

COVID-19 UPDATE



USDA SUPPORTS SPECIALTY CROP PRODUCERS WITH DIRECT PAYMENTS FOR LOSSES DUE TO COVID-19

The United States Department of Agriculture (USDA) announced today that it will provide up to \$2.1 billion in direct payment to specialty crop producers as part of the Coronavirus Farm Assistance Program (CFAP). The payments will be based on losses where prices and market supply chains have been impacted as result of Covid-19. Specialty Crop producers that fall into one of the categories outlined below may be eligible to receive a direct payment:

- Sales with a price loss of 5% or more between January 15th and April 15th of this year.
- Producers with the following commodities are eligible: Almonds, artichokes, beans, broccoli, cabbage, carrots, cauliflower, sweet corn, cucumbers, eggplant, lemons, iceberg and Romaine lettuce, dry onions, peaches, pears, pecans, bell and other types of peppers, rhubarb, spinach, squash, strawberries, and tomatoes.
- Shipments that left the farm by April 15th and spoiled due to no market or for which no payment was received.
- Shipments that have not left the farm or mature crops that remained unharvested by April 15th.

Starting on May 26th, producers of all the eligible commodities may apply for assistance through their local USDA Farm Service Agency center. Interested applicants can locate their service center and find the application at www.farmers.gov/cfap.

CA APPLE COMMISSION MONITORING UPCOMING PENDING STATE OF CALIFORNIA LEGISLATION

Through daily updates with the Governor's office, the CAC has been made aware of several pieces of potential upcoming legislation regarding workers' compensation, labor, and energy/environment. These bills are currently circulating through the State Legislature, and the CAC is closely monitoring their approval process. These bills were introduced in response to the ongoing COVID-19 pandemic and may have lasting impacts on many industries, including agriculture. The CAC will continue to provide updates as these bills progress, but if you have any specific questions in the meantime, please do not hesitate to contact our office.

US DEPARTMENT OF TRANSPORTATION MODERNIZES HOURS OF SERVICE RULES TO IMPROVE SAFETY AND INCREASE FLEXIBILITY FOR AMERICA'S TRUCKERS

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) today published a final rule updating hours of service (HOS) rules to increase safety on America's roadways by updating existing regulations for commercial motor vehicle (CMV) drivers.

First adopted in 1937, FMCSA's hours of service rules specify the permitted operating hours of commercial drivers. In 2018, FMCSA authored an Advanced Notice of Proposed Rulemaking (ANPRM) to receive public comment on portions of the HOS rules to alleviate unnecessary burdens placed on drivers while maintaining safety on our nation's highways and roads. Subsequently, in August 2019, the Agency published a detailed proposed rule which received an additional 2,800 public comments.

Based on the detailed public comments and input from the American people, FMCSA's final rule on hours of service offers four key revisions to the existing HOS rules:

- The Agency will increase safety and flexibility for the 30-minute break rule by requiring a break after 8 hours of consecutive driving and allowing the break to be satisfied by a driver using on-duty, not driving status, rather than off-duty status.
- The Agency will modify the sleeper-berth exception to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, or a 7/3 split—with neither period counting against the driver's 14-hour driving window.
- The Agency will modify the adverse driving conditions exception by extending by two hours the maximum window during which driving is permitted.
- The Agency will change the short-haul exception available to certain commercial drivers by lengthening the drivers' maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles.

FMCSA's final rule is crafted to improve safety on the nation's roadways. The rule changes do not increase driving time and will continue to prevent CMV operators from driving for more than eight consecutive hours without at least a 30-minute break.

In addition, FMCSA's rule modernizing hours of service regulations is estimated to provide nearly \$274 million in annualized cost savings for the U.S. economy and American consumers. The trucking industry is a key component of the national economy, employing more than seven million people and moving 70 percent of the nation's domestic freight. The new hours of service rule will have an implementation date of 120 days after publication in the Federal Register.

