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# Food, Politics & COVID-19

COVID-19 Guidance for Agricultural  
and Food Producers

Industry Issues and the Political Process

A Conversation with Assemblymember  
Jacqui Irwin

Food Processing Expo Returns to  
Sacramento in 2021



EDITION 1, 2020

Produced by the California League  
of Food Producers (CLFP)

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## Editor

Lisa Jager

## Copy Editors

Jacqueline Yambor

Gilda Taffet

## Contributing Writers

Trudi Hughes

Lisa Jager

John Larrea

## Design

Taffet Graphics

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2485 Natomas Park Drive, Suite 550

Sacramento, CA 95833

Phone: 916-640-8150

Fax: 916-640-8156

Email: [lisa@clfp.com](mailto:lisa@clfp.com)

[www.clfp.com](http://www.clfp.com)

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The California League of Food Producers is an association representing the interests of both large and small food and beverage processors throughout California and works to help ensure a favorable and profitable business environment for its members and the food processing industry.

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# President & CEO Message

## Food Processing During Pandemic

**California food processors have been working diligently to help maintain the nation's food supply in the face of a devastating pandemic.**

CLFP members have been doing everything that they can to ensure that their workplaces are safe for their employees and those actions are building confidence with staff, regulators, and the public. This has not been an easy task due to a dearth of protective equipment and limited information available about how and where the virus might spread in a manufacturing environment.

This will be an ongoing challenge that will be a major focus of time and resources. While this situation is confronting processors, the food distribution, restaurant and retail sectors are undergoing transformative changes and it is not clear what the food industry will look like at the end of this crisis.

CLFP staff has been working to provide its members with updated compliance information and links to key technical resources, and coordinate with other industry associations. Despite the great stress on the economy some regulatory agencies have been moving ahead with new rulemakings and so we continue to monitor key issues and actively represent our members' interests in the Capitol.

We hope that you will continue to see us as an invaluable partner for your organization and urge others to join CLFP and be a part of our important efforts.



*“The food distribution, restaurant and retail sectors are undergoing transformative changes and it is not clear what the food industry will look like at the end of this crisis.”*

~ Rob Neenan  
President/CEO





# Legislative Update

By TRUDI HUGHES  
CLFP Government Affairs Director

*The California legislative session resumed in May after an extended break due to the coronavirus pandemic. The Assembly and Senate will be operating on a new expedited calendar to get bills through the legislative process. The Legislature is confronted with an urgent need to deal with coronavirus legislation and a formidable budget deficit.*

## Budget Deficit

Governor Gavin Newsom’s revised state budget released in May featured a landmark \$54 billion shortfall due to the coronavirus pandemic that will impact the state budgets for years to come. Revenue projections are dire: a \$9.7 billion drop for this year’s budget, and a \$32.2 billion projected decline for the 2020-21 fiscal year. Before the pandemic, California began the year with a \$5.6 billion surplus and a projected \$21 billion in its “rainy day” fund, reserves that will be wiped-out by

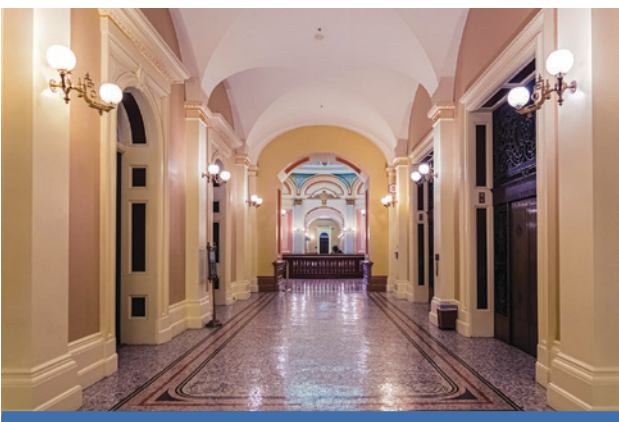
the current deficit. The 2020 forecast for total wages and salaries is projected to decline at a rate four times greater than during the Great Recession, and the state anticipates a decline in personal income tax by as much as 25%.

As tax revenues plummet, government expenses are projected to skyrocket with some \$13 billion in higher state costs due to the pandemic. The Governor said that federal stimulus money will be necessary for this budget crisis. Without federal help, budget experts say California will need to consider major cuts to areas such as K-12 schools and funding for county governments, which rely heavily on state dollars for health programs.

Newsom and lawmakers will probably have to abandon many progressive policy goals and pass a placeholder budget in June that continues current spending levels. Revenue collections will take longer than usual, as millions of California taxpayers took advantage of a 90-day delay in filing their income tax returns and paying what is owed. Because of that, the budget process will likely extend to the end of the session in August as the Legislature considers cuts.

## Workers Compensation for Frontline Workers

Governor Newsom signed an executive order establishing a rebuttable presumption that any coronavirus-related illness of an employee who worked outside the home, not just those who are essential workers, was the result of employment for workers’ compensation purposes if certain requirements are met. The presumption dates back to March 19, 2020, and will continue for 60 days from the date of the order (May 6, 2020). In announcing his signing of the executive order at his May 6 coronavirus briefing, the



The Capitol hallways are less crowded due to COVID-19.



Governor said that as the state moves into the next phase of recovery from the coronavirus crisis, he wanted people to be confident that benefits would be available to them after other benefits are exhausted.

The concern is that the order covers any employee working outside the home. As the economy begins to open up, more workers will be working outside the home, thereby increasing the number of employees to whom this order applies. Notably, as the economy reopens it also increases the likelihood of contracting the virus in the community, not at work.

Because the executive order expires in 60 days, legislation has also been introduced, to extend and expand the provisions. CLFP is opposed to legislation that significantly increases workers' compensation costs for employers by "conclusively" presuming (non-rebuttable) that contraction of COVID-19 by all "essential workers" is a workplace injury. The Workers' Compensation Insurance Rating Bureau of California, an association of insurance companies, estimates that claims from essential workers with the coronavirus would cost \$2.2 billion to \$33.6 billion a year if the legislation passes.

## Expanding Leave Time

CLFP is opposed to several bills that would expand leave for employees due to coronavirus and other reasons. These bills would create additional burdens on California employers at a time when they can least afford it.

Legislative proposals include bills that would further open up new avenues for litigation against California employers by establishing a new private rights of actions, in addition to liability under the Private Attorneys General Act (PAGA) and administrative enforcement through the Division of Labor Standards Enforcement. Other proposals would allow for unlimited job-protected leave for all employees of employers of any size for family and medical leave due to COVID-19. Such a mandate is in addition to numerous COVID-19 leave requirements recently enacted at the federal, state and local levels.

