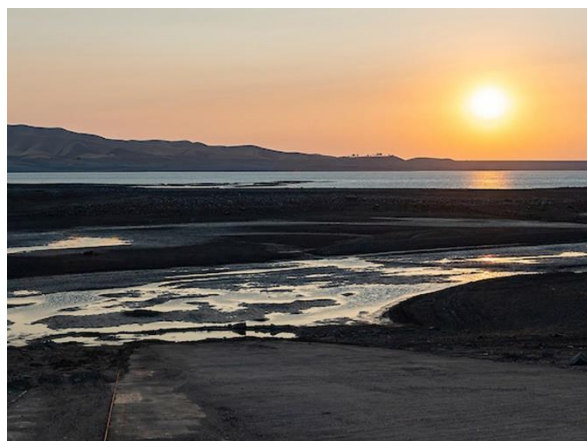


## Water rights, SGMA and Bay-Delta Plan propel lawsuits for 2022 and beyond

Farm lobbyists are looking ahead to the next year as water battles escalate with the drought and groundwater sustainability plans.

In his keynote address for the California Farm Bureau’s annual meeting last week, President Jamie Johansson set the tone for his policy outlook when he said an attack on water rights is coming.

**“Priority rights are essential,” said Johansson. “If those go away, we know what comes next. We’ll all be begging at the feet of a bureaucracy to try to get our allotment.”**



A depleted San Luis Reservoir in August 2021.  
(Photo: DWR)

During a session on water policy issues, Farm Bureau Senior Counsel Chris Scheuring elaborated on this forecast. He assured members that no “catastrophic water rights reform” is currently on the horizon and that farmers will not, in short order, lose the doctrine of prior appropriation that governs the current system.

“But we are looking at death by a thousand cuts,” said Scheuring, describing a suite of emergency curtailment orders issued throughout the summer by the State Water Resources Control Board. “We are going to have to deal with continuous fights on new carve outs, like human health and safety.”

While those needs do not fit within the priority rights system as it stands today, Scheuring acknowledged human health is “a tough thing to argue with when somebody can’t turn on the kitchen sink to get a glass of water.” He pledged to continue fighting for priority rights for every curtailment regulation going forward, but recognized the board should issue curtailments during drought years for the system to function as it was designed to.

**“It’s a system based on seniority, and in a dry year the juniors should not be diverting,” he explained, reasoning that such illegal diversions would take away from senior right holders. “We have a very vested interest in seeing that this system works so that we won’t get something else.”**

He described his role as ensuring the state water board implements the system properly, through due process and robust data. But curtailment orders that impact pre-1914 and riparian rights “are not supposed to be on the books for the state water board,” he argued.

Danny Merkley, who leads policy engagement on water resources for the farm bureau, described a different sort of threat to water rights that has not gained as much attention. After the passage of Senate Bill 88 in 2015 during the last drought, the state water board has required nearly all diverters to monitor and report on water use annually. Farmers have had to install new meters to be constantly connected to their diversion rates, he explained.

**“By ignoring that, you are jeopardizing your water rights,” said Merkley. “You’re putting yourself at risk for very severe fines.”**

Despite the financial risk, the water board is not looking to be punitive and is more concerned about gathering the data to better inform curtailments, he cautioned. Without that real-time information, staff would have to lean on more conservative curtailments and estimate usage.

“The fastest way to give the water board what they want—more excuses to rearrange the deck with water rights and take your water rights away—is not to report,” he said. “It is so important that everybody is doing that in a timely fashion, not only to protect your own water rights but also to protect our water rights system overall.”



Dennis Albani, vice president of California Advocates

**In tracking the data, board staff have found that most water right holders have not been reporting their diversions. Yet more than 90% of the total volume has been reported, due to larger water districts complying with the requirements. The law also exempts diversions of less than 10 acre-feet, offering regulatory relief for livestock ponds.**

While the water board used that information to issue curtailments this year to ensure enough freshwater flows reach the Sacramento–San Joaquin Bay Delta, the battle over Delta pumping operations continues to play out in court.