The complete final rule is available here: <https://www.fmcsa.dot.gov/regulations/hours-service/hours-service-drivers-final-rule>

Truckers have played a key role in getting America through the COVID-19 public health emergency. FMCSA has provided regulatory relief to commercial drivers to get critically important medical supplies, food, and household goods to Americans in need. The nation's truck drivers have been on the front lines of this effort and are vital to America's supply chain. The latest information, declarations, and resources on FMCSA's response to the COVID-19 are available at <https://www.fmcsa.dot.gov/COVID-19>

UPDATE FROM USDA REGARDING EFFORTS TO ADDRESS FOOD AND AGRICULTURE SECTOR PPE CHALLENGES

Obtaining personal protective equipment, face coverings, cleaning and sanitation supplies for essential workers and businesses has been an ongoing challenge across multiple segments of the food and agriculture sector.

We'd like to take this opportunity to remind you of the FEMA Fact Sheet (at the following link) [Coronavirus \(COVID-19\) Pandemic: Addressing PPE Needs in Non-Healthcare Setting](#), which summarizes how organizations should consider and manage their personal protective equipment (PPE) needs while ensuring the protection of workers during the coronavirus (COVID-19) pandemic response. We have communicated with the National Emergency Management Association, and they have affirmed the process laid out in this document for critical infrastructure PPE and cloth face covering needs as described below:

For PPE and Cloth Face Covering needs: if suppliers are unable to provide for your needs, and the PPE is urgently required, submit a request for assistance to your state emergency management agency. If the state is unable to address needs, the state should submit a request for support to their FEMA Regional Response Coordination Center.

SINGLE-USE SURGICAL MASKS AVAILABLE THROUGH COUNTY AGRICULTURAL COMMISSIONER'S OFFICES

County Agricultural Commissioner offices across the state have received single-use surgical masks from the California Department of Food and Agriculture as result of the Personal Protective Equipment (PPE) survey that was conducted earlier this month. As an effect of Covid-19, agricultural operations have seen a shortage of PPE materials and these single-use masks will provide a means to help fill the void the industry has seen while ensuring employees are safe.

To be placed on the distribution list for the masks, please contact your local county agricultural commissioner's office. For a listing of state offices, [click here](#).

ADDITIONAL COVID-19 RESOURCES

On the following pages, please view information related to COVID-19 that can be shared with your industry contacts:

- Updated Cal OSHA Guidance Document: COVID-19 Daily Checklist for Agricultural Employers
- Updated Cal OSHA Guidance Document: COVID-19 General Checklist for Agricultural Employers
- Updated Cal OSHA Guidance Document: COVID-19 Infection Prevention for Agricultural Employers and Employees

Cal/OSHA COVID-19 Daily Checklist for Agricultural Employers

May 8, 2020

This checklist should be reviewed and completed daily to help agricultural employers prevent the spread of COVID-19 in the workplace. Refer to the [Cal/OSHA's Safety and Health Guidance on COVID-19 Infection Prevention for Agricultural Employers and Employees](#) for additional information and guidance.

Procedures to Prevent the Spread of COVID-19

- Screen employees for COVID-19 symptoms when they arrive at work, observe for symptoms throughout the day and immediately send workers home or to medical care if they have acute respiratory illness symptoms.
- Ensure adequate cleaning supplies are readily available.
- Ensure handwashing facilities, including soap and paper towels, are readily available.
- Frequently check supplies of soap and paper towels.
- Ensure restrooms are kept clean and sanitary.
- Ensure handwashing facilities are located at or near restrooms.
- Ensure additional handwashing facilities and supplies are placed as close to work areas as possible.
- Ensure employees are encouraged to frequently use washing facilities.
- Ensure employees are instructed to not share tools or equipment and/or to sanitize between uses.

Procedures to Increase Physical Distancing

- Use a stick or tape measure to demonstrate six feet of distance (wherever it is practiced whether outdoors, in vehicles or in structures).
- Adjust work practices, work stations, line speeds and other processes to enable employees to maintain safe physical distancing.
- Provide additional seating and shade structures to allow employees to be at least six feet apart.
- Hold meetings and trainings in small groups so workers can maintain six feet of distance between each other.
- Place drop-boxes or drop-off locations near the road so vehicles do not need to enter the farm.



Cal/OSHA COVID-19 General Checklist for Agricultural Employers

May 8, 2020

This checklist is intended to help agricultural employers implement their plan to prevent the spread of COVID-19 in the workplace. Refer to [Cal/OSHA's Safety and Health Guidance on COVID-19 Infection Prevention for Agricultural Employers and Employees](#) for additional information and guidance.

