

# Almond

## ADVANTAGE

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### **Reflecting on Achievements and Renewing Our Commitment**

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With summer here, the Almond Alliance is buzzing with activity, reflecting on a year of significant achievements and preparing for future opportunities. Pg. 6

### **Indoor Heat Illness Prevention Regulations**

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On March 21, 2024, the Cal/OSHA board unanimously voted to adopt regulations for indoor places of employment. The specifics of these regulations are currently unknown but appear inevitable. Employers should proactively begin preparing to adopt and implement an indoor-specific heat illness prevention plan. Pg. 16

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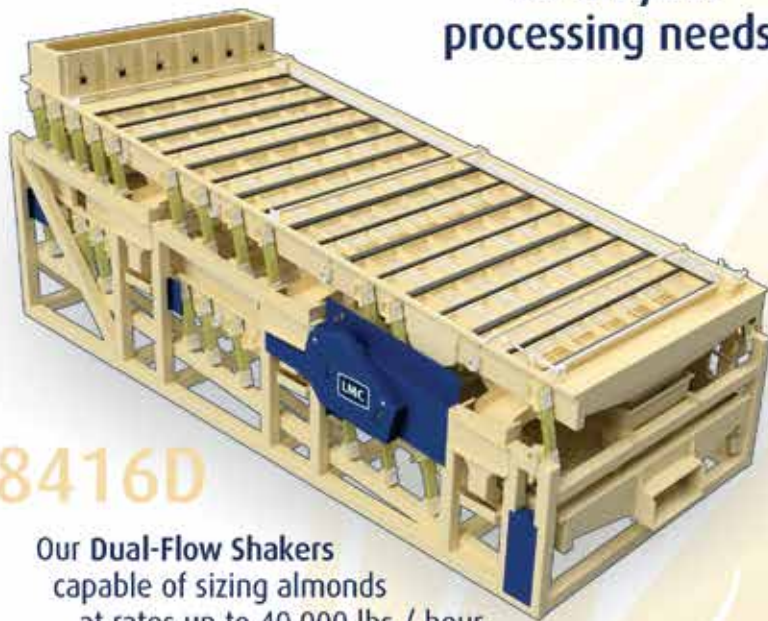
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## ALMOND ALLIANCE SEARCH FOR NEXT CEO

By: Katie Staack, Almond Alliance Vice Chair

The Almond Alliance is thrilled to announce the commencement of our search for the next CEO. This pivotal moment marks the beginning of an exciting new chapter for our organization as we seek a visionary leader who can steer us toward continued growth and success.

A dedicated search committee has been formed to ensure we find the best candidate for this vital role. We are pleased to share that we have partnered with 3P Partners to assist in this important endeavor. Their expertise and extensive network will be invaluable in identifying a leader who embodies a deep passion for agriculture and possesses the strategic acumen necessary to advocate effectively for the almond industry.

Our goal is to have the new CEO in place by early Q4 2024, allowing for a seamless transition and sustained momentum in our initiatives. The ideal candidate will be a dynamic and strategic leader, ready to champion the interests of almond growers and stakeholders while driving innovation and growth.

If you or someone you know fits this profile, we encourage you to reach out. Interested candidates should contact Rachel Quinn at [rquinn@3ppartners.com](mailto:rquinn@3ppartners.com) or (559) 750-8875 for more information. Together, we look forward to welcoming a new leader who will help shape the future of the Almond Alliance and ensure the continued success and prosperity of the almond industry.

# Become CEO of the Almond Alliance

To find out more, contact  
our search firm 3P Partners:

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# REFLECTING ON ACHIEVEMENTS AND RENEWING OUR COMMITMENT

By: Blake Vann, Almond Alliance Chair

With summer here, the Almond Alliance is buzzing with activity, reflecting on a year of significant achievements and preparing for future opportunities. We thank you for your unwavering commitment to the almond industry and our communities. Your support and active participation have been instrumental in achieving our collective goals.

