

## ONTARGET

JUNE 10, 2022

VOL.40 - NO.12

**STATE WATER BOARD EXPANDS CURTAILMENTS IN DELTA WATERSHED**

On Tuesday, June 7<sup>th</sup>, the State Water Resources Control Board (SWRCB) announced an expansion to its curtailment orders that began last summer due to California's on-going historic drought. Effective June 8<sup>th</sup>, post-1914 appropriative water rights and pre-1914 appropriative water right claims in the San Joaquin River watershed outside of the Legal Delta with a priority date of 1900 or later are curtailed. Post-1914, senior appropriative, and even some riparian water rights claims on tributaries in the Sacramento and northern San Joaquin valleys are also curtailed. The cutbacks will affect 4,500 rights holders in the Delta watershed.

The curtailment status update is based on the output of the methodology for the calendar month of June. The update considers observed water supply data and forecasts from the California Nevada River Forecast Center that were updated on June 7, 2022. The 50% exceedance water supply forecast was selected to determine curtailments at this time. Demand data informing curtailments continue to be based on reported diversions from 2018.

Curtailments are expected to continue through the summer and early fall until significant precipitation occurs. Water supply forecasts will continue to be evaluated regularly to determine if, when, and to what extent the further re-imposition or suspension of curtailments may be appropriate.

Water right holders and claimants are responsible for monitoring their curtailment status online on the [Delta Watershed Curtailment Status List](#). Notice of changes to curtailment status will not be mailed. For those with limited internet access, a pre-recorded curtailment summary can be heard on the Delta Curtailment Status phone line at (916) 323-4643.

For more information about drought in the Delta watershed, please visit the Delta Drought webpage at (<https://www.waterboards.ca.gov/drought/delta/>). For more information about curtailment compliance and responses to the Initial Orders Imposing Water Right Curtailment and Reporting Requirements in the Sacramento-San Joaquin Delta Watershed, please visit SWRCB's [Curtailment Compliance and Responses webpage](#). The Curtailment Compliance and Responses tracker is updated regularly and can be filtered to see the latest changes. For additional information, please contact Director of Government and Public Policy, Adam Borchard ([aborchard@cafreshfruit.com](mailto:aborchard@cafreshfruit.com)).

**USDA ANNOUNCES SIGNUP FOR AG COMMODITY CONTAINER ASSISTANCE PROGRAM**

USDA will begin accepting applications for the Commodity Container Assistance Program (CCAP) which currently includes a partnership with the Port of Oakland.

The Farm Service Agency (FSA) will make monthly direct payments to agricultural companies and cooperatives on a per-container basis based upon the location of the port, and the type of shipping container, including empty containers, dry filled containers, and reefer filled containers. Both sites will have the ability to pre-cool refrigerated shipping containers to receive perishable commodities.

Payments will be made in arrears and verified with terminal records. A Unique Entity ID (12 alphanumeric characters assigned by SAM.gov) is required. Applicants that wish to receive payment by direct deposit must complete SAM.gov registration online at [sam.gov/content/home](http://sam.gov/content/home) and provide bank account information. Applicants may submit applications on a monthly basis, but all applications must be submitted by Jan. 31, 2023.

FSA will make payments to eligible owners or designated marketing agents of U.S. agricultural commodities based on the number of eligible shipping containers utilized from March 1, 2022, through Dec. 31, 2022, from the Port of Oakland. Eligible commodities include agricultural commodities (other than tobacco) which are grown or produced in the United States for food, feed, or fiber, and products made from those commodities, including certain forestry products.

Visit the Notice of Funds Availability at (<https://www.farmers.gov/sites/default/files/2022-05/farmersgov-ccap-nofa-fsa-05-25-2022.pdf>) for more information on applicant eligibility and how to apply. For additional information, contact CFFA Director of Trade, Caroline Stringer [cstringer@cafreshfruit.com](mailto:cstringer@cafreshfruit.com).

**REVIEW HEAT ILLNESS PREVENTION PLANS**

Temperatures throughout California are continuing to rise as we get into the summer months, and with many growers beginning to start harvest, CFFA is reminding members to make sure their Heat Illness Prevention Program is implemented. Ensuring that employees have access to water and shade near their worksite locations can help prevent heat illness or heat stress injuries. It is

important that all your supervisors and employees are trained on heat illness prevention along with the signs and symptoms to look for.

For a complete overview on California heat illness requirements, please visit <https://www.dir.ca.gov/DOSH/HeatIllnessInfo.html>.

For more information, please contact Director of Government and Public Policy [Adam Borchard](#)

## CALIFORNIA SUPREME COURT RULES MEAL AND REST PERIOD PREMIUMS ARE “WAGES”

On May 23<sup>rd</sup>, the California Supreme Court issued a lengthy Opinion in the *Naranjo v. Spectrum Security Services, Inc.*, matter which will significantly affect wage and hour litigation in California. Plaintiff Naranjo was employed as a non-exempt security guard for Defendant Spectrum Security Services, Inc. (“Spectrum”). Naranjo filed a class action complaint in the Los Angeles County Superior Court alleging violations of state meal break requirements and rest break requirements. Non-exempt employees are entitled to meal and rest breaks under California law. The failure to provide these breaks in compliance with California law entitles an employee to a premium payment of an additional hour of pay at the employee’s regular rate of compensation for the meal or rest period violation. Naranjo sought an additional hour of pay (premium pay) for each day Spectrum failed to provide legally compliant breaks. Additionally, Naranjo alleged two derivative Labor Code violations for failure to report the premium pay separately on employee wage statements and failure to pay the premium pay upon separation of employment. In addition to damages and penalties, Naranjo sought prejudgment interest on the premium pay which he alleged constituted withheld wages. The California Supreme Court took up two questions; whether “this extra pay for missed breaks constitutes “wages” that must be reported on statutorily required wage statements during employment and paid within statutory deadlines when an employee leaves the job.” The Court’s Opinion is a resounding, yes, “[t]he extra pay [ ] constitutes wages subject to the same timing and reporting rules as other forms of compensation for work.”

To access the complete article, see attached.

*The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with **Barsamian & Moody** at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.*

## 2022 CENTER FOR PRODUCE SAFETY ANNUAL RESEARCH SYMPOSIUM

The Center for Produce Safety (CPS) is hosting its 13<sup>th</sup> Annual Research Symposium on June 21<sup>st</sup> and 22<sup>nd</sup> at the Hyatt Regency La Jolla in San Diego.

The symposium is open to all industry, academia, and government members. For more event information and to register, please visit ([https://www.centerforproducesafety.org/annual\\_research\\_symposium.php](https://www.centerforproducesafety.org/annual_research_symposium.php)).



## BOARD OF DIRECTORS MEETING

On Thursday, June 2<sup>nd</sup>, the CFFA Board of Directors held a meeting in at the Association office in Fresno.

The Board of Directors approved the membership applications for the following companies: **1905 Farming LLC**, and **Advancing Eco Agriculture LLC**.

The next Board of Directors meeting is set for Friday, November 4<sup>th</sup>, at The Monterey Plaza Hotel and Spa in Monterey, CA.

For any questions regarding the Board meetings, please contact Director of Member Services and Communications, Courtney Razor ([crazor@cafreshfruit.com](mailto:crazor@cafreshfruit.com)).



## TRANSPORTATION MARKET OVERVIEW



### C.H. ROBINSON

[lauren.singh@chrobinson.com](mailto:lauren.singh@chrobinson.com)

**C.H. Robinson** has put together an overview of the freight market and how it is continuing to evolve. To access the report, please see attached. For questions, contact West Transportation and Services Manager Lauren Singh at