



Commercial Agriculture Identification (Ag ID) Program Policy

As wildfires in San Mateo County and California increase in frequency and intensity, the threat of loss of life and damage to property and infrastructure have resulted in both ad hoc and formal responses to address the needs of the agricultural industry during a disaster. This document sets forth the history of Agricultural Identification (Ag ID) programs, a summary of existing state law, and provides a program outline and proposed policy for the Board's consideration in approving a formal San Mateo County Ag ID Program.

The purpose of creating a county-based Ag ID program is to provide a uniform way to identify commercial farming and ranching operators to law enforcement and emergency personnel, to facilitate safe access to agricultural properties within a mandatory evacuation area.

Possession of an Ag ID during a disaster would allow verified commercial agricultural producers and their managerial employees conditional emergency access to areas that may otherwise be restricted to the public, to perform essential critical tasks, such as feeding and evacuating livestock and crop irrigation. This proposed program does not provide for normal agricultural business operation; rather, it is designed to support sustainability of life and livelihoods.

Individuals eligible for the ID must be either an owner/operator or a managerial employee of a commercial agricultural operation, who has a working knowledge of the agricultural property, including access to irrigation systems, farm equipment, and other essential infrastructure. The application process is designed to confirm that the cardholder is a bona fide commercial agricultural owner/operator or managerial employee whose access is critical to providing protection or care to agricultural assets, such as livestock, croplands, vineyards, and orchards. All applicants must demonstrate they have received a CAL-FIRE-approved training in wildfire behavior and emergency procedures and understand their role is to provide limited protection and/or care to their agricultural operations. Upon completion of an application and verification of approved training, identification documents will be distributed to the verified individuals before a disaster.

Possession of an Ag ID does not grant any rights or privileges and does not allow cardholders guaranteed passage through road closures to get to their farm or ranch. Front-line emergency personnel may still

refuse to allow access if it would be unsafe for the cardholder to enter or if the presence of the cardholder would interfere with disaster response.

Background

History of Ag ID Programs in California

Beginning in the mid 2000s, other California counties have successfully instituted Ag ID-type programs, also commonly referred to as “Ag Pass” programs. Ventura County created the first program in the state. Their program trains agricultural practitioners, including both conventional farmers and ranchers, in fire hazards and safety issues, entrapment avoidance, incident organization, and fire behavior to ensure they are equipped to safely access or evacuate the site during an emergency. Ventura County’s program laid the framework for identifying farmers and ranchers to emergency responders, streamlining access during a wildfire incident. However, no mechanism for revocation or expiration of Ag IDs was created, and the project has been placed on hold, after security concerns were raised about existing Ag IDs being used by unauthorized individuals. Primary program responsibility is being transitioned from the Ventura County Fire Safe Council to the Ventura County Agricultural Commissioner’s office.

More than twenty counties have since implemented programs for their livestock and agricultural industries. Though these programs frequently share language and framework, the plans are often distinct, applying lessons learned from each county’s unique experiences with recent fire disasters.

August 2020 CZU Complex Fire

The current ad-hoc program in San Mateo County began in response to agricultural industry needs during the CZU Complex Fire of 2020. It was based in part on the Sonoma and Napa County responses to the Tubbs and Nuns Fires in their counties in years prior.

The San Mateo County Department of Agriculture/Weights and Measures (AWM) worked with the County’s Emergency Operations Center, CalFire, the County Sheriff’s Department, CHP, and the San Mateo County Large Animal Evacuation Group (SMCLAEG) to address the needs of producers in San Mateo and Santa Cruz counties. AWM took the lead on verifying these requests for access against pesticide registration records, certified producers’ certificates, and nursery licensing. AWM staff submitted a list of approved agricultural operations along with contact information, vehicle identification, access duration, and destination addresses on a nightly basis to a representative of CalFire through a Google Sheets form. CalFire would verify clear roadways to the destination addresses before printing, and disseminated each morning to law enforcement personnel maintaining the checkpoints.