### What We Accomplished This Year

This year, the Almond Alliance tackled critical issues like export and trade barriers, water restrictions, and proposed pollinator regulations. Some of our accomplishments include:

- **Shaped policy in the 2024 Farm Bill**, specifically influencing disaster programs, pest management, and securing additional funding.
- **Tackled export and trade challenges**, particularly addressing the tariff hike on American-grown almonds by Turkey with bipartisan support from California's congressional delegation.
- **Achieved the inclusion of almond-based dairy alternatives** (along with nut and seed butters) **in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)**.
- **Championed the timely disbursement of over \$3 billion from the USDA's Emergency Relief Program (ERP)** to support commodity and specialty crop producers impacted by natural disasters.
- **Advocated for common-sense approaches to pollinator protections**, including facilitating the first full year of our pollinator habitat grant (funded by California Department of Food and Agriculture).

### Why Membership Matters

As the premier trade association for the almond industry, the Almond Alliance represents the unified voice of our members. Our engagement with policymakers at state, national, and international levels ensures the interests of the almond community are well-represented. Renewing your membership gives you more than a seat at the table; it gives you a voice in shaping the future of our industry.

The strength of the Almond Alliance lies in its members. Your membership enables us to continue promoting and protecting the almond industry. It supports our advocacy efforts, helps us back political candidates who align with our goals, and funds research and education initiatives that benefit the entire industry. Renewing your membership reinforces our shared commitment to driving industry growth and sustainability.

### Looking Ahead

The Almond Alliance is entering a promising new era, grounded by a solid foundation and significant momentum. As we look forward, we are dedicated to continuing our advocacy efforts with even greater impact. To guide us into this next phase, we seek a capable leader who will ensure we remain steadfast in championing the interests of the almond industry.

Join us as we advance toward new opportunities and challenges. Your support will be crucial in maintaining our growth and advocacy. Our team is here to assist you and ensure your membership experience remains enriching and beneficial.

Thank you for your ongoing support and active engagement. We look forward to your continued partnership as we work together to promote and protect the almond industry in the 2024-2025 membership year.






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# BUILDING ON SUCCESS - OUR 2023/2024 MEMBERSHIP YEAR IN REVIEW

By Annie Romero, Director of Membership & Events

The Almond Alliance has had a remarkable year, marked by significant achievements and dynamic growth. Our mission to provide innovative leadership and advocacy has been more crucial than ever as we navigated an evolving legislative landscape and a competitive agricultural market. Let's look at our 2023 - 2024 membership highlights and priorities as we move into the 2024 - 2025 crop year.

## Membership Growth

This was a landmark year for the Almond Alliance in terms of membership growth. We saw the highest membership levels in seven years, a testament to the value and support we provide to our community. This surge was driven by a tripling of our grower memberships, reflecting the growing recognition of our advocacy and services. We introduced a new membership category to foster greater engagement and participation. The dedication of our team to member services has been a pivotal factor in this success, ensuring that our members receive unparalleled support and resources.

Our membership now includes a broad spectrum of the almond industry, representing 80% of the almonds handled in the United States. This diverse and robust membership base strengthens our collective voice and enhances our ability to influence industry standards and policies.

## Our 2024 Priorities

Announced at the 42nd Almond Alliance Convention, we have outlined several strategic priorities for 2024 to ensure we remain at the forefront of industry advocacy and innovation. These priorities are divided into three tiers to address immediate, ongoing, and emerging challenges.

### Tier One - Evergreen Priorities:

1. **Trade and Transportation:** Enhancing export capabilities and reducing logistical barriers.
2. **Water Management:** Focusing on the Sustainable Groundwater Management Act (SGMA) and innovative land management practices like LandFlex and recharge projects.

3. **Pollinator Protection:** Continued efforts through the Pollinator Alliance to safeguard essential pollinators and ensure compliance with the Endangered Species Act (ESA).
4. **Food and Nutrition Programs:** Collaborating with USAID to incorporate almonds into global nutrition initiatives.

### Tier Two - Vigilant Priorities:

1. **Fumigation and Pesticides:** Monitoring regulations and advocating for favorable policies.
2. **Farm Bill:** Ensuring that the 2024 Farm Bill addresses the needs of almond growers and processors.

### Tier Three - 2024 Specific Priorities:

1. **Almond Hulls:** Exploring innovative uses for almond byproducts.
2. **Regenerative Agriculture:** Defining and promoting regenerative practices.
3. **Invasive Species Management:** Addressing threats like the navel orangeworm and beetle infestations through proactive measures.

