

## State Water Board deems Napa wine not sustainable enough

The State Water Resources Control Board unanimously approved a new order last week that fits all wineries statewide under one regulatory framework for waste discharges. California wines have been recognized for having some of the most sustainable agricultural practices in the world, and the order surprised many in the industry.

Winery owners and industry advocates pleaded with the board at the meeting to allow more flexibility for smaller wineries and to reduce the order's complexity. They argued the board



Noelle Cremers, director of environmental and regulatory affairs at the Wine Institute

presented no evidence to show such a need for the order, especially as the industry grapples with massive losses from natural disasters and the trade war with China.

**Noelle Cremers, a policy director for the Wine Institute, said the industry is dealing with more than \$4 billion in losses due to shutdowns during the pandemic and nearly as much in losses due to wildfire damage and smoke taint in 2020. Cremers explained that many wineries were unable to make a 2020 vintage, now leaving them with no wine to sell at the same time that the board will be rolling out the new regulation.**

The cost to the Water Board for implementing the regulation, Cremers said, will be nearly \$800 million and covered through winery fees. The coalition of wine groups she represented proposed a number of changes, including the limits on discharges of groundwater effluent.

“In longstanding wine regions, like Alexander Valley and Napa Valley, their wells are not showing high levels of nitrates,” she argued.

**The coalition wanted more flexibility to allow the wineries in the upper tier to drop to a lower risk category if groundwater monitoring finds no further threats to water quality.**

The changes in all would save the board nearly \$600 million, money the wineries could instead use for sustainability efforts, said Cremers. State Senator Bill Dodd, who represents several counties in Wine Country, encouraged the board to adopt the Wine Institute's changes. Many feared the steep costs on smaller wineries for complying with the regulation.

**Mike Martini, the general manager of Taft Street Winery in Sebastopol, worried the cost of installing groundwater monitoring wells for the regulation could reach as high as \$500,000, forcing owners to sell out to larger companies or quit the business entirely.**

"While you're considering the adoption of this order, there are dozens of other state and federal agencies that are adding to the regulatory environment that is impacting all small businesses, not just small wineries," said Martini. "I would urge that we work together to find ways to identify what the problem truly is at each individual site and address that problem, rather than a blanket solution for all."

Billy Grant, who owns a couple of small wineries, added that mom and pop wineries come in all shapes and sizes and need "a more user-friendly presentation" of what the order is trying to accomplish. He said it often takes these businesses several years to finance even smaller improvements.

**"We affectionately call ourselves a debtors club," said Grant. "We have parties at our banks, our banks buy us wine, they buy us lunch, because we owe them a lot of money."**

He said the order is creating "a slippery slope" for outsourcing more wine production overseas.

Michelle Novi, the industry relations director for Napa Valley Vintners, gave an impassioned plea to the board to consider the lives they will be impacting.

"I'm feeling a sense of despair," she said. "We are an industry on the brink."

Novi said when policies like this are "layered upon each other" they have "real effects on real people," and this order adds to that cycle even without a strong argument for the environmental need.

**"It really defeats you and takes the wind out of your sails, especially in a place like Napa," she said. "I have never seen a community that has always come together to consistently do the right thing, and do it ahead of any regulation being passed."**

Water Board Chair Joaquin Esquivel countered that the order does allow up to eight years for compliance and offers some flexibility in how businesses can make the necessary investments to meet the requirements. He said this flexibility is what makes the regulation more complex. Water Board Vice Chair Dorene D'Adamo charged staff with working with growers to clarify the technical language during the regulation's implementation process.

**"This is going to be challenging, and you're going to have to hire consultants, and that comes at a cost," said D'Adamo. "But it's up to us to work with you all and with regional boards to simplify this, wherever possible, and I am certain that can be done."**

In responding to questions about the need for the order, Esquivel explained it came at the request of the industry.

**“The board undertook a statewide general permit to be able to actually provide some better consistency and standardized implementation throughout the state,” said Esquivel. “The years of discussion that have brought us to this moment have demonstrated a lot of flexibility and fine tuning and ensuring that this is a program that is implementable.”**

Danny Merkley, a water policy advocate for the California Farm Bureau, appreciated that the Water Board has “come a long way to achieving significant improvements for a workable order” over the five years since staff first began exploring the regulatory proposal. The Farm Bureau supported Cremers’ proposals and recommended an appeal process before raising a low-level winery to a higher tier as well as more consideration for the cost-benefit ratio for some of the measures.



Danny Merkley, director of water resources at the California Farm Bureau

**“We’re not asking you to turn a blind eye on potential environmental impacts,” said Merkley. “Rather, are some of these costly measures aimed at real or perceived impacts?”**

Bob Gore, representing various agricultural interests through the Gualco Group, noted that winegrape growers have been engaged on this issue for more than a decade already as they pioneered a sustainability certification program for groundwater management. He said the regulation could better reflect the investments that vineyard operations have already made.

**“It is worth recalling that sustainability as a tenant includes economic sustainability,” said Gore. “At a time when rural communities and winegrape growers are hammered by a pandemic and adverse trade conditions as well as wildfires, a compassionate and cognizant regulatory hand is essential.”**

Board member Tam Doduc, who felt uncomfortable with the many uncertainties that remained in the order, asked staff to reach out to stakeholders to explore other risk-based factors and potentially revisit the tier structure down the road.

