

## Carbon neutrality bill fails amid skepticism over expanding CARB's authority

A measure aiming to push California closer to carbon neutrality failed to gather enough votes to pass the Senate on Friday, the last day of the 2021 session. Citing extreme droughts, catastrophic wildfires and intense heat waves, proponents argued Assembly Bill 1395 was a necessary next step in the state's long efforts to curb climate-warming emissions. Critics argued the measure was rushed, failed to gather the support of labor advocates and threatened to push industries out of state.



Asm. Al Muratsuchi, D-Torrance

**“We have to err on the side of aggressive policy right now,”** argued Sen. Dave Min of Irvine, in supporting AB 1395 during the Senate floor debate. “This isn't about whether we might reach the theoretical tipping point. It's about how far past the tipping point we're going to go.”

Supporters painted a grim outlook for California if immediate action is not taken. Min said 2021, which has had the hottest summer on record, will likely be the one of the coolest years Californians experience for the next 100 years. Without significant changes, temperatures will increase more than 10 degrees on average during that time, he argued.

The debate included several impassioned pleas for protecting the senators' children and grandchildren and preserving their futures.

“In 10 years from now, my grandchildren will be 11 and 12,” said Sen. Connie Leyva of Chino, pausing to wipe away tears. **“When they look at me and they say, ‘Nana, when you were a senator, did you do everything to save the planet?’ I want to be able to look at them and say, ‘Yes, Nana did everything she could to save the planet.’”**

This drove a heated response from Republican Sen. Melissa Melendez of Lake Elsinore that the arguments in favor of AB 1395 must be “toned down drastically” and the bill should be trimmed down further to avoid pushing more jobs out of state.

**“Just because you stand up on the floor and talk about how much of an environmentalist you are and shed a tear,” said Melendez, “that doesn't fly. Because what you're doing isn't protecting the planet.”**

Throughout the legislative session this year, Melendez and other Republicans have pushed back on climate legislation with the argument that carbon emissions from wildfires have set back all the state’s climate goals and that more attention and budget spending must be paid to forest management instead of adding more mitigation goals. **In a recent report, the Air Resources Board (CARB) estimated wildfires in 2020 emitted 112 million metric tons of carbon dioxide—equivalent to the amount of carbon contained in the lumber of 75% of all the homes in California.**

Republican Sen. Brian Dahle, whose rural district stretches from the Oregon border to Lake Tahoe, called AB 1395 another policy that “needs to be fixed,” arguing state agencies and lawmakers advancing climate policies should be held to account for policies that have failed to take care of the environment at the cost of industry.



Sen. Scott Wiener, D-San Francisco

**“I think I'm a pretty good farmer. But at some point, the Legislature is causing my problems more than me,” said Dahle, who runs a seed and trucking business in Lassen County. “I compete against companies in Oregon, Washington and Nevada, and I'm getting killed. My fuel is \$1 a gallon more. My regulations are so much more, my wages are so much more.”**

Dahle added that if labor groups supported the measure, the Senate would have already passed it. Sen. Maria Elena Durazo of Los Angeles, a former labor leader, confirmed as much by pledging not to vote on the measure.

**“My problem with this bill isn't what it says, but what it doesn't say,” said Durazo. “Not a word about jobs or wages. Not a word about economic justice.”**

The author of AB 1395, Assemblymember Al Muratsuchi of Torrance, ostracized himself from several lawmakers representing agricultural districts when he criticized the almond industry and California agriculture more broadly in a hearing earlier this month on the drought. Muratsuchi and other environmental lawmakers also did not support SB 559, a bill by Sen. Melissa Hurtado of Sanger to fund nearly \$800 million in repairs to conveyance canals.

In the final weeks of session, moderate Democrats like Hurtado became stronger advocates for industries like agriculture in opposing more liberal measures on labor and the environment.

Hurtado called AB 1395 unrealistic and the wrong approach to stopping climate change and argued California’s current climate strategy is not working. In crafting AB 1395, Muratsuchi

built on the state's existing emissions target of achieving 40% below 1990 levels by 2030. His bill would have instead moved the bar to 90% below 1990 emissions by 2045.

Sen. Ben Allen of Santa Monica worried that may be too weak of a timeline, "given the enormity of the challenge," while Sen. Scott Wiener of San Francisco said that transitioning to carbon neutrality will be painful but necessary, adding that uncontrolled climate change is already decimating the agriculture industry.

"If we give a damn about the future of this planet, then it's time to go big and to go bold," said Wiener.

**Yet a state auditor report in February seeded concerns among several lawmakers over expanding CARB's authority for regulating emissions. The report had criticized the agency for overstating its emissions reductions to lawmakers.**

"CARB has done little to measure the extent to which its incentive programs lead to emissions reductions by causing individuals and businesses to acquire clean vehicles that they otherwise would not," said California State Auditor Elaine Howle in a statement accompanying the report.

Howle claimed that CARB had not proven that costly incentive programs were benefiting disadvantaged or low-income communities and that a lack of adequate tracking data meant the state may not meet its 2030 goals. Howle's office also censured CARB for never surveying participants on feedback for FARMER, a program for lowering emissions by upgrading agricultural engines.

**"We have been working on reductions for quite some time in the state. But what has it done for districts like mine? It's created more poverty and more suffering and more deaths," said Hurtado, in reference to the report. "We need to empower one another. And we also need to empower industry to be the innovators and the leaders of innovation that will help us stop climate change."**

Concerned the bill would disrupt industry-led efforts, farm and business groups strongly opposed the measure in committee hearings. California Farm Bureau policy advocate Taylor Roschen pointed out that the state has been scaling up spending on incentives grants through initiatives like the Healthy Soils Program, which has been touted as helping to store carbon and gained \$25 million in new budget spending last week. Roschen argued that AB 1395 threatened to omit existing sequestration efforts on natural and working lands, practices CARB has already been pursuing as it updates the state's AB 32 Climate Scoping Plan.

Sen. Bill Dodd, who represents the North Coast wine region—one of the most sustainability-centered agricultural areas in California—took offense at the rhetoric that the state was not doing enough to protect the future of its children.

**"There's a false narrative going on in this building right now that if you don't vote for this bill, you don't believe in climate change," said Dodd. "This thing is being rushed today to get out so that California can have the best policy possible."**

In one of the most pivotal moments for climate policy this session, AB 1395 failed to gain the support of Senate Majority Leader Bob Hertzberg of Van Nuys, who shared Dodd's sentiment.