Organizational optimization remains a critical focus. We aim to enhance our presence in Washington, D.C., develop new membership initiatives, and implement succession planning for both our board and staff. Our branding efforts will continue to highlight the positive environmental impacts of almond farming, shifting the narrative towards sustainability and industry leadership.

The Almond Alliance is poised for another successful year, building on the momentum of our recent achievements. Our 2023 legislative wins, detailed in the Advocacy Report, underscore our strategic approach's effectiveness and our united membership's power. As we move forward, we remain committed to serving our members, advancing the almond industry, and ensuring the long-term sustainability and success of almond farming. Thank you for being an integral part of our journey. Together, we are breaking out of the shell and shaping a prosperous future for the almond community.



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## NEWS FROM SACRAMENTO: BUDGET, BONDS & ALMOND ALLIANCE WINS

By: Erin Norwood, Norwood Associates, LLC

On Thursday, June 13th the Legislature approved AB 107, the Budget Act of 2024, along with budget trailer bills SB 154 and SB 167. This two-house agreement between the Assembly and Senate approved a \$293 billion budget plan that seeks to address a \$46.9 billion budget deficit for the upcoming fiscal year and forecasts a \$29.8 billion shortfall in the fiscal year 2025-26.

Passage of AB 107 reflects the 2024-25 budget framework as budget negotiations continue between the Legislature and Governor on final budget trailer bills that are passed between now and the end of the Legislative Session on August 31. Had lawmakers failed to pass the budget bill on June 13, they would have forfeited pay until a budget was passed.

As a result of the ongoing discussions with the Administration, the Legislature's two-house budget plan is expected to undergo substantial changes as budget trailer bills are negotiated. The legislative budget bill, AB 107, may be amended later via a "budget bill junior" (likely AB/SB 108) to reflect subsequent budget compromises between the Legislature and the Governor.

The Legislature's tax package, included in SB 167, closely aligns with tax increases proposed in Governor Gavin Newsom's May budget revision. The legislation, released to the public on June 8, contains a variety of tax changes, including limiting the use of business tax credits to \$5 million annually and suspending the use of the net operating loss deduction for the 2024, 2025, and 2026 tax years for businesses with more than \$1 million in revenue.

Expect significant budget activity in the days leading up to the critical deadline of June 27, 2024. That day is when the 12 days expire for the Governor to act on AB 107 (Gabriel), the Budget Bill, which also means it is the de facto deadline for having the Budget Bill Junior (BBJ) on the Governor's Desk. With the 72-hour print rule, the BBJ will need to be in print by the morning of June 24.

Further, June 27th is the last day for the Legislature to act (and for the Governor to sign the bill) for proponents to notify the Secretary of State to withdraw their ballot measure, and such a bill must be in print for 72 hours before the vote. As we have reported, several initiatives on the ballot could be removed if a potential legislative deal was made in the coming days. That means the bill containing any legislative deal must be posted on the Internet by noon or so on Monday, June 24.

June 27th is also the last day for a legislative measure to qualify for the November 5 General Election ballot. So, if the Legislature wants to place a measure, such as a climate bond, on the November ballot, this is the last day to do so. Such a measure will also have to be in print on the morning of June 24.

### **Will there be a Climate Bond?**

As indicated above, the clock is running out to get a climate bond in print and put forth for a vote. Information about the ongoing negotiations with the Administration and legislative leaders has been scarce as all three parties attempt to keep the discussions close to the chest.

(con't pg 12)

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# NEWS FROM SACRAMENTO: BUDGET, BONDS & ALMOND ALLIANCE WINS (Con't)

By: Erin Norwood, Norwood Associates, LLC

The amount of the bond and the contents of the climate bond are the main points of contention. The amount is said to be between \$8.5 and \$10 billion for the climate bond. One version of the bond now reportedly leans into environmental justice priorities and the other emphasizes renewable electricity generation.

As of the last discussions we had with the climate bond working group leaders in each house, funding for the LandFlex program was still included within both proposals. However, nothing is guaranteed as tough cuts are made in the coming days before the final version is in print.

## Legislative Update—Two Big Wins

Policy hearings are in full swing as the committees consider the other house's proposals.