Chief Deputy Director Jonathan Bishop, however, warned that refining the order would likely take 18 months or more to accomplish.

## **California growers struggle to absorb higher farmworker labor rates, look to mechanization as the rest of the country watches**

California agricultural employers are continuing to adapt to the increasing minimum wage and the rollout of new overtime pay requirements, sometimes by moving away from manual labor to mechanized solutions. The rest of the country is watching closely to see whether these farm labor trends expand.

The first wave of changes for overtime began in 2019 for larger employers (26 or more employees), and this is the last year of the transition period. Overtime now kicks in at 8.5 hours per day or 45 hours per week; at the beginning of 2022, field workers will earn time and a half

when they put in more than 8 hours in a day or 40 hours in a week, the same as workers in other industries. For small employers, the rollout period begins in 2022 and runs through Jan. 1, 2025.

The implementation of California's statewide minimum wage increase also has been different for the smaller and larger ag employers. As of this month, the schedule requires larger employers to pay a minimum of \$14 per hour and smaller employers \$13 per hour. Next year, the larger employers will hit the \$15 per hour mandate while the smaller employers have until Jan. 1, 2023.

Farmworkers are generally exempt from the federal minimum wage and overtime requirements, although President Joe Biden proposed in his campaign to remove those exemptions.

**California already had the “most stringent overtime of any farming state” even before the new wage rules, said Roger Isom, president and CEO of the Western Agricultural Processors Association.**



*Roger Isom, Western Agricultural Processors Association*

Now, a minimum-wage worker tipping into overtime in California will earn \$21 per hour, while someone doing similar farm work in Texas might only make \$7.25 an hour, the federal minimum wage, even after working more than 8.5 hours in a day.

**“It’s not that it’s bad per se,” Isom said, “it’s just we’re the only ones doing it.”**

When paying employees becomes too expensive, he says growers switch to less labor-intensive crops. He remembers a Central Valley farm that grew the “greatest peach you would ever have.” But those white-fleshed sugar giants are gone.

**“They pulled out 5,000 acres of tree fruits and put in 5,000 acres of tree nuts,” Isom said. “Tree fruit is high labor, and guys just aren’t growing it anymore.”**

Across the U.S., fewer peaches are being grown. The number of U.S. acres bearing peaches declined from 102,540 in 2014 to 74,400 acres in 2019, according to USDA’s National Agricultural Statistics Service.

For some, the higher cost of labor makes investing in expensive equipment more practical.

**“Some of my almond processors had sorting lines,” Isom said. “They’ve gone to robotic sorters, which are million-dollar pieces of equipment.” He says it took less than four years for the labor savings to cover the cost of the equipment, more than a year less than they expected.**

Bryan Little runs Farm Employers Legal Service for the California Farm Bureau Federation and has watched employers trying to adjust to the higher cost of labor.

“They are struggling to comply with it because it has the effect of increasing their operating costs pretty dramatically,” he said. Recently he spoke with a vineyard employer who was looking into autonomous tractors. He says an articulated handle on a self-propelled tractor could replace a pruning crew of four to five people.

“In some parts of the state there’s very little hand-pruning still going on,” Little said. “They are taking out old vineyards and orchards that require handwork and replacing them with different varieties, different crops that are cultivated and managed in different ways.”

Another trend Isom sees expanding is growing crops in California but processing them elsewhere. He points to two examples: A walnut operation that grows and hulls in California sends the nut meat to Nevada for processing and then ships it back to the Port of Oakland for export. Some almonds that are grown in California are being made into almond butter in Lubbock, Texas.

Isom says a nationwide minimum wage closer to California’s would help keep jobs and employers in the state.

“We might not be actively out there supporting it,” he said, “but we wouldn’t oppose it because it would level the playing field.”

## **Biden raises hopes for farm labor reform, but prospects remain cloudy in Congress**

President Joe Biden’s proposal to provide a path to legal status for illegal immigrants offers farm groups a new chance to persuade Congress to expand the availability of guest workers for agriculture, but winning critical Republican support for a major immigration bill could be harder than ever in the post-Trump era.

**Congress hasn’t passed comprehensive immigration reform in 25 years, the year the H-2A visa program was first authorized.** In 2013, the Democratic-controlled Senate passed a sweeping bipartisan bill that included an expansion of H-2A as well as legalization of undocumented workers.

However, that deal eventually died in the House, which was then under Republican control, and some of the GOP senators who backed the 2013 bill say they don’t think a comprehensive immigration measure can pass the Senate this time — or should be a priority.

**“Given all the other challenges we’re facing as a country, I think those have to take precedence” over immigration reform, said Sen. Marco Rubio, R-Fla.**



*Sen. Marco Rubio, R-Fla. (Photo: Gage Skidmore)*

Biden’s proposed U.S. Citizenship Act of 2021 would make no changes in the H-2A program, but, in a recent conversation with farm group leaders, Agriculture Secretary nominee Tom Vilsack said he hopes Congress would fold in the Farm Workforce Modernization Act, which passed the House in 2019. That bill would expand the H-2A program to year-round farmworkers and provide growers with some relief on wage rates.

For farm groups, an expansion of the H-2A program must go hand in hand with legalizing undocumented workers, a million of which work in agriculture. Many would be expected to leave

agriculture if they get legal status. Moreover, H-2A visas can't be used to import year-round workers until Congress changes the law.

