



Agriculture Access Verification Card Program

COUNTY OF SONOMA

DRAFT



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Cover photo: Walbridge Fire, August 27, 2020. S Gibson. iStock

PURPOSE

In relatively rare circumstances, a hazard (such as wildfire or flood) may no longer threaten an area that has been subject to an evacuation order or conditions have changed which may reduce the immediate life safety threat. For example, a wildfire may shift direction and move miles away from an area originally threatened or impacted. Areas may be identified as potentially being open for emergency road and utility work in order to make the area safe enough for general access. At this point, it may be possible to enable limited re-entry for agricultural and livestock producers.

The Sonoma County Agriculture Access Verification Card Program provides a uniform and efficient method to identify to law enforcement and other emergency personnel those persons who are commercial plant agriculture farm owner-operators, livestock producers (“commercial agricultural operations”), and their direct full-time employees. The ability to provide some degree of access into evacuated areas for commercial agricultural operations will support greater compliance with evacuation orders.

Possession of an Agriculture Access Verification Card (“Ag Access Verification Card”) may facilitate - but does not guarantee - expedited and limited access by owners/operators or direct full-time employees of commercial agricultural operations into areas under evacuation orders to conduct critical activities. Critical activities are:

1. Evacuating, transporting, sheltering, feeding, watering, administering veterinary or other care to livestock;
2. Irrigating crops;
3. Fueling emergency generators or providing auxiliary support to peace officers and emergency personnel (such as identifying access roads and water points).

Activities not considered critical include harvesting or sowing crops, food processing, and facility repairs.

BACKGROUND

Agriculture in Sonoma County

Agriculture and livestock production are a fundamental component of both the County's economy and identity. The total production value of County agriculture was \$680 million in 2020. This does not include the value of agriculture in terms of job creation or the inherent value of agriculture for related sectors such as tourism.

There are more than 1,000 agricultural businesses in Sonoma County cultivating crops, practicing livestock agriculture or conducting associated agriculture processing activities. The agriculture sector employs roughly 8,500 agricultural laborers with 2,500 in the dairy, livestock, nursery, and vegetable industries. Approximately 60% of this workforce is permanent, year-round labor.

A 2015-2019 demographic analysis of California farmworkers from the National Agricultural Workers Survey (NAWS), indicates most are predominately immigrants from Mexico (84%) and Central America (4%).¹ Sonoma County is home to a "significant" Indigenous farmworker population with several languages spoken.²

Related County Efforts and Community Engagement

In response to needs identified by law enforcement during major wildfires in 2017, 2019, and 2020, Sonoma County implemented temporary variations of an "Evacuation Zone Access" program. Via the Emergency Operations Center, the Department of Agriculture, Weights & Measures collected requests and shared information to aid law enforcement in determining appropriate access.

In response to the wildfires of 2020, the Department of Agriculture, Weights & Measures received reports from farm labor advocacy groups that agriculture workers were experiencing poor air quality and other challenges when working in areas subject to evacuation orders. In 2021, the Agricultural Commissioner worked with the Office of Equity to conduct 18 community stakeholder meetings seeking input on potential development of an Agricultural Access program.

To address the potential for developing a more comprehensive and sustainable approach to this issue, the Board of Supervisors established the Evacuation Zone Access Ad Hoc Committee in February 2022. Staff conducted a literature review of relevant authorities, requirements, and guidance as well as addressing community input. This formed the foundation for this program.

¹ U.S. Dept. of Labor. California Findings from the National Agricultural Workers Survey (NAWS) 2015–2019: A Demographic and Employment Profile of California Farmworkers.
<https://www.dol.gov/sites/dolgov/files/ETA/news/pdfs/NAWS%20Research%20Report%202015.pdf>