**“We're saying we want to solve this urgent problem. We're setting it out years into the future and we're giving it to an agency that just in the last few weeks would not even respond to senators' requests who care deeply about these issues,”** said Hertzberg. “I don't think that what we have before us here today solves those [climate] problems beyond the rhetoric.”

In defending the measure, Sen. John Laird of Santa Cruz, who served as Natural Resources secretary under former Gov. Jerry Brown, acknowledged the intense complexity involved in climate policy but pushed back on arguments that this bill framed it as “a binary choice” between addressing wildfires and reducing emissions.

“Our chance here is to set a goal,” said Laird, “and catch up with Washington, New York and Massachusetts.”

Those states have signed similarly ambitious climate legislation into law.

## **Senators and Newsom at odds over conservation and climate spending**

In the final days of session last week, the Legislature approved \$16 billion in spending through budget trailer bills—the result of a three-way deal between the governor and the Democratic Senate and Assembly leaders. Yet lawmakers expressed frustration that earlier agreements over conservation spending and climate priorities dramatically shifted in the final legislation. With details revealed on the Labor Day holiday, lawmakers had little time to comb through more than 3,000 pages of technical budget adjustments, and gained few answers from the Newsom administration's finance officials but many promises for more spending to come to address their concerns later.

**“It's exasperating,” Senator Bob Wieckowski of Fremont told the officials during a Senate Budget Committee hearing on the trailer bills last week. “You say it was a three-way deal. It wasn't even in our proposal.”**

Wieckowski was frustrated with last-minute changes in the [climate resilience package](#). The governor had proposed \$1.7 billion for the package in May, and the Senate in June raised that by nearly \$2 billion stretched across three fiscal years. While adding more overall funding for the package, some priorities that both branches had already agreed to were suddenly left without money.

**A \$90 million allocation to the Department of Conservation for farmland protection, for example, had disappeared entirely.** Wieckowski also raised the point that the Senate had proposed \$20 million for the Invasive Species Council of California to study weed management and other climate issues and \$20 million for University of California research in reducing methane emissions in agriculture. But the final budget agreement dropped each to \$5 million, with a pledge from the administration to maintain that spending in the next budget cycle.

**“It was just part of a compromise of balancing the mutual priorities of both the Legislature and the administration,”** responded Sergio Aguilar, an assistant program budget manager at the Department of Finance.

Wieckowski pushed back, arguing the governor was able to get the spending he asked for, including an additional \$25 million for climate adaptation grants and \$20 million for regional climate collaboratives.

“The Senate priorities that were laid out in May didn't receive anything,” he said. “The governor got everything that he wanted.”

Wieckowski also expressed disappointment with the finance officials over climate spending that added \$200 million for community resiliency centers, \$300 million for extreme heat centers and \$250 million for regional climate response planning and implementation. **But it dropped from \$685 million to \$60 million a Senate proposal on climate resiliency programs aimed at “shovel-ready” conservancy and wildfire prevention projects.**

To quell the concerns, Aguilar pointed out that another \$768 million would be available in the following two years for multibenefit nature-based solutions, which would address Governor Gavin Newsom’s 30x30 pledge to conserve 30% of the state’s land and coastal waters by 2030 and support the state’s natural and working lands climate strategy that is currently going through the regulatory process. The conservancy programs Wieckowski worried about would be available to compete for that funding. The administration also plans to release an extreme heat framework later this year for developing new programs to guide that spending.

Wieckowski charged that the administration focused too heavily on the consequences of climate change rather than addressing

Budget Chair Nancy Skinner of Berkeley cut in to remind Wieckowski this has been the first time in its history the state has had such high tax revenues to spend in this way. She expected to have “another bite at the apple” next year to negotiate for more spending on climate programs.

“Even if we had appropriated in various other packages more for this fiscal year,” said Skinner, “it would have been hard to spend it, due to the fact that we don't have everything in place to spend large amounts of money.”

For a \$5.2 billion package on water resilience and drought relief, the administration added a provision that would allow for an additional \$25 million for any unanticipated drought emergencies not already covered in the sprawling package.

**Several Republican lawmakers were angry that no funding for surface water storage was included in the budget.**

In voting on the trailer bills on the Senate floor, Democratic Sen. Melissa Hurtado of Sanger shared similar concerns to farm groups about setting aside \$50 million for repurposing fallowed farmland for conservation purposes.

**“I am concerned that by incentivizing the conversion of agricultural land, we may be putting farmworkers at risk of losing their jobs,” said Hurtado.**

The budget package also includes provisions for habitat restoration efforts that support voluntary agreements over Bay-Delta flows, raising eyebrows among environmental groups staunchly opposed to the ongoing negotiations between the administration and urban and agricultural water contractors.

“The administration wants hundreds of millions of dollars in habitat funding to replace needed Delta flows,” argued Barbara Barrigan-Parrilla, executive director of Restore the Delta, in a [statement on the budget](#). **“This is part of the same old restoration game that was rolled out by the Brown and Schwarzenegger administrations. They want to bypass finishing and implementing the Bay-Delta Plan.”**

Barrigan-Parrilla also worried exemptions for the California Environmental Quality Act (CEQA) would weaken endangered species protections to allow for the administration to build a Delta tunnel, now known as the Delta Conveyance Project.

“We have endured CEQA reform bills to weaken Delta protections every two years for the last 12 years,” she argued. “The voluntary agreements and proposed Delta tunnel are the key to moving water around to rebuild groundwater supplies for those who have greedily depleted their groundwater systems with the overdevelopment of unsustainable agriculture.”

In defending the budget trailer bill on the Senate floor, Skinner pushed back on those allegations.

“This exemption is extremely limited in its application,” said Skinner. “It does not apply to the Delta Conveyance Project. And there is no legitimacy to the claim that the Delta Conveyance Project can use this exemption.”

Earlier Skinner acknowledged that “it does get testy” in the last week of session and no budget action would satisfy everyone.

**“It's okay to be frustrated and express those frustrations,” she said. “But I also do not want us to lose sight of the incredible things that we are doing.”**

## **California counties consider cannabis cultivation changes**

Nearly five years after voters approved legalization of adult cannabis use in California, tensions remain high between advocates for cannabis cultivation and people who fear allowing marijuana, especially in vast rural areas, has increased lawlessness, damaged natural resources and threatened public health.