**Tom Stenzel, president and CEO of the United Fresh Produce Association, welcomed Biden's bill and also said the Farm Workforce Modernization Act "charts a clear path forward to a long-term, bipartisan solution" on farm labor challenges.**

Chuck Conner, president and CEO of the National Council of Farmer Cooperatives and a leader of the Agriculture Workforce Coalition, a collection of farm groups that works on farm labor policy, said it's too early to tell whether a major immigration bill can get through the Senate, or whether a smaller ag-related bill like the Farm Workforce Modernization Act might have a chance.

**"There's an interest in the Senate — always has been — in a strong agricultural sector," Conner told *Agri-Pulse*. "I can't believe the members of the U.S. Senate aren't going look at that and want to be helpful in as many ways as they possibly can."**

The incoming chairmen of the Foreign Relations and Judiciary committees, Sens. Bob Menendez, D-N.J., and Dick Durbin, D-Ill., respectively, both say they would be talking to some Republicans about a possible compromise. Menendez and Durbin were members of the Gang of Eight that negotiated the 2013 bill.

**"I've reached out to half a dozen Republicans on immigration," Durbin told reporters last week. "They have been open to the conversation. We haven't agreed on anything, but they've been open to it, and that's what it's going to take."**

But former President Donald Trump successfully made an issue out of the 2013 bill during the 2016 campaign, and two GOP members of the Gang of Eight, Rubio and Lindsey Graham of South Carolina, express pessimism that similar legislation will get anywhere in this Congress. Rubio was pilloried during the 2016 presidential primaries for his role in the Gang of Eight.

Democrats control the 50-50 Senate only because Vice President Kamala Harris can break ties, and they would need at least 10 Republican votes to end a filibuster. Democrats technically could do away with the filibuster — Majority Leader Charles Schumer, D-N.Y., refused to protect it under a new Senate organizing resolution — but two Democratic senators now insist they won't agree to end the filibuster.

**"It sounds like Democrats don't have their party fully supporting the idea of getting rid of the filibuster. That means that anything that passes the Senate (in regards to immigration policy) will have to be bipartisan," said Allison Crittenden, director of congressional relations for the American Farm Bureau Federation.**

Graham says Biden's bill is "to the left" of the Gang of Eight compromise and the most Congress is likely to do is to pass legislation addressing the Dreamers, immigrants who were brought to the United States illegally as children and now have temporary legal status under the Deferred Action for Childhood Arrivals (DACA) program.

**"I just think comprehensive immigration (reform) is going to be a tough sale, given this environment, but doing DACA I think is possible," he told reporters.**

Rubio and Graham both noted the lack of border security measures in Biden's bill. The 2013 compromise would have proved \$30 billion for border security. **"ironically, had that bill been passed and signed into law, President Trump wouldn't have had to fight for all the money for the wall. He would have had much more than even he asked for,"** Rubio told reporters.

Rubio, who is considered a likely presidential candidate in 2024, also contends that Biden's proposal to legalize undocumented workers will encourage more people to leave Central America and try to enter the United States. "People sort of read it that there's going to be a very permissive environment for people to come here and overstay visas or come here and enter illegally," he said.

Adding to the urgency of the labor issue for farm groups is that the Trump administration failed to come through with administrative reforms to the H-2A program, including changes in the way that the wage rates are calculated. The Labor Department finalized a rule in November that would have ended the practice of basing rates on an annual USDA survey of farm labor wages, but a judge in late December struck down the regulations, less than a month before Trump was set to leave office Jan. 20.

On Jan. 15, the department announced that it had finalized additional rule to streamline other H-2A regulations, but the measure was not published in the Federal Register before Trump left office, and the incoming Biden administration has now withdrawn it.



*Sen. Lindsey Graham, R-S.C.*

## **Acting FCC Chair: The digital divide is very real and very big**

As Jessica Rosenworcel transitions into the role of acting chair of the Federal Communications Commission, rural broadband leaders are expecting her to maintain her criticism of the agency's broadband coverage maps and keep a focus on identifying gaps in high-speed internet service.

President Joe Biden appointed Rosenworcel as acting chair of the FCC last week. She replaced outgoing Chairman Ajit Pai, who was appointed as chair by former President Donald Trump. Biden still must appoint a full-time chair.

Rosenworcel, who has been an FCC commissioner since 2012, has been a staunch critic of Pai moving forward with rural broadband funding programs before broadband maps show which areas of the U.S. do and do not have high-speed internet.

In a note Tuesday, Rosenworcel said the commission during its upcoming February meeting will hear about the work the agency is doing to improve its broadband maps.

**"I've always said you cannot manage what you do not measure. But for too long, the FCC has lacked the data it needs about precisely where service is and is not throughout the country," Rosenworcel said.** She further stated it is good to see "Congress just appropriated \$65 million to help the agency develop better data for improved maps so we can get started on this in earnest."

That was also evident last week after she blasted the Trump administration's rural broadband deployment report, which said the digital divide is closing.

**“If this crisis has revealed anything, it is the hard truth that the digital divide is very real and very big,” Rosenworcel said in a statement.**

On Jan. 19, the FCC released its annual broadband report touting “significant progress” in closing the digital divide. The report claimed the gap between urban and rural areas with 25 megabits per second download and 3 megabits per second upload speeds of fixed broadband service has dropped more than 46% since 2016.

