

Date of Hearing: June 27, 2022

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Freddie Rodriguez, Chair

SB 558 (Caballero) – As Amended June 6, 2022

SENATE VOTE: 36-0

SUBJECT: Farmworker Climate Resilience Adaptation Program

SUMMARY: This bill creates the Farmworker Climate Resilience Adaptation Program to award grants to eligible entities for the development and implementation of projects addressing the needs of farmworkers for adapting to climate change, and establishes the Farmworker Resilience Adaptation Task Force to guide this program. Specifically, **this bill:**

- 1) Creates the Farmworker Climate Resilience Adaptation Program, to be administered by the Strategic Growth Council, to award grants that will fund projects that will assist farmworkers, their families, and communities adapt to the impacts of climate change.
- 2) Upon appropriation, directs the Strategic Growth Council to award competitive grants totaling \$20 million, as specified.
- 3) Requires the Strategic Growth Council when awarding grants to:
 - a. Make grant selections based upon the recommendations of the Farmworker Climate Resilience Adaptation Task Force
 - b. Give priority to projects that cover areas that have a high proportion of farmworkers in their communities and that focus on communities that are most disadvantaged, or where air quality is poor, the climate is extremely hot or cold, individuals are socially isolated, potable water is lacking, or lack of municipal services makes the area subject to wildfire or flooding
- 4) Defines eligible entities and eligible uses of funds, as specified.
- 5) Establishes the Farmworker Resilience Adaptation Task Force within the Strategic Growth Council to guide the program by requiring the task force to:
 - a. Create a stakeholder process that facilitates public input and informs the findings and recommendations of the task force
 - b. Research and investigate the disparate impact of climate change 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 adaptation to the impacts of climate change
 - d. Make recommendations about projects to be funded
 - e. Meet regularly, as specified

- f. On or before June 30, 2023, report its findings and recommendations to the Strategic Growth Council, the state agencies involved in the task force, the Legislature, and the Governor.
- 6) Designates the membership of task force to consist of 19 or more representatives, as specified
- 7) Upon appropriation, provides a budget of \$5 million to the Strategic Growth Council for the purpose of administering the Farmworker Climate Resilience Adaptation Program and task force
- 8) Sunsets on January 1, 2026

EXISTING LAW:

- 1) Establishes the California Office of Emergency Services (Cal OES) within the office of the Governor and makes Cal OES responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.
- 2) Authorizes the Governor to proclaim a state of emergency and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency.
- 3) Establishes the Strategic Growth Council in state government to, among other things, identify and review activities and funding programs of state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet greenhouse gas emissions reduction goals, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner.

FISCAL EFFECT: This version of the bill has not been analyzed by a fiscal committee.

COMMENTS:

Purpose of the bill: According to the author, "Farmworkers, their families, and communities have been at the forefront of suffering from the impacts of climate change which affect their health, working conditions, incomes, access to safe water supplies, and community economic viability. Chronic drought has endangered the availability of quality water for communities and irrigation. Rural farmworker communities lack safe and affordable domestic water supplies due to sinking water tables, chemical intrusion into ground water, lack of infrastructure or neglect by larger water districts. Irrigation water shortages and rising costs have led growers to fallow fields or shift to crops that require fewer worker directly affecting the ability of farmworkers to work."

The author continues, "As a low wage, mostly immigrant and undocumented workforce, farmworkers have the least power to build and maintain resilience as climate change affects their futures. Language barriers (many speak only indigenous languages), educational status and long work hours have excluded farmworkers from participation in local and regional climate resilience discussions. California's efforts on climate resilience and adaptation, particularly in

the water arena, tend to favor the industry's interests. The voices of farmworkers are not sought nor heard in the public discourse dominated by the agricultural industry, local government, and generally more enfranchised groups.”

Background: The exact number of farmworkers in California is unclear, partially due to the seasonal nature of the job and number of undocumented individuals. Reputable reports indicate anywhere from 391,700 to 802,662 farmworkers in the State. These individuals support California's \$49.1 billion agricultural industry (in the year 2020), which according to the CDFA, accounts for a third of the country's vegetables and two-thirds of the country's fruits and nuts.

In 2016, the Department of Labor estimated, nationally, 9 in 10 farmworkers were born in another country, 4 in 5 farmworkers are of Latino descent, 2 in 3 farmworkers are from Mexico, and roughly 1 in 2 farmworkers is undocumented.