Almond Alliance had a few legislative victories in early June:

AB 460 (Bauer-Kahan), as introduced last session, would have granted the State Water Resources Control Board (SWRCB) authority to issue interim relief orders to prevent illegal water diversions. The measure stalled in the Senate Natural Resources Committee last June when it didn't have the necessary votes to advance.

A few weeks ago, the author announced her intent to try and move the bill again this year. When it became clear she still didn't have the votes, she opted to amend her bill to remove the problematic provisions expanding water rights and instead insert language limited to increasing current penalty amounts for violations of cease and desist orders and curtailment orders.

As amended the bill would require SWRCB to annually adjust all civil and administrative liabilities or penalties related to water rights administration that are imposed by SWRCB for inflation beginning January 1, 2025. Penalties for a person who violates certain cease and desist orders issued by the SWRCB will increase from \$1,000 to \$2,500 per day the violation occurs, as specified.

With the amendments, the Almond Alliance has withdrawn its opposition.

AB 2079 (Bennett), a bill put forth by the Department of Water Resources (DWR) to address the permitting of high-capacity large diameter wells, was defeated in the Senate Natural Resources with a vote of 5-6 last week.

A coalition of agriculture and business groups, led by the California Chamber of Commerce, opposed the bill arguing that it would have prevented installation of new or replacement groundwater wells throughout much of the state and circumvented the local control component of the Sustainable Groundwater Management Act (SGMA) by creating statewide stringent requirements on wells rather than empowering locally informed solutions to groundwater sustainability.

Almond Alliance did not oppose this measure due to our relationship with DWR, but we were concerned about the bill's impact and are pleased to see it postponed for the year.



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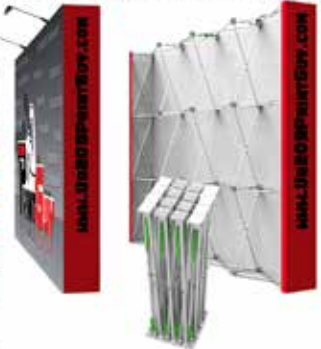
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# The Report

## Winton-Ireland, Strom & Green Insurance Agency

### Almond Alliance Edition

## Indoor Heat Illness Prevention Regulations

On March 21, 2024, the Cal/OSHA board unanimously voted to adopt regulations for indoor places of employment. The specifics of these regulations are currently unknown but appear inevitable. Employers should proactively begin preparing to adopt and implement an indoor-specific heat illness prevention plan.

The regulations for preventing indoor heat illness apply to all indoor work areas where the temperature is 82 degrees or higher when employees are present.

### What is Heat Illness?

Hot weather, especially combined with strenuous physical labor, can cause body temperatures to rise to unsafe levels.

There are various heat illnesses. Each varies in symptoms and severity but commonly causes dizziness, weakness, nausea, blurry vision, confusion, or loss of consciousness.

Cal/OSHA Indoor Heat Illness Prevention **proposed** Requirements:

- ✓ Water – Fresh, Pure & “Suitably Cool”
- ✓ Designated “Cool Down” Room(s)
- ✓ First Aid & Emergency Response Training
- ✓ Observing employees during “Heat Waves” (+87 degrees)
- ✓ Rest – Encouraging & Allowing
- ✓ Written Plan
- ✓ Training – All employees & supervisors

### Heat Illness Varieties:

- ✓ Heat Rash
- ✓ Heat Cramps
- ✓ Heat Exhaustion
- ✓ Heatstroke



## Inside this issue...

### Indoor Heat Illness Passed by Cal/OSHA

### Heat Illness??

### How to Edge Heat Illness



Jeremy Benjamin



Brandon Olesen

## Controlling Heat Illness

There are several ways employers can prevent heat illness in the workplace. Here are some common yet effective methods to help keep workers safe.

**Workplace Assessments** – Provides the employer with a general sense of risks facing their employees.

**Engineering Controls** – Built into the design of the employees' workplace (piece of equipment or a process in order to minimize a specific hazard/exposure).

**Administrative Controls** – Changes in work procedures, safety policies, rules, supervision, schedules and training with the intent to reduce the duration, frequency and severity of heat exposures.

**Acclimatize Workers** – Should be performed gradually, especially if an employee has never worked in a hot environment. Consider reducing workload, giving them 20% of a normal workload on day one, increasing by 10% thereafter.

