

COVID-19 UPDATE



USDA ANNOUNCES MORE ELIGIBLE COMMODITIES FOR CORONAVIRUS FOOD ASSISTANCE PROGRAM

The U.S. Department of Agriculture announced today that additional commodities are covered by the Coronavirus Food Assistance Program (CFAP). Applicants will now have until September 11th to apply, and producers with approved applications will receive their final payment.

USDA announced the following additional commodities are now eligible for CFAP:

- Specialty Crops - aloe leaves, bananas, batatas, bok choy, carambola (star fruit), cherimoya, chervil (french parsley), citron, curry leaves, daikon, dates, dill, donqua (winter melon), dragon fruit (red pitaya), endive, escarole, filberts, frisee, horseradish, kohlrabi, kumquats, leeks, mamey sapote, maple sap (for maple syrup), mesculin mix, microgreens, nectarines, parsley, persimmons, plantains, pomegranates, pummelos, pumpkins, rutabagas, shallots, tangelos, turnips/celeriac, turmeric, upland/winter cress, water cress, yautia/malanga, and yuca/cassava.
- Non-Specialty Crops and Livestock - liquid eggs, frozen eggs and all sheep. Only lambs and yearlings (sheep less than two years old) were previously eligible.
- Aquaculture - catfish, crawfish, largemouth bass and carp sold live as food fish, hybrid striped bass, red drum, salmon, sturgeon, tilapia, trout, ornamental/tropical fish, and recreational sportfish.
- Nursery Crops and Flowers - nursery crops and cut flowers.

Other changes to CFAP include:

- Seven commodities - onions (green), pistachios, peppermint, spearmint, walnuts and watermelons - are now eligible for Coronavirus Aid, Relief, and Economic Stability (CARES) Act funding for sales losses. Originally, these commodities were only eligible for payments on marketing adjustments.
- Correcting payment rates for onions (green), pistachios, peppermint, spearmint, walnuts, and watermelons.

Additional details can be found at www.farmers.gov/cfap.

INJUNCTION DENIED REGARDING ALLEGED VIOLATION OF COVID-19 REQUIREMENTS

Brent v. Amazon.com

In yet another COVID-19 related lawsuit regarding employee health and safety, Amazon has been sued in the San Francisco Superior Court. The Plaintiff asserts that Amazon has failed to take adequate measures to protect employee health and safety in their warehouse, (known as UCA1), because (1) Amazon failed to sanitize common areas and equipment used by multiple employees; (2) Amazon failed to sanitize "freezer suits" used by multiple employees; and (3) Amazon failed to ensure proper social distancing. Brent alleges that these failures violate numerous provisions of the labor code, Cal-OSHA regulations, and the local shelter-in-place ("SIP") order.

Various agencies became involved in investigations of the warehouse, including the City of San Francisco ("City") through the San Francisco Department of Public Health ("SFDPH"), Cal-OSHA, and the Office of the Attorney General ("OAG"). After investigating UCA1, the City and SFDPH determined that no injunction was necessary. Cal-OSHA is still conducting an ongoing investigation into the UCA1 facility and the OAG has initiated a request for information regarding Amazon's practices and policies related to COVID-19.

The Court refused to grant a preliminary injunction finding that plaintiff had not shown that there is an ongoing serious regulatory violation posing a risk of irreparable harm to employees or the public. This is evidenced by the fact that the City found no violations in their most recent inspection. In addition, the Court found that an injunction would require the court to expend vast amounts of time and expertise it does not have and courts have deferred to the expertise of responsible agencies. Here, the City and SFDPH, Cal-OSHA, and the OAG all are tasked with enforcing the relevant laws and regulations for the alleged violations. These agencies and their enforcement powers provide Plaintiff several alternate forms of relief if Amazon fails to comply with the relevant laws and regulations.

INJUNCTION DENIED REGARDING ALLEGED VIOLATION OF COVID-19 REQUIREMENTS

The message below is shared on behalf of the California Fresh Fruit Association:

The California Fresh Fruit Association is asking you to join the effort to protect California's agriculture industry by making a contribution to defeat Proposition 15 (2020), the split-roll initiative which will appear on the November 3, 2020 ballot.

Advocates for Proposition 15 deceptively state that agriculture will be continue to be safeguarded under Prop 13's (1978) property tax increase protections. This is false. Prop 15 will remove the cap for agricultural land with any improvements - barns, shops, irrigation wells, packing sheds, even trees. If Prop 15 passes this November, California agriculture will take a financial hit in the hundreds of millions of dollars annually beginning in 2021. The total impact to California businesses will be at least \$12 billion a year.

CFFA has aligned with other statewide agricultural associations as part of The Alliance of California's Farmers and Ranchers ("Alliance"), a 501 (c)(6) not-for-profit organization promoting pro-agriculture, business and processing policies in Sacramento. The Alliance is taking a leadership role on this issue, with the mission of educating California's voters about the severely negative impact that Prop 15 will have on our family farms. With a goal of raising \$1 million, this campaign will be conducted in close coordination with larger efforts conducted by pro-business groups, such as the California Business Roundtable, and other agricultural organizations, such as the California Farm Bureau Federation, Western Growers, and Agricultural Council. CFFA's goal is to raise \$50,000 as part of the Alliance's campaign.

If you would like to learn more or contribute to the Alliance's "Protecting our Family Farms" campaign to oppose Prop 15, please contact CFFA President Ian LeMay (ilemay@cafreshfruit.com) and Director of Government and Public Policy Adam Borchard (aborchard@cafreshfruit.com).