In 2019 the Newsom administration sued federal agencies over Trump-era biological opinions for endangered fish species. This year the Biden administration sought to overturn the species review by once again initiating the consultation process, and in October the agencies submitted an interim operations plan for the Delta to immediately replace the 2019 opinions, in coordination with Newsom’s secretaries. That drew criticism from farm groups and California lawmakers, while conservation agencies claimed the interim plan did not go far enough.

**“It makes nobody happy,” said Scheuring, noting that the judge now has to decide how to move forward with the case without any agreement among parties. “The court might even fashion its own version of an interim operations plan for the Delta pumps.”**

The state water board is facing lawsuits, meanwhile, over the Bay-Delta Water Quality Control Plan. Several Central Valley irrigation districts and the City of San Francisco claim the board has exceeded its authority in committing 40% of unimpaired flows to environmental protections in the Delta. The Newsom administration recently abandoned efforts to pursue voluntary agreements with south-of-Delta contractors, triggering the water board to revisit the Bay-Delta Plan and begin implementing the first phase, which was approved in a contentious 2018 decision.

**During an informational hearing on the plan last week, Tom Berliner, an attorney representing the Merced Irrigation District (MID), which is the lead plaintiff in one case, excoriated the administration for pushing to commit 40% of unimpaired flows to environmental protections.** According to Berliner, the court has held that the Bay-Delta Plan must be implemented through a water rights proceeding, and that discussion will not start for some time. Several environmental advocates encouraged the board to implement the plan next year through an emergency action. Berliner questioned the legality of that approach, since it would actually be updating 30 years' worth of regulations rather than responding to an emergency.

Merced Irrigation District General Manager John Sweigard had stronger words, describing the plan as a water grab by the board.

**“They are coming for your water, and they are coming for it now. It is that simple,” Sweigard warned his district in a statement. “It is incumbent on every resident in the community to help protect your water supply.”**

He worried the plan would send to the Delta as much as half of the water supply from Lake McClure, which supplies farmers in eastern Merced County.

Along with Delta water flows, the courts will make key decisions over the coming decades on plans being submitted for the Sustainable Groundwater Management Act (SGMA). Some of those cases could take as long as 30 years to come to a final answer, according to Scheuring.

“The second part of any landmark regulatory scheme being enacted is the stuff that happens in the court system, and that takes a while,” he explained, adding that the courts will decide how the government interprets language on issues like interconnected surface resources and groundwater depletions affecting wetlands.

Scheuring noted two lawsuits were filed against groundwater sustainability plans in the San Joaquin Valley before the Department of Water Resources even had a chance to review them, which raised skepticism over the viability of the cases, given that it may have been “too early to sue.” Lawsuits over plans for the Indian Wells Valley and Cuyama groundwater basin along with the Madera Subbasin have moved forward as well.

Scheuring expected to see a legal battle over preemption for the Paso Robles Basin, where the county passed its own ordinances to restrict groundwater extraction before SGMA took effect.

“SGMA is the name of the game with that stuff,” he said. “That [ordinance] is ripe for adjudication eventually, too.”

Dennis Albiani, the vice president of California Advocates and a policy representative for the Almond Alliance, told *Agri-Pulse* at the Almond Conference last week that he does not see any movement in the Legislature on reallocating water rights outright.

But he worried the water board may seek a permanent allocation for disadvantaged communities to shore up drinking water supplies, which he described as subtly rewriting water rights. Regions with unreliable drinking water have remained mostly undeveloped because they lack both surface and groundwater water supplies, he argued, adding as a counterweight: “People have built farms over generations because they have secure water.”

## **Almond Board chair is optimistic, despite a bumpy road ahead**

The chair of the board of directors for the Almond Board of California (ABC) has seen the industry evolve considerably over the past 15 years.

In a conversation with *Agri-Pulse* during the Almond Conference last week in Sacramento, Brian Wahlbrink shared his thoughts on the value of once again meeting in person, the challenges ahead for farmers and what it felt like to be Thor.

During the conference’s State of the Industry opening session, Wahlbrink took the stage in costume as the superhero god of thunder to announce a new marketing partnership with Marvel film studios. Almonds will help Thor get back into shape in the next installment of the franchise, which is due to hit theaters in July 2022, according to studio representatives at the conference.

