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ASSOCIATION
of WINEGRAPE
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Agricultural Council
of California



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FARWEST
EQUIPMENT DEALERS ASSOCIATION

February 11, 2022

The Honorable David Thomas, Chair
Occupational Safety and Health Standards Board
1017 L Street, PMB #254
Sacramento, CA 95814-3805

Attention: Executive Officer, Christina Shupe

By email: CShupe@dir.ca.gov
and OSHSB@dir.ca.gov

Re: Petition File No. 596: Submitted by Monarch Tractor

Dear Chair Thomas:

The undersigned organizations represent a broad array of employers in California's agricultural industry. These employers include orchards, dairies, vineyards, ranches, food processing and packing facilities, and many more.

Introduction: This letter is to express our collective support for an amendment to CCR Section 3441 (b) to permit the use of highly automated and autonomous agricultural equipment. The current regulation is ambiguous and has not kept up with advancements in technology. An amendment is needed to address this deficiency by allowing the use of driver-optional tractors (without a human operator stationed at the vehicular controls) within a strict set of safety guidelines. We urge the Board to work closely with all manufacturers as well as ag employees and employers to amend Section 3441 (b) to ensure the highest safety standards are maintained and future advancements in technology are addressed.

Need for Amendment of Section 3441 (b): Autonomous and driver-optional machinery provide a multitude of benefits for the agriculture industry and our employees. There are three main reasons we support amending Section 3441 (b):

- Increased worker safety by using this technology;
- Increased demand for this technology; and
- Current and advanced technology offers sustainable career development for ag employees.

Increased worker safety: Current technology was developed by manufacturers in collaboration with universities, nonprofit organizations, and researchers, all of whom have a primary focus on safety. Consequently, this technology has seen the advancement of several safety protocols in both the development and deployment of this technology in California. These protocols have created dozens of safeguards that protect people in the fields while the equipment is in use.

There is no evidence that this equipment is less safe than traditional agricultural equipment. To the contrary, any other potential viable amendment to Section 3441 (b) (including this petition) would include numerous specific requirements for safe use of this equipment. It is also common sense that working at a laptop computer poses far lower risk of injury than does any kind of hands-on physical labor.

Increased demand: The ag industry is facing an unprecedented labor shortage. This is due to a several challenges including an aging workforce, insufficient affordable housing, lack of immigration reform, and competition with other industries that offer less strenuous work. Consequently, many workers prefer taking jobs in the retail, service, transportation, and hospitality sectors.

To be clear, this labor shortage is in no way the result of a lack of availability of good-paying jobs in agriculture. Many growers are providing free housing, free transportation to and from work, wages of more than \$30 per hour, and much more. Yet those employers still cannot hire a sufficient number of employees to get the work done.

Sustainable career development for ag employees: Availability to traditional ag employees of career-development opportunities can be limited in some situations. This can be due in part to a lack of education and training of the workforce and a lack of transferable skills. This can also be in part due to a lack of upward mobility. An employee lacking skills needed to advance in a job can become stuck in that position for several years.

Technology offers employees opportunities to learn new skills that enable them to move both up the career ladder with their current employers and on to other employers and industries. Furthermore, the demand for employees with these skills means ag employers will recruit employees having those skills from other industries.

With increased skills comes increased employment opportunity and compensation. Consequently, community colleges and nonprofit apprenticeship programs—seeing the benefit workers will derive from having these skills—can prepare and train them in these skills. Ultimately, this will create a much more sustainable workforce, which benefits employees, employers, communities, and the economy.

Summary: For the foregoing reasons, use of autonomous and semi-autonomous farm equipment should be increased. To increase worker safety, respond to demand for this technology, and create an environment for more sustainable career development for ag employees, we ask that the board approve an amendment to Section 3441 (b).

Keeping the regulation in place as-is would keep in place an archaic regulation that gives too many workers no realistic way to move up from field work while failing to recognize continuing advancements in technology. We can and simply must do better than the status quo.

Thank you for your consideration of our concerns. We offer ourselves as a resource to you if you have any questions or would like more information about how we believe an amendment to Section 3441 (b) would work well for employers and employees in the agricultural industry.

Sincerely,



Michael Miller
Director of Government Affairs
California Association of Winegrape Growers



Tyler Blackney
California Counsel, Legislative and Regulatory Affairs
Wine Institute



Pete Downs
President
Family Winemakers of California



C. Bryan Little
Director, Employment Policy
California Farm Bureau



Tricia Geringer
Vice President of Government Affairs
Agricultural Council of California



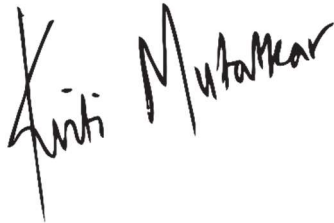
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California Citrus Mutual



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President/CEO
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Ian LeMay
President
California Fresh Fruit Association



Todd Sanders
Executive Director
California Apple Commission
California Blueberry Commission

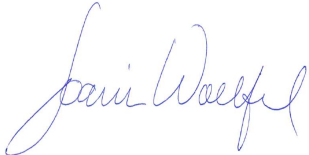
Olive Growers Council of California



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