For information, contact Trudi Hughes: [trudi@clfp.com](mailto:trudi@clfp.com)

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# Regulatory Report

By JOHN LARREA & TRUDI HUGHES  
CLFP Government Affairs Directors

*Ongoing proceedings at the California Public Utility Commission continue to be the major focus of CLFP's regulatory efforts. For the last few years, one bright spot for CLFP in this arena has been the Food Production Investment Program (FPIP). However, due to the impact of COVID-19, FPIP will likely not receive funding in this year's budget. However, on a positive note, multiple CLFP members have successfully completed FPIP projects, including Sun-Maid, profiled on page 24.*

## **Food Production Investment Program**

In 2017, the California Legislature authorized \$60 million in funding to establish FPIP to be administered by the California Energy Commission (CEC), a program designed to provide funding for projects that improve energy efficiency and reduce greenhouse gas emissions for food processors.

In its first year, FPIP provided more than \$28 million for 24 projects. CLFP members were awarded nearly half of the total dollars for 12 projects totaling \$12 million. This year's solicitations show five CLFP members approved for \$17 million in FPIP project funding. Overall, FPIP funding has totaled \$124 million.

While FPIP is currently not being funded, CLFP is taking advantage of the lull to update the program in the future and is working with CEC to propose recommended changes to enhance the program's value and increase project eligibility for CLFP members. Projects related to food production, including refrigeration, storage, or transport, are being considered with the hope that FPIP will be fully funded in a future budget year.

## **California Public Utilities Commission Proceedings Including De-Energization**

Ongoing proceedings at the California Public Utility Commission (CPUC) continue to be a major focus of CLFP regulatory effort. CLFP continues to track or participate in CPUC proceedings that are or will impact the food processing industry in the coming months or years. Recently filed proceedings include:

- **Microgrids:** Examines the commercialization of microgrids and to develop standards (guidelines, rates, tariffs, protocols) that are supposed to reduce the barriers to microgrid deployment.



## ***CLFP is working with the California Energy Commission to get the Food Processing Investment Program (FPIP) funding extended to 2021.***

- **Renewable Natural Gas Interconnection Agreement:** Provides RNG developers with guidance for self-build projects and utility interconnection.
- **Decarbonization:** Looks at developing key policy issues related to building decarbonization required by Senate Bill (SB) 1477.
- **Rate Affordability:** Assesses the impacts on affordability of individual CPUC proceedings and utility rate requests.
- **De-Energization:** Examines utilities' de-energization processes and practices as well as the impacts on communities and industry.
- **Direct Access:** Implements the requirements of SB 237 relating to the expansion of Direct Access.

Recent proceedings that CLFP is party to include Pacific Gas and Electric Company's (PG&E) General Rate Case Phase 2. In this proceeding, PG&E's initial 2020 revenue request: \$1.06 billion increase (12.4%) over 2019, primarily for wildfire safety and vegetation management program costs and investments. PG&E also requested attrition year increases of 4.74% in 2021 and another 4.85% in 2022. A proposed settlement with several parties and low-income customer representatives was submitted on December 20. If adopted, this would result in a 6.8% increase in 2020 (over 2019) and attrition year increases of 3.5% in 2021 and 3.9% in 2022.

Currently, CPUC does not expect a decision on the GRC until late in 2021, estimating at least 18 months before a final decision is rendered. However, the general expectation among parties is that a settlement agreement will be considered for CPUC approval well before the current 2021 deadline.



## **California Air Resources Board**

The California Air Resources Board (CARB) continues to work through various regulatory proceedings, some of which are scheduled for a Board vote in December. CLFP remains active in all relevant CARB proceedings as a commenting stakeholder. Current proceedings include:

- **Transport Refrigeration Unit (TRU) Rulemaking:** Regulation is being designed to reduce emissions at various facilities. The goal is to force electrification of all TRU traffic in state. CLFP has been very active in this rulemaking and recently submitted comments focused on ensuring any regulation is focused on the economic impacts of the proposed industry changes.
- **Renewable Natural Gas:** The state regulatory agencies are moving on various fronts to promote renewable natural gas (RNG) as a cleaner alternative to natural gas in California. Southern California Gas Company (SoCalGas) has filed a proceeding with the CPUC for permission to allow its residential customers to voluntarily choose to buy RNG. SoCalGas wants permission to inject up to 20% RNG into its pipelines. The CPUC has an RNG Interconnection Proceeding in progress. CARB is looking at RNG as an alternative to natural gas. CLFP is engaged with these efforts and will continue to monitor developments. CLFP is currently opposed to any mandated expansion of the use of RNG as the cost of this fuel is 5% to 20% more expensive than natural gas.
- **Community Air Monitoring (AB 617):** CARB recently approved SW Stockton as one of two new communities eligible for AB 617 focus. While there are no CLFP members currently located within the community boundaries identified by CARB, a few are close enough to warrant additional scrutiny in case the boundaries are expanded. SW Stockton is currently meeting to develop an emissions reduction plan and monitoring plan for the designated community. CLFP is actively involved in the development of the reporting requirements for AB 617.

*continued on page 10...*

■ **AB 2588 Air Toxics Hot Spots:** The AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Regulation (Guidelines) provides direction and criteria to facilities on how to compile and submit air toxics emission data required by the “Hot Spots” Program. CARB is in the process of amending the Guidelines. As part of this amendment, staff are proposing to update the chemical substances list in Appendix A of the regulation and solicited support from the Scientific Review Panel (SRP) in evaluating the proposed updates.

### Air Districts

Amendments to the Boiler/Small Flare Rules have been proposed by the San Joaquin Valley Air Pollution Control District (District) at a public scoping meeting last December. The District is currently collecting industry and stakeholder input on proposed amendments to 4306, 4320, Rule 4702, and Rule 4311 (Flares). A draft rule is not expected until 2021.

### Drinking Water

In 2011, the Office of Environmental Health Hazard Assessment (OEHHA) established a Public Health Goal (PHG) for hexavalent chromium (Cr6) of 0.02 parts per billion (ppb) that was based on cancer risk concerns about Cr6 being detected in drinking water sources in California. Thereafter in 2014, the California Department of Public Health established a maximum contaminant level (MCL) of 10 ppb for Cr6. However, in 2017 the Superior Court of the State of California invalidated that MCL and directed California’s State Water Resources Control Board (SWRCB) to withdraw the current MCL and establish a new MCL that considered more robustly economic feasibility considerations.

CLFP represents many food processors that own and operate their own water systems. Like California’s public water systems, these non-transient non-community (NTNC) water systems are subject to California’s



drinking water standards that are the most stringent in the world. While food processors take drinking water standards very seriously, they are extremely sensitive to increases in regulatory costs and are concerned about the costs and difficulties of coming into compliance with the unreasonably low MCL set by the SWRCB for Cr6. Food processors’ margins are thin and under increasing pressure from national and global competitors who are not subject to comparable cost pressures.

In February SWRCB released a draft White Paper Discussion on Economic Feasibility Analysis in Consideration of a Hexavalent Chromium MCL (White Paper) for comment. CLFP participated in an online regulatory workshop and also provided extensive written comments.