² Measure of America. A Portrait of Sonoma County: 2021 update

Evacuation Authorities and Processes

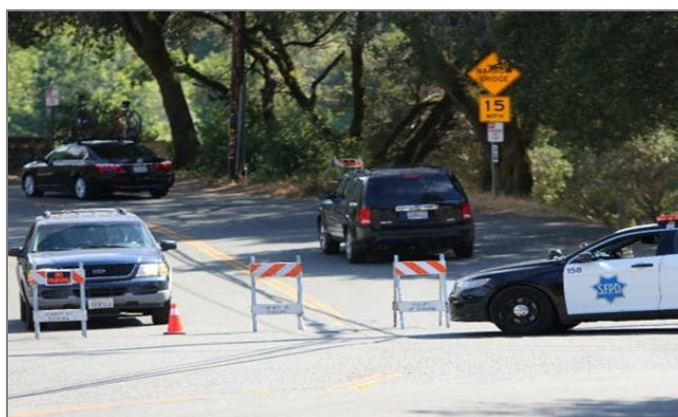
Under Section 409.5 of the California Penal Code, designated peace officers are provided with the authority to close and evacuate an area where “a menace to the public health or safety is created by a calamity including flood, storm, fire, earthquake, explosion, accident, or other disaster.”³ The Sonoma County Sheriff's Office acts as the lead agency for evacuation of the unincorporated areas of Sonoma County and coordinates evacuation operations with law enforcement and other agencies.

In classifying the nature of an evacuation, Sonoma County law enforcement agencies adhere to the California Statewide Evacuation Terminology:⁴

- Evacuation Order: Immediate threat to life. This is a lawful order to leave now. The area is lawfully closed to public access.
- Evacuation Warning: Potential threat to life and/or property. Those who require additional time to evacuate, and those with pets and livestock should leave now.
- Shelter in Place: Go indoors. Shut and lock doors and windows. Prepare to self-sustain until further notice and/or contacted by emergency personnel.

In major wildfires, fire and law enforcement agencies will establish incident command using a shared organizational model called Unified Command - usually CalFIRE and the Sheriff's Office. Large scale evacuations will probably make use of the pre-established Sonoma County Evacuation Zones.⁵ As the fire moves or conditions change, the Unified Command continually evaluates the potential for reducing or cancelling evacuation orders to support the return of residents to their homes and businesses.⁶

Traffic Control Point – 2020 Glass Fire



³ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=409.5

⁴ <http://calalerts.org/documents/Letter%20to%20Public%20Safety%20Partners%20-%20Standard%20Evacuation%20Terminology.pdf>

⁵ Sonoma County Evacuation Zones, 2021 at <https://socoemergency.org/get-ready/evacuation-map/>

⁶ Sonoma County Operational Area Evacuation Annex, August 2021. <https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/emergency-management/plans>

PROGRAM ADMINISTRATION

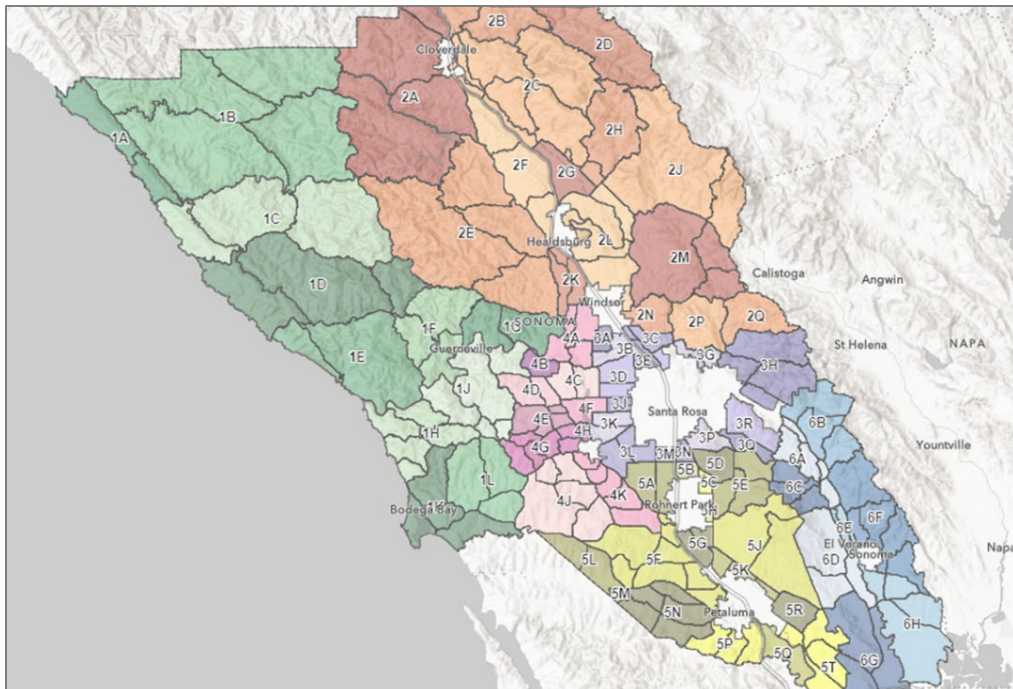
This Sonoma County Agriculture Access Verification Card Program has been adopted by formal action of the Board of Supervisors. The Board has authorized the Sonoma County Sheriff's Office to administer the program on behalf of the County in partnership with the County Department of Agriculture/Weights & Measures and UCCE Sonoma County.