Proposition 64, the measure that legalized marijuana, allows local jurisdictions to impose their own regulations, up to and including prohibiting commercial cultivation. It also reduced penalties for growing marijuana without proper permits or in places that prohibit it.

California communities continue to refine and update their cannabis plans following legislative action this summer that consolidated state oversight into the [Department of Cannabis Control](#). The legislature asked for socially equitable cannabis programs and [revised some of the definitions and conditions surrounding licensing](#).

Many communities are still struggling to balance legislative intent with realities on the ground.

“In Southern California, thousands of illegal cannabis grows have sprung up around the desert communities,” Asm. Luz Rivas of the San Fernando Valley said during a budget committee hearing in July. **“Cracking down on these grows, local officials and law enforcement have found instances of forced labor, of cartel violence, water theft, and the destruction of fragile desert habitats and wildlife.”**

San Bernardino County estimates the number of illegal cannabis operations has increased by five times (from about 200 to more than 1,000), taxing law enforcement and prompting the creation of a multi-agency task force. **David Wert, a spokesman for the county, told *Agri-Pulse* in an email that illegal cannabis operations “consume huge amounts of water, much of which is likely obtained illegally, and they use huge amounts of strong and perhaps illegal chemicals.”** Wert said he is “not aware of any specific impacts to other agricultural sectors.”



It is unlawful to grow marijuana outdoors in any unincorporated area of San Bernardino County and indoor growing is allowed for personal medicinal use only. “The rationale for banning outdoor grows is that they attract violent armed criminals looking to steal the crop,” Wert said, “and therefore tend to be guarded by armed people.”

In August, the San Bernardino Board of Supervisors approved an “urgency ordinance” to increase penalties for illegal cultivation.

San Diego County has five legal marijuana grows in unincorporated areas, but officials halted licensing after issuing those. The county is now undertaking a two-year process of determining what ordinances will be recommended ahead of creating any additional licensing opportunities.

San Diego County Supervisor Joel Anderson has echoed some of the concerns raised in San Bernardino County regarding illegal operations, which he says are found primarily in communities of color in his district. **When they have been raided, he said, law enforcement “uncovered weapons, cash, etc. and it’s like a game of whack-a-mole. They get shut down and pop up in another neighborhood.”**

Anderson supports farmers who want the option to legally grow cannabis in unincorporated parts of San Diego County. He wants any ordinance allowing for that to include ample enforcement muscle so that illegal growing is stopped.

During a public meeting on the subject Thursday, San Diego County staff emphasized that establishing social equity in the legal cannabis program will be determined ahead of making formal recommendations to the board of supervisors about future permitting. Concurrently, environmental impact studies, including likely water use, are getting underway.

At the other end of the state, Siskiyou County is seeing marijuana cultivation bump up against both existing agricultural land use and county law enforcement. Ordinances there prohibited farmers with water rights from trucking water to dry communities in an effort to curb marijuana production. The impact also left livestock, home gardens and even people thirsty in a community that is largely Hmong American, said Margiana Petersen-Rockney, a doctoral candidate at UC Berkeley, who is part of a team that received a state grant to look at local control and cultivation bans.

**“It’s a very actively messy situation there right now,” she said of Siskiyou County.** On Friday, a federal judge said the ordinance “raises ‘serious questions’ about racial discrimination and leaves the growers without a source of water for drinking, bathing and growing food,” the AP reported. The judge said the county can no longer stop the trucks from delivering water.

Petersen-Rockney said she has heard some farmers in Siskiyou County talk about hemp as a possible cash crop while they remain hesitant about marijuana. In other cases, long-time White farmers have aligned themselves with more recently-arrived Hmong Americans to support legal cannabis cultivation.

Her colleague, post-doctoral researcher Michael Polson, adds that cannabis is a highly regulated industry but being the newest plant on the agricultural scene, it's positioned to get scapegoated.

**Cannabis “is not a particularly thirsty crop,” Polson said, but “the last water user is always the *persona non grata*.”** He said there is a lack of solid data on how much water cannabis cultivation is using and because historically it was all illegal, and there remains illegal production in many parts of the state, it's easy to stigmatize cannabis.

Polson said he wanted to research the role of local control in cannabis because he saw during the era of personal cultivation of medical marijuana that the enforcement mechanisms were widely varied. Again with cannabis, he says local authority in some places "re-vivifies prohibition in new post-legalization terms," which means even though the penalties for unlawful marijuana cultivation and distribution were lowered under Prop. 64, some counties have all but eliminated the possibility of growing it legally.

At a recent protest in Sonoma County, advocates complained that local regulations were overly burdensome and might force some growers back underground, according to the Press-Democrat.

While some law enforcement agencies have reported the presence of pesticide containers at illegal grows, the Department of Pesticide Regulation has tried to provide information for legal operations to find chemicals they can safely use. With marijuana still classified as illegal at the federal level and the US EPA the regulatory agency for pesticides, DPR has detailed descriptions of what language growers need to look for on a chemical bottle to determine whether they can use it.

In San Diego, community members expressed opposing opinions on whether the county should ultimately grant more permits for legal cultivation in unincorporated areas. Some residents commented that allowing more cultivation would lead to more consumption, which could contribute to more “drugged driving.”

But others see permitting and regulation as a way to ultimately provide viable business opportunities. In terms of social equity, these residents said some people who previously were harshly treated by older drug laws might be interested in legal cultivation. One meeting attendee emphasized that educating the public on all aspects of the state law and any new county ordinances would need to be a fundamental part of moving forward.

Polson said one advantage of legal cultivation is that it gives government officials and law enforcement more potential ways to influence what goes on.

“If you’re banning something,” he points out, “you have no levers with which to control it.”



## Industry groups scramble to fix jet biofuel incentive

A key House Democrat is promising to help rework language in a package of green energy tax incentives that could block U.S. farm commodities from benefiting from a new tax credit for renewable jet fuel.

As currently written, the legislation would require qualifying fuels to reduce greenhouse gas emissions by at least 50% under a methodology adopted by the International Civil Aviation Organization.