Employee Training (Topics that should be covered)

- COVID-19 symptoms and when employees should seek medical help.
- How COVID-19 is spread.
- How an infected person can spread COVID-19 to others even when they are not sick
- The employer's plan for screening workers for COVID-19.
- How employees can protect themselves and prevent the spread of COVID-19.
- Wash hands and scrub with soap for at least 20 seconds:
 - When employees arrive and before they leave work.
 - Before and after eating or using the toilet.
 - After close interaction with other persons.
 - After contacting shared surfaces or tools.
 - Before and after wearing a mask or gloves.
 - After blowing nose, coughing or sneezing.
 - Explain that hand sanitizers are not as effective as hand-washing but can be used as an interim measure if a hand-washing station is not immediately available.
 - Time spent hand-washing is compensable as nonproductive time for piece-rate workers.
- Avoid social greetings with contact such as handshakes and hugs.
- How to properly use cloth face covers and what they do, including:
 - CDC guidelines** that everyone should use cloth face covers when around other persons.
 - Cloth face covers can help protect persons around the user of the cloth face cover when combined with physical distancing and frequent hand washing.
 - Cloth face covers are not protective equipment and do not protect the person wearing a cloth face cover from COVID-19.
- Avoid touching eyes, nose and mouth.
- Cough and sneeze into their elbows or a tissue and immediately dispose of tissue.
- Safely use cleaners and disinfectants:
 - Carefully follow label directions.
 - Assess the hazards of all cleaners and disinfectants used.
 - Wear personal protective equipment (gloves, etc.)

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- Ensure cleaners and disinfectants are used in a manner that does not endanger employees.
- Limit close contact with others, maintain at least six feet of separation.
- Remind employees not to come to work if they have frequent cough, fever or difficulty breathing, or if they live with or have had close contact with someone who does.
- Discuss the employer's plan and procedures to protect employees from COVID-19 illness.
- Report to a supervisor when beginning to feel symptoms.

Procedures to Prevent the Spread of COVID-19

- Screen employees for COVID-19 symptoms when they arrive at work, observe for symptoms throughout the day and immediately send workers home or to medical care if they have acute respiratory illness symptoms.
- Establish procedures to notify local health officials upon learning that someone has a COVID-19 infection.
- Encourage workers to report their condition to their supervisor if they feel sick and ask them to stay home, and do not punish them for missing work due to an illness.
 - Advise employees about any available sick leave benefits for agricultural workers, including paid sick leave under the federal Families First Coronavirus Recovery Act (for agricultural employers with fewer than 500 employees) and Governor Newsom's Executive Order N-51-20 (for agricultural employers with 500 or more employees).
 - Educate eligible employees on other possible benefits.
- Provide face covers or encourage employees to use their own face covers, and ensure they are used in accordance with CDC guidelines.
- Establish procedures to more frequently clean and disinfect commonly touched surfaces and objects, including restrooms, door handles, tools and equipment, water jug spigots, benches, tables, trashcans, seat belts and insides of toilet facilities.
 - Use EPA-approved products according to the manufacturer's instructions when cleaning and disinfecting.
 - Provide employees with EPA-registered disposable wipes to sanitize commonly used surfaces before use.
 - Follow the manufacturer's instructions for all cleaning and disinfection products.
- Ensure adequate cleaning supplies are readily available.
- Ensure handwashing facilities, including soap and paper towels, are readily available.
- Frequently check supplies of soap and paper towels.
- Ensure restrooms are kept clean and sanitary.
- Ensure handwashing facilities are located at or near restrooms.
- Ensure additional handwashing facilities and supplies are placed as close to work areas as possible.
- Ensure employees are encouraged to frequently use washing facilities.
- Ensure employees are instructed to not share tools or equipment and/or to sanitize between uses.