No final action is scheduled to be taken on the White Paper at this time. CLFP will remain engaged as the development of an economic feasibility guidance by SWRCB will have important implications for food and agriculture moving forward. Without a robust economic feasibility analysis the cost of compliance on water suppliers will be substantial and will significantly impact the cost of producing food in California. This guidance could also be a model for other future water quality MCLs.

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# Cal/OSHA

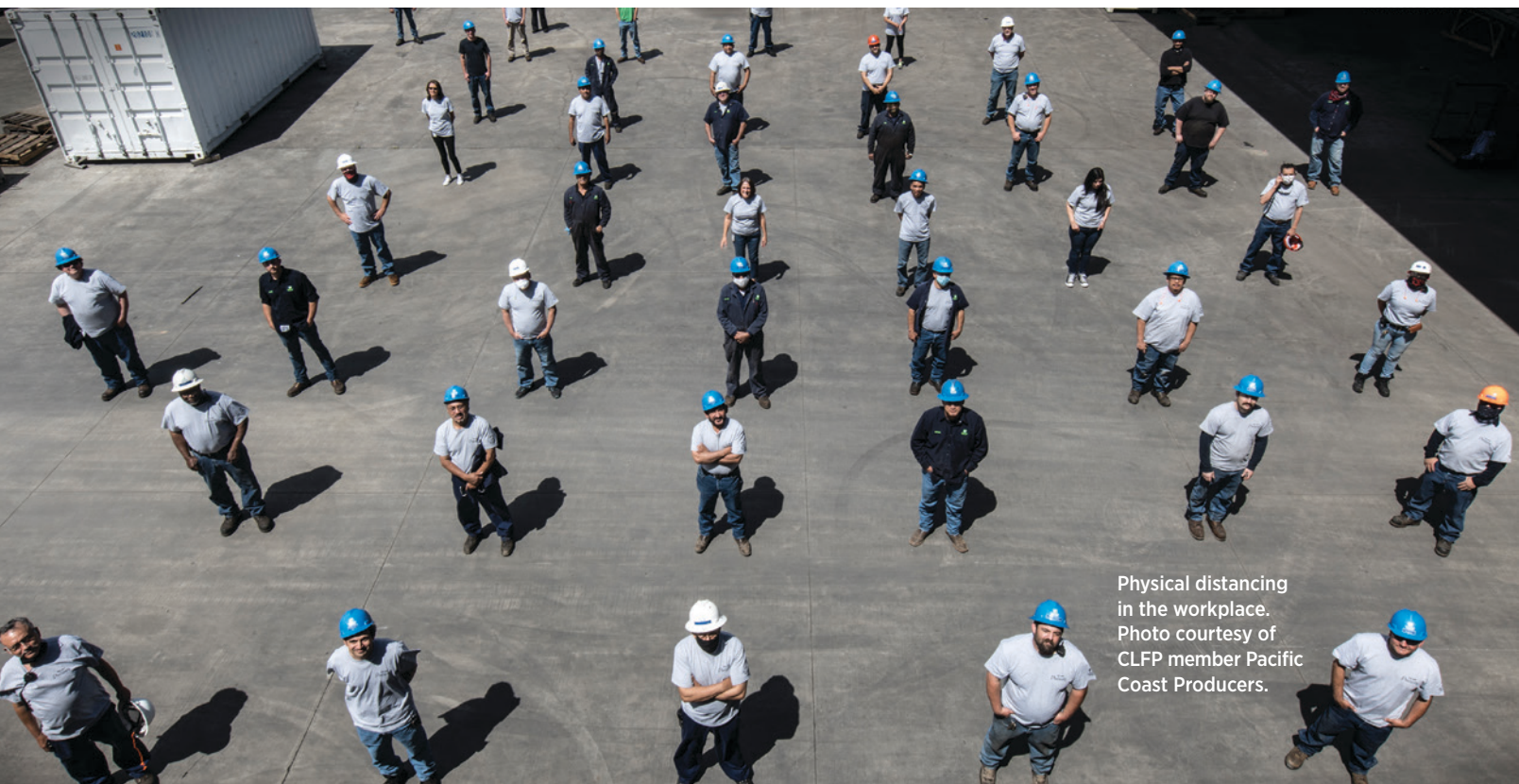
## COVID-19 Guidance for Agricultural Employers

*In early April, Cal/OSHA issued guidance<sup>1</sup> for employers on COVID-19 infection prevention for agricultural workers, including many people who work in food processing and producing. This has been updated several times, most recently on May 26.*

While Cal/OSHA clarifies that this document does not “introduce any new legal obligations,” many of its provisions do address issues that are already covered by existing standards.

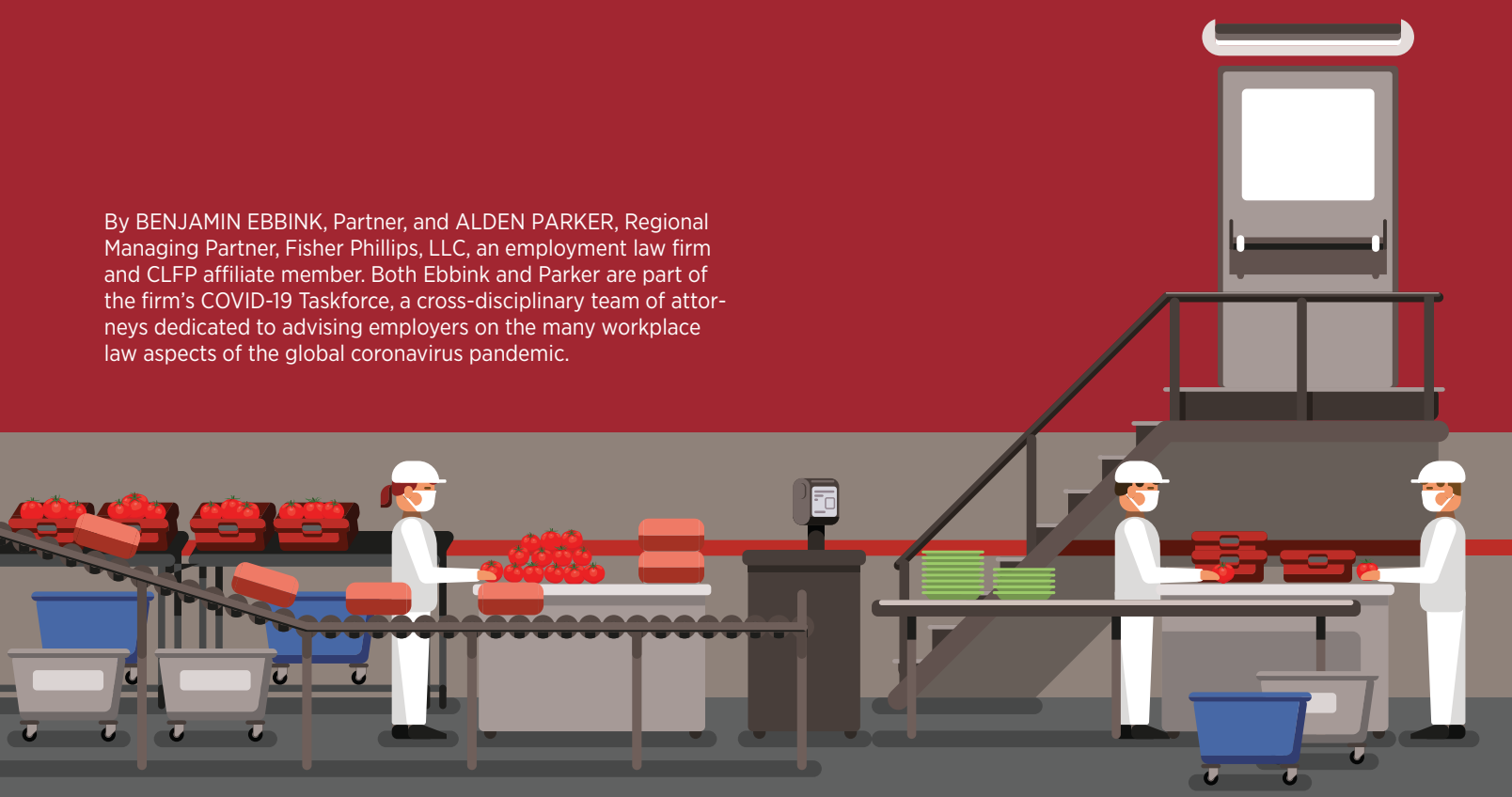
Therefore, even as we move forward through this crisis and back to our “new normal,” food producers should understand and follow this guidance in order to best minimize the spread of COVID-19 and protect themselves in the event of a Cal/OSHA investigation or complaint.