According to the Senate Human Services Committee, “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,” which also can result in issues accessing programs. Additionally, farmworkers tend to have low incomes, higher risk of living in poverty, and limited access to safe, healthy, and affordable housing choices.

Farmworkers are especially affected by drought and wildfires. The drought has removed access to potable water and caused a decrease in job opportunities for farmworkers. A recent UC Merced Water Systems Management Lab report asserts the agricultural industry lost \$1.1 billion in revenue and resulted in the loss of roughly 8,745 jobs in 2021. Loss of land from wildfires can result in lost employment for farmworkers as well. However, the smoke from wildfires has been especially detrimental to farmworkers. Reports of farmworkers inhaling smoke while working resulted in California's Division of Occupational Safety and Health implementation of new standards to protect outdoor workers from smoke.

Ongoing and complex disasters are the new normal: In recent written testimony provided to the House of Representatives Committee on Appropriations, California's OES Director stated, “the State of California arguably faces the most complex and severe disaster conditions in the nation and these challenges and complexities grow in magnitude each year. In the past decade, California has experienced every conceivable type of natural and manmade disaster including drought, earthquake, flood, catastrophic wildfire, mudslides, dam failure, cyber security attacks, oil spills, natural gas leak, civil unrest, terrorism, and tsunamis. However, the COVID-19 pandemic has put our emergency management system to the test.”

Ongoing Drought: Despite significant precipitation in late 2021, California remains in its third year of an ongoing drought since January, February, and March experienced a record-breaking dearth of rain and snowfall. This is the state's second extreme drought in 10 years. While California historically experiences intermittent drought as part of the state's climate cycle with the most rain and snow occurring November through April, climate change has only intensified the length of the cycle. Precipitation is imperative for both wildlife and filling reservoirs and aquifers that direct water to homes, businesses, and farms.

As of October 2021, the entire state is under a drought emergency proclamation. Additionally, Governor Newsom has called for Californians to save water by voluntarily reducing their

consumption by 15%, empowered the Water Board to prohibit wasteful uses of potable water, and, with the legislature, directed funding for water resilience and drought response. The 2021-22 state budget invested \$5.1 billion over four years in drought support, water supply and natural habitat restoration projects around the state to build climate resilience to the more intense cycles of drought.

Drought and Agriculture: Due to the lack of available water last year, California farmers did not plant crops in anywhere from 200,000 to 400,000 acres of agricultural land. The Public Policy Institute of California (PPIC) estimates that by the year 2040, a minimum of 500,000 acres of farmland will no longer be irrigated in order to meet groundwater sustainability goals. A recent Pepperdine University study establishes a direct correlation between the loss of water and families falling into poverty. As less water is available, California will need to determine how to address the number of unemployed farmworkers and alternative uses for the agricultural land.

Drought Resilience Taskforce: In early 2021, Governor Newsom established the Drought Resilience Taskforce with representatives from the Natural Resources Agency, California Environmental Protection Agency, Department of Food and Agriculture, Department of Water Resources, Department of Fish and Wildlife, State Water Resources Control Board, Department of Finance, Governor's Office of Emergency Services, California Health and Human Services Agency, California Public Utilities Commission, and the Labor and Workforce Development Agency. The Taskforce, led by the Governor's Office, meets regularly to coordinate the State's response to drought.

Unprecedented Wildfire Activity: In *Cal FIRE's 2020 Fire Siege Report*, the Director states, "at the end of 2020, we closed the book on, arguably, the worst fire year ever experienced on the west coast, and specifically in California. Since 2015, the term "unprecedented" has been used year over year as conditions have worsened, and the operational reality of a changing climate sets in. In California, the 2020 Fire Siege claimed the lives of 28 civilians and three firefighters, destroyed 9,248 structures and consumed 4.2 million acres. California experienced its first "Gigafire," with the August Complex consuming over one million acres alone. In August, the SCU and LNU Lightning Complexes were burning at the same time and at the time of containment, were the 3rd and 4th largest fires in California history. The Creek Fire grew to be the largest single fire in California history that did not originate as a complex of fires. Watersheds were eradicated, communities decimated, and the quality of life for 40 million Californians temporarily diminished."