It further stated roughly 83% of rural Americans lived in areas served by 25/3 broadband service. But Rosenworcel was extremely skeptical.

**“There are people sitting in parking lots using free Wi-Fi signals because they have no other way to get online. There are students who fall in the homework gap because they lack the high-speed service they need to participate in remote learning,” Rosenworcel said.**

Speaking before a House Appropriations Subcommittee last March, she said, “We need to have maps before money and data before deployment.

“Let’s take just a little time to make sure they are better.”

**However, it could be difficult for Rosenworcel to do much with only a total of four commissioners at the FCC. The commission typically has five commissioners, with three coming from the party in control of the White House.**

Despite the FCC's current dynamics, Mike Romano with NTCA-The Rural Broadband Association expects improving rural broadband access will be an area where the FCC can move ahead.

**“One of the things Chairwoman Rosenworcel has been interested in from the start is making sure every American, rural or urban ... has the ability to get robust and affordable broadband,” Romano told *Agri-Pulse*.**

He said docket orders relating to rural broadband have been moved in the past by both sides. Romano also said with Rosenworcel leading the commission during the interim, it provides continuity for the agency.

“The fact is that the FCC has processes already underway to improve the maps,” Romano said. **“It’s clear that she would have liked these processes to move much faster than they have, but the pieces are now in place for things to move — specifically, the FCC will be able to start gathering new, more granular reports from providers in coming months, and it has the funding now to create better underlying maps on top of which those reports would sit.”**

He noted while he could not weigh in on her anticipated agenda as a whole, he thought it safe to say, given her strong focus on mapping concerns in the past, that moving on these implementation pieces will presumably be near the top of her agenda.

Jon Conradi with Connect Americans Now, a coalition of organizations and companies representing voices from agriculture to health care, said there is widespread bipartisan agreement that in order to tackle the rural broadband mapping issue, access must be measured and locations must be identified.



He said this became evident after Congress passed the Broadband Data Act, which requires the FCC to change how broadband data is collected, verified, and reported in more granular service availability data. The act passed Congress in March 2020 and was funded in the last omnibus.



Mike Romano, NTCA — The Rural Broadband Association

**“It’ll be up to new leadership at the FCC, in order to swiftly implement those changes in a way that solves this problem once and for all to better guide both public and private investments in tackling the broadband gap,” Conradi told *Agri-Pulse*.**

At this time, it is uncertain if Biden will appoint a different chair or formally nominate Rosenworcel to lead the commission on a permanent basis. Even though Rosenworcel was tapped as acting chair, it does not mean she will get the top spot, but National Grange President Betsy Huber said her experience warrants it.

**“She’s been at the FCC for more than 20 years, so I hope President Biden takes that experience into consideration. I think her experience would definitely make her a good candidate for chairwoman,” Huber told *Agri-Pulse*.**

Rosenworcel was appointed by former President Barack Obama to serve on the commission and confirmed to the position in May 2012. She served a five-year term until to January 2017 and was confirmed by the Senate in August 2017 to serve an additional five-year term.

Prior to joining the FCC, Rosenworcel served as senior communications counsel for the United States Senate Committee on Commerce, Science, and Transportation, under the leadership of Sens. Jay Rockefeller, D-W.V., and Daniel Inouye, D-Hawaii, according to the FCC.

## **US beef exports in danger of triggering Japanese tariff**

U.S. beef exports to Japan have been very good in recent months — maybe too good. The Japanese have imported so much U.S. beef, it’s looking like they will hit a “safeguard trigger” designed to protect domestic producers with a tariff.

If the U.S. exports more than 242,000 metric tons of beef to Japan in the Japanese fiscal year — April to March — the tariff on U.S. beef rises by more than 10 percentage points, shooting up from 25.8% to 38.5%. And the sooner that trigger is set off, the longer the tariff increase will be in place.

**By Jan. 10 — a little over nine months into the Japanese marketing year — the U.S. had exported 203,721 tons of beef to Japan. That’s about 84% of the way toward the trigger, according to calculations by USDA’s Foreign Agricultural Service, leaving less than three more months with just a little over 16% of what is essentially a tariff rate quota left to fill.**

“It’s something we’ll need to continue to monitor,” says Kent Bacus, director of international trade and market access for the National Cattlemen’s Beef Association. **“I hope it’s something that can be avoided, but we are pretty close to hitting that (trigger).”**

If the trigger is hit in February, the tariff on U.S. beef will increase for 45 days. If that happens in March, the tariff will increase for 30 days.

Either way, it will have a negative impact on U.S. beef exports, says Bacus.



Kent Bacus, NCBA

**“It’ll be a temporary setback for us,” he told *Agri-Pulse*. “Obviously, when you raise the price on a hot commodity like beef in such a prolific market like Japan, that could have some temporary restrictions on our sales.”**

U.S. Meat Export Federation economist Erin Borrer said she is also concerned.

**“Because the United States is the only beef supplier approaching its safeguard threshold, USMEF is concerned that chilled exports to Japan could decline if and when the snapback tariff rate is in**

**place,” she said. “This may include the weeks leading up to the ‘Golden Week’ holidays, a key time period for Japanese buyers.”**

Japan is the largest foreign market for U.S. beef, and U.S. exports, despite the logistical and demand problems caused by the COVID-19 pandemic, have been on track or better in 2020 than they were in 2019, according to data and analysis from the USMEF.