**Supervise Workers** – In situations where heat illness could occur, employees should not be allowed to perform job duties unsupervised. Managers should monitor employees closely or require the work to be performed in pairs or groups.

**Manage Work & Rest Cycles** – Oversee schedules in such a way that workers are given adequate time to cool down. Here are some scheduling tips:

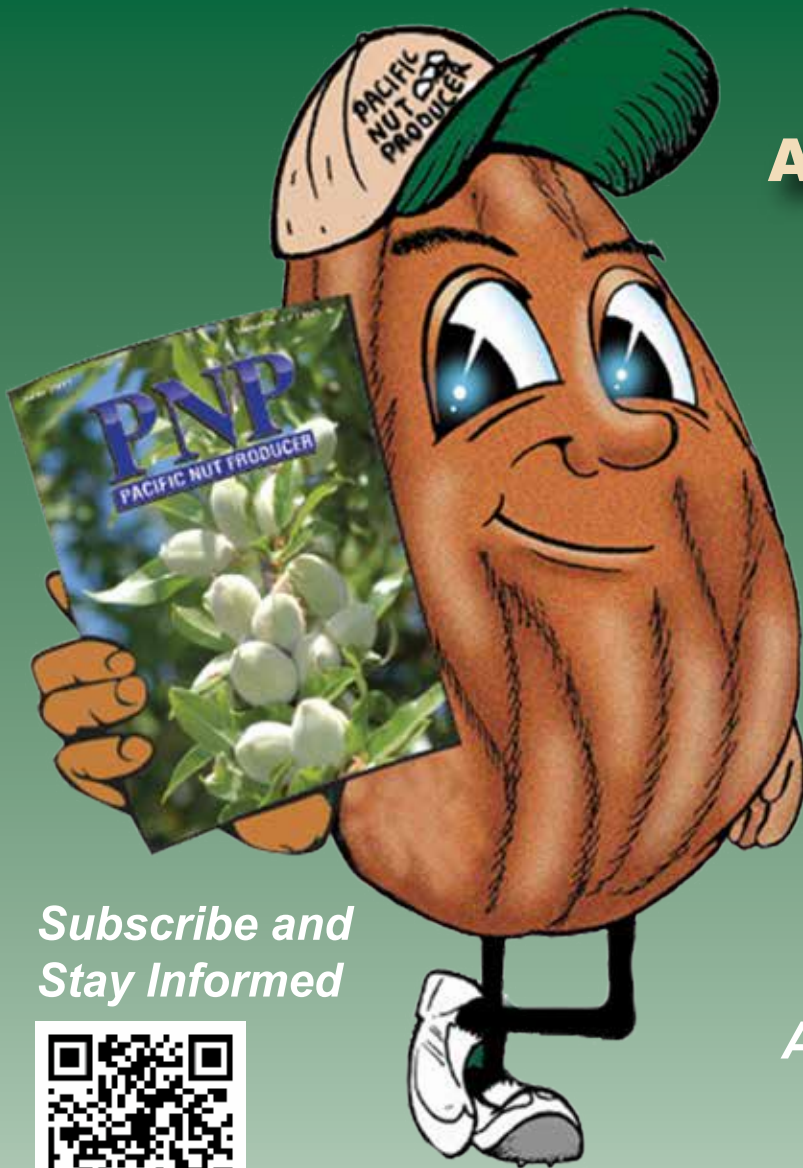
- ✓ Schedule most difficult and demanding jobs for the coolest part of the day.
- ✓ Utilize additional employees or rotate tasks to reduce heat exposure.
- ✓ Allow employees to work at a slower pace during the hottest periods of the day.
- ✓ Relocate work away from direct sunlight whenever possible.