Cal/OSHA’s guidance directs such employers to update their Injury and Illness Prevention Programs (IIPP) to include preventing the spread of COVID-19 in the workplace. Cal/OSHA’s regulations require employers to protect their employees from all worksite hazards, including infectious diseases such as COVID-19, and specifically require employers to have IIPPs to facilitate such protections.



Physical distancing in the workplace. Photo courtesy of CLFP member Pacific Coast Producers.

By BENJAMIN EBBINK, Partner, and ALDEN PARKER, Regional Managing Partner, Fisher Phillips, LLC, an employment law firm and CLFP affiliate member. Both Ebbink and Parker are part of the firm's COVID-19 Taskforce, a cross-disciplinary team of attorneys dedicated to advising employers on the many workplace law aspects of the global coronavirus pandemic.



## How Should Food Producers Change Current IPPs for COVID-19?

There are four facets to modifying IPPs to address COVID-19: personal sanitation practices, individual physical distancing practices, universal procedures to prevent the spread, and training on the virus and all corresponding procedures.

### 1 PERSONAL SANITATION

This should come as no surprise given that the United States Centers for Disease Control and Prevention (CDC) has maintained since the virus's inception that handwashing, including the use of hand sanitizer, is of primary importance. Employers therefore must make handwashing facilities located at or near restrooms readily accessible to employees at all times, ensure restrooms are clean and sanitary, provide and proactively replenish soap, other cleansing agents, and single-use towels that are placed as close to work areas as possible to allow for frequent handwashing. Employers must allow employees enough time for frequent handwashing to facilitate continued good sanitation practices. Employers that pay their employees a piece rate must keep in mind that time spent handwashing will be considered non-productive

time, and therefore must pay the employees on an hourly basis for that time.

### 2 PHYSICAL DISTANCING

Limiting contact between people by maintaining a distance of at least six feet from other people is a control measure that can slow or stop the spread of this infectious disease. Employers should practice physical distancing with their workforces whether indoors, in vehicles, or structures and buildings.

Employers should establish work stations, additional seating and shade structures for breaks at a safe distance, stagger break and lunch times, limit crew size by staggering or increasing the number of work shifts, adjust any line speed to enable employees to maintain at least six feet from one another while working, and establish a location for receiving deliveries away from high-traffic areas and housing away from the farm. Specific instructions should be created for suppliers and customers to complete drop-offs

*continued on page 14...*



*Therefore, even as we move forward through this crisis and back to our “new normal,” food producers should understand and follow this guidance in order to best minimize the spread of COVID-19 and protect themselves in the event of a Cal/OSHA investigation or complaint.*

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### Cal/OSHA ...continued from page 13

and deliveries at locations near the road rather than the farm and create signage to identify such drop-off points.

Employers who house agricultural workers should encourage their employees to avoid large gatherings during non-work hours, practice physical distancing in housing, and quarantine any housed worker exhibiting symptoms.

### **3 PROCEDURES TO HELP PREVENT THE SPREAD AT THE WORKSITE**

CDC general guidance regarding how to respond to COVID-19 is also applicable to food producers. For example, employers should send home or send to medical care any employees exhibiting acute respiratory illness symptoms, encourage any sick workers to stay home by not punishing them for missing work, establish procedures for notifying local health officials when an employee is infected, make handwashing stations more readily available, and establish procedures to regularly clean and disinfect commonly touched surfaces such as steering wheels, shared tools, door handles, seat belts, and shared work stations.

To make the aforementioned possible, employers should educate employees on available benefits they can access if they are prevented from working due to illness or caring for an ill family

member. Cal/OSHA advises employers that handwashing is compensable as nonproductive time for piece-rate workers, and that EPA approved products for use against the virus, including EPA-registered disposable wipes, should be included in the procedures and provided to employees to support cleaning and disinfection of communal surfaces.

### **4 EMPLOYEE TRAINING**

Clear understanding of the policies and procedures and training on how to effectively implement them is paramount to achieving peak compliance and safety. Food producers must train employees in an explicit, straight-forward way. Helpful resources are available (in both English and Spanish) on California’s COVID-19 Response website at <https://covid19.ca.gov>, as well as the federal OSHA websites at <https://www.osha.gov/SLTC/covid-19> and CDC and <https://www.cdc.gov/coronavirus/2019-nCoV>.

Further, employers must reinforce the importance of handwashing, not coming to work if employees have symptoms such as frequent cough, difficulty breathing, fever, or have had close contact with someone diagnosed with COVID-19, and limiting close contact with others through physical distancing.



Employees should therefore be specifically trained on following CDC guidelines to wash hands for 20 seconds at minimum when employees arrive at work, before they leave work, before and after eating or using the restroom, after sneezing or blowing nose, after close interaction with another person, after contact with shared tools and surfaces, and before and after wearing masks or gloves. While hand sanitizer can and should be used if a handwashing station is unavailable, employers should emphasize in training that hand sanitizer is not as effective as handwashing. Training should include coughing and sneezing etiquette by covering a cough or sneeze with a tissue or a sleeve, and other methods to avoid touching mouth, nose, and eyes.