The U.S. exported 280,954 metric tons of beef to Japan — valued at about \$1.8 billion — from January through November in 2020. Most of that trade (238,539 tons worth \$1.4 billion) was in muscle cuts, according to USMEF.

**But even if Japan’s safeguard tariff is triggered, there may be a way to stop Japan from implementing it.**

U.S. negotiators convinced Japan to scrap its quarterly safeguard trigger in the free trade agreement that went into effect about a year ago. It was replaced with a yearly mechanism believed to be much less of a threat to disrupting trade, but that may still happen unless the two sides agree to renegotiate — an option made possible by a provision tucked into a side letter of the U.S.-Japan Trade Agreement.

**Japan, according to the Office of the U.S. Trade Representative, agreed “to consult to adjust the applicable safeguard trigger level to a higher level if the safeguard is ever triggered.”**

Bacus said that if the safeguard tariff is triggered, those consultations will need to happen.

**“These are conversations that we’ll need to have so our governments can figure out the best path forward,” he said. “This is something we need to pursue because it’s overwhelmingly clear that Japanese consumers want more U.S. beef.”**

It is unclear how long it would take to set up those consultations between the U.S. and Japan, and what the result would be.

Regardless, the safeguard tariff would only be temporary and won't stop U.S. beef, says Bacus. "I think the important thing to keep in mind is that the safeguard — if it is triggered — would be temporary," he stressed. "But it's also just another signal of how strong our sales are in Japan and how much the Japanese consumers prefer the great American beef that we produce."

**That's not to say that the U.S. beef sector does not want a bigger quota for U.S. beef. The Japanese quota for members of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which includes Australia, is bigger at 613,600 tons for the Japanese fiscal year.**

The U.S. quota is set to begin growing by 4,860 tons per year, beginning in the 2023 Japanese fiscal year for the following six years.

Nevertheless, expanding the quota for U.S. beef is something both countries are "going to have to revisit," Bacus said.

But the Japanese government has become increasingly concerned about too much imported beef hitting the Japanese market, according to a new analysis by USDA's Foreign Agricultural Service.

Japan's Agriculture and Livestock Industries Corporation, a state trading enterprise, began offering on Jan. 1 to pay importers to freeze the more expensive chilled cuts of beef they bring into the country. The government organization is willing to spend the equivalent of \$14.2 million to pay importers "to fill the price gap between chilled and frozen products given the deterioration in quality due to freezing" in order to "stabilize beef demand and supply in Japan due to potential demand declines as a result of COVID-19."

## **Aldicarb decision welcomed by Florida citrus, slammed by enviros**

Citrus growers are pleased but environmental groups are concerned about the Environmental Protection Agency's approval of aldicarb for use on oranges and grapefruit in Florida to combat citrus greening, which has devastated the industry in the state since it was first identified in 2005.

**The decision came about a week before the Biden administration took office and only about six weeks after EPA had put its proposal out for public comment.**

Nathan Donley, senior scientist with the Center for Biological Diversity, said EPA moved with "lightning speed. They approved it six days after the comment period ended — I've honestly never seen EPA move that fast." He contends EPA could not have adequately considered the comments submitted in that amount of time.

CBD and other environmental groups have criticized the decision, saying it will put both workers and the environment at risk, but EPA, responding to comments on the proposed use, said "dietary and drinking water exposures resulting from use of the pesticide are sufficiently low that there are no aggregate risk concerns. Also, significant personal protective equipment (PPE) or engineering controls are required to limit risks to agricultural workers."

**“Overall, it’s good news, and I really don’t think it’s going to represent any problems with people or the environment,” grower and consultant Pete Spyke of Arapaho Citrus Management said, citing experience growers had using it for decades before it was pulled from the market for use on citrus and potatoes under an agreement between Bayer CropScience and EPA in 2010.**

At the time, EPA said a risk assessment had shown that aldicarb, sold under the brand name Temik, “no longer meets our rigorous food safety standards and may pose unacceptable dietary risks, especially to infants and young children.”

However, EPA continued to allow use of the product on some crops so long as mitigation measures were in place. Bayer nonetheless decided to voluntarily cancel all remaining uses, leaving the door open for North Carolina company AgLogic, which received approval to market a new aldicarb product, Meymik, on peanuts, cotton, sugar beets, dry beans, soybeans and sweet potatoes in certain states.

EPA is limiting the use of the product on citrus in Florida to 2.5 million pounds annually (about 100,000 acres) and said in response to comments on the proposal that capping the amount, along with “label mitigation requiring soil incorporation at greater than 3 inches and minimum 500-foot drinking water well set-backs” reduces risks enough to allow Meymik to be used safely.

The product is being conditionally registered, with AgLogic required to submit additional data on the risk to bees. “Aldicarb is highly toxic to bees on an acute contact basis,” EPA said, but added that “contact exposure and risk are not expected for honey bees for the proposed uses on oranges and grapefruit since the pesticide granules will be incorporated into the soil.”

**“It’s safe to use as directed,” says Antoine Puech, managing member and principal at AgLogic. Puech says the company’s stewardship program requires the product only be sold to restricted-use pesticide license holders and that the state — which still has to make a decision on its use — issuing permits to each end-user before it’s applied.**



*Nathan Donley, Center for Biological Diversity*

In addition, Meymik will not be applied in certain soils that are more porous, he said, limiting its use.

