
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair
2021 - 2022 Regular

Bill No: SB 558
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Urgency: No
Consultant: Taryn Smith
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Fiscal: Yes

Subject: Farmworker Disaster Relief Planning Task Force

SUMMARY

This bill establishes within the California Office of Emergency Services (OES), the Farmworker Disaster Relief Planning Task Force, to be composed as specified, in order to examine the needs of farmworkers, their families, and 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. The bill requires the Task Force to make recommendations about specified relief programs and, on or before January 1, 2023, to report its findings and recommendations to the state agencies involved in the Task Force, the Legislature, and the Governor.

ABSTRACT

Existing Law:

- 1) Establishes the OES in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. (*GOV 8585*)
- 2) Specifies those events constituting a state or local emergency and provides for specified activities in preparation for, or response to, those events. (*GOV 8558*)
- 3) Defines "emergency plan" for purposes of emergency services provided by local governments and requires each county to integrate access and functional needs, as defined, into its emergency plan upon the next update of its emergency plan. (*GOV 8560*)
- 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 Farmworker Disaster Relief Planning Task Force within OES.

- 2) Requires the director of OES to lead the Task Force and provides that the Task Force shall 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.
- 3) Requires the Task Force to consist of 15 or more representatives, appointed by the director, from all of the following:
 - a) Office of the Governor;
 - b) Labor and Workforce Development Agency;
 - c) California Health and Human Services Agency;
 - d) Office of Emergency Services;
 - e) Business, Consumer Services, and Housing Agency;
 - f) Department of Food and Agriculture;
 - g) Other state agencies that support farmworkers; and
 - h) Representatives of stakeholders, including, but not limited to, 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.
- 4) 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.

- c) Make recommendations about relief programs, based on the issues researched and investigated, and develop findings related to key legislative and regulatory provisions necessary to implement the relief programs.
 - d) On or before January 1, 2023, report its findings and recommendations to the state agencies involved in the Task Force, the Legislature, as specified, and the Governor.
- 5) Prohibits a Task Force member from receiving a per diem or other similar compensation for serving as a member of the Task Force.
 - 6) Requires that the Bagley-Keene Open Meeting Act apply to meetings of the Task Force.
 - 7) Requires the director to operate within their existing budgetary resources for purposes of implementing this section. Requires that a governmental agency that participates in the Task Force shall operate within its existing budgetary resources for purposes of that participation.
 - 8) Requires the director to, no later than October 1, 2023, produce an actuarial report of the recommendations made by the Task Force in order to ensure an adequate benefit within a solvent program.
 - 9) Requires the actuarial report to be shared with and approved by the members of the Task Force. If approved, the report shall be submitted to the Legislature in accordance with specified law.
 - 10) Permits the director to seek private funds for purposes of implementing this section.
 - 11) Provides that it shall remain in effect only until January 1, 2024, and as of that date is repealed.

FISCAL IMPACT

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

BACKGROUND AND DISCUSSION

Purpose of the Bill:

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 in 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.”

Farmworkers in California

California’s 800,000 farmworkers play a key role in sustaining California’s \$50 billion agricultural industry and the production of America’s fresh food supply. Roughly 90 percent of California farmworkers were born outside the United States, mostly in Mexico and Central America. Although estimates vary, more than half of those workers are thought to be undocumented. Many farmworkers live in overcrowded housing, defined by the United States Department of (?)Housing and Urban Development as more than two people per bedroom. Most farmworkers work outdoors exclusively, typically they work in the fields. Others may work in packing sheds, processing facilities, or nurseries/greenhouses.

Farmworkers are more likely to speak indigenous languages, with most speaking Spanish, and to have lower education. The median annual wage for agricultural workers was \$28,900 in May 2020.

Farmworkers have needs that are somewhat different from other members of the labor force due to the migratory nature of their work; language barriers; physically challenging working conditions; and exposure to chemicals and pesticides to name a few.