**Farm and biofuel groups say the ICAO process is outdated and fails to account for improvements in U.S. farming practices. For example, the standard doesn't distinguish between soybean farming practices in the United States and those in Brazil, where rainforests have been destroyed to expand crop production, according to the American Soybean Association.**

A member of the House Ways and Means Committee who has been spearheading the legislative effort to create the tax incentive for sustainable aviation fuel, Rep. Brad Schneider, D-Ill., told colleagues on the panel Tuesday that he's working with industry representatives and Chairman Richard Neal, D-Mass., to revise the provision.



*Rep. Brad Schneider, D-Ill.*

**“We are actively working on language to resolve the issue,” Schneider said. “Our goal has long been to have the domestic eligibility standard functionally independent from ICAO.”**

Schneider is a lead sponsor of the Sustainable Skies Act, a bill introduced in May to establish the SAF tax credit. The bill, which is backed by the airline industry, would allow for use of either the ICAO methodology or an alternative developed by the Environmental Protection Agency.

The package of tax incentives is a critical part of a massive, \$3.5 trillion Build Back Better plan Democrats want to pass to address climate change while also targeting several domestic spending priorities.

The SAF tax credit would vary from \$1.25 to \$1.75, depending on the carbon footprint of the feedstocks the fuel is made from.

The cost estimate for the provision reflects the restrictions on eligibility. The Joint Committee on Taxation estimates the provision would cost just \$62 million over 10 years, making it one of the smaller items in the \$77 billion package of green energy provisions. By contrast, an extension through 2031 of the \$1-a-gallon tax credit for biodiesel and renewable diesel would cost an estimated \$14.2 billion over 10 years.

But the market for renewable jet fuel is potentially huge. The airline industry joined the White House last week in setting a goal of using 3 billion gallons of SAF by 2030. The White House simultaneously announced a series of steps to develop new sources of the biofuel. Just 4 million

gallons of sustainable aviation fuel were produced in 2020, with much of it used at California airports.

Farm and biofuel groups have appealed to Democratic congressional leaders to rework the eligibility requirements for the SAF credit as well as a related provision in the pending defense authorization bill for fiscal 2022 that would block the use of U.S. ag commodities in a SAF pilot program.

**“Instead, SAF blendstock from Brazil, Singapore and elsewhere will be subsidized by U.S. taxpayers, while U.S. producers and farmers are shut out,” the groups wrote in a letter on Sunday.**

The letter says the ICAO methodology relies on data that is 10-15 years old. “It fails to accurately account for on-farm carbon reduction activities as well as production and efficiency improvements in biofuel production,” the letter says.

According to an analysis by ethanol trade group Growth Energy, ethanol-based SAF has about the same score as conventional jet fuel under the ICAO methodology, while ethanol-based SAF scores 40% lower than conventional jet fuel under a methodology used by the Energy Department.

Growth Energy says the ICAO methodology relies on an estimate of land-use impact for corn ethanol that is three and a half times higher than DOE’s estimate.

**Nikita Pavlenko, a special researcher with the International Council for Clean Transportation, agreed that corn ethanol and soybean oil are too carbon-intensive under the ICAO model to qualify for the tax credit. Instead of changing the methodology, he said Congress should instead mandate the usage of SAF made from non-food feedstocks, such as biomass, or restaurant grease and animal fats. All of those feedstocks would qualify for the tax credit under the ICAO methodology.**

He also doesn’t think the airline industry’s 3-billion-gallon goal is realistic.



Scott Gerlt, ASA

“It’s a response to the perception the industry isn’t doing enough to decarbonize,” he said. “They put these flashy announcements out there, but it’s very difficult to back it up.”

The extension of the tax credit for biodiesel and renewable diesel would provide some long-sought certainty for producers of those fuels and soybean producers. Congress has frequently allowed the tax credit to lapse and often renewed it only for short periods. The credit is currently set to expire after 2022.

Renewable diesel, which can be made in conventional oil refineries from soybean oil and other feedstocks, can be used interchangeably with conventional diesel and is seen as a key way of reducing carbon emissions from the trucking industry.

The long-term extension in the tax incentive “does help provide some support for soybean prices, absolutely,” said Scott Gerlt, staff economist for the American Soybean Association.

**It also provides some certainty for biodiesel and renewable diesel producers. “Whenever the blenders know what to expect, it’s easier to make plans,” he said.**

Demand for renewable diesel has led some oil refiners and soybean processors to expand production of the fuel and the soybean oil needed to make it. Production capacity for renewable diesel could grow to 4 billion gallons if all the announced expansions materialize, he said.

**Some 900 million gallons of renewable diesel were produced in 2019, and most of it was used in California to take advantage of the state’s low-carbon fuel standard.**

## **Should CRP’s ranking of environmental benefits be reformed?**

The Agriculture Department has been accepting cropland into the Conservation Reserve Program at higher rates during recent administrations, and some critics say that’s because USDA is lowering the bar when it comes to the environmental benefits the acreage offers.

The land offered for enrollment in the program is scored on an “environmental benefits index” that considers such factors as its potential to reduce water and wind erosion and provide wildlife habitat. Offers are judged based on the EBI, but USDA also sets a minimum score, or cutoff.

The maximum possible EBI is 545; from 1997 through 2004, the cutoff ranged between 242 and 259. During the next general signup, in 2006, the EBI cutoff fell to 200 and has never been above 210 since then except for 2012, when the cutoff was 221, and 2016, when it hit 292.

**The CRP program started in 1985. When examining FSA data between 1997 and 2007, the minimum threshold score was 251 with the average at 291. Acceptance rates have often tracked the EBI scores. During this year’s general signup, 93% of the acreage offered by landowners was accepted, up from 89% last year, 22% in 2016 and 88% in 2013.**

During the most recent signup, USDA took any land that had an EBI of at least 165 in 14 states, and 175 everywhere else. The reduction came as the Biden administration was attempting to enroll at least 4 million acres in CRP as part of an effort to use CRP to reduce U.S. greenhouse gas emissions, as land put into grass sequesters carbon in the soil.

**“In order to accommodate more producers in enrolling land, we had to reach a little further down in there to get some lands that were maybe a little less vulnerable,” Zach Ducheneaux, administrator of USDA's Farm Service Agency, told *Agri-Pulse*.**

USDA announced in August that 1.9 million acres of land had been accepted during this year's general signup. The acreage will enter the program on Oct. 1. About 20.6 million acres are currently enrolled in the program. Even with the additional acreage, plus a recent enrollment of 2.5 million acres of pasture and rangeland under a special grasslands signup, the total amount of land will stay under the 25.5 million cap for fiscal year 2022 as authorized in the 2018 farm bill.