Environmental groups, however, criticized the decision. The Center for Biological Diversity noted that EPA said in its ecological risk assessment that a bird or mammal can die from eating a single granule of aldicarb. “The agency also estimated use of aldicarb could expose bees to 76 times the amount of the pesticide known to cause harm,” CBD said.

**As for whether a lawsuit is in the works, Donley, the CBD scientist said, “We are certainly weighing our options, but it’s still too soon to know exactly what we’re going to do about it.”**

Given its toxicity and the fact that it’s banned in more than 100 countries, aldicarb “really should not be used at any level,” Donley said.

Karen McCormack, who used to work in EPA’s Office of Pesticide Programs and raised the alarm with environmental groups when she saw EPA was moving to approve aldicarb in Florida,

said numerous other products are registered for aldicarb and that EPA itself acknowledged in its benefits assessment that aldicarb will not completely control the psyllid.

**Puech, however, says there's plenty of data showing the effectiveness of aldicarb, pointing to comments filed by the Florida Fruit & Vegetable Association.**

“Historical research has shown that net returns for mature citrus trees that receive an aldicarb application can be as much as \$500 greater per acre ( $\pm 25\%$ ) than net returns for identical acreage that uses alternative pest control options,” FFVA said in its Jan. 4 comments. “Also, based on grove historical tree reset data, it has been shown that following an application of aldicarb, the resulting increased yields for 3-year-old trees more than covered the additional cost of applying the aldicarb.”

Florida citrus growers pushed hard for the approval, meeting in Washington in October with EPA Administrator Andrew Wheeler, where, FFVA Director of Science and Regulatory Affairs Mike Aerts told [citrusindustry.net](http://citrusindustry.net), “The management opportunities of the product well beyond the Asian citrus psyllid were brought out, such as the material’s capabilities in managing multiple species of nematodes, rust mites, mealybugs, etc., and the product’s historical abilities to increase various tree vigor components.”

**Spyke said aldicarb will not solve the citrus greening problem in Florida but “it’s another tool in the toolbox” that, when used according to the label, should not cause environmental or human health issues.**

He cautioned, however, that aldicarb needs to be used in rotation with the other products to reduce the potential for resistance.

## **News Briefs:**

**CDFA awards \$2M in fertilizer research and education grants.** More than \$2.18 million has been awarded to 11 projects as part of the California Department of Food and Agriculture’s Fertilizer Research and Education Program. According to CDFA, the program’s goal is to improve the efficacy of nitrogen fertilization, reduce associated environmental impacts and advance producer understanding and implementation of best management practices for fertilizer. The largest grant – more than \$353,000 – went to Richard Smith and Michal Cahn at the University of California Cooperative Extension in Monterey County. They’ll use the grant to help determine the amount of nitrogen removed in the harvested product for 35 Central Coast commodities. The researchers will develop coefficients that, combined with grower yield data, will provide an estimate of N removed in the harvested crop. This data can be used by growers to make informed in-season fertilization decisions and to fulfill reporting requirements for the regional water quality control board. Several projects were also funded at about \$225,000, including a project by Robert Hutmacher and Daniel Putnam at UC-Davis to elevate two biotypes of industrial hemp and assess the impacts of nitrogen management approaches on tetrahydrocannabinol (THC) and cannabidiol (CBD) tissue content. FREP grants have been awarded since 1990 and have distributed more than \$22 million to 250 different projects.

**Ag groups back Tai USTR nomination.** More than 100 food and agriculture organizations say Katherine Tai is “eminently qualified” to be the next U.S. Trade Representative. In a [letter](#) to Senate Finance Committee leaders, 115 food and ag groups threw their support behind Tai, a former staffer on the House Ways and Means Committee, and urged her confirmation. They say she is “deeply familiar” with USTR’s mission and its role in “opening foreign markets and

reducing barriers for U.S. food and agriculture workers and exporters.” “We especially value Ms. Tai’s demonstrated ability to build bipartisan support for trade policies,” the groups noted. “We submit that these capabilities are essential to the success of the next Trade Representative in addressing the most pressing trade policy issues, including trade relationship challenges with China and the European Union, as well as enforcement of existing trade agreements and tackling non-tariff barriers to trade.” According to the letter, companies represented by the associations employ more than 23 million people, or about 15% of total U.S. employment. A similar show of support was recently issued for Ag Secretary nominee Tom Vilsack. The committee has yet to announce a date for Tai’s confirmation hearing.

### **New version of conservation corps on tap in executive orders, NWF says.**

Executive orders expected to be signed by President Joe Biden will include an idea borrowed from Franklin Delano Roosevelt, the National Wildlife Federation says. NWF is being told that the orders will “lay out a framework for a 21<sup>st</sup> Century Civilian Conservation Corps,” spokesperson Mike Saccone said. The CCC was used to help the country rebound from the Great Depression. “This is incredible news given how this type of program can put millions of Americans back to work supporting climate resilience, restoring our public lands and natural resources, and supporting job training and apprenticeships,” Saccone said. In anticipation of the action, the group’s president and CEO, Collin O’Mara, said an updated CCC “is as close as we have to a silver bullet to address the climate, biodiversity, and unemployment crises facing our nation today.” The idea has bipartisan support in Congress, O’Mara said. “We will keep working with our allies on the Hill to ensure we not only create a new Civilian Conservation Corps, but also that it is inclusive, equitable, and supports workers,” he said. Bills reestablishing a CCC were introduced in both houses of Congress last year. In his clean energy plan while running for president, Biden proposed a Climate Conservation Corps that would, among other things, “restore wetlands to protect clean water supplies and leverage greater flood protection [and] repair dilapidated irrigation systems to conserve water.”