Last, employers must train employees on the safe use of cleaners and disinfectants on surfaces and objects by carefully following label directions, wearing personal protective equipment such as gloves, and continually assessing the hazards of any cleaners and disinfectants at the worksite. If available, employers should also provide respirators to agricultural workers when needed to protect workers against dust, the source of Valley Fever, and other harmful agents, even though health experts do not recommend the use of respirators for the general workforce for COVID-19. Employer training should implement transparency and open communication regarding the employer's procedures to protect employees from COVID-19, as well as available resources for further information on any of the topics covered.



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## Additional Resources

In May, Cal/OSHA posted these three additional resources for agricultural employers:

### General Checklist<sup>2</sup>

Intended to help agricultural employers implement their plan to prevent the spread of COVID-19 in the workplace. This checklist includes items such as employee training, procedures to prevent the spread of COVID-19, and how to increase physical distancing.

### Daily Checklist<sup>3</sup>

Employers can review and complete this list on a daily basis, focusing on procedures to prevent the spread of COVID-19 and increase physical distancing.

### COVID-19 Infection Prevention Video<sup>4</sup>

A brief presentation for Agricultural Workers.

Food producers that modify their IIPPs and follow the guidance discussed above (including utilization of the checklists provided by Cal/OSHA) will have a vital leg up on protecting their business and workforce. These actions will also assist a business in the event of a Cal/OSHA investigation or complaint. Following such practices should help minimize any disruption of work and allow producers to continue and/or return to production in the safest manner possible.

1) <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Agriculture.pdf>

2) <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-General-Checklist-Employers.pdf>

3) <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Daily-Checklist-Employers.pdf>

4) <https://www.youtube.com/watch?v=jEXv1rdebpQ&feature=youtu.be>

*This article provides an overview of a developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*

# Pro-Business Supporter Assemblywoman Jacqui Irwin

Jacqui Irwin is a Democrat first elected in 2014 to represent California's 44<sup>th</sup> Assembly District which encompasses portions of Ventura County and the city of Westlake Village. Irwin currently chairs the Veterans Affairs Committee and is a member of the following committees: Agriculture, Business and Professions, Higher Education and Privacy and Consumer Protection. Irwin also chairs the Assembly Select Committee on Cybersecurity.

*Editor's Note: CLFP recently posed some questions to Assemblymember Irwin about her background and work in the Legislature.*

## **What was your path and background to becoming an Assemblymember in the California Legislature?**

I grew up in the San Fernando Valley and my parents were both immigrants from Holland. I was the first to go to college, following which I worked at the Johns Hopkins University Applied Physics Lab and Teledyne Systems. Once I got married and had children, I stayed home with them and got very involved with volunteer work, girl and boy scouts, after-school enrichment and other school activities. I organized a big effort to raise money to get the track fields fixed at three city high schools. The effort raised \$2 million, which the school district matched 1½ times. I was asked to serve on the city Planning Committee and eventually became a Thousand Oaks city



Assemblymember Jacqui Irwin has visited many agricultural producers during her tenure in California's Legislature.

# Jacqui Irwin

*“We are really listening to what the issues are, so ag stays sustainable in Ventura county.”*

~ Assemblywoman Jacqui Irwin

council member and served for 10 years, which I loved. During that time I was asked to consider running for mayor. I served in a rotating mayor position for two terms before running for the California Assembly in 2014.

### **How did serving as mayor of Thousand Oaks prepare you for serving in the Legislature?**

In general, I think being involved in local government is the best preparation to be in the Legislature because state government is extremely complicated. You get a great base of knowledge, knowing about redevelopment, finances, public safety, wastewater treatment plants, etc. Not serving in local governments makes the learning curve more difficult. At the local level you really realize decisions you make affect your constituents, because you see them at the grocery store, they testify at council meetings, etc. At the state level, we don't have that constant interaction with residents. In my office, on any controversial bill that will affect the city, we get in contact with city council, the police and fire chiefs, etc., so we get an understanding about how these decisions affect the people I represent.

### **The committees you serve on include the Agriculture Committee. What issues are you championing or are of interest to you on that committee?**

I have a lot of farms and their issues that I deal with in Ventura county, sometimes considered the tip of spear by where it is situated so close to more urban areas. Some question whether ag can survive here. Los Angeles and Orange County are no longer able to support ag. There is land that is very valuable in Ventura County,



along with scarcity of water and high labor costs. What can we do so that farmers in our area can survive? We do a lot of tours in the county, trying to understand what the problems are. We try to help by working with different water agencies and look for potential funding for water solutions. We are really listening to what the issues are, so ag stays sustainable in Ventura county

### **Some of CLFP's members are in your district, including Smucker's Fruit Processing and Gills Onions. Do you have contact with these members, and how do you feel you represent their interests?**

I have visited both Gills Onions and Smucker's. We have an open line of communication with both companies, and if they have issues they are dealing with, we try to be supportive and help them. The food processors in my area know all the staff in my district and in Sacramento, and we always try to help with bills, regulatory issues, etc.

*continued on page 18...*



**Jacqui Irwin** ...continued from page 17

**I understand job creation is important to you. Many food processors and agricultural operations sometimes have a hard time attracting and retaining qualified employees. How do you see the Legislature assisting in that effort?**

I think for food industry jobs there is a whole continuum of types of skills you need. I have been involved in a lot of efforts to make sure the community colleges are aligned with what the work force needs are. During my first term, I assisted with the creation of the CSU Channel Island School of Engineering and for innovation centers on UC campuses to transform UC research into products. We have had three years of pretty good funding in career tech education. This year that is not necessarily going to happen, but I hope there is infrastructure that has been laid. Education needs to look at it in a different way. We need to think about lifelong learning, so food processors or anyone can get education constantly for changing needs.

**Several bills have been recently introduced regarding plastics and packaging that could greatly affect food processors. Where do you stand on these bills?**

I supported the first one as it was supposed to be a work in progress. I did not support the second one, it was not ready for prime time. It was way too big and extremely costly.

**The Legislature recently reconvened under some different circumstances due to the coronavirus. What has it been like to be back at the Capitol?**

It's really kind of surreal. Everyone is allowed one staff person, so we have been having daily zoom calls. There is nobody at the Capitol building. We are all separated. I am used to having more interaction. We do go on walks with other legislators, making sure we are staying six feet apart and wearing our masks.

**Are there any other comments you would like to make?**

We know that it's a really tough time for everybody right now. I think what it has done is given us a true appreciation of how vital it is to maintain our food supplies and how much we should appreciate our farmers, food processors and workers. Sometimes when we buy groceries in the store we don't have a real feeling for the infrastructure and what is involved in getting that avocado or strawberry onto your dessert or salad plate. Hopefully, we will create a new appreciation for the whole line of growing and producing from field to fork.



Assemblymember Jacqui Irwin understands the importance of agriculture and food production to California's economy.