Since the 2020 CZU Complex fire, AWM has hosted debrief meetings with internal County biologists, the County’s Department of Emergency Management and Sheriff’s Department, CalFire, and the San Mateo County Large Animal Evacuation Group. AWM also continues to meet and compare notes with other counties facing similar challenges. In these meetings, a need has been identified for a formalized countywide agricultural identification program for use during emergencies.

Assembly Bill (AB) 1103 (Chaptered October 2021)

In response to a need by the livestock industry to access their properties during disasters, Assembly Bill (AB) 1103 was chaptered on October 7, 2021. This bill offers counties a framework to establish a livestock pass program for the purpose of issuing identification documents to qualifying ranches during or following a disaster. These documents are intended to provide safe access to evacuated areas for the limited purposes of sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock, or providing auxiliary support to peace officers and emergency personnel. AB 1103 was drafted to address the needs of the ranching industry but does not speak to the requirements of agricultural field crop producers within the State. Although initial wording of AB 1103 provided access verification to all agricultural producers, that wording has been struck from the proposed language, and the enacted statute (Food and Agricultural Code section 2350) at this time only applies to livestock producers. AB 1103 accomplished the following:

- Authorizes a county Board of Supervisors through their County Agricultural Commissioner (CAC) or other department/agency designated by the county Board of Supervisors, to establish within that county a livestock pass program.
- Authorizes a county to issue identification cards (IDs) granting any qualifying livestock producer, or managerial employee of the qualifying livestock producer, access to the qualifying livestock producer's farm or ranch property during or following a flood, storm, fire, earthquake, or other disaster for the limited purposes of purposes of sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock, or providing auxiliary support to peace officers and emergency personnel. **Notably, AB 1103 did not provide access for non-managerial employees, or provide for other agricultural activities.**
- Requires the State Fire Marshal, with involvement from the Statewide Training and Education Advisory Committee, to develop a curriculum, as specified, for agricultural producers to qualify and be certified for the Livestock Pass program. This training has been developed and is available.
- Defines qualifying livestock producer to mean commercial livestock producers, as determined by the county agency, who have been certified as successfully completing the curriculum developed, as specified in the bill.
- Defines a managerial employee as someone who has management authority with responsibility to oversee the care and well-being of the qualifying agricultural producer's livestock; who primarily engages in managerial job duties and customarily and regularly exercises discretion and independent judgment in these duties; and who earns a monthly salary equivalent to no less than two times the state minimum wage for full-time employment at the time of the flood, storm, fire, earthquake, or other disaster. These duties shall be specified in a written job description issued no later than 90 days before the date of the flood, storm, fire, earthquake, or other disaster.
- Describes the eligibility documentation a Livestock Pass applicant must provide to the county, the limited purposes for which a Livestock Pass holder may access their ranch property and the minimum information an issued Livestock Pass identification document must include.
- Prohibits requiring any employee to be on a farm or ranch during an emergency.

- Allows a Livestock Pass holder to enter areas closed to the public during a disaster, unless a peace officer finds it would be unsafe or disruptive to disaster response for the pass holder to enter.
- The State Fire Marshall has released the required curriculum to certify livestock producers as being trained/qualified to hold a livestock pass.
- The full text of the law can be found here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1103

Assembly Bill (AB) 1141 (Introduced February 2023- not yet enacted)

Because existing state law only addresses an identification framework for livestock producers, another bill, (AB 1141) was introduced to the 2023-2024 California legislative session. The current version of AB 1141 would expand the “livestock pass” program defined in statute to include all commercial agricultural producers. If passed in its current wording, AB 1141:

