
THIRD READING

Bill No: SB 558
Author: Caballero (D), et al.
Amended: 5/20/21
Vote: 21

SENATE HEALTH COMMITTEE: 10-0, 4/14/21
AYES: Pan, Eggman, Gonzalez, Grove, Hurtado, Leyva, Limón, Roth, Rubio,
Wiener
NO VOTE RECORDED: Melendez

SENATE HUMAN SERVICES COMMITTEE: 5-0, 4/20/21
AYES: Hurtado, Jones, Cortese, Kamlager, Pan

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SUBJECT: Farmworker Disaster Relief Planning Task Force

SOURCE: California Rural Legal Assistance Foundation

DIGEST: This bill establishes the Farmworker Disaster Relief Planning Task Force (Task Force) in the Office of Emergency Services (Cal OES) and specifies membership of the Task Force. This bill 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. This bill requires the Task Force, on or before January 1, 2023, to report its findings and recommendations to state agencies, the Legislature, and the Governor.

ANALYSIS:

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, 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 Cal OES. 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 19 or more as follows:
 - a) One representative from each of the following state entities:
 - i) Office of the Governor;
 - ii) Labor and Workforce Development Agency;
 - iii) CHHS;
 - iv) Cal OES;
 - v) Business, Consumer Services, and Housing Agency;
 - vi) Department of Food and Agriculture; and,
 - vii) Other state agencies that support farmworkers.
 - b) Four representatives appointed by the Governor as follows:

- i) One member representing a community-based organization that serves farmworkers;
 - ii) One member who represents a local agricultural association;
 - iii) One member who is an agricultural commissioner; and,
 - iv) One member who is a policy expert in the field of farmworker health and safety.
- c) Four representatives to be appointed by the Senate Pro Tempore, as follows:
- i) One member representing a community-based organization that serves farmworkers;
 - ii) One member representing a bona fide labor organization;
 - iii) One member who is a locally elected official representing a city or county in which agriculture is a dominant industry; and,
 - iv) One current or former farmworker.
- d) Four representatives to be appointed by the Speaker of the Assembly, as follows:
- i) One member representing a community-based organization that serves farmworkers;
 - ii) One member representing a bona fide labor organization;
 - iii) One member who is a locally elected official representing a city or county in which agriculture is a dominant industry; and,
 - iv) One current or former farmworker.
- 3) Requires the Task Force to do all of the following:
- a) Create a stakeholder process that facilitates public input and informs the findings and recommendations of the task force, as specified;
 - b) Research and investigate the disparate impact of disasters and pandemics on farmworkers, their families, and their communities;
 - c) 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,

- d) 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 to meet, either virtually or in person, at least six times before January 1, 2023.
- 5) Requires the Task Force, 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. Requires the director of Cal OES, 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.
- 6) Prohibits a Task Force member from receiving per diem or similar compensation for serving as a Task Force member, except for members who are current or former farmworkers, who may receive reimbursement for travel, per diem, or other expenses.
- 7) Requires Task Force meetings to comply with the requirements of the Bagley-Keen Open Meetings Act in existing law.
- 8) Requires Cal OES and participating governmental agencies to operate within their existing budgetary resources for purposes of implementing this bill. Authorizes the director of Cal OES to seek private funds in order to implement this bill.
- 9) Sunsets this bill on January 1, 2024.

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 count 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.

Related/Prior Legislation

SB 160 (Jackson, Chapter 402, Statutes of 2019) required a county to integrate cultural competence into its emergency plan, upon the next update to its emergency plan, and required 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) required 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 Cal 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriation Committee, Cal OES anticipates costs of approximately \$630,000 (General Fund) to establish and provide administrative support to the task force.

Unknown, potential cost pressures to the extent that state agencies participating on the task force cannot absorb travel, per diem, or other expenses related to attending meetings or performing other task force related duties within existing resources.

SUPPORT:(Verified 5/21/21)

California Rural Legal Assistance Foundation (source)
 Central California Environmental Justice Network
 Mixteco/Indigena Community Organizing Project
 Visión y Compromiso
 West Modesto Community Collaborative
 Western Center on Law & Poverty

OPPOSITION: (Verified 5/21/21)

None received

ARGUMENTS IN 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.

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