Content and photo source: Zywave, Cal-OSHA

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## FEDERAL HIGHLIGHTS AND FARM BILL UPDATE

By: Cole Rojewski, RBW Group

### **Almond Alliance's Inaugural Washington, D.C. Fly-In**

The Almond Alliance marked a significant milestone during the week of July 10th with our first official Washington, D.C. fly-in advocacy days. This event was pivotal in our ongoing efforts to shape policies that support the almond industry. We engaged in productive discussions with key USDA officials, including Jason Hafemeister, Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs; Bruce Summers, Administrator of the Agricultural Marketing Service; Dr. Michael Watson, APHIS Administrator; and Jennifer Lester Moffitt, Under Secretary for Marketing and Regulatory. Our team also met with influential legislators such as Rep. Adam Schiff, members of the Senate Agriculture Committee, and House Agriculture Committee leaders, including Chairman GT Thompson and Ranking Member John Boozman. Additionally, we had the opportunity to meet with Rep. Doug LaMalfa, Rep. Mike Thompson, Rep. Josh Harder, Rep. Vince Fong, Rep. Tom McClintock, Rep. Kevin Kiley, Rep. Jim Costa, Rep. John Duarte, and key staff members from Senators Padilla and Butler, and Reps. David Valadao and Raul Ruiz.

The primary aim of our advocacy efforts is to help legislators and policymakers understand the critical needs and concerns of the almond farming community. By highlighting key issues, we aim to drive informed decision-making that benefits our industry. We focused on several crucial areas, including the need for supportive provisions in the Farm Bill, the importance of moving the CIFER Portal management from the FDA to USDA AMS to streamline export processes, and the necessity of addressing tariff issues to position American almonds more favorably in the global market.

### **Appropriations Update**

During our meetings, we emphasized the importance of our FY25 appropriation requests, which are currently under review with committee hearings scheduled over the next month. Our two main requests focus on combating invasive pests that threaten almond crops. We are seeking an additional \$2 million to support the development of innovative alternatives to the traditional irradiation sterile insect technique for managing the Navel Orangeworm. This pest poses a significant risk to almond crops, and new approaches are essential for sustainable pest management.

We are also requesting money to address the threat posed by the *Carpophilus Truncatus* Beetle. This invasive beetle can cause extensive damage to almond orchards, leading to substantial economic losses. The funding will support crucial actions such as winter sanitation, removal of abandoned orchards, and enhanced research on pest detection, surveillance, and management strategies. These efforts are vital to ensuring the sustainability and productivity of almond farming amidst evolving regulatory and environmental challenges.

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## FEDERAL HIGHLIGHTS AND FARM BILL UPDATE (Con't)

By: Cole Rojewski, RBW Group

### Farm Bill Update

In the Senate, both Agriculture Chairwoman Debbie Stabenow and Ranking Member John Boozman have released frameworks for what they envision in the new Farm Bill. While these frameworks include many positive elements, they lack the detailed legislative text needed for thorough evaluation. Ranking Member Boozman's framework appears closely aligned with the House version proposed by Chairman GT Thompson. However, a comprehensive Farm Bill does not seem imminent in the Senate, despite the Republicans on the Agriculture Committee outlining their proposal.

Chairwoman Stabenow has expressed concerns that the House Agriculture Committee's bill might not pass the House and fears a similar outcome for a Senate bill. She has rejected GOP proposals due to cuts in nutrition spending and the removal of climate guardrails on Inflation Reduction Act funding. Stabenow emphasized the need for a balanced bill that satisfies all stakeholders, a consensus that has not yet been reached.

On the other hand, Republicans argue that Stabenow's stringent conditions are preventing them from addressing critical needs for farmers. They highlight the recent Congressional Budget Office (CBO) estimates, which show a significant shortfall in funding for the proposed increases in commodity programs. The CBO's projections for the USDA's Commodity Credit Corporation (CCC) spending authority fall far below what congressional Republicans had anticipated, creating a funding gap that complicates the passage of the House bill.

The CBO also revised its cost estimates for various farm programs and disaster assistance, raising concerns about the financial viability of the proposed Farm Bill. While the House Agriculture Committee's bill includes provisions to increase base acreage for commodity programs and enhance risk management tools, these proposals face scrutiny over their financial implications and potential impact on land values and rental rates.

As negotiations continue, the fate of the Farm Bill remains uncertain. Both parties are working to find common ground, but significant differences in priorities and funding approaches pose challenges. The Almond Alliance continues to advocate for policies that support our industry, emphasizing the need for sustainable funding and effective risk management tools in the final legislation.

The Almond Alliance remains dedicated to advocating for policies that support the almond industry and ensuring that the voices of almond farmers are heard in the legislative process. We will continue to monitor developments closely and engage with policymakers to secure the best possible outcomes for our members.