In order to address operational challenges or changes in state law, the program scope and/or administrative requirements may be modified at any time by the Sheriff's Office. Upon modification, all current and future Ag Access Verification Card holders are immediately subject to all new and modified policies and conditions of use. An Ag Access Verification Card holder is responsible for checking on updates to the program and verifying the currently applicable policies and conditions of use.

All program materials including program description and application forms shall be made available in English and Spanish and be accessible from the Sheriff's Office website as well as the County's www.SoCoEmergency.org website.

Following incidents in which the Ag Access Verification Card program is utilized, Sheriff's staff and stakeholders will provide input on program effectiveness and performance as part of the County's After Action Report process.

Sonoma County Evacuation Zones



ELIGIBILITY

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

Ag Access Verification Cards may be available to applicants that meet both of the following criteria:

1. The individual applicant is an owner/operator or direct full-time employee of an entity that is a commercial agricultural operation ("operation"). Direct full-time employees must provide documentation from their employer authorizing them to apply for an Ag Access Verification Card. Direct, full-time employment refers to full-time employment in which an employer has hiring and firing authority; has direct day to day supervision of the worker; pays the worker's wages; and withholds and transmits applicable taxes on behalf of the worker.
2. The individual applicant has a working knowledge of the operation's agricultural property, including access to irrigation systems, farm equipment, and other essential infrastructure.

Applicants may provide any of the following documentation to demonstrate that the operation that they are affiliated with a commercial agriculture operation:

- A. An Operator Identification number or Restricted Materials permit issued by the Agricultural Commissioner
- B. Executed agricultural land lease documentation
- C. An Internal Revenue Service Schedule F (Form 1040) attesting to the applicant's Profit or Loss from Farming
- D. Documentation from the United States Department of Agriculture Farm Service Agency attesting that the applicant is a commercial livestock producer
- E. Current registration of a livestock brand with California Department of Food and Agriculture (CDFA) Bureau of Livestock Identification
- F. Certified Producer Certificate documentation for direct marketing of agricultural products
- G. CDFA Registered Organic Agricultural Operation

In addition to the above documentation, applicants that are direct full-time employees shall provide the either of the following additional documentation to demonstrate that their employer has authorized them to apply for an Ag Access Verification Card:

- A. Letter of authorization executed by the employer that identifies the employer and employee, verifies the employee's employment and hire date, and indicates the employee is authorized to apply for an Ag Access Verification

Card. A Letter of authorization must be dated and signed by a person with authority to act on the employer's behalf. An Authorization letter will be deemed valid for one year from the date of execution unless the employer specifies a different duration.

- B. W-2 form or other equivalent documentation showing full-time direct employment and name of employee and employer.