Another 897,000 acres were accepted under the continuous CRP signup in August. Producers can sign up for this program at any time; continuous signup differs from the general signup in that applicants do not have to compete for contracts, according to USDA. A lot of the most vulnerable lands are getting enrolled into the continuous program, which may mean less is offered in the general signup, Ducheneaux said.

Max Fisher, chief economist at the National Grain and Feed Association, said land idling comes at an economic cost due to the forgone agricultural production and the associated economic activity.



FSA Administrator Zach Ducheneaux

**“I won’t speculate on whether the EBI threshold was lowered to enroll more acres, but there is a need to reform the environmental benefits index for evaluating CRP enrollments to reward targeted CRP offers more adequately,” he told *Agri-Pulse*.**

NGFA is urging Congress and USDA to instead focus conservation efforts on working lands programs like the Conservation Stewardship Program and Environmental Quality Incentives Program.

Fisher said CRP general sign-ups should be targeted “to make more cropland available for beginning and socially disadvantaged farmers and reduce negative impacts of land idling on rural communities, while also protecting the most sensitive portions of farms.”

Jim Inglis, director of government affairs at Pheasants Forever, doesn't disagree the EBI scores have been trending down since the mid-2000s but said there has been an increase in continuous CRP interest.

“Those are very targeted (and) usually pretty high, whether it's soil, water or wildlife,” he told *Agri-Pulse*.

Inglis does not see lowering the EBI as taking farmable ground out of production.

**“Even if you have crop ground that can be farmed, sometimes it is environmentally sensitive. Maybe even at a lower rate but it has still created benefits for soil, water (and) wildlife,” Inglis said.**

Inglis said lower rental rates over recent signups have also helped keep highly productive land in production. The Biden administration raised the payment rates this year.

But former House Agriculture Committee Chairman Collin Peterson, D-Minn., believes the EBI system needs to be reformed and simplified. Carbon sequestration potential should be factored into the score, he said.

**“We've gotten this EBI so damn complicated, and we have so many different things we're trying to accomplish with it, in my opinion, nothing gets accomplished,”** Peterson told *Agri-Pulse*. He said the top goal of the program should be taking land out of production that should not be farmed, while also ensuring that good cropland doesn't enter the program.

CRP's rules were simpler when it was created in 1985, but as the years went on, lobbying groups began asking USDA to add additional criteria, Peterson said.

“What happens is, once it gets out of Congress' hands and goes over to USDA, then they get inundated by all of these groups lobbying them to add what they want, whether it be water quality or erosion,” Peterson said.



Former House Ag Committee Chair Collin Peterson, D-Minn.

## **China's appetite for US beef imports soars**

The world supply of beef is tight, but China's appetite for the meat is growing fast and that's a boon for U.S. producers and exporters.

The U.S. exported about \$151 million worth of beef to China in July, breaking a record for the month, according to the latest trade data compiled by the U.S. Meat Export Federation. But that's only a small part of the picture. U.S. exporters shipped \$773 million worth of beef to China in the first seven months of this year, and that's roughly 1,000% more than the same time frame in 2020.

**“Demand for U.S. beef is on the rise,” says USMEF spokesman Joe Schuele. “Our biggest concern is really finding sufficient supply.”**

China's demand for beef has made a meteoric rise in the past several years, and the country is going to continue to consume more — and pay more — for high-value, grain-fed cuts that the U.S. specializes in says Brett Stuart, co-founder of the Global AgriTrends consulting company.

It wasn't that long ago that if you ate beef in China, it was most likely in the form of frozen rolls plopped into boiling water. Chinese restaurants still serve hot pots, but steaks served Korean, Japanese or even American style have become the trend, says Stuart.

**“You walk down through the malls in Beijing or Shanghai and every restaurant has pictures of red, white-marbled beef,” said Stuart. “It's beautiful grain-fed, prime-plus beef ... It is the thing in China. It is the consummate luxury item, and it's everywhere and everybody wants a piece of it.”**

And more and more Chinese consumers are willing to pay for it. The average market price of beef in China during August was the equivalent of \$6.23 per pound, up 3% from a year ago, according to Stuart, who is predicting that Chinese imports will continue to surge in 2022.

**China wasn't importing much beef at all in 2012, but by 2015 the country was buying 500,000 metric tons per year from all of its foreign suppliers. In 2018, China imported 1 million tons, says Stuart, but by 2020 that had doubled to 2 million tons, or roughly \$10**



**billion worth of beef. Stuart says he expects China will import about 2.2 million tons of beef this year, and a growing percentage of that will be from the U.S.**

“Demand is rising and it’s very durable,” he said.

All of the recent success in trade has made the U.S. the “primary supplier of grain-fed beef to China,” according to USMEF, which notes that U.S. beef now accounts for 5% of all Chinese imports.

A key reason the U.S. can fill that demand is the Economic and Trade Agreement between the Government of the United States of America and the Government of the People’s Republic of China, also known commonly as the “phase one” agreement.

China lifted a 13-year ban on U.S. beef in 2017, but it took the “phase one” trade pact and the resolution of a trade dispute between the two countries to really accelerate Chinese imports. The Chinese agreed in the pact to lift their zero-tolerance policy on growth hormones, eliminate a prohibition on beef from cattle over 30 months old at slaughter, accept the U.S. traceability system, and make it much easier for U.S. packers to be approved for trade with the country. It was not long after “phase one” was signed that the USDA announced that nearly a thousand U.S. beef and pork plants were eligible to export to China.

**“What we’ve done with beef with China has far exceeded my expectations,” says Gregg Doud, the Trump administration’s chief agriculture negotiator at the Office of the U.S. Trade Representative.**



Gregg Doud

China and the U.S. agreed in the pact to continue negotiating China’s zero-tolerance policy for the growth promotant ractopamine. That’s less and less of an issue, but China’s policy does set it apart from other major importers like Japan, South Korea and Mexico.

**“The U.S. industry has responded very well to having expanded access to China, but it’s still a challenge to find supply when our other Asian markets are doing quite well too,” said USMEF’s Schuele.**

Other challenges include shipping delays at California ports and a shortage of container cargoes to get U.S. ag products to China as well as labor shortages at U.S. processing facilities, says Stuart.