### **Farm Hands West: Avdis, Yang appointed to Central Valley Regional Water Quality Control Board**

**Nicholas Avdis** and **Sean Yang**, both from Sacramento, have been appointed to the Central Valley Regional Water Quality Control Board. Avdis has been counsel at the Thomas Law Group since 2013. Yang has been a medical imaging specialist engineer at Kaiser Permanente since 2016.

Westlands Water District Board of Directors appointed **Ceil Howe III** to fill the vacancy created when Director Don Peracchi resigned last month. Howe will serve through the end of Peracchi’s term in 2022. Howe currently serves as partner and principal at Pomona Farming which grows raisins, wine grapes, pistachios, and almonds.



Jennifer Wagner Sanchez

**Jennifer Wagner Sanchez** has joined Church Brothers Farms as the new director of marketing. Sanchez previously worked at Driscoll’s and was director of retail sales. Before that, she was at Green Giant Fresh/Growers Express for seven years.

McDaniel Fruit Company based in Fallbrook, Calif., has brought on **Tyler Cobb** as director of grower relations and field sourcing. Cobb most recently worked for Del Monte Fresh Produce in a similar position promoting California avocados.

The Fresh Produce & Floral Council has selected the members to serve on its 2021 board of directors. **Sean McClure** of Professional Produce is the new chairman and succeeds outgoing chairman **Brian Cook** of Pete's. **Kori Martin**, The Oppenheimer Group, is now chair-elect and **Kristen Reid**, MIXTEC Group, has joined as the new secretary. **Michael Schutt** of Raley's will continue to be the treasurer and **Roger Schroeder** and **Harland Heath** will continue to serve as honorary past chairmen. Retiring from the board: **Alfonso Cano**, Superior Grocers; **Greg Corrigan**, United Vegetable Growers Co-operative; **Don Gann**, Fresh Produce & Floral Council; and **Jeffrey McLellan**, McLellan Credit Consulting. New to the board: **Jacob Cadwallader**, Stater Bros.; **Brad Martin**, Perimeter Sales and Merchandising; **Neil Merritt**, Bard Valley Date Growers; and **Michelle Ziegler**, Pactiv.

USDA has announced the appointment of three new deputy undersecretaries and a handful of key staff appointments as the department begins to fill positions with Biden administration officials. **Stacy Dean** has been tapped to be the deputy undersecretary for food, nutrition and consumer services, overseeing the Food and Nutrition Service. Dean has been with the Center for Budget and Policy Priorities since 1997, and most recently was vice president for food assistance policy. **Justin Maxson**, CEO of the Mary Reynolds Babcock Foundation, has been named deputy undersecretary for rural development, and **Mae Wu** has been named deputy undersecretary of marketing and regulatory programs, overseeing the Animal and Plant Health Inspection Service and the Agricultural Marketing Service. Wu previously worked as a senior director at the Natural Resources Defense Council. To read more on the three appointments, click [here](#).

Tapped to serve in top staff positions include **David Grahn**, who was named principal deputy general counsel in the office of the general counsel. Grahn previously served as the director of the Office of Regulatory Policy at the Farm Credit Administration. Before that, he served almost 27 years in the Office of the General Counsel at USDA. **Farah Ahmad** was named chief of staff in the Office of the Undersecretary for Rural Development. Ahmad previously served as the senior program coordinator in the Office of Consumer Education and was a senior adviser to the COO at the Consumer Financial Protection Bureau. **Olugbenga Ajilore** is now the senior adviser in the Office of the Undersecretary for Rural Development. Ajilore was a senior economist at the Center for American Progress and is the former president of the National Economic Association.



*Stacy Dean*

**Mike Schmidt** has been tapped to be the senior adviser in the Office of the Undersecretary for Farm Production and Conservation. Previously, Schmidt was senior professional staff for Sen. **Debbie Stabenow, D-Mich.**, on the Senate Agriculture Committee. **Marcus Graham** is now the deputy administrator for field operations in the Farm Service Agency. Most recently, Graham was the legislative director in FSA's Office of External Affairs. **Matt Herrick** has been named director of communications in the Office of Communications. Herrick previously served as senior vice president of the International Dairy Foods Association and also served as USDA's director of communications during the Obama Administration.

USDA has announced **Heather Dawn Thompson** as the new director of the Office of Tribal Relations. Thompson is a member of the Cheyenne River Sioux Tribe, a Harvard Law School graduate, and an expert in American Indian law, tribal sovereignty, and rural tribal economic

development. Thompson most recently served as a member of the American Indian Law Practice Group at Greenberg Traurig, where she worked on federal Indian law and Tribal agriculture.