Impact of COVID-19 on Farmworkers

Latinos in the United States have been disproportionately impacted by the COVID-19 pandemic. According to some reports, they account for a large proportion of COVID-19 cases and are experiencing five to seven times the risk of COVID-19 mortality relative to non-hispanic caucasians. Farmworkers in particular have faced higher exposure to COVID-19 than other workers due to exposure in the fields, during their commute to work, and in overcrowded housing with their co-workers, families and other community members. Following is a sampling of COVID-19 outbreaks that affected farmworkers across the state:

- On a poultry farm in Merced County at least 392 employees tested positive for COVID-19 and at least eight workers died from the virus.
- On a berry farm in Ventura County 201 workers tested positive for COVID-19.
- One hundred and fifty employees of a pistachio farm in Wasco and 65 of their family members tested positive for the virus. This resulted in a strike from other employees who learned of the outbreak through the local news.
- Ventura County also reported an outbreak among 28 workers who were employed in avocado and citrus orchards and over 35 employees of another grower. These reports began as early as May of 2020.
- Santa Barbara County reported a total of 1,180 farmworkers tested positive for COVID-19.
- Monterey County reported 247 farmworkers tested positive for the virus.
- Lake County reported an outbreak where 25 farmworkers tested positive for COVID-19.
- Solano County reported at least 60 farmworkers residing their county and working in Sonoma and Napa vineyards tested positive for COVID-19.
- Sonoma County has reported 12 outbreaks on farms in the county, resulting in 347 cases

among workers.

- San Joaquin County reported that 102 farmworkers have tested positive for the virus.

In December 2020, UC Berkeley published a white paper, entitled Prevalence and Predictors of SARS-COV-2 Infection Among Farmworkers in Monterey County, which was based on data collected between mid-July and November 2020 in the Salinas Valley. Over the course of the study, 13 percent of the participating farmworkers tested positive for COVID-19 and 42 percent of those cases were asymptomatic. In October 2020, nearly 20 percent of study participants tested positive in serology tests, indicating prior infection. Both test positivity rates were significantly higher than the rates for the general population in the San Francisco Bay Area during the same time.

Per the white paper, transmission of the disease may have been exacerbated in farmworker communities due to poor housing quality and mixed-generation overcrowding with unrelated household members. Almost half, 43 percent, of farmworkers described housing conditions that would be inadequate to quarantine in (e.g., shared bathroom or bedroom) if they became exposed or infected with COVID-19. Conditions in the workplace, especially crowded conditions in carpools and work buses, and insufficient access to personal protective equipment (PPE) and handwashing facilities may have further exacerbated COVID-19 transmission and infection among farmworkers.

Although workers reported that employers provided face coverings and hand washing stations with soap, many were not adequately screening their workers for symptoms of disease prior to their work shift. Additionally, commuting to work with others not in their household markedly increased the risk of a farmworker becoming ill. Moreover, 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.

Impact of Disasters on Farmworkers

Prior disasters that have particularly harmed farmworkers and their communities include conditions related to climate change such as drought and wildfires. Droughts have affected the farmworker communities through loss of jobs and lack of access to or loss of potable water. Farmworkers reportedly had difficulty accessing some programs intended to remediate those problems due to immigration status, language barriers, residing in remote and rural communities, and having working hours that coincide with assistance programs' operational hours.

Reports of farmworkers laboring in fields while smoke from wildfires was permeating the air caused California's Division of Occupational Safety and Health to implement new standards for protecting outdoor workers from wildfire smoke. It requires employers to provide proper respiratory protection equipment, such as N-95 masks, when air quality is harmful. However, whether use of a mask is voluntary or required depends on how bad the air quality is, which might create confusion. Additionally, farmworkers may have been forced to choose between productivity and their health. At times, many choose to continue working, as they cannot afford to miss out on hourly wages.

State Auditor Report

In December 2019, the State Auditor issued a report assessing how Butte, Sonoma, and Ventura Counties were prepared to protect 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 needs, limited English proficiency, transportation disadvantages, and older age.

The State Auditor's report noted that none of the three counties adequately engaged with representatives of individuals with access and functional needs when developing their emergency plans. Each county had deficiencies in the way it issued warnings to the public during these historic disasters. During the 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 had no prearranged agreements for transportation and lacked 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.

Social Safety Net

Farmworkers, especially those who are in California without documentation, are some of the hardest hit economically during the COVID-19 pandemic. This is because they do not qualify for many safety net services, such as CalFresh, unemployment and stimulus aid.