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## REPORTING TIME PAY

By: Stacy Henderson, Henderson Hatfield, A Professional Company

Throughout the year, the need for employees to work changes frequently. Sometimes employers cannot feasibly give advance notice of a schedule change. Depending on the circumstances, the employer may be required to pay non-exempt employees, even if they do not work. Section 5 of each Wage Order describes the Reporting Time Pay obligations. The Reporting Time Pay rules are generally designed to ensure that employees are paid for at least half of their *scheduled* work shift when the employer sends the employee home early or does not provide *sufficient advance* notice of the fact that the employee does not need to work.

Reporting time pay is required to be paid to non-exempt employees under the following scenarios, unless an exception applies:

1. When an employee reports to work as scheduled but is not put to work, or is only permitted by the employer to work for less than one-half of the employee's scheduled shift, the employer must pay the employee for one-half of the employee's scheduled shift, but in no event can the employee be paid for less than 2 hours, nor more than 4 hours.
2. When an employee is required to report to work for a second time in any workday, and does report to work, but is only permitted by the employer to work less than 2 hours the second time the employee reports to work, the employee must be paid for 2 hours.

Reporting Time Pay is not required to be paid when:

1. The employer's operations cannot commence or continue due to threats to employees or property, or when civil authorities recommend that work not begin or continue.
2. Public utilities fail to supply electricity, water or gas, or there is a failure in the public utilities or sewer system.
3. The interruption of work is caused by an Act of God or other cause not within the employer's control. Interruptions covered by this exception include weather conditions (e.g. extreme heat or cold, rain, fog, hail, etc. which makes it impossible or unsafe for the employee to work), earthquakes, etc. Typical issues that cause employers to send their employees home early, which feel as though they are out of the employer's control, but which still require Reporting Time Pay to be paid, include: lack of work due to a change in a customer's needs, equipment breakage, etc.
4. An employee is on paid standby status and is called to perform assigned work at a time other than the employee's scheduled reporting time.

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## REPORTING TIME PAY (Con't)

By: Stacy Henderson, Henderson Hatfield, A Professional Company

Incredibly frustrating for employers is the fact that the Department of Labor Standards Enforcement (“DLSE”) has indicated that sending an employee home for performing at a level that the employer feels is unsatisfactory does *not* fall within an exception to the requirement to pay Reporting Time Pay.

It is important for employers to understand that physically reporting to work is not always required to trigger Reporting Time Pay. In addition to physically reporting to the workplace, Reporting Time Pay may be required if the employee logs in to the employer’s computer system remotely, appears at a customer’s job site or is required to call the employer 2 hours prior to the start of the scheduled shift to determine if the employee will be required to work that day.

The key to avoiding the payment of Reporting Time Pay is properly scheduling employees work shifts and giving sufficient advance notice of any changes. What constitutes *sufficient* advance notice is not entirely clear under the law, other than the fact that 2 hours of advance notice is not likely to satisfy the standard to avoid payment of Reporting Time Pay. On the other hand, it is clear that employers who schedule a short work day do not have to pay Reporting Time Pay just because the shift is only a couple of hours. For example, an employer can schedule employees to attend a 2 hour shift or training session and only pay the employee for the 2 hours, even though the employees are typically scheduled to work 8 hour

shifts. This issue regularly arises when employers want to terminate an employee who is scheduled to work a full day. To avoid paying Reporting Time Pay, the employer should notify the employee the day before the intended termination date that the employee’s schedule is being changed and the employee will only be required to work for 1 hour. This will allow the employer to prepare the final paycheck and pay the employee for only 1 hour on the termination date. Reporting Time Pay is also not required to be paid if the employee choose to leave early (e.g., the employee leaves early for a medical appointment).

Finally, since Reporting Time Pay is treated as a penalty against the employer, rather than compensation for work performed by the employee, the Reporting Time Pay hours are not treated as time worked for purposes of determining when overtime pay is due.

Employers can read more about Reporting Time Pay obligations using the following link for the DLSE’s FAQs: [https://www.dir.ca.gov/dlse/FAQ\\_ReportingTimePay.htm](https://www.dir.ca.gov/dlse/FAQ_ReportingTimePay.htm)



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