- Authorizes creation of an agricultural pass program that may be for, but is not limited to, the purpose of issuing identification documents granting any qualifying agricultural producer, qualifying livestock producer, or a managerial employee of these producers, access to the qualifying producer’s farm or ranch property during or following a flood, storm, fire, earthquake or other disaster
- Expands the passholder activities allowed by AB1103. Access would be granted to a qualifying farm or ranch for the limited purposes of purposes of:
 - Sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock
 - Irrigating, harvesting or other activities necessary for caring for agricultural crops
 - Providing local expertise to peace officers and emergency personnel
- Would require the State Fire Marshal, with involvement from the Statewide Training and Education Advisory Committee, to develop a curriculum, as specified, for agricultural producers and livestock producers to qualify and be certified for the Agricultural Pass program. This training must be created before July 1, 2024
- The full text of the law can be found here:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1141

San Mateo County Commercial Agriculture Identification (Ag ID) Program Elements

Ag ID Program Administration

Due to its unique position serving the agricultural community and experiences working with past fire incidents in the County to sustain agricultural business activity, the Agricultural Commissioner's Office should be responsible for administering the Ag ID Program. Program administration will include processing applications, confirming eligibility, scheduling training, printing and distributing Ag IDs, record keeping, outreach and renewal notification.

Inclusion of Non-Livestock Agricultural Operation

Agriculture in San Mateo County is remarkably diverse, with a broad assortment of nursery stock, fruit and vegetable producers concentrated in the wildfire-vulnerable coastal regions of the County. Although AB 1103 created an ID framework exclusively for livestock producers and their managerial employees, livestock operations comprise only ten percent of the total number of producers in San Mateo County. If chaptered, AB 1141 will create a framework for an agricultural pass program that addresses the limitations of AB 1103. In the interim, a solution is needed for the upcoming fire season that will likely begin before AB 1141 is chaptered.

Given the diverse needs of the County's agricultural community, the Agricultural Commissioner will create a program that closely follows the provisions set forth in California's Penal Code §409.5 and Food and Agricultural Code § 2350. These statutes presently limit Ag ID issuance to livestock producers and their managerial employees. If AB 1141 expands the statute as anticipated, the program will expand to address the increased scope of the law, and producers of conventional, "planted" agriculture will be considered for Ag ID issuance.

Eligible Agricultural Operations

Ag ID eligibility shall be determined by the Agricultural Commissioner's Office. An Ag ID applicant shall provide documentation sufficient to demonstrate they meet the following criteria:

1. Property must be located in San Mateo County with current agricultural activities.
2. The operation must be a commercial agricultural enterprise.
3. The Ag ID Applicant is either an owner/operator or managerial employee of the operation that has a working knowledge of the agricultural property, including access to irrigation systems, farm equipment, and other essential infrastructure.
4. Applicant(s) must be trained in fire safety procedures and recertified as deemed necessary by the program administrators.
5. Applicant(s) must sign a waiver and release

Commercial agriculture is defined as the cultivation of arable land by the raising of agricultural or horticultural crops and livestock and their products as a principal or supplemental source of income and intended for sale off the farm, and distribution to wholesalers or retail outlets.

To meet the commercial agricultural enterprise requirement, the applicant can provide any one of the following documents:

1. A valid Operator Identification Number or Restricted Material Permit issued by AWM.
2. A valid Certified Producer Certificate for agricultural produce sales at Farmers' Markets.
3. A current State Organic Certificate
4. Current registration of a livestock brand (CDFA Bureau of Livestock Identification), or documentation from the USDA Farm Service Agency attesting that the applicant is a commercial agricultural producer
5. Annual Apiary Registration Certificate (for commercial beekeepers only) – Must be the current year's registration and include an address for each apiary location

Ag ID applicants will be required to submit descriptions or maps of their site(s). Maps may facilitate access to farms if needed during an emergency and could provide an important mechanism for documenting safe shelter sites, water sources, evacuation routes and other important safety considerations.

An Ag ID applicant who qualifies as a managerial employee must provide a letter from their employer stating their position within the operation and that they are authorized to obtain an Ag ID. Any employee who receives an Ag ID and is designated for participation in this program by their employer shall maintain employment with that employer. Separation of employment for any reason shall result in the Ag ID being voided and will require re-application before use. It is the responsibility of San Mateo County agricultural business owners of both plant and animal agricultural operations to ensure safe working environments for their employees.

