
SENATE COMMITTEE ON HEALTH

Senator Dr. Richard Pan, Chair

BILL NO: SB 558
AUTHOR: Caballero
VERSION: March 10, 2021
HEARING DATE: April 14, 2021
CONSULTANT: Kimberly Chen

SUBJECT: Farmworker Disaster Relief Planning Task Force

SUMMARY: Establishes the Farmworker Disaster Relief Planning Task Force (Task Force) in California Health and Human Services Agency and requires specific membership of Task Force. Requires the Task Force to examine the needs of farmworkers, their families, and their communities for immediate, intermediate, and long-term sustainable and equitable access to health care, safety net services, protections, and other social and economic relief during pandemics and disasters. Requires the Task Force, on or before July 1, 2022, to report its findings and recommendations to state agencies, the Legislature, and the Governor.

Existing law:

- 1) Establishes in state government the California Health and Human Services Agency (CHHS). [GOV §12800]
- 2) Establishes, within the California Department of Public Health (CDPH), the Office of Health Equity (OHE), which is tasked with reducing health and mental health disparities to vulnerable communities, and to advise and assist other departments in increasing access to and quality of culturally and linguistically competent health and mental health services. [HSC §131019.5]
- 3) Creates, within the office of the Governor, the California Office of Emergency Services (Cal OES), which is responsible for addressing natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. [GOV §8585]
- 4) Requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan, as specified. [GOV §8593.3]

This bill:

- 1) Establishes the Task Force in CHHS. Requires the Task Force to examine the needs of farmworkers, their families, and their communities for immediate, intermediate, and long-term sustainable and equitable access to health care, safety net services, protections, and other social and economic relief during pandemics and disasters.
- 2) Requires the Task Force to consist of 15 or more representatives appointed by the Secretary of CHHS and to include representatives from all of the following:
 - a) Office of the Governor;
 - b) Labor and Workforce Development Agency;
 - c) CHHS;
 - d) Office of Emergency Services;

- e) Business, Consumer Services, and Housing Agency;
 - f) Department of Food and Agriculture; and,
 - g) Representatives of stakeholders from at least all of the following:
 - i) Farmworker-serving community based organizations;
 - ii) Labor organizations;
 - iii) Predominant agricultural counties and cities;
 - iv) Agricultural commissioners;
 - v) Members of academia; and,
 - vi) Policy experts in the field of farmworker health and safety.
- 3) Requires the Task Force to do all of the following:
- a) Research and investigate the disparate impact of disasters and pandemics on farmworkers, their families, and their communities;
 - b) Research and investigate legislative, regulatory, and private sector forms of relief that can provide immediate, intermediate, and long-term sustainable and equitable access to health care, safety net services, protections, and other social and economic relief for farmworkers, their families, and their communities during current and future disasters, such as pandemics, droughts, wildfires, freezes, heat and economic upheavals; and,
 - c) Develop and make recommendations about relief programs researched by the Task Force and related legislative and regulatory provisions necessary to implement the relief programs.
- 4) Requires the Task Force, on or before July 1, 2022, to report its findings and recommendations to the state agencies involved in the Task Force, the Legislature, and the Governor. Requires the Secretary of CHHS, no later than October 1, 2022, to produce an actuarial report of the recommendations made by the Task Force, which shall be reported to the Task Force. Requires the report to be submitted consistent with the requirements of existing law.
- 5) Prohibits a Task Force member from receiving per diem or similar compensation for serving as a Task Force member.
- 6) Requires Task Force meetings to comply with the requirements of the Bagley-Keen Open Meetings Act in existing law.
- 7) Requires CHHS and participating governmental agencies to operate within their existing budgetary resources for purposes of implementing this bill. Authorizes the Secretary of CHHS to seek private funds in order to implement this bill.
- 8) Sunsets this bill on January 1, 2023.

FISCAL EFFECT: This bill has not yet been analyzed by a fiscal committee.

COMMENTS:

- 1) *Author's statement.* According to the author, the pandemic has put a spotlight on the entrenched inequities in our state. Farmworkers are some of the hardest working individuals, contribute to our food security, and are disproportionately impacted by natural disasters such as wildfires, droughts, and other emergency events. This has been the case during the

pandemic, where farmworkers have experienced significantly higher COVID-19 infection rates than other workers and the general population. Despite their essential work, farmworkers have seen inadequate support and assistance to their communities. Establishing the disaster relief task force to ensure coordination of short-term and long-term support for farmworkers during emergency events will help our state respond with an equity lens at the forefront.