While farmworkers are not necessarily excluded from all safety net programs, this population may be more disconnected from those they do qualify than others. This disconnect was exacerbated by the federal public charge rule which created hesitancy to access public assistance among the immigrant community out of fear that doing so would jeopardize future citizenship status. Public charge was rescinded in March of this year, but its chilling effects may take time to overcome. Poor translation services and misinformation on eligibility have also been identified as barriers to food assistance and other safety net programs.

In California, there are many efforts to meet the needs of its immigrant farmworker population, but these efforts are often not coordinated. A few examples that exist within this committee's jurisdiction include:

- The Cash Assistance Program for Immigrants (CAPI) is a 100 percent state-funded program designed to provide monthly cash benefits to aged, blind, and disabled non-citizens who are ineligible for SSI/SSP solely due to their immigrant status.
- The California Food Assistance Program (CFAP) is available to qualified non-citizens who are not eligible for federal food benefits (CalFresh in California) due to their immigration status. CFAP provides monthly food benefits to legal noncitizens 18 years of

age or older who meet all CalFresh eligibility criteria but have resided in this country for fewer than five years and are therefore not eligible for the federally-funded benefit.

- The Disaster Relief Assistance for Immigrants (DRAI) program provided one-time state-funded benefits to undocumented adults who are ineligible for other forms of assistance, including pandemic unemployment benefits provided under the CARES Act, because of their immigration status.
- The Migrant Childcare Alternative Payment Program provides subsidized childcare services to migrant agricultural worker families through six entry counties (Kern, Kings, Madera, Merced, Tulare, and Fresno). Migrant families are admitted based on family income, with the lowest per capita admitted first.

UC Berkeley White Paper Recommendations

Among other things, the UC Berkeley white paper on COVID-19 impacts on farmworkers recommends that policy makers develop and implement a culturally- and linguistically-appropriate education campaign that targets all levels in the agricultural industry: employers, supervisors, farm labor contractors, as well as farmworkers. It also recommends a support structure that allows for immediate and simple access to wrap-around services, including on-the-spot income replacement for those who await test results or are sick, mental and family health services, housing, and child and food support. The study further recommended that these programs must be developed and supported by trusted and respected sources such as community based organizations and clinics. While these recommendations are not directly incorporated in this bill, they could be viewed as a resource for the Task Force as it develops findings and recommendations.

Related/Prior Legislation:

AB 93 (Garcia, 2021) among other things, this bill establishes initial priority tiers for rapid testing and vaccination during a pandemic. Tier I would include health care workers and first responders and Tier II would include education and childcare workers and food workers, as defined. This bill is waiting to be heard in the Assembly Health Committee.

AB 125 (Rivas, 2021) creates the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022, which, among other things, funds creation of a program for stockpiling personal protection equipment, including, but not limited to, cloth, disposable, reusable, or certified N95 face masks for farmworkers to be used during emergencies, such as wildfires or disease outbreaks. It also requires the creation of a state notification system, including the development of a backbone telemetry system that sends text and voice messages, in multiple languages, to residents and farmworkers based on their ZIP Codes to alert them of public health dangers in their area, including, but not limited to, smoke from wildfires or prolonged exposure to extreme temperatures. This bill is waiting to be heard in the Assembly Agriculture Committee.

AB 941 (Rivas, 2021) 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, as specified. This bill is waiting to be heard in the Assembly Human Services Committee.

COMMENTS

Farmworkers have been hit hard by recent disasters and, while there have been ongoing efforts to meet the needs of this population, those efforts have lacked coordination between state and local entities. Additionally, while there are existing programs that are targeted at immigrants and the farmworker community, many other elements of state and local policy have perhaps overlooked this population, as evidenced by the State Auditor report on disaster preparedness and response. Thus, a comprehensive and coordinate review of existing policies and opportunities to ensure the specialized needs of farmworkers are met appears timely and appropriate.

need to draft amendments contingent on when health amends are in print.

SUPPORT/OPPOSITION

Arguments in Support:

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Arguments in Opposition:

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PRIOR VOTES

Senate Health Committee:

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POSITIONS

Support:

>*California Rural Legal Assistance Foundation is the organization that is the source of the bill. Noe Paramo, Legislative Advocate, 209-499-8637, nparamo@crlaf.org is the contact person.*

Oppose:

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