Livestock-Specific Operations

The San Mateo County Large Animal Evacuation Group (SMCLAEG) collaborates between the San Mateo County Department of Animal Care and Control and a corps of volunteers trained regularly in incident response, livestock handling and disaster communication to care for and evacuate large animals during a disaster. During the 2020 CZU Fire, they assisted immensely with both agricultural and non-agricultural livestock, evacuating over 1500 animals to numerous regional evacuation centers, including the Cow Palace.

The intent of the County's Ag ID program is to harmonize rancher identification efforts with the SMCLAEG's livestock rescue and care efforts. To facilitate this, a supplemental livestock evacuation plan will be required for all livestock producers who anticipate a need to evacuate their livestock. The review and approval of the supplemental evacuation plan will take place prior to the issuance of livestock Ag IDs. Required elements of these plans may include the following:

- Emergency contact information for the producer
- Plan for feeding and watering livestock

- Plan for cleaning and sanitation of livestock
- Plan for identification of livestock
- Plan for medical care of livestock
- Plan for housing and transportation of livestock, including a list of all available trucks and trailers on site
- Evacuation procedures for site/livestock

Essential Activities Defined

Time in the evacuation zone shall be minimized by only performing those activities necessary to minimize loss and preserve life and livelihood. As previously mentioned, AB 1103 defines approved livestock producer activities as, “sheltering, moving, transporting, evacuating, feeding, watering, or administering veterinary care to livestock, or providing auxiliary support to peace officers and emergency personnel.”

Though the county has discretion over the scope of activities approved for non-livestock agricultural producers, our recommendation is to primarily follow the activity scope of existing legislation. Because crop production activities differ significantly from those of livestock production operations, the following limited additional activities are proposed for all agricultural producers, in accordance with the current version of AB 1141, which is likely to be adopted:

- Irrigating, harvesting or other activities necessary for caring for agricultural crops

Training and Employee Safety

Wildfires pose a significant threat to the health and safety of first responders, residents, and agricultural workers in the region. In addition to the immediate dangers presented by a wildfire itself, other hazards include the respiratory effects of smoke inhalation, proximity to potentially hazardous firefighting activities (fire retardant air drops, fast-moving vehicles etc.) and exposure to hazardous ash and fumes.

Once eligibility has been determined, an approved training, in accordance with the training requirements laid out in Section 13105.6 of the California Health and Safety Code will be required for all producers and employees to be issued Ag IDs. The training curriculum will provide education regarding basic fire behavior including parts of a Vegetation Fire, communications during a fire emergency and Incident Command System (ICS) structure.

After successful completion of the training, a certificate of completion for attending the course will be provided to satisfy the training requirement to participate in the program.

Employers are responsible for the working conditions of their employees at all times. These trainings are intended to provide an understanding of fire behavior, especially entrapment avoidance, to prepare credentialed agricultural producers and their management staff to safely work on specific agricultural properties in areas subject to evacuation during an emergency. The training requirements of the Ag ID program does not meet the safety and training requirements set forth by other agencies. The Ag ID Program documentation will reinforce understanding of and commitment to Cal/OSHA regulations

concerning Injury and Illness Prevention Plans, Respiratory Protection, Heat Illness and retaliation, among others.

In the future, San Mateo County may choose to provide training through CalFire or the Department of Emergency Management. There may also be an opportunity to expand the type of trainings to address emergencies and disasters other than fires such as floods, pandemics, drought, etc.

Non-managerial Employees and Contractors

The primary intent of San Mateo County's Ag ID program is to provide a framework for identifying commercial agricultural producers and their managerial employees. The County's experiences from the CZU complex fire indicate that in some cases, additional employees besides managerial employees are needed on site to conduct critical activities. Although the presence of additional non-managerial employees or contractors on site can mitigate heavy crop and livestock losses, there are significant health and safety concerns associated with granting access more broadly. The program being proposed at this time is limited to owners and managerial employees as set forth in the statute. However, there may be future adaptation of the program in response to changes in statute and feedback from industry, emergency responders and the farmworker community.