**But U.S. beef exports to China and worldwide continue strong. Total U.S. beef exports set a July record this year at about \$939 million, which was a 45% increase over July of 2020, according to a recent USMEF analysis.**

“Beef exports were really outstanding in July, especially with COVID-related challenges still impacting global foodservice as well as persistent obstacles in shipping and logistics,” USMEF President and CEO Dan Halstrom said in a statement. “Retail demand continues to be tremendous, as evidenced by the new beef value record.”

## USDA hears how it should spend \$500M on meat sector capacity

USDA must try to address the severe labor shortage afflicting agriculture as a whole, including the meat industry, numerous commenters told USDA as it determines how to spend \$500 million to increase processing capacity in the sector.



*Dermot Hayes, Iowa State University*

During 2020, “COVID-related illnesses and quarantining among workers halted processing in entire plants, and in other cases, plants that remained open were forced to a much lower capacity due to labor shortages,” said ag economists Dermot Hayes at Iowa State and Keri Jacobs at the University of Missouri in their joint submission to the department.

The industry was among many hit hard by the pandemic as crowded working conditions helped contribute to the spread of COVID-19 and shutdowns of several packing plants. The pandemic, coupled with a 2019 fire at a Tyson facility in Kansas, led to calls for a more diversified production system with less reliance on fewer, bigger plants.

The industry was just hit with another fire, this time at a JBS beef plant in Grand Island, Nebraska. The blaze halted operations Monday and the company said it expected to have the plant up and running Tuesday.

But meatpackers generally questioned the need for more differentiated capacity and the assumptions underlying USDA’s Request for Information (RFI), including the department’s statement that “decades of increasing concentration in the meat and poultry processing sector have harmed farmers and ranchers and created a bottleneck and vulnerability in America’s food supply chain.”

**“The pandemic seems to be the vehicle spawning new bad ideas, and resurrecting other bad ideas, seemingly without recognizing economic realities and unintended consequences,” the North American Meat Institute said.** NAMI represents “more than 350 meatpacking and processing companies, large and small, [which] account for more than 95 percent of United States output of meat and poultry products.”

“Notwithstanding some popular perspectives being espoused about supply chains, particularly the meat industry’s response to significant ‘black swan’ events, e.g., the Holcomb (Kansas) fire and the recent cybersecurity attack, plus the COVID-19 pandemic, the facts support the conclusion the industry fared reasonably well in extraordinary circumstances,” NAMI said. **“One can argue the market worked as one would expect and suggestions that the government needs to step in and ‘do something’ may be trying to fix something that is not broken.”**

Data from USDA’s Packers & Stockyards Division show “the four-firm concentration ratio in fed cattle beef packing has not changed meaningfully in more than 25 years,” NAMI said. The group also cited announcements by seven companies that will add beef packing capacity of 5,200 head per day.

**“These new entrants or company expansions were based on decisions to build or expand based on market conditions, not because of government intervention,” NAMI said.**

The National Cattlemen's Beef Association pointed to a "bottleneck in the overall beef supply chain" caused at the packing stage but also noted "constructing or expanding capacity will not in and of itself create resiliency in our supply chains. **It is equally as important for every new hook to be attached to comprehensive business models which include robust risk management strategies.**"

The group, which represents both beef producers and some of the nation's largest packers, encouraged USDA to explore ways to help finance expanded capacity for entities looking to get into the market.

"In addition to cash volume, the risk profile for packing facilities is quite high, which can result in unfavorable financing terms or inadequate credit offerings from traditional lenders," NCBA noted. "USDA can assist in this endeavor by distributing some of the funds available to qualified business entities via federally guaranteed, low-interest loans and, in some cases, grants."

The “Big Four,” as they are often called, include Tyson, JBS, National Beef (owned by Leucadia) and Cargill. Between them, the four businesses control between 80% and 90% of the fed cattle slaughter market, according to NAMI, which adds that since fed cattle make up 79% of the federally inspected cattle slaughter in the U.S., the "Big Four" make up about 70% of total U.S. beef production.

**United Food & Commercial Workers Union, which represents 250,000 meatpacking and food service workers, called for improved working conditions in plants, which would “promote high-quality jobs, encourage safe and healthy workplaces, and ensure a stable workforce.” UFCW also recommended a minimum wage for meat and poultry workers, “with a floor of \$18 per hour for poultry and \$20 per hour for red meat, to reduce employee turnover and enhance stability in the meat and poultry processing sector.”**

But the National Pork Producers Council said increases in pay and/or benefits have not been able to make much of a dent.

**“Data from the Bureau of Labor Statistics shows that from 2016 to 2020, weekly wages increased by 30.5% in the animal processing industry, while the number of people employed in the industry increased by just 7.8%, or about 1.6% per year on average,” NPPC said.**

NPPC also called for modifications to the seasonal H-2A visa program, including "opening the program to non-seasonal labor and including meatpacking in the definition of agricultural labor." In its comments, Tyson Foods said more training and development is needed to ensure a supply of workers. The company also said it "welcomes competition" and "customers should have multiple suppliers from which to choose."

NPPC and NAMI also mentioned a March court decision that had the effect of reducing line speeds at six pork plants that had been operating under the New Swine Inspection Service. The ruling eliminated 2.5% of nationwide pork production capacity.



**“USDA could restore that capacity by granting waivers to allow plants to regain capacity while the Food Safety and Inspection Service (FSIS) amends the rule, but has yet to exercise that authority,” NAMI said.**

Hayes and Jacobs, the ag economists, said USDA would be best served by focusing investments on “medium-sized, producer-owned plants.”

**“A system less reliant on very large plants and more reliant on regionalized, medium-sized livestock processing can benefit rural communities, encourage development of value-added niche markets, and potentially stabilize farm prices for producers of livestock,” they said.**



*Keri Jacobs, University of Missouri*

Funding of “very small or locker sized plants” will probably not be beneficial, they said, citing a study from Iowa State in saying “it is not likely that uptake of these funds will be enough to have any measurable impact on national capacity or resiliency.”