CONDITIONS OF USE

All holders of Ag Access Verification Cards are subject to the following conditions of use:

1. Ag Access Verification Cards will only be used when safe to do so as determined by public safety officials managing the incident response.
2. An Ag Access Verification Card does not grant permission to ignore evacuation orders or guarantee automatic entry.
3. Ag Access Verification Card holders must comply with all directions from law enforcement and other emergency personnel.
4. Access will not be granted outside of daylight hours and those granted access must exit prior to sunset.
5. Onsite law enforcement or other emergency personnel may place a limit on time spent behind any road closure.
6. All persons must depart the restricted area by the same route they entered.
7. A law enforcement and other emergency personnel escort may be required at the discretion of onsite law enforcement or other emergency personnel .
8. Each person seeking entry must have their Ag Access Verification Card in their possession. Ex. If three people in one car seek to enter an evacuated area, ALL THREE people must possess their Ag Access Verification Card.
9. Individuals inside the evacuated areas must have their Ag Access Verification Card with them at all times and be able to present it to law enforcement - even if the Ag Access Verification Card was already inspected at a road closure checkpoint. On-scene law enforcement maintains full discretion to remove individuals who are unable to present their Ag Access Verification Card.
10. All individuals who were provided access into an evacuated area must leave immediately if directed to do so by law enforcement or other emergency personnel.

EMPLOYEE SAFETY

Access into areas subject to an evacuation order may only be granted at the discretion of the Sheriff or other authorized law enforcement representative when there is no immediate risk to life safety.

Commercial agricultural operation owners/operators must comply with all applicable worker safety regulations and protections required for the work location including those administered by the California Division of Occupational Safety and Health (Cal/OSHA). Worker safety protections must reflect any change in conditions (ex. wildfire smoke) including requirements for employers to provide Personal Protective Equipment (ex. N95 masks or protective eyewear). Employers must keep a record of the identity of each employee that enters an area subject to an evacuation order, when they entered, and when they left. Employers must also deliver this collected information to the County as specified by the program's administrator.

Access to a farm or ranch by an employee and use of an Ag Access Verification Card must be fully voluntary. A commercial agricultural operation owner/operator cannot require an employee to obtain or use an Ag Access Verification Card. An Ag Access Verification Card in no way requires its holder to be present in an area subject to an evacuation order during or following a flood, storm, wildfire, or other disaster.

APPLICATION PROCESS

1. Each applicant (commercial agricultural operation owner/operator or their direct, full-time employee) must submit an application to the Agricultural Commissioner along with supporting documentation qualifying the commercial agricultural operation. The Agricultural Commissioner may coordinate with the Sonoma County University of California Cooperative Extension (UCCE) in this effort. See Attachment One: Agriculture Access Verification Card Application. An applicant that is a direct, full-time employee shall include with the application the required letter of authorization to apply for the Ag Access Verification Card and/or proof of full-time direct employment.
2. The applicant must attend a four-hour (at minimum) Agriculture Access Verification Card fire & worker safety training course and obtain a certificate of completion and submit it with the application (see below).
3. The applicant must submit the completed application that has been verified by the Agricultural Commissioner, a waiver signed by applicant and owner/operator, proof of fire & worker safety training completion, and a valid government photo ID to the Sheriff's Office. Sheriff's staff will review the application and may issue an Ag Access Verification Card to the applicant in conformance with this program.

PARTICIPANT TRAINING

The Sheriff's Office, in consultation with fire professionals, will establish minimum training standards for the Ag Access Verification Card fire and worker safety training course. Training will include private sector, community, and government resources that may be available to support employees. These standards may be modified from time to time.

Any individual or organization that wants to provide this training may submit their request to the Sheriff's Office with the proposed training curriculum, as well as the identity and qualifications of the proposed trainer(s). If a training meets the minimum standards, it will be added to a list of authorized trainings. If, at any time, an authorized training does not meet current minimum training standards, as they may be modified from time to time, then it no longer qualifies as an authorized training and is subject to removal from the list of authorized trainings until it is updated and re-authorized for continued listing.

Training must be provided in-person, in the attendee's requested language, and in an accessible format and venue.