- 2) *Impact of COVID-19 on farmworkers.* In December 2020, UC Berkeley published a white paper reporting preliminary findings of the first long-term study on the prevalence of and risk factors for COVID-19 infection among farmworkers in California. The white paper was based on data collected between mid-July and November 2020 in the Salinas Valley. Over the course of the five months, 13% of the farmworkers enrolled in the study tested positive for COVID-19, with 42% of those cases being asymptomatic. In October, nearly 20% of study participants tested positive in serology tests, indicating prior infection. Both test positivity rates were magnitudes higher than the rates for the general population in the San Francisco Bay Area during the same time.

Farmworkers who tested positive were more likely to speak indigenous languages and to have lower education. Known exposure to COVID-19 at home or in the workplace were both significant predictors of subsequent infection. Many farmworkers, if they were to become sick, do not have homes with adequate space to isolate. Although workers reported that employers provided face coverings and hand wash stations with soap, many were not adequately screening their workers for symptoms of disease prior to the work shift. Commuting to work with others not in their household markedly increased the risk of a farmworker becoming ill. In addition, a staggeringly high percentage of farmworkers reported working while symptomatic, with some reporting fear of not getting their next paycheck, being fired from their job, or because their employer told them to come to work as reasons for working while sick.

- 3) *State auditor report.* In December 2019, the state auditor issued a report assessing how well prepared three counties—Butte, Sonoma, and Ventura—were in protecting vulnerable populations before, during, and after a natural disaster. The audit was conducted to evaluate the responses to the 2018 Camp Fire in Butte, the 2017 Sonoma Complex fires in Sonoma, and the 2017 Thomas Fire in Ventura. In particular, the state auditor reviewed how well each county served individuals with access and functional need (which refers to individuals with disabilities), limited English proficiency, transportation disadvantages, and older age. According to the state auditor's report, although everyone is vulnerable during a natural disaster, people with access and functional needs are even more vulnerable. As a result, these individuals have historically been disproportionately affected by natural disasters. The United Nations reports that people with certain access and functional needs are more likely to die from these events. During past events, emergency response agencies have struggled to assist them.

The state auditor's report noted that none of the three counties adequately engaged with representatives of individuals with a variety of access and functional needs in their community when developing their emergency plans. Each county had deficiencies in the way it issued warnings to the public during these historic disasters. During those wildfires, none of the counties issued warning directing people to evacuate in languages other than English. In terms of providing assistance during and following evacuation, Butte had established several agreements for shelter resources, but it lacked any prearranged agreements for

transportation to assist evacuation. Similarly, Sonoma and Ventura have no prearranged agreements for transportation and lack key agreements for shelter resources. Finally, although Cal OES has issued some guidance and tools for assisting local jurisdictions in developing emergency plans to meet access and functional needs, it has not done enough to fulfill its mission with respect to protecting these vulnerable populations. The state auditor's report found that Cal OES failed to provide important resources to help local jurisdictions in planning, even when state law has required it to do so.

- 4) *CHHS budget change proposal (BCP)*. For the 2021-22 budget, CHHS and DHCS have submitted a BCP to implement initiatives across CHHS to help reduce health disparities exacerbated by the COVID-19 pandemic. The BCP includes four components, including a COVID-19 impact analysis, a language access policy framework, an equity dashboard, and workforce training. The COVID-19 impact analysis is intended to be a retrospective analysis of the intersection of the COVID-19 pandemic and the health disparities and health inequities that were further perpetuated by the pandemic. The purpose of this analysis is to help CHHS better understand how health disparities fueled the pandemic and what can be done to prepare for future crisis.
- 5) *Double referral*. This bill is double referred. Should it pass out of this committee, it will be referred to the Senate Committee on Human Services.
- 6) *Related legislation*. AB 93 (E. Garica) requires the Legislative Analyst's Office (LAO) to conduct a comprehensive review and analysis of the state's response to the COVID-19 pandemic, including, among others, whether local public health departments were sufficiently staffed and funded to handle specified pandemic-related responsibilities, and what specific measures of accountability the state applied to monitor and confirm that local public health departments were following state directives related to any dedicated COVID-19 funds allocated to counties. Requires the LAO to report to the Joint Legislative Audit Committee and the health committees of the Legislature by June 30, 2022. *AB 93 is pending in the Assembly Committee on Health.*

