



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

July 16, 2010

On July 14th, the Senate Food and Agriculture Committee (Dean Florez, D-Shafter, Chairman) and the Senate Labor and Industrial Relations Committee (Mark DeSaulnier, D-Walnut Creek, Chairman) held a joint hearing titled, “A Review of Regulations to Prevent Heat Illness and Deaths: Are Current Efforts Sufficient to Protect Outdoor Workers in the Fields.” At the hearing, Cal/OSHA Chief, Len Welsh, testified about the agency’s efforts to enforce the existing heat illness regulation, the agency’s role in the promulgation of the current regulation, the agency’s efforts to have the Occupational Safety and Health Standards Board revise the standard, and the adequacy of the standard itself. Chairman Florez questioned Welsh extensively about whether the regulations should require employers to provide shade for all employees at all times, rather than the current enforcement requirement for employers to provide sufficient shade for 25% of the crew. Welsh argued the “25% shade” requirement is a pragmatic way of giving employers a yardstick to judge their compliance with the regulations. Florez argued to the contrary that shade should be available to all employees at all times so that breaks and meal periods can be taken in shaded areas.

Welsh was followed by a panel of farmworker advocates, including Worksafe, California Rural Legal Foundation, and the United Farm Workers. They endorsed Florez’ call for 100% shade and called for stepped-up Cal/OSHA enforcement of the Heat Illness Prevention Standard.

The third panel was comprised of agriculture representatives, including Bryan Little of the California Farm Bureau Federation and Guadalupe Sandoval of the California Farm Labor Contractors Association. Little detailed efforts by Farm Bureau and other industry organizations in conjunction with Cal/OSHA to train agricultural employers, supervisors and Farm Labor Contractors and other efforts to educate and train farm employers. Sandoval detailed the efforts FLCs are making to comply with the standard and protect workers.

In a related development, the Occupational Safety and Health Standards Board has requested public comments on revisions to the Heat Illness Prevention standard. Those revisions will specify new high-heat procedures that will apply to agriculture, construction and landscaping. The high-heat procedures will require employers to more closely supervise workers who are not acclimated to heat greater than 95 degrees for the first few days workers are exposed to hot weather. The Board is expected to take up the proposed revision at its meeting on August 19 in Sacramento.

[SB 1121](#), legislation by Senator Dean Florez (D-Shafter) to impose an 8-hour work day on agricultural workers, is still pending and has not yet been sent to the governor for his action. The measure passed the Assembly on a 47-28 vote on July 2nd. Once the governor receives the bill he will have 12 days in

which to sign or veto it. The measure will negatively impact farm workers due to the change in overtime rules for farm workers-- the bill would result in less flexibility and reduced hours for farm workers as well as reduced incomes. In the public debate on this measure it is clear that many believe California farm workers are not eligible for premium pay for any overtime work. However, although federal law and 47 other states provide no premium for overtime work by agricultural workers, in California farm workers are entitled to extra pay after ten hours in a day and for working a seventh consecutive day in a workweek. California has the most comprehensive, agricultural worker overtime law in the country. Agricultural industry organizations including Farm Bureau and many farm workers are opposed to the bill and asking for a veto of the measure.

After passing both the Assembly and the Senate with nearly unanimous approval, [SB 1229](#) (Jeff Denham, R-Merced), was signed by Governor Schwarzenegger this morning. A Farm Bureau supported bill, SB 1229 provides a reasonable solution for farmers and ranchers who use ATVs in their operations by adding the vehicles to the vehicle code as implements of husbandry. The vehicles would have to be used exclusively in the conduct of agricultural operations, not for recreation, and driven for no more than a mile from point of origin. The bill will become law January 1, 2011.