**The U.S. Cattlemen's Association also offered geographic suggestions on possible investments, saying the "Eastern, mid-Atlantic, and Southeastern regions of the United States are the most deficient in processing facilities for all species."**

In addition to figuring out how to allocate the \$500 million in funding, USDA is considering other means of improving economic conditions for producers, including a requirement that a certain percentage of cattle be bought on the open market rather than through direct contracts with packers.

**The National Farmers Union said it supports legislation “to mandate a minimum of 50 percent cattle procurement by large packers or processors through the spot market, and that delivery of those purchases must be within 14 days of the sale.”** NFU said the proliferation of alternative marketing arrangements (AMAs) has led to an erosion in cash prices.

NPPC, however, said small producers could suffer from such a requirement by forcing meatpackers to “use their allowable contracted hog quota on fewer, larger producers as a means of lowering transaction costs, as well as ensuring a steady supply of hogs.”

The result, said NPPC: “Smaller producers will largely be the ones selling on the spot market, creating a risk-management disparity as fewer small operations will have the relative safety of a contracted sale. Should hog prices collapse, it is likely to be spot-dependent producers without a guaranteed sale who will face the most significant damage.”

## **UC Davis report suggests meat supply chain improvements for California producers, processors**

The California meat supply chain — which is currently seeing the impacts of drought, heat and wildfires — can be improved through policy changes focused around small- and mid-scale meat suppliers and processors, says a recent report by the Food Systems Lab at the University of California, Davis.

**California has lost half of its federally-inspected meat processing plants in the last 50 years, and many of the 46 that are still operating are closed to smaller producers, the report says. "Concentration of the meat supply chain is a bad idea," it says, but adds that small- and mid-scale meat producers face a lack of access to slaughter, limited capacity of cut and wrap facilities and concentration of marketing channels that make it hard for them to stay in business.**



The authors recommend that the state create a state meat inspection program and implement a modern system to trace meat and poultry products. In addition, they urge the passage of AB 888, which allows small quantities of livestock animals to be processed at the ranch where they were raised, and AB 125, a bill authorizing the issuance of a bond that would invest \$700 million in regional and local food processing and infrastructure.

“COVID and the ransomware attacks put a spotlight on how the concentration of the meat supply chain increased vulnerability in the food system,” report co-author Tom Tomich, founder of the UC Davis Food Systems Lab and distinguished professor in the Department of Environmental Science and Policy, said in a release. “We need to level the playing field so small- and mid-scale farms have an easier way to bring their product to market.”

Additionally, the report suggests that to improve market and inspection oversight, the USDA should support improvement to the federal Grain Inspection, Packers and Stockyards Act, and that to support high-value marketing opportunities, the California Department of Food and Agriculture should create a small meat processing innovation advisory panel.

**“California would be served by a period of rapid experimentation, innovation, and investment to enhance resilience (and reduce vulnerabilities and inequities) in meat production and processing within the state,”** the report said. “The California Department of Food and Agriculture (CDFA) is strategically placed – with its key people and programs – to lead these initiatives to increase meat supply chain resilience.”

## **Diamondback moth range increasing with climate change, research finds.**

Climate change has already increased the overwintering range of a destructive pest, increasing its resistance to insecticides, and the situation is projected to get worse in the coming decades, new research shows.

Scientists from Rice University in Texas and the Chinese Academy of Agricultural Sciences concluded that the overwintering range of the diamondback moth has grown by more than 925,000 square miles in the past 50 years and projected an increase of 850,000 square miles for every increase of the temperature of 1 degree Celsius.

“Current climate models predict mean global temperatures will increase by 2-6 degrees Celsius during the next 100-150 years,” the study said.

The moth, also known as the cabbage moth, is responsible for more than \$4 billion in damage worldwide each year to broccoli, cauliflower, cabbage, kale, mustard, radishes, turnips, watercress, Brussels sprouts and other crops, [a Rice news release on the study says](#). “It is also one the world's most pesticide-resistant species, with a documented resistance to at least 97 insecticides.”

“Our analysis of global data sets revealed that pesticide resistance levels are linked to the species’ overwintering range: mean pesticide resistance was 158 times higher in overwintering sites compared to sites with only seasonal occurrence,” the report said. A chart accompanying the study shows that the overwintering range supporting survival of 5% or more of the moths was about 30.4 million square miles in 2016. With a 3-degree-Celsius increase, that range could grow to more than 32.6 million square miles.

## **News Briefs:**

**CDFA announces specialty crop funding availability.** The California Department of Food and Agriculture is making money available through programs aimed at boosting the specialty crop industry. [The funding is available](#) through the 2022 Specialty Crop Block Grant Program and 2021 Specialty Crop Multi-State Program. CDFA is also accepting applications for the 2022 Specialty Crop Block Grant Program Technical Review Committee. The block grant program will issue grants ranging from \$100,000 to \$500,000 per project, which may last for up to two years and six months. Organizations, government entities and colleges and universities are eligible to apply for projects designed to enhance the competitiveness of California-grown fruits, vegetables, tree nuts and other specialty crops. CDFA is also soliciting applications for “volunteers with knowledge and expertise regarding California’s specialty crop industry” to serve on the committee that “reviews, evaluates, and makes recommendations to CDFA on proposals submitted for funding to California’s Specialty Crop Block Grant Program. Applications to serve on the committee are due Oct. 4; applications for block grant funding are due Oct. 8. The department is also accepting applications for the Specialty Crop Multi-State Program, a federal effort of USDA’s Agricultural Marketing Service. Those grants range from \$250,000 to \$1 million for projects that can last for up to three years. The funding is to be used for “projects that enhance the competitiveness of specialty crops by funding collaborative, multi-state projects that address regional or national level specialty crop issues, including food safety, plant pests and disease, research, crop-specific projects addressing common issues, and marketing and promotion.” SCMP applications are due Nov. 4. [CDFA has additional application information on its website.](#)

**Two new research centers could influence the future of ag.** The future of farming could include better ways for people to monitor what crop plants need. That’s one of the goals of a new \$25 million research center dubbed CROPPS (for Center for Research on Programmable Plant Systems) focused on the new field of digital biology. The [National Science Foundation](#) has funded the center for five years, during which time researchers at Cornell University (where the center is based), the University of Illinois-Urbana Champaign and the University of Arizona will use a multidisciplinary approach to develop tools that will allow researchers to receive information from plants that they can use to understand the plant and its current surroundings. Those findings will “help us [breed plants that can respond more appropriately to novel and highly variable environments in which they did not evolve,](#)” Cornell professor Susan McCouch, the lead investigator on the project, said in a story posted on the university website. NSF announced this and five other new science and technology centers this month. In addition to

CROPPS, this funding cycle supported the Science and Technologies for Phosphorus Sustainability (STEPS) Center, headquartered at North Carolina State University with collaborators at eight other schools. That center aims to reduce point and non-point phosphorus loss and ultimately decrease dependence on mined phosphorus.