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# UC Davis Developing a New Food

*Editor's Note: Many people have a dream of creating a new food product, whether it's to produce and sell a unique recipe of their own, or to create a product they see as having a niche or a need not currently being met in the food marketplace. CLFP posed some questions about achieving these goals to Selina Wang, Ph.D. and Erin DiCaprio, Ph.D. at the UC Davis Department of Food Science and Technology.*

## **If a person or group of people have an idea for a new food product, what are the first steps they should take?**

Know the market and its relation to your product really well. Is there a market for this new food product and who are the target consumers (be specific, broader is not better)? How is this product different from other similar products and why would consumers choose this product over others?

Understand the regulatory landscape and how you can legally produce and sell your product. Determine where you will sell your product and the feasibility of selling your product through this particular market channel. For example, can this product be easily sold online and shipped considering factors such as shelf life, fragility and legalities? Do a cost analysis to determine what your product pricing and profit margin would be.

## **How can they determine if there is demand for their product?**

Through doing market research and paying attention to food trends and consumer behaviors (e.g. Nielsen, Think with Google, Facebook IQ). It's easy to set up Google Alerts for related keywords and monitor social media conversations in the chosen food market.

## **Is it necessary to hire a consultant for the overall process or for steps along the way?**

It is important to understand key aspects of your product including storage conditions (shelf stable vs. refrigerated for example), packaging, shelf life, water activity, pH, nutritional content, etc. This type of information may be difficult to obtain and understand impacts on processing for someone without food industry experience. In this case, it may be of value to invest in a consultant to help with product development.

Someone with a bit more experience in product development may not have access to the facilities or equipment required to manufacture the food, in this case engaging with a co-packer. Some co-packers do offer a level of consulting services, so this can be a valuable option for a food entrepreneur.

Hiring a knowledgeable and experienced consultant may save a lot of time and money for both overall process and steps along the way, if the needs and expectations from the consultant are clear. There's a lot of free information available online so that's a good place to start if budget is a concern.



# Product

*A brand that makes emotional and personal connections with consumers through their story, messaging, ingredients, packaging, environmental/ social impacts can ensure a successful foundation to sell products with perpetuity.*



## Can they try out product formulations in a home kitchen or should they utilize a test kitchen?

Starting product formulations in a home kitchen is the most affordable and provides the most flexibility. Some types of low-risk foods are able to be produced in a home kitchen and sold. The list of acceptable foods and limitations on annual sales are outlined in the California Cottage Food Regulation.

Think about the ingredients that you are using and evaluate if test batches will be scalable or ingredients will need to be changed at scale-up. It's important to weigh the ingredients on a precise scale to ensure consistency in batches and the recipes/formula can be converted into weight average percentage for scaling up later.

## How do they determine or find a way to package their product?

Packaging needs to be tuned to the particular product. Different types of packaging have different barrier properties and can have a large impact on product quality. For new products, there may be a process of trial and errors. For products that have similar existing ones on the market, it will be more straightforward. A good package needs to satisfy operation, delivery, display, storage and marketing/branding of the product while being cost-effective. Some types of foods, such as shelf-stable low acid and acidified foods, require a hermetically sealed package. For ecommerce, packaging and branding is important

because the customers can't sample/taste the product. In addition to the visual appeal, the packaging needs to meet the label requirements.

## What food safety criteria needs to be taken into consideration?

Making sure the food is safe should be the number one priority. For the safe production of all food types, good manufacturing practices and sanitary standard operating procedures need to be followed. Beyond that, the proper control for ensuring food safety will depend on the product you are making. Foodborne illness can be caused by physical, chemical, or biological hazards. Evaluating your entire process for what hazards exist and how you control these identified hazards is what is defined as conducting a hazard analysis.

Conducting a robust hazard analysis is critical to producing safe food and can be a challenge for individuals with little food industry experience. In this case, engaging a consultant or food safety specialist can be helpful. Many high risk food types have specific regulations that must be adhered to for their safe production. Make sure you understand the food safety regulations that apply to different types of processed foods. For canned goods intended to be shelf stable, the process conditions (e.g. pH, water activity) need

*continued on page 22...*

# New Officers Elected at Annual Meeting



Michael Mariani

**Michael Mariani** of Mariani Packing Co., Inc. was elected as CLFP's 2020-21 chair at the 2020 Annual Board of Directors Meeting held on April 30. He is a partner with Mariani Packing and is based in their headquarters in Vacaville.

The company is a family business and for four generations has grown, dried, processed and packaged a wide variety of dried fruit snacks and ingredient products. Processing facilities are located in Marysville, CA, and Wisconsin Rapids, WI. Mariani Packing is a longtime member of CLFP.

Other CLFP officers elected were **Pat Ricchiuti**, ENZO Olive Oil Company, Clovis, CA, as first vice-chair, and **Jim Lipman**,



Pat Ricchiuti

California Olive Ranch, Chico, CA, as second vice-chair. Ross Siragusa, The Kraft Heinz Company, Stockton, CA, will continue as immediate past chair.



Jim Lipman

CLFP board of director members also were nominated to serve new and continued terms on the Executive Committee.

Nominated for 2020-22 terms were: Jon Alby, Leprino Foods Company, Denver, CO; Matthew Reid, SupHerb Farms, Turlock, CA; Scott Woodard, Horizon Nut Company, Tulare, CA; Ron Pitts, Del Monte Foods, Inc., Lathrop, CA; Mike Smyth, Olam Spices, Fresno, CA; and Melvin Ward, Sunsweet Growers, Inc., Yuba City, CA.

Nominated to continue their terms for 2019-21 were: Tim Hamilton, ConAgra Brands, Inc., Oakdale, CA; Chris Rufer, The Morning Star Packing Company, Woodland, CA; Lily Chiem, Kagome, Inc., Los Banos, CA; P.J. Mecozzi, Del Mar Food Products Corp., Watsonville, CA; and Danny Green, Los Gatos Tomato Products, Fresno, CA.

## UC Davis ...continued from page 21

to be reviewed and approved by a process authority. Shelf stable canned foods with pH above 4.6 need to be processed aseptically or with retort.

### Should they start out selling their products at Farmers Markets or other similar venues?

This would depend on the products and the person/people who want to start a new food business. Selling at Farmers Markets or other similar venues is an excellent way to garner customer feedback which is invaluable, this is especially important for products that are in the early development stage.

Keep in mind that to sell processed food at Farmers' Markets you will need to comply with local and state food safety regulations. Many times this will require that your product is made in a licensed processing facility or cannery.

### How do they go about marketing their products?

Start by knowing the target consumers, create logo, packaging and promotional materials that reflect the "personality" of the products and brand and carefully and thoughtfully plan sell sheets and pitches for wholesale buyers.