The Environmental Protection Agency has announced members of its incoming leadership team. **Radha Adhar** will be the deputy associate administrator for congressional affairs. Adhar previously served as senior policy adviser for Sen. **Tammy Duckworth**, D-Ill., covering energy, environmental and science issues. **Vicki Arroyo** returns to EPA after serving as executive director of the Georgetown Climate Center for 12 years. She will be the associate administrator for policy. **Alison Cassady** will be the deputy chief of staff for policy. She most recently served as the deputy staff director for the House Select Committee on the Climate Crisis. **Dimple Chaudhary** joins EPA after serving as deputy litigation director at the Natural Resources Defense Council. She will be the new deputy general counsel for Nationwide Resource Protection Programs. **Rosemary Enobakhare** also returns to EPA to be the associate administrator for public engagement and environmental education. She most recently has been the director of campaigns at The Hub Project. **Philip Fine** is the new principal deputy associate administrator for policy. He spent the last 15 years at the South Coast Air Quality Management District in Southern California, most recently serving as the deputy executive officer for the planning, rule development and area sources division.

**Radhika Fox** has been appointed to be the principal deputy assistant administrator of the Office of Water. She was previously the CEO of the U.S. Water Alliance. **Michal Ilana Freedhoff** has been tapped to be the principal deputy assistant administrator for chemical safety and pollution prevention. Freedhoff comes to EPA from the Senate Environment and Public Works Committee, where he was minority director of oversight. Appointed to principal deputy assistant administrator for the Office of Air and Radiation is Joseph Goffman, who most recently served as executive director of the Environmental and Energy Law Program at Harvard Law School. **Lindsay Hamilton** has been tapped to be the associate administrator for public affairs. She comes to EPA from Climate Nexus, where she was senior director of national media strategy. **Sinceré Harris** will be the White House liaison. Since 2015, she has served as the executive director of the Pennsylvania Democratic Party.

**Melissa Hoffer** has been appointed principal deputy general counsel at EPA. She previously was with the Massachusetts Attorney General's Office, where she served as the chief of the Energy and Environment Bureau. **Casey Katims** will be the deputy associate administrator for intergovernmental affairs. Katims most recently served as director of federal and interstate affairs for Washington Gov. **Jay Inslee**. **John Lucey** has been hired to be the special assistant to the administrator. Lucey previously worked at the North Carolina Department of Environmental Quality, most recently as the chief strategy officer. **Dan Utech** will be the chief of staff. Utech has over 20 years of experience in the federal environmental and energy sectors.

The Republican Steering Committee has announced new GOP members on the House Agriculture Committee. They include Rep. **Michelle Fischbach**, R-Minn.; Rep. **Tracey Mann**, R-Kan.; Rep. **Randy Feenstra**, R-Iowa; Rep. **Michael Cloud**, R-Texas; Rep. **Kat Cammack**, R-Fla.; Rep. **Barry Moore**, R-Ala.; and Rep. **Mary Miller**, R-Ill. To read more on the appointments to the committee, click [here](#).

**Caitlin Kennedy Eannello** is leaving the National Association of Wheat Growers, where she served as the director of communications, effective Jan. 29. She is headed to the Department of Homeland Security.

**Emma Stewart** has joined the National Rural Electric Cooperative Association as the organization's new chief scientist, replacing **Craig Miller**, who is retiring to academia as a



professor at Carnegie Mellon University. Stewart most recently served as associate program leader of defense infrastructure at Lawrence Livermore National Laboratory in California. She also managed the Grid Integration Group at Lawrence Berkeley National Laboratory.

**Candice Herndon** has been named President of IFCO North America, a provider of reusable plastic containers for fresh food packaging. Herndon comes to IFCO from CHEP, where she was vice president of European key accounts and was Inbound Solutions Business lead.

The Ecosystem Services Market Consortium welcomes **Andrew Lentz** and **Lizzie Roseto** to its team. Lentz has been hired to be a policy director, working to develop ECSM's national policy plan. He comes to ECSM from Deloitte where he served as a senior lead in the firm's policy and government relations office. Rose has been brought on as a project coordinator. Rose is a graduate of St. Olaf College, and holds a Master of Natural Resources Stewardship with a specialization in Forest Sciences from Colorado State University.

AgBiome has named **Marijn Dekkers** as the company's new chairman. Dekkers previously served as the CEO of Bayer AG, and before that, was CEO of Thermo Fisher Scientific Inc.

**Sonia Muñoz** has retired from the U.S. Wheat Associates (USW) after serving 39 years with the organization. Muñoz retired as regional program director for the USW Santiago Office, where she helped manage South American regional programs.

**Floyd Gaibler** passed away Jan. 21, due to complications from surgery. Gaibler had a colorful and diverse career serving in roles at USDA, U.S. Grains Council, International Dairy Foods Association, the Leshner & Russell consulting firm, and elsewhere. He represented almost every sector of the U.S. agricultural sector over the past 45 years in Washington and left an impact on many people who he worked with. To read more on Gaibler's career, click [here](#).

**Jerold Harris** of Parkville, Mo., passed away Jan. 15 at the age of 79. A graduate of Colorado State University, Harris began his career in 1963 with the Farm Credit System. In 2007, he retired as president and chief executive officer of US AgBank. He then served on the board of directors of American AgCredit in Santa Rosa, Calif., until 2017. No formal services will be held at this time. Memorial contributions are suggested to Children's Mercy Hospital, Kansas City, Mo., and may be left in care of Meyers Northland Chapel.

**Best regards,**

**Sara Wyant**  
**Editor**

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