## Farm Hands West:



*Elaine Trevino*

President **Joe Biden** has announced his intent to nominate **Elaine Trevino** as the next ag trade negotiator at the Office of the U.S. Trade Representative. Trevino currently serves as the president of the Almond Alliance of California. She also served as the deputy secretary of the California Department of Food and Agriculture. She has led the Almond Alliance since April 2018.

**Alyssa Houtby** has been promoted to senior director, federal affairs for California Citrus Mutual. She previously served as the director of governmental affairs, which primarily focused on California legislative affairs. Houtby began her career with CCM in December 2011

shortly after obtaining a bachelor's degree in agricultural business from Cal Poly San Luis Obispo.

**Vince Mier** now serves as senior sales account manager for Tanimura and Antle. Mier brings 20 years of experience to the position, previously serving as a product manager for The Nunes Company.

**Michael Hsu** now serves as the senior public information representative for the University of California Agriculture and Natural Resources, succeeding **Jeannette Werner**, who retired in July. Most recently, Hsu served as a communications specialist on the public affairs and marketing team at UC Davis Health.

**Jeff Baskovich** has joined Veg-Fresh Farms as the director of conventional citrus. Bringing over 25 years of experience in domestic exports and imports in the citrus industry, Baskovich previously worked as a sales executive for Seven Seas Fruit.

Grimmway Farms has promoted **Sara Oliver** to the company's executive leadership team in the newly created position of chief people officer. Oliver has been with Grimmway Farms for more than 25 years and since 2017 was the vice president of human resources.

**James Gibson** has retired as chief executive officer of Calavo Growers. Calavo's Board of Directors has hired an executive search firm to identify Gibson's successor. In the interim, **Steven Hollister**, a member of Calavo's Board since 2008, has assumed the role of CEO.

Biden has also announced his intent to nominate **Rostin Behnam** as the chair and commissioner of the Commodity Futures Trading Commission. Behnam is currently a CFTC commissioner. Biden also plans to nominate for the CFTC **Kristin Johnson**, a law professor at Emory

University School of Law, and **Christy Goldsmith Romero**, the Special Inspector General for the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP).

For the Federal Trade Commission, Biden plans to nominate **Alvaro Bedoya**, founding director of the Center on Privacy & Technology at Georgetown Law, where he is a visiting professor of law. **Reta Jo Lewis**, a Senior Fellow and Director of Congressional Affairs at the German Marshall Fund of the United States, will be nominated to be president and chair of the Export-Import Bank of the United States, and **Maria ‘Marisa’ Lago** is the choice for the undersecretary of Commerce for International Trade at the Department of Commerce. Lago is Director of the New York City Department of City Planning and Chair of the City Planning Commission. She previously served in the Obama Administration as the Treasury Department’s assistant secretary for international markets and development.



Alyssa Houtby

The Department of Agriculture has announced three individuals who will hold key staff positions:

**Cindy Long** has been appointed as the new administrator for the Food and Nutrition Service. Long has been serving as the acting administrator and was previously deputy administrator for child nutrition programs, where she led FNS’ implementation of the Healthy, Hunger-Free Kids Act. **Claudette Fernandez** will serve as director of program equity and opportunity strategy. Fernandez most recently served as the chief operating officer for the Forest Service. Before that, she was director for the Department of Housing and Urban Development’s Office of Block Grant Assistance, but she has also held several roles with USDA Rural Development and with Federal Emergency Management Agency. **Felix Muñiz Jr.** was appointed legislative adviser in the Office of Congressional Relations. Muñiz previously served as the Conservation and Forestry Subcommittee staff director for the House Committee on Agriculture. Before that, he was a legislative assistant and graduate fellow with the Congressional Hispanic Caucus Institute in the office of former Rep. Marcia Fudge, D-Ohio. Fudge is now HUD secretary.

Finally, Biden also has announced his intent to appoint **Tony Allen** to chair the President’s Board of Advisors on Historically Black Colleges and Universities. Allen became President of Delaware State University in Jan. 2020, after serving as provost and executive vice president since July 2017. Before that, he was the managing director of corporate reputation at Bank of America.

**John Reeder** has joined the Environmental Working Group as vice president for federal affairs. Reeder brings 30 years of experience working at the Environmental Protection Agency, including as the deputy chief of staff to Obama EPA Administrator Gina McCarthy, who is now President **Joe Biden**’s domestic climate adviser. For the last four years, Reeder has been an Executive-in-Residence at American University’s School of Public Affairs.

**Julie Borlaug** now serves as the vice president of corporate communications and public relations at Invaio Sciences. Borlaug previously served as the vice president of external relations at Inari. She still serves as president of the Borlaug Foundation.



**Abby Blunt** is moving to a part-time position with Kraft Heinz as the strategic adviser for government and ESG affairs and will be an adviser to the board of directors. Blunt's role of vice president, global government affairs, has been taken over by **Bill Behrens**, who worked the last 10 years at General Electric.



*Abby Blunt*

**Samantha Levy** has joined the American Farmland Trust's federal policy team in the newly created role of climate policy manager. Levy previously worked in New York as AFT's policy manager.

Former Secretary of Agriculture and member of Congress **Mike Espy** has joined the board of directors for the One Country Project. Espy served as the ag secretary during the Clinton administration. In 2018, Espy was a runoff candidate in the special election for Senate in Mississippi and became the Democratic nominee for the same seat in 2020.

**Maggie McNeil** has announced she is retiring from the Organic Trade Association where she serves as the director of media relations, effective Sept. 30. She plans to enjoy her time with family and serve others in her community. **Reana Kovalcik** will be taking over McNeil's responsibilities as the director of public affairs. Most recently, Kovalcik was communications adviser for American Forests, but she previously worked for the National Sustainable Agriculture Coalition as associate director of its communications department.

**Best regards,**

**Sara Wyant**  
**Editor**

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