AB 125 (R. Rivas) enacts the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, if approved by the voters, authorizes the issuance of bonds to finance programs related to, among other things, agricultural lands, food and fiber infrastructure, climate resilience, agricultural professionals, including farmers, ranchers, and farmworkers, workforce development and training, air quality, tribes, disadvantaged communities, nutrition, food aid, meat processing facilities, fishing facilities, and fairgrounds. Requires the bond act to be submitted the voters at the November 8, 2022 statewide general election. *AB 125 is set to be heard on April 15, 2021 in the Assembly Committee on Agriculture.*

AB 941 (Bennett and R. Rivas) requires the Department of Community Services and Development to establish a grant program for counties to establish farmworker resource centers that provide farmworkers and their families information and access to services related to, among other things, education, housing, payroll and wage rights, and health and human services. Requires a county's eligibility for funding under the grant program to be contingent on the county working with community based organizations to develop the center, providing 25% of the center's funding under the program, and requiring the center to provide services in specified languages. *AB 941 is pending in the Assembly Committee on Human Services.*

- 7) *Prior legislation.* SB 160 (Jackson, Chapter 402, Statutes of 2019) requires a county to integrate cultural competence into its emergency plan, upon the next update to its emergency plan, and requires counties to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities, as specified.

AB 477 (Cervantes, Chapter 218, Statutes of 2019) requires cities and counties to include representatives from the access and functional needs population, as defined, in the next regular update to their emergency plan, as specified.

AB 1877 (Limón, Chapter 630, Statutes of 2018) required OES to create a library of translated emergency notifications and a translation style guide, as specified, and required designated alerting authorities to consider using the library and translation style guide when issuing emergency notifications to the public.

- 8) *Support.* This bill is sponsored by California Rural Legal Assistance Foundation (CRLAF), which writes that California's 800,000 agricultural workers are an essential workforce responsible for sustaining California's \$50 billion agricultural industry and the production of America's fresh food supply. Since the beginning of the COVID-19 pandemic, farmworkers have faced higher exposure to COVID-19 than other workers due to exposure in the fields, in the commute to work, and in extremely overcrowded housing with their co-workers, families and communities. CRLAF argues that the response of the State and counties to the disproportionate impact of the current COVID-19 disaster on farmworkers has lacked a cohesive approach without a coordinated plan for protecting farmworker communities. They conclude that advance planning for coordinated responses to future disasters is imperative to protect the fresh food supply and the workers, their families and their communities that produce the food.

Mixteco/Indigena Community Organizing Project(MICOP) is also in support of this bill. MICOP states that according to the 2010 Indigenous Workers Study, almost 50% of farmworkers living and working on the Central Coast are indigenous migrants. Indigenous migrants from Southern Mexico often do not speak Spanish, but rather their indigenous language, such as Tu'un Savi or Zapotec. They note that during the 2017 Thomas Fire and subsequent mudslides, MICOP outreach workers were pulled from their regular duties to distribute masks, and bring food and supplies directly to the homes of impacted community members. MICOP argues that prior experience with the most recent drought relief for farmworker communities highlights the disparate responses by counties and the lack of coordination at the State level, which they believe this bill will address.

- 9) *Policy comments.* CHHS oversees 12 departments and five offices that provide a range of health care services, social services, mental health services, alcohol and drug services, income assistance, and public health services. This includes CDPH, Department of Social Services, Department of Health Care Services, Department of Community Services and Development, and the Office of the Surgeon General. This bill requires CHHS to convene a Task Force on farmworker needs during pandemics and disasters. Cal OES is the state agency responsible for addressing disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters. Cal OES was the lead agency for much of the work during the COVID-19 pandemic and the recent wildfires, and may be a more appropriate entity to lead the Task Force, with CHHS serving as a member. *The author may wish to amend the bill to designate CalOES to lead the Task Force.*

This bill requires CHHS to appoint and convene a 15-member Task Force in order to develop recommendations for farmworker needs and requires the Task Force to submit a report by July 1, 2022. Given the scope of the task and the budget restraints required by the bill, the deadline for submitting a report to the Legislature may be impractical. *The author may wish to provide the Task Force a longer period to conduct its duties prior to submitting a report.*

SUPPORT AND OPPOSITION:

Support: California Rural Legal Assistance Foundation (sponsor)
Central California Environmental Justice Network
Mixteco Indigena Community Organizing Project
Visión y Compromiso
Western Center on Law & Poverty

Oppose: None received

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