Note: The four-hour training courses provided since 2020 and documented by the Sonoma County UCCE, Sonoma County Farm Bureau and Sonoma County Winegrowers satisfies this training requirement for initial applications when sufficient proof of attendance is provided. For applications utilizing this training, the expiration of the Ag Access Verification Card will be established as no more than 42 months from date the training was taken by the applicant.

If a training that is delivered does not conform to the training that is authorized by the Sheriff's Office, does not conform to minimum training standards, or is not provided in the attendee's requested language in an accessible format and/or venue, then the Sheriff's Office, in its sole discretion, may reject proof of such training as satisfaction of the training requirement for the Ag Access Verification Card.

AGRICULTURE ACCESS VERIFICATION CARDS

The Sonoma County Agriculture Access Verification Card will consist of a hard, plastic card that includes the following minimum information:

- Name of the cardholder
- Driver's-license-style headshot photograph
- Names and addresses of the commercial agricultural properties which the cardholder may access
- Expiration date
- Seal of the County of Sonoma

Ag Access Verification Cards will be valid for a term of not more than 42 months. Upon expiration, an applicant may apply for a new Ag Access Verification Card.

An employee issued an Ag Access Verification Card must maintain employment with the employer listed in the application, otherwise the Ag Access Verification Card will be void and the employee shall surrender the card to the Sheriff's Office. The agricultural operation owner/operator is responsible for notifying the Sheriff's Office when an employee cardholder is no longer employed by the owner/operator.

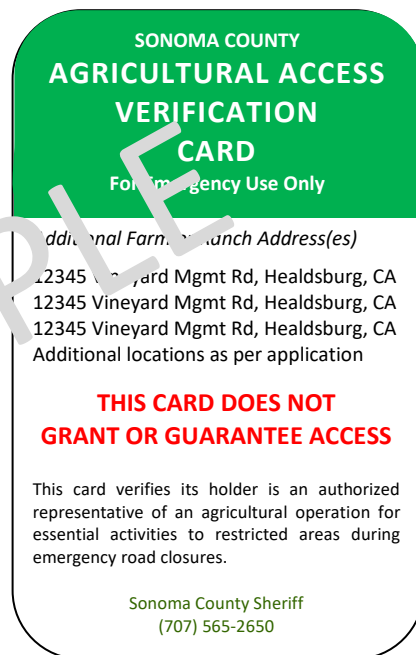
A violation of this policy, conditions of use, or worker safety regulations may result in suspension or revocation of the violator's Ag Access Verification Card or all Ag Access Verification Cards associated with the commercial agricultural operation.

Sample Agriculture Access Verification Card Format

Front



Back



ATTACHMENT 1: AGRICULTURE ACCESS VERIFICATION CARD APPLICATION FORM

**SONOMA COUNTY SHERIFF /
DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES
Application for Sonoma County Agriculture Access Verification Card**



Agricultural Operation and Applicant Information	
<p>1. Nature of Operation:</p> <p><input type="checkbox"/> Commercial Plant Agriculture Producer</p> <p><input type="checkbox"/> Commercial Livestock Producer</p> <p><input type="checkbox"/> Both</p>	<p>2. Proof of Eligibility Provided by Applicant:</p> <p><input type="checkbox"/> Agricultural land lease documentation</p> <p><input type="checkbox"/> Operator Identification number: _____</p> <p><input type="checkbox"/> IRS Schedule F</p> <p><input type="checkbox"/> USDA FSA documentation</p> <p><input type="checkbox"/> CDFA Bureau of Livestock Identification</p> <p><input type="checkbox"/> Certified Producer Certificate: _____</p> <p><input type="checkbox"/> CDFA Organic Registration: _____</p>
<p>3. Critical & Essential Activities to be performed:</p> <p><input type="checkbox"/> Irrigation <input type="checkbox"/> Livestock Care</p> <p><input type="checkbox"/> Refueling <input type="checkbox"/> Support to First Responders</p> <p><input type="checkbox"/> Other: _____</p>	
<p>1. Location (be as descriptive as possible, including, at minimum, an address, and specific location on site):</p> <p>(1)</p>	
<p>5. Additional farm or ranch address(es): If needed, additional farm/ranch addresses may be listed on page 3 of this form.</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(5)</p>	
<p>6. Property Owner/Operator/Business Name</p>	<p>7. Property Owner/Operator Address / Phone Number</p>
<p>8. Is Property Owner/Operator currently the subject of a state action for alleged violations of workplace safety or labor regulations?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, provide additional information on page 3.)</p>	
<p>9. First and Last Name of Applicant</p>	<p>10. Applicant Title & Relationship of Applicant to Owner/Operator</p>
<p>11. Address of Applicant</p>	<p>12. Proof of Employment Provided by Applicant:</p> <p><input type="checkbox"/> Letter of Authorization <input type="checkbox"/> W-2 or Equivalent</p>
<p>13. Email address of Applicant</p>	<p>13. Phone Number of Applicant</p>
<p><i>Please see Page 2 for Acknowledgement and Signatures</i></p>	

