



COMMUNITY ALLIANCE
WITH FAMILY FARMERS

September 20, 2012

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

RE: AB 2346 (Butler) Agricultural Employee Safety: Heat-related illness—REQUEST FOR VETO

Dear Governor Brown:

The Community Alliance with Family Farmers (CAFF) is a statewide organization of farmers and non-farm Californians who support policies to enhance the long-term sustainability of California agriculture. Our farmers believe that this bill is unwarranted and exposes them to lawsuits that they will not have the resources to defend, and for this reason we request your veto.

We are concerned that this bill is overly punitive. In recent years we have heard from farmers that the State has increased inspections on labor-related issues and that relatively small farms are enduring significant fines for being out of compliance with one rule or another. The high penalties that could be assessed due to AB 2346 simply for administrative and minor infractions of complex regulations could result in an irresistible temptation to sue farmers. Temperature-based per-employee, per-day civil penalties could reach \$200,000 without anyone actually experiencing heat-related illness.

The problem for our members is that most do not have the resources to defend themselves. In this bill a prevailing employee is entitled to attorney's fees but a prevailing farmer is not. Any farmer who is sued would have to pay an attorney and would have no hope of recovering those costs. This would encourage small farmers to settle such lawsuits even if the farmer knew he had done nothing wrong.

We do not discount the importance of protecting farm workers from heat. However, the agricultural industry is making significant progress on heat illness prevention and we believe that your administration is actively enforcing the already extensive requirements, making this bill unnecessary.

Sincerely,

David Runsten
Policy Director

cc: Martha Guzman-Aceves, Deputy Legislative Secretary