### What resources are available for food startups?

<https://learning.specialtyfood.com/>

<https://www.sba.gov/business-guide/plan-your-business/write-your-business-plan>

<https://www.fda.gov/food/food-industry/how-start-food-business>

<https://www.fda.gov/food/food-ingredients-packaging>

<https://www.foodpackaginglabels.net/food-labeling-requirements>

<https://www.iqsdirectory.com/food-packaging/>

<https://www.foodprocessing.com/supplier-guides/ingredients/>

<http://www.specialtyfoodcopackers.com/index.html>

<https://ucfoodsafety.ucdavis.edu/>

<https://ucfoodsafety.ucdavis.edu/processing-distribution/starting-food-business>

### Any other tips or advice for startup food processors?

Think beyond the products. A brand that makes emotional and personal connections with consumers through their story, messaging, ingredients, packaging, environmental/social impacts can ensure a successful foundation to sell products with perpetuity.



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# Food Production Investment Program



**The Food Production Investment Program (FPIP) was established to provide incentives to encourage California food producers to reduce greenhouse gas (GHG) emissions. CLFP member Sun-Maid Growers of California was the first FPIP applicant to complete a project under this innovative grant program.**

FPIP funding comes from the California Climate Investments Program (CCIP), a statewide initiative that uses Cap-and-Trade dollars. When the California Energy Commission (CEC) launched FPIP in July 2018, it did not immediately capture the interest of the food processing industry. However, interest eventually intensified as the food processing industry observed FPIP dollars funding advanced technologies, as well as general off-the-shelf upgrades and retrofits.

In 2019 Sun-Maid was awarded, and matched, an \$806,000 grant to implement an optimized compressed air energy system at its dried fruit packing and processing facility in Kingsburg, CA. This new system uses an energy-efficient centrifugal compressor and heat recovery technology that reduces GHG emissions, energy consumption and operating costs.

Sun-Maid Engineering Manager Josh O'Bannon spearheaded the project, employing DC Energy, a company that supports the advancement of competitive energy markets, as the project manager.

"Because our compressed air encounters the raisins during the washing and cleaning process, it is an ingredient. Clean, dry, oil-free air is a must, and that is what this new compressed air system delivers," O'Bannon said. "Our highly skilled stationary engineers can now focus on more important duties related to putting raisins in the red box instead of babysitting the compressors, dryers and cooling system."

As the first successful FPIP project to be completed, Sun-Maid was highlighted in the California Air Resources Board's (CARB) California Climate Investments (CCI) annual report. It can be viewed at <http://www.climateinvestments.ca.gov/2020-profiles/fpip>.

The Sun-Maid project also helps demonstrate to other food processors and food industry manufacturers that energy efficiency upgrades are worth the investment. As CARB noted in its CCI Report "... reducing electricity and natural gas consumption at the Sun-Maid Kingsburg facility will also reduce emissions of criteria pollutants, helping to improve the overall health of the community."

In the CCI Report, using last year's data, the FPIP program ranked 8th in terms of GHG emissions reduction among all CCI programs (but 15th in total funding appropriated), with approximately one third of funds encumbered. The numbers are expected to increase signifi-

# m Pays Off

By JOHN LARREA  
CLFP Government Affairs Director

*The Sun-Maid project also helps demonstrate to other food processors and food industry manufacturers that energy efficiency upgrades are worth the investment.*



cantly in next year's reporting as CEC has said there were double the number of projects, and the funding tripled for the projects in this latest solicitation round.

CLFP has put significant effort behind promoting the program to its members, urging them to apply and also co-sponsoring multiple FPIP workshops throughout the state. As a result, CLFP members have a higher percentage of applications and successful awards among all food industry applicants. The first grant solicitation saw over \$12 million awarded to CLFP companies. For 2020, CLFP companies were awarded over \$20 million for projects.

Sun-Maid, in addition to the first project award, has successfully applied for additional grants, being awarded approximately \$5 million in the last solicitation. O'Bannon acknowledged CLFP's role in obtaining FPIP awards.

"I can't help but think that none of this would be happening if it weren't for [CLFP's] persistent hard work, fighting for the food processing industry. Thank you."

Since the state's current budget does not include funding for FPIP, CLFP's next step is to encourage funding for the program. In the meantime, CLFP



Sun-Maid is one of several CLFP members utilizing funds from the Food Processing Investment Program.

is exploring a workshop for members, during which successful awardees can answer questions on what it takes to craft a successful application. Given the generous funding in this program, every food processor should reassess its future capital investment plans to determine if they can accelerate either replacement or expansion of their technology.

In addition to Sun-Maid, other CLFP members that have received FPIP grants are the Hilmar Cheese Company, Pacific Coast Producers (awarded grants for two different projects), Sunsweet Growers, Inc., The Neil Jones Food Company and Olam Spices.



# California Food Processing Industry Issues & the

**2020 has been a year like no other in recent history with a changing environment affected by unpredictable forces of nature and circumstances. To keep current on the issues that are top of mind to our members CLFP conducted a survey asking them what they see as the top issues facing the food processing industry in the future. Since 2020 is also an election year, CLFP interviewed one of its members about the importance of member involvement in the legislative process.**

## **Water, Labor and Energy Issues Top of Mind for CLFP Food Processor Members**

Some would say that California can be a tough, expensive, and highly regulated environment to run a manufacturing business. However, the state does provide a wide variety and an abundance of raw agricultural products that make it an attractive state for food processors. CLFP's mission is to help its food processing members navigate the barriers and hurdles the state presents, and also take advantage of opportunities in California. To help keep abreast of what our members see as the primary industry issues for the next five years, we presented them with a list of issues and asked them to rank them in priority of importance from one to three.

The issues were water supply, energy costs, labor supply, labor costs, labor regulations, raw product input costs, wastewater permits, food safety, GHG emissions/Cap-and-Trade compliance, air quality permits, food labeling regulations, competition from other states and/or countries and other issues.

Some members found ranking the issues challenging with one member summing it up best by saying "unfortunately, all issues listed are important and difficult to navigate."

*continued on page 28...*



# Political Process

By LISA JAGER,  
CLFP, Marketing &  
Communications Director

## Member Involvement in Political Process Makes a Difference

*an interview with Frank Mecozzi of Del Mar Food Products Corp.*

### Why is it important for CLFP members and the state's food processing industry to be involved in the overall political process?

Nobody understands how regulation will affect industry better than employers do, so it is our duty to communicate what we know. The natural tension that exists between the different stakeholders is beneficial when all perspectives are equally represented. The less we participate, the more likely our expertise and interests are to be ignored.

If the food processing industry is not appropriately considered during policy making, not only will employers and industry suffer, but the state of California will suffer.

### What role should members take in assisting CLFP staff in addressing legislative and regulatory issues at the CA Capitol?

Members should be comprehensive in communicating their concerns to CLFP. The staff cannot represent our interests without a clear understanding of what those interests are. Because resources are limited, it is especially important that they know which issues to prioritize.

### Do you think it makes an impact/difference in events such as Capitol Day for members to meet one-on-one or in a group with individual legislators?

Building relationships with policy makers is probably the most effective way to be heard. Of course, it is hard to build a relationship without occasional face-to-face communication. These events go a long way in establishing a connection. Personally, I enjoy the meetings. The time and travel are a small sacrifice to pay for the opportunity. I highly recommend participating.