In addition, AWM intends to work with the County EOC and agencies in charge of traffic control points to develop a process which could safely allow contractors of Ag ID holders to access the commercial properties of the ID holders on a limited basis, if deemed safe by traffic control point personnel in charge, for essential time limited activities such as emergency repair of irrigation systems.

Additional Requirements

Specific protocols may include formal check-in and check-out procedures or limits to the amount of time that Ag ID holders will be allowed in an evacuated area. Ag IDs will be effective for one calendar year. Badge color and appearance will be rotated each year, which will effectively minimize the incidence of fraud.

Any Ag ID program participant must sign a document waiving and releasing the County of any liability related to participation in the Program. Records of those agricultural practitioners enrolled in the program and provided with Ag IDs shall be maintained by the Agricultural Commissioner and provided to the Emergency Operations Center (EOC) through the Operations Division before and during a disaster or emergency so that credentialed program participants can be validated if necessary. Currently effective Ag ID format will be shared with the EOC Operations division, Sheriff's Office and with all mutual aid partners assisting in the disaster/emergency to aid in efficient implementation of the program.

Ag ID Cards

AWM will issue Ag IDs in the form of hard plastic identification cards that include the following information:

1. Name of cardholder and contact information including address and phone number
2. Passport/CDL-style headshot photograph
3. Farm or ranch name

4. Primary site address
5. Additional site addresses (for operations with multiple locations).
6. Color coded (to be changed on a yearly basis)
7. Contact Information for AWM and Sheriff's Department

Program Monitoring and Review

The Ag ID Program shall be reviewed at least once annually to assess the use and success of the program. An annual report on the program may be completed at the end of each calendar year to summarize program utility and needed modifications. The report may be provided to partners, stakeholders, and the San Mateo County Board of Supervisors. Program outreach will be supplemented by a landing page on AWM's website, providing both application information and resources related to livestock and other animal evacuation and hauling services, as well as contacts for other relevant disaster response agencies. Resources will also be made available for those not qualifying for an Ag ID such as hobbyists and pet owners.

Record Keeping

Ag ID Program records shall be maintained by AWM for those individuals who participate in the program to document the level of participation in the program, as well as for the purposes of reporting on, reviewing, and amending the program and its policies into the future. AWM will consult the County Attorney on an appropriate records retention schedule for a program of this nature and will work with County agency stakeholders on records management specific to declared emergencies and disasters.

Revocation

If the Ag ID holder does not maintain eligibility based on the above criteria or adhere to incident access guidelines established during the emergency by local fire, sheriff, or the Fire Incident Management Team, they will no longer be eligible to use the Ag ID. A decision on a loss of eligibility and/or a breach to the guidelines will be made by the Agricultural Commissioner in consultation with other local agency partners and is not an appealable decision. If the Agricultural Commissioner determines that the holder no longer meets the eligibility criteria and/or breached the guidelines of the program, the Ag ID will be voided, must be returned to the County, and will no longer be accepted for access. IDs issued to producers and managerial employees will make clear that there is not right or entitlement to ID cards or renewals, and that documented abuse of the Ag ID program resulting in disruption or hindrance of disaster response efforts will result in revocation of the Ag ID by the Agricultural Commissioner's Office or Law Enforcement, and disbarment from future participation in the program at the sole discretion of the Agricultural Commissioner.

Proposed Ag ID Program Timeline

Given the possibility of wildfires or other disasters in the near future, it is recommended by the Agricultural Commissioner that the County activates the Ag ID program as quickly as feasible. With the support of the Board and other county agencies AWM could begin issuing IDs to agricultural producers for this year. There is a need to incorporate farm labor advocacy priorities into options for a formal program policy, and we will provide for this as we conduct outreach and gather stakeholder input for this program moving forward.

With county support to proceed with this program, this activity would represent an ongoing AWM Department program outside of a declared disaster or emergency. AWM will purchase the ID badge printing equipment for processing and issuance of Ag IDs