Certification and Acknowledgment

I am the Applicant or Owner/Operator.

*I certify that the information provided in this form is true and correct, to the best of my knowledge. I certify that I am the agriculture farm owner-operator/livestock producer or am authorized on behalf of the agricultural operations owner-operator to voluntarily submit this form. I acknowledge and understand that the Department of Agriculture / Weights and Measures has the authority to verify whether a commercial agricultural operation exists at the described location. I acknowledge and understand that access to restricted areas is subject to the jurisdiction and orders of law enforcement, fire services, emergency services, and the California National Guard. I acknowledge and agree that I and any persons who access restricted areas will follow all orders of those agencies regarding entry and exit from the property, and all other laws and regulations applicable to the commercial agricultural operation, including workplace safety laws and regulations. **I acknowledge and understand that an Agriculture Access Verification Card, if issued, does not certify compliance with any applicable laws or regulations, including workplace safety laws or regulations, nor does it guarantee access to any location. I further acknowledge and understand that an Access Verification Card does not require the holder to work in an area subject to an evacuation order.***

Indemnification, Defend, and Hold Harmless Agreement

I acknowledge and understand the inherent risks and hazards associated with accessing restricted areas subject to official road closure as the result of a local emergency. I agree to indemnify, defend, and hold harmless the County of Sonoma and its officers, agents, employees, volunteers, or representatives from and against any liability, claims, actions, proceedings, losses, injuries, damages, or expenses, including associated litigation costs and attorney's fees, that may be asserted by any person or entity, including Applicant or agricultural operation owner/operator, arising out of or pertaining to the granting or denial of access. Further, I agree that I am solely responsible and must indemnify, defend, and hold harmless the County of Sonoma from any acts or omissions of the Applicant or agricultural operation owner/operator, his/her officers, agents, employees, volunteers, contractors and subcontractors in accessing the above listed location. I further understand that if access is granted, then it is only to the location and for the activities identified above and the direct access route to and from that location; stopping along access routes, wandering, or loitering or performing activities other than those listed is strictly prohibited.

Applicant and agricultural operation owner/operator certify that they have carefully read the above Certification and Acknowledgement. Applicant and agricultural operation owner/operator further certify that they have carefully read the Indemnification, Defend and Hold Harmless Agreement and agree to be bound by it. Agriculture operation owner/operator further agrees to notify the Sheriff if and when the employee is separated from this employment.

Applicant Name (if not the Owner) (please print) Applicant Signature Date

Owner/Operator Name (please print) Owner/Operator Signature Date

Agricultural Commissioner Verification

Agricultural Commissioner Representative / Date

Application Documentation (Sheriff)

Ag Commissioner Verification
 Training Certificate
 Signed Acknowledgement
 Gov't Photo ID: _____
 Other: _____

Sheriff Authorization

Sheriff Representative / Date

Access Verification Card

Number: 20____ - _____
Date Issued: _____
Expiration Date: _____

Sonoma County Agriculture Access Verification Card Program

First and Last Name of Applicant	Title of Applicant

(6)
(7)
(8)
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(11)
(12)
(13)
(14)
(15)

Additional Information / Notes (if needed)