### How important is a PAC to CLFP and other groups in addressing legislative issues affecting the industry?

I think it is naïve to ignore the importance of a PAC, although I am not experienced enough to understand just how significant they can be. I have been to a few PAC-sponsored events that I thought were impactful, so I have seen the resources invested wisely.

### Do you have any other comments regarding this important issue?

I have only great things to say about the CLFP Legislative Affairs committee. It is small and has limited resources, but it is very effective. Trudi Hughes, CLFP Government Affairs Director, shoulders a tremendous load and she has a handful of very impressive industry members working with her. The leaders of the group are as welcoming as they are accomplished. It was very easy for myself, with very little experience, to participate in group activities even though legislative affairs is not my background. I want others to know that the group is very inclusive in case they are interested.

*Frank Mecozzi works for CLFP Member Del Mar Food Products Corp. in the environmental safety and health arena. He has been involved with CLFP for eight years.*

~~~~~  
“I have only great things to say about the CLFP Legislative Affairs committee. It is small and has limited resources, but it is very effective. ~ Frank Mecozzi

## Industry Issues ...continued from page 26

However, after all the votes were tallied, water supply, labor issues and energy costs were ranked the most important issues food processors were likely to face in the next five years. Water supply was ranked the number one issue, although it tied with labor issues when tallying the rankings collectively for the three labor issue areas—supply, regulations and costs—with many members also ranking these issues as the second or third most important issues.

Regarding labor issues, one member commented, “The three labor categories are the top issues for us. It’s tough to rank the three of them because they are all interdependent. For example, a change in regulation can simultaneously push costs up and supply down. Another member commented that “labor regulations are always a battle in California.” A third member expressed concern about “a couple of regulations regarding Worker Compensation,” including California Assembly Bill 5 and Executive Order N-62-20 (*more detail about these items can be found on pages 6 and 7 in the Legislative Update*).

Energy costs also received multiple votes with five members ranking it the third most important issue and one ranking it the second most important issue. Regarding energy issues, one member commented that “PG&E’s recovery costs will be shared by their customers.”

Although COVID-19 was not on the issues list, one member wrote it in as the number one issue. Another member ranked food safety as number three, a “knee-jerk reaction from current events.”

Comments made in the other issues section:

“Not on the list is the topic of competitive duties (e.g. the duties on food due to the European Union /U.S. aerospace disagreement or the duties on steel). This, we think, could be the biggest issue of the next 5 years.”

“Wastewater permits: We currently operate with two WDRs, regulations getting more stringent, CV-salt plan.”

“Plaintiff friendly litigation environment.”

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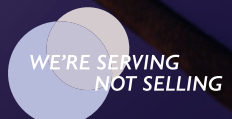
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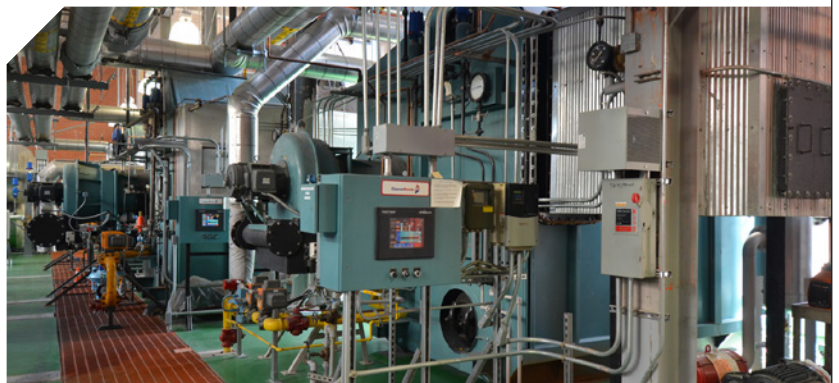
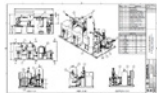
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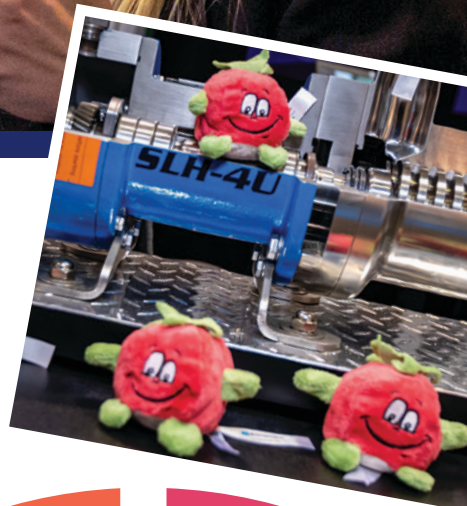


# Food Processing Expo

Food Processing Expo 2021 will take place at the Sacramento Convention Center on February 9 & 10. The Center is undergoing an extreme makeover featuring a dynamic center for conventions, meetings and cultural experiences. An expanded exhibit hall and new ballroom will enhance the usability of the space and add more options for meeting planners.

The Food Processing Expo, the largest event of its kind in California, attracts a considerable audience of food processors, allied industry members and university personnel and students. In addition to the expansive trade show floor, the show features educational workshops focusing on timely topics to help processors expand or improve their business operations. CLFP, which produces the Expo, plans to expand the scope of attendees invited to participate in Expo 2021.





# Returns to Sacramento February 9 & 10, 2021



Exhibit space opened to the general public on June 16 and attendee registration will open September 1. For more information, contact Olivia Johnson: [olivia@clfp.com](mailto:olivia@clfp.com) or call (916) 640-8150.



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*continued on page 37...*

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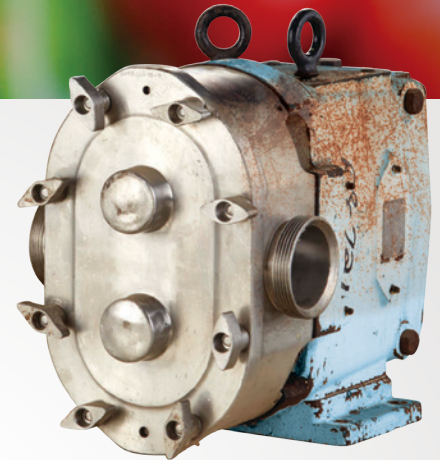
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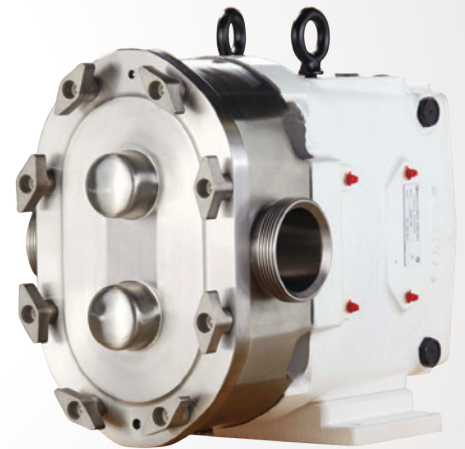
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