

COVID-19 UPDATE



GOVERNOR NEWSOM ISSUES EXECUTIVE ORDER EXTENDING WORKERS' COMPENSATION BENEFITS

On May 6, 2020, Governor Newsom announced he signed an Executive Order to expand the scope of workers' compensation benefits during the COVID-19 Pandemic. This was in response to front line workers and others in the essential workforce contracting the virus and movement by the Legislature to expand workers' compensation coverage through legislation.

The Governor announced the Executive Order will do the following:

1. The Executive Order is retroactive to March 19 and extends for 60 days from today's announcement.
2. Employees working outside the home that test positive for COVID-19 or are diagnosed positive by a physician or surgeon licensed by the California Medical Board within the time period of the Executive Order are presumed to have contracted the disease at the workplace. If it is a diagnosis, the diagnosis must be confirmed by a positive test within 30 days.
3. The presumption applies to all employees directed to work outside the home by their employer. It is not limited to essential employees.
4. The presumption is rebuttable by the employer, however, the time for the employer to deny a claim is reduced from the current 90 days to 30 days.
5. The rebuttable presumption is in effect for 60 days from May 6, 2020, but coverage continues after the 60 day expiration date.
6. Temporary disability payments begin only after the employee uses all other state or federal sick leave benefits.
7. Re-testing is required every 15 days during first 45 days of temporary disability payments.
8. The Department of Industrial Relations will not require or accept a "no beneficiary" death benefit.

A link to the Executive Order can be found here: <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf>

We suggest you reach out to your individual workers' compensation insurance provider to determine how the Executive Order will impact your business and the procedure to follow should you have an employee test positive for COVID-19.

CALIFORNIA'S DEPARTMENT OF PESTICIDE REGULATION ISSUES PESTICIDE ENFORCEMENT GUIDANCE AMID COVID-19 PANDEMIC

The Department of Pesticide Regulation (DPR), which is a department within the California Environmental Protection Agency (CalEPA), issued guidance last week to local county agricultural commissioners on expectations around the enforcement of pesticide regulations near schools and homes amid the COVID-19 pandemic.

The guidance, issued at the [direction of Governor Gavin Newsom](#), clarifies existing legal requirements limiting pesticide use near school sites that continue in operation. While schools are physically closed, many continue to perform critical functions, such as providing on-site meals, homework assignments, and other services. "These are unprecedented times in our state and working together to ensure the health and safety of schoolchildren and families, as well as continuing to support growers, is a priority," said Jared Blumenfeld, California Secretary of Environmental Protection.

DPR is directing all commissioners to:

- Strictly enforce all applicable pesticide health protections around homes and schools during the COVID-19 emergency. Pesticide applications are prohibited when there is a reasonable possibility of contamination of people not involved in the pesticide application process.
- Continue to work with schools to understand when children and others are likely to be present at school sites and restrict pesticide applications, as appropriate, accordingly.
- Take a strict approach to assessing penalties. Violations that occur near homes or schools during the COVID-19 emergency should be considered among the most serious and should carry fines at the top of the range. This could mean fines of up to \$5,000 per person per incident.

Also, DPR is increasing its enforcement oversight to:

- Enhance the transparency of pesticide applications that occur near homes and schools.
- Ensure that CACs prioritize investigations of violations near homes and schools. DPR may refer violations to the Attorney General's Office for prosecution as appropriate.
- Work with community residents to facilitate the reporting of pesticide incidents. The Department will continue to promote use of the California's System for Pesticide Incident Reporting (CASPIR) mobile application for quick and anonymous reporting of pesticide incidents.

California's pesticide rules and regulations were designed to limit certain pesticide applications that could expose school-aged children, while also supporting growers and their ability to protect their crops. Local county agricultural commissioners are responsible for enforcing these rules at the county level.

GOVERNOR NEWSOM RELEASES UPDATED INDUSTRY GUIDANCE

On May 8, 2020, Governor Gavin Newsom released updated industry guidance – including agriculture – to begin reopening with modifications that reduce risk and establish a safer environment for workers and customers. As California moves into Phase II of the resilience roadmap, businesses are now encouraged to take every step possible to reduce the risk of infection, including: Plan and prepare for reopening; Make radical changes within the workplace; and Adjust practices by employees and help educate customers. The new guidance for agriculture is available here: <https://files.constantcontact.com/35cbbf3f001/c4bcef14-f225-4c61-9172-cb7d29302233.pdf>

AG INDOOR GRANTS NOW OPEN FOR APPLICATIONS

USDA announced last week the availability of \$3 million for grants through its new Office of Urban Agriculture and Innovative Production which was supported by United Fresh and the Specialty Crop Farm Bill Alliance. The competitive grants will support the development of urban agriculture and innovative production projects through two categories, Planning Projects and Implementation Projects. USDA will accept applications on Grants.gov until midnight July 6, 2020. To learn more about the new grants' purpose, project types, eligibility and basic requirements for submitting an application more about the grants they will host a [webinar](#), June 3, 2020, at 2 p.m. Eastern Daylight Time.

USDA NOMINATIONS OPEN FOR RESEARCH ADVISORY BOARD

USDA announced last week the opening of the solicitation for nominations to fill vacancies on the National Agricultural Research, Extension, Education, and Economics (NAREEE) Advisory Board and its subcommittees. There are fourteen vacancies on the NAREEE Advisory Board; four vacancies on the National Genetic Resources Advisory Council; three vacancies on the Specialty Crop Committee; and three vacancies on the Citrus Disease Subcommittee. The deadline for these nominations is July 31, 2020. For more information, please visit: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-09931.pdf>

FARMERS TO FAMILIES FOOD BOX PROGRAM LAUNCHED

USDA launched the Farmers to Families Food Box program that will distribute fresh produce, milk, meat, and/or dairy products to food banks, schools, and other emergency feeding sites. At least \$100 million per month will be allocated towards fresh produce purchases and deliveries through the end of the year. RFPs were due last Friday, and USDA is scheduled to announce the first awards in the next 24 hours. We will be monitoring this process closely and continue to provide updates as they arise. For those engaged in the program, we encourage you to keep us updated on your experiences. Check out the following link for additional information. <https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box>

CDFA COVID-19 RESOURCES UPDATE

Just this week the Governor's Office of Emergency Services (Cal-OES) State Operations Center made available two-million surgical masks and 10,000 cloth masks for farmworkers and other agricultural employees, with the cloth masks intended specifically for migrant housing facilities. These are being shipped to County Ag Commissioners' offices and will be made available according to local needs. This is a one-time emergency shipment to fill the gap while the supply chain catches up with high-volume demand. There continues to be a significant shortage of N95 masks for health care workers, first responders, and the various agricultural and industrial activities that require N95 masks.

The State has been working to establish additional testing sites, especially in rural communities. Use the link below to find a testing site:

<https://www.arcgis.com/apps/Nearby/index.html?appid=43118dc0d5d348d8ab20a81967a15401>

Baseline COVID-19 (Drive-through testing) information:

<https://www.projectbaseline.com/study/covid-19/>

Use the link below to view information on making an appointment to get tested.

<https://lhi.care/covidtesting>

<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/testing.html>