Wahlbrink is also the chief financial officer for Sperry Farms, a 2,000-acre almond ranch in Stanislaus County.

The conversation has been edited for clarity.

### **What has stood out most for you from the Almond Conference?**

Just getting back together in person is huge. There’s no substitute for this. Not having it last year makes everybody appreciate it more this year. That has been the undertone that I’ve heard.

The trade show has been amazing: 270 exhibitors and 40 sponsors. We had well over a thousand people at the State of the Industry.

From a numbers perspective and just a community perspective, the industry has showed up, is having a good time and getting great information.

### **You've been involved with ABC since 2007?**

Yeah, 2007. I got going in the North American PR and Advertising Committee, which has morphed into the Global Market Development Committee. I got elected as an alternate on the board in 2010. I did that for six years and then was elected to the board level in 2016 through July of 2022.

I’ve been around for a while. I’m not the young guy anymore.



At the Almond Conference, ABC Board Chair Brian Wahlbrink dresses as Thor to promote a new Marvel Studios marketing partnership. (Photo: Brad Hooker)

## **How have you seen the conference and ABC change during that time?**

It's all rallied around the industry. When I came into the industry in 2005, we were around a billion pounds. [The 2020 crop came in at 3.1 billion pounds.]

We were just joking about it with Satake, because they've been around forever with us as a sponsor. They remember when we were in Modesto on the ground floor. We had half of the conference area.

We grew from the [Modesto] DoubleTree Hotel and into Sacramento in 2012. We got this place and then went into Cal Expo while they were doing renovation, but now we're back. We really fit the Convention Center, and it's just been a wonderful partnership with Sacramento.

[The Almond Conference was the first major event for the center since its renovation.]



ABC Board Chair Brian Wahlbrink

## **Your father-in-law recently passed away and you're assuming some of his role at ABC. What has it been like following his lead?**

I married into this industry. It's my brother-in-law and myself who own and operate Sperry Farms. It was great to have the opportunity to work with Jeff Sperry, my father-in-law, for the time that we did.

It was 2005 when I came into the industry—in the summer just for a harvest—and have been around ever since. It's been a lot of office time and really understanding what it takes to be a farmer, to be an almond grower, and trying to be innovative when you can and pull back when you need to. I had the luxury of working with Jeff for about 15 years. We're carrying the torch forward in a very new environment. It's a fifth-generation farm with a lot of family history behind it.

## **What are you looking forward to next for ABC?**

I'm looking towards the year. [ABC President and CEO Richard Waycott] and I are going to be traveling to a lot of shows—if they're up and running—throughout the year.

We're reaching out and still trying to be a good voice for the industry, a good voice for the grower, amidst everything that's going on.

Our board is doing some fantastic things right now. There's a new wave emerging, a new direction. We have our strategic retreat in February. We get together and really talk about the future and see how we can better maneuver the board and the industry.

## **Most importantly, was it your idea to dress as Thor, and do you still have the costume?**

Yes, and yes.

It was just thrown out as a joke in a meeting with Emily Fleischmann, our senior vice president of global marketing. We're doing this amazing partnership with Marvel, and it was a passing comment that got some weight. I ordered the costume and thought this might really be fun if we pull this together. I didn't know there would be over a thousand people and all my industry peers and colleagues.



## Anything you would like to add?

It is tough for growers right now. We ended the State of the Industry saying we know that times are hard. We're optimistic for the future. It might be a bit of a bumpy, windy road ahead. But staying together as a community and as growers and sharing ideas is really where we need to be.

Tomorrow's a new day and next year is going to be a better year. That's the outlook right now.

## Democrats struggle to meet year-end goal for Build Back Better plan

Congressional Democrats are punting the next battle over the debt limit until after the 2022 elections, checking off a key item on their long December to-do list, but chances for moving their Build Back Better bill through the Senate are looking less likely.

**Senate Majority Leader Chuck Schumer, D-N.Y., declined Tuesday to promise a Senate vote before Christmas on the roughly \$2 trillion package of climate measures and social program spending.**



*Senate Majority Leader Chuck Schumer, D-N.Y.