The trend of unprecedented wildfires continued in 2021. According to Cal FIRE, "the 2021 wildfire season in California experienced an unusually early start amid an ongoing drought and historically low rainfall and reservoir levels. In January 2021 alone, 297 fires burned 1,171 acres on nonfederal land, which is almost triple the number of fires and more than 20 times the acreage of the five-year average for January. In July, more than three times as many acres had burned compared to the previous year through that date, with drought, extreme heat, and reduced snowpack contributing to the severity of the fires. On August 18, 2021, the state of California was facing "unprecedented fire conditions" as multiple fires including the Dixie Fire, McFarland Fire, Caldor Fire, and others raged on. In October, the state of California, especially in the Northern regions where most of the fires were located, received its first rain in over 200 days reducing the wildfire risk for much of the state."

Wildfires and Agricultural Lands: When disasters threaten communities, agriculture is typically underserved because orchards, livestock, and crops are not high-priority items for firefighters. Their focus is on lives and structures (largely, residential structures). This leaves a gap in protection for important agricultural resources. Farmers may be left to fend for themselves, even though farm fields may create buffer zones that reduce wildfire impacts in surrounding areas and provide welcome relief to firefighters. Livestock producers may likewise be left to fend for themselves even though ranch pastures—where grazing leads to lower fuel loads—can also create buffers.

California State Auditor Report: On December 5, 2019, the California State Auditor released an audit entitled "*California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents from Natural Disasters*" (Report No. 2019-134). The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. The report states, "Cal OES is uniquely positioned to observe, collect, and disseminate information about lessons learned during natural disasters across the State. As the agency tasked with coordinating state resources and mutual aid in response to those jurisdictions requesting assistance during an emergency, Cal OES has the opportunity to observe those jurisdictions' successes and struggles during natural disasters. It can identify problems caused by gaps in the jurisdictions' emergency preparedness and determine how frequently similar issues arise across jurisdictions."

The Report made the following recommendations on requiring OES to do the following: review counties' emergency plans to ensure they align with best practices; involve organizations that represent individuals with access and functional needs in developing state emergency plans and guidance for local jurisdictions; and annually distribute lessons learned from natural disasters.

Cal OES's Office of Access and Functional Needs: In 2008, Cal OES established the Office of Access and Functional Needs (AFN). The office identifies the needs of persons with AFN, defined as those with developmental, intellectual, or physical disabilities; chronic conditions or injuries; limited English proficiency or non-English speaking; older adults; children, or pregnant women; those living in institutional settings; who are low-income; homeless; and from diverse cultures. Cal OES offers AFN-related training, guidance, and technical assistance to emergency managers, disability advocates, and other service providers.

If requested, Cal OES will review each county's emergency plans, in consultation with individuals with various AFNs, to determine whether the plans are consistent with best practices and guidance issued by FEMA.

Strategic Growth Council: The Strategic Growth Council was established by SB 732 (Steinberg, Chapter 729, Statutes of 2008.). The Council is a cabinet level committee that is tasked with coordinating the activities of state agencies to, among other things, improve air and water quality, protect natural resources and agriculture lands, increase the availability of affordable housing, promote public health and equity, improve transportation, encourage greater infill and compact development, strengthen the economy, promote water conservation, revitalize community and urban centers, assist state and local entities in the planning of sustainable communities, and advance the priorities developed in Safeguarding California, the State's climate adaptation strategy.

The Council achieves these tasks by the following statutorily required actions:

- 1) Identifying and reviewing activities and funding programs of member state agencies that may be coordinated to meet the objectives of the Council;
- 2) Reviewing and commenting on the five-year infrastructure plan and the State Environmental Goals and Policy Report;
- 3) Recommending policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities;
- 4) Providing, funding, and distributing data and information to local governments and regional agencies that will assist in developing and planning sustainable communities; and
- 5) Managing and awarding grants and loans to support the planning and development of sustainable communities.

Writing in Support: California Rural Legal Assistance Foundation, INC writes in support, “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. Prior disasters that have adversely harmed farmworkers and their communities include conditions related to climate change such as drought, wildfires, excess heat and citrus freezes.”

They continue, “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. A Farmworker Disaster Relief Planning Taskforce will examine the issues and report its findings and recommendations to have a well-articulated state plan to address the inequities faced by farmworkers. Thus, CRLAF strongly supports SB 558 and appreciates your leadership to improve access to disaster services and assistance for California’s farmworkers.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Rural Legal Assistance Foundation, INC. (SPONSOR)
Central California Environmental Justice Network
Mixteco Indigena Community Organizing Project (MICOP)
The Source Lgbt+ Center
Vision Y Compromiso
Western Center on Law & Poverty, INC.

Opposition

None of file.

Analysis Prepared by: Ryan Fleming / E.M. / (916) 319-3802