heard a proposal to amend the existing list of approved seed to include those specified in [SB 1409](#) (Scott Wilk, R-Antelope Valley). This suggested approved list of cultivars will be discussed in the next Industrial Hemp Advisory Board meeting in the coming months. *Staff contact: Taylor Roschen, [troschen@cfbf.com](mailto:troschen@cfbf.com) or 916-446-4647.*

### **Labor**

The Division of Occupational Safety and Health at the Department of Industrial Relations (Cal/OSHA) has taken two regulatory actions in recent weeks:

On October 18<sup>th</sup>, the Division published an emergency regulation requiring all employers with 250 or more employees or employers of 20 to 249 employees in industries deemed by OSHA to be hazardous, like agriculture, construction, and manufacturing, to submit information from the employer's 2017 Cal/OSHA Form 300A by December 31<sup>st</sup>, 2018. Cal/OSHA submitted the proposed regulation to the Office of Administrative Law (OAL) on October 23<sup>rd</sup>. OAL then provided a five-day comment period for stakeholders; CFBF commented along with a number of other employer stakeholders. After the comment

period, OAL has 10 days to review the proposal. OAL's review is limited to legal and procedural sufficiency and does not consider policy matters.

An emergency regulation remains in effect for 180 days unless OAL approves a re-adoption of the emergency regulation for a maximum of 90 additional days; OAL may grant an additional 90-day renewal of the emergency regulation. During the pendency of the emergency regulation, the agency will likely undertake a process to enact a permanent reporting rule.

The proposed regulation will require California employers to submit Forms 300A but offers little further information about the submission process and does not specify what the agency intends to do with this information. The agency's justification for issuing this regulation on an emergency basis rests in part of the position taken by the federal Occupational Safety and Health Administration (OSHA) in April 2018 that California employers covered by injury and illness recordkeeping requirements were required to upload their 300A summaries to the federal agency's Injury Tracking Application. Cal/OSHA says they wish to relieve "confusion" among California employers created by the federal agency's mandate, though it is unclear whether the new state mandate will supplant the federal mandate.

Cal/OSHA has also furnished stakeholders a revised draft of the Indoor Heat Illness standard it is required to propose to the Cal/OSHA Standards Board by Jan. 1, pursuant to the requirements of legislation passed by the California Legislature in 2016. CFBF has expressed concerns about possible conflicts between the existing Heat Illness Prevention Standard for outdoor employees. CFBF has urged the agency to minimize conflicts with the existing regulation by clearly defining indoor worksites as distinct from outdoor worksites, to clearly define the applicability of the new regulation to vehicles, and to provide simple requirements for hazard assessment and abatement. The most recent draft continues to be unclear on these points. CFBF will file comments on the draft by the agency's Nov. 30 deadline.

The Department of Industrial Relations is in the process of revising Wage Order 14 as required by agricultural overtime legislation passed in 2016. CFBF continues to work with the agency to encourage reasonable language preserving key overtime exemptions wherever possible. The Department indicates they intend to finish the revised Wage Order before the end of 2018 and to implement it through an abbreviated legal process typically used by administrative agencies to comply with legislative mandates. *Staff Contact: Bryan Little, [blittle@cfbf.com](mailto:blittle@cfbf.com) or 916-446-4647.*

### **Pesticides**

The Department of Pesticide Regulation will be hosting a public meeting to discuss proposed changes to regulations which would classify chlorpyrifos as a toxic air contaminant (TAC). The listing of this chemical as a TAC may have future impacts on agricultural uses. CFBF staff will be present at this hearing. *Staff contact: Jim Houston, [jhouston@cfbf.com](mailto:jhouston@cfbf.com) or 916-446-4647.*

### **Water**

The State Water Resources Control Board will consider requiring releases of 30 to 50 percent of water in the Merced, Tuolumne and Stanislaus rivers next week at their board meeting. The water board will consider adopting a resolution amending the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopting the Final Substitute Environmental Document this coming Wednesday, November 7<sup>th</sup>. Farm Bureau has submitted detailed comments opposing the proposal and urging the water board to consider the contributions of non-flow measures and adaptive management towards achieving beneficial uses when considering the water quality control plan or amendments to a plan. *Staff Contact: Danny Merkley, [dmerkley@cfbf.com](mailto:dmerkley@cfbf.com) or 916-446-4647.*

Colusa County Farm Bureau will host the Sacramento Valley Water Summit on November 19<sup>th</sup> in Williams with Felicia Marcus, Chair of the State Water Resources Control Board, Chuck Bonham, Director of the Department of Fish and Wildlife and others to discuss the water board's water quality control plan for the Delta, including phase II which if adopted would require releases of 45 to 65 percent of flows from the Sacramento River and its tributaries. The summit is open to all Farm Bureau Members. RSVP to [colusafarmbureau2@outlook.com](mailto:colusafarmbureau2@outlook.com), or (530) 458-5130.

### **Wildlife**

The Department of Fish and Wildlife (DFW) is in the early stages of developing a Mountain Lion Conservation and Management Plan. Mountain Lions are protected in California and take is prohibited except in limited cases of proven depredation or public safety situations. The plan is intended to develop guidance to DFW in establishing a greater understanding of the population of Mountain Lions in the State and their regional distribution. DFW held a meeting with interested stakeholders and Mountain Lion researchers to discuss development of the plan this week. Farm Bureau participated in the meeting and will continue to provide input to DFW as it works to develop the plan. *Staff contact: Noelle Cremers at (916) 446-4647 or [ncremers@cfbf.com](mailto:ncremers@cfbf.com).*