Procedures to Increase Physical Distancing

- Use a stick or tape measure to demonstrate six feet of distance (wherever it is practiced whether outdoors, in vehicles or in structures).
- Provide adequate time and space for workers to clock in and out at the beginning and end of the work shift without crowding.
- Adjust work practices, work stations, line speeds and other processes to enable employees to maintain safe physical distancing.
- Stagger breaks and lunch times.
- Limit crew sizes by staggering shifts or increasing the number of shifts.
- Provide additional seating and shade structures to allow employees to be at least six feet apart.
- Hold meetings and trainings in small groups so workers can maintain six feet of distance between each other.
- Discourage employees from large gatherings and encourage physical distancing during non-work hours.
- Encourage employer-housed workers to be proactive in physical distancing and take affirmative steps to quarantine any housed workers exhibiting symptoms.
- Establish locations for receiving regular deliveries away from on-farm high-traffic areas and housing.
- Create specific written instructions for deliveries.
- Provide signage that easily identifies drop-off points, including contact information.
- Place drop-boxes or drop-off locations near the road so vehicles do not need to enter the farm.



SAFETY AND HEALTH GUIDANCE


COVID-19 Infection Prevention for Agricultural Employers and Employees

May 5, 2020

California employers are required to establish and implement an Injury and Illness Prevention Program (IIPP) to protect employees from all worksite hazards, including infectious diseases. This guidance contains information, recommendations, and requirements for agricultural employers on how to update their IIPPs to include preventing the spread of COVID-19 in the workplace. This guidance does not introduce any new legal obligations, but because COVID-19 is widespread in the community, most California workplaces must consider the disease a workplace hazard.

Employee Training on COVID-19

Agricultural employers must provide training in a way that is readily understandable by all employees. Employees should be trained on the following topics:

- Information related to COVID-19 from the **Centers for Disease Control and Prevention (CDC)**, including:
 - What COVID-19 is and **how it is spread**.
 - **Preventing the spread of COVID-19 if you are sick**.
 - **Symptoms of COVID-19 and when to seek medical attention**.
 - Information from **California's COVID-19 Response Webpage** for additional resources, including ones in Spanish.
 - The importance of frequent hand-washing with soap and water, including:
 - Following CDC guidelines to wash for at least 20 seconds.
 - When employees arrive at work and before they leave work.
 - Before and after eating or using the toilet.
 - After close interaction with other persons.
 - After contacting shared surfaces or tools.
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- Before and after wearing masks or gloves.
 - After blowing nose or sneezing.
 - That hand sanitizer is not as effective as hand-washing but can be used as an interim measure if a hand-washing station is not immediately available.
 - Methods to avoid touching eyes, nose, and mouth.
 - Coughing and sneezing etiquette, including covering a cough or sneeze with a tissue or a sleeve instead of a hand.
 - Safely using cleaners and disinfectants on surfaces and objects, which includes:
 - Carefully following label directions.
 - Assessing the hazards of all cleaners and disinfectants used at the worksite.
 - Wearing personal protective equipment (such as gloves).
 - Ensuring cleaners and disinfectants are used in a manner that does not endanger employees.
 - Limiting close contact with others as much as possible and maintaining safe physical distancing (see Physical Distancing information on next page).
 - The importance of not coming to work if they have a frequent cough, fever, difficulty breathing, chills, muscle pain, headache,

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sore throat, or recent loss of taste or smell, or if they live with or have had close contact with someone who has been diagnosed with COVID-19.

- To seek medical attention if the symptoms become severe including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The employer's plan and procedures to protect employees from COVID-19 illness.

Procedures to Help Prevent the Spread of COVID-19 at the Worksite

IIPP administrators should establish and implement the following procedures to help prevent the spread of COVID-19:

- Immediately send employees with acute respiratory illness symptoms home or to medical care as needed.
- Establish procedures to notify local health officials upon learning that someone has a COVID-19 infection. These officials will help employers determine a course of action.
- Encourage sick workers to stay home by not punishing them for missing work. Consider sick leave benefits to help prevent the spread among workers who might otherwise work out of economic necessity. Educate eligible employees on other benefits they can access if symptoms, illness, or caring for an ill family member prevents them from working. See [FAQs on laws enforced by the California Labor Commissioner's Office](#) (questions 1 and 2).
- Make hand-washing stations more readily available and encourage their use. Employers are advised that hand-washing is compensable as nonproductive time for piece-rate workers (see [FAQs on piece-rate compensation](#)).
- Establish procedures to routinely clean and disinfect commonly touched surfaces and objects (e.g., water containers, steering wheels, shared tools, shared work stations, door handles, seat belts, insides of toilet facilities) throughout the workday. These procedures should include:
 - Using products that are [EPA-approved](#)

for use against the virus that causes COVID-19.

- Providing EPA-registered disposable wipes for employees to wipe down commonly used surfaces before use.
- Following the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, protective equipment, concentration, contact time).
- Ensuring there are adequate supplies to support cleaning and disinfection practices.

Procedures to Increase Physical Distancing

Physical distancing is an infection control measure that can stop or slow down the spread of an infectious disease by limiting contact between people. Safe physical distancing means maintaining a distance of at least six feet from other people. Agricultural employers should use the following physical distancing measures to stop or slow down the spread of COVID-19:

- Physical distancing should be practiced, whether outdoors, in vehicles, or in structures.
- Establish work practices and work stations, and adjust line speed and other processes to enable employees to maintain safe physical distancing while working.
- Stagger break and lunch times.
- Limit crew size by staggering work shifts or increasing the number of work shifts.
- Provide additional seating and shade structures to allow employees to take breaks while staying at least six feet apart.
- Encourage employees to avoid large gatherings and practice physical distancing during non-work hours. Employers who house workers are encouraged to be proactive in

Health experts do not recommend the use of respirators by the general public or the general workforce for COVID-19. However, if available, employers should provide them to agricultural workers when needed to protect workers against excessive dust, *Coccidioides* fungus (the source of Valley Fever), or other harmful agents.

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making physical distancing possible and to take affirmative steps to quarantine any housed worker exhibiting symptoms.

- Establish a location for receiving regular deliveries away from on-farm high-traffic areas and housing.
 - Place drop-boxes or drop-off locations near the road so vehicles do not need to enter the farm.
- Create specific instructions for deliveries.
 - Provide suppliers and customers with the location of and all the procedures to be used at the drop-off point.
 - Create signage to easily identify drop-off points. Include contact information on the signs to assist with questions leading up to delivery and upon arrival.

Good Sanitation Practices

Agricultural employers must ensure bathrooms and hand-washing facilities are readily accessible to all employees at all times.

- Restrooms must be clean and sanitary.
- Hand-washing facilities must be located at or near the restrooms.
- Soap or other suitable cleansing agent and single-use towels must be provided.
- Additional hand-washing supplies should be placed as close to work areas as possible to allow for frequent hand-washing.
- Enough time must be allowed for frequent hand-washing.
- Due to increased hand-washing, the employer should frequently check the supply of soap, paper towels, and toilet paper, and replenish them before they run out.

Additional COVID-19 Resources for Agricultural Employers

Agricultural Employers

- California Department of Public Health. [Coronavirus Disease 2019 \(COVID-19\) and the Food Supply Chain](#)
- Oregon Department of Agriculture. [Effective Disinfectants to Help Prevent the Spread of Coronavirus Disease \(COVID-19\) on Food Contact Surfaces](#)
- Pennsylvania Department of Agriculture. [COVID-19 Guidance: Farm and Farm Deliveries](#)

General Information

- [California Coronavirus \(COVID-19\) Response](#)
- California Division of Occupational Safety and Health. [Cal/OSHA Interim Guidelines for General Industry on 2019 Novel Coronavirus Disease \(COVID-19\)](#)
- California Labor and Workforce Development Agency. [Coronavirus 2019 \(COVID-19\) Resources for Employers and Workers](#)
- [Centers for Disease Control and Prevention. Coronavirus Disease \(COVID-19\)](#)
- Centers for Disease Control and Prevention. [Coronavirus Disease \(COVID-19\): Interim Guidance for Businesses and Employers](#)
- Centers for Disease Control and Prevention. [Coronavirus Disease \(COVID-19\): Symptoms](#)
- Centers for Disease Control and Prevention. [Coronavirus Disease \(COVID-19\): How It Spreads](#)
- Centers for Disease Control and Prevention. [Coronavirus Disease \(COVID-19\): Steps to help prevent the spread of COVID-19 if you are sick](#)
- U.S. Environmental Protection Agency. [Disinfectants for Use Against SARS-CoV-2](#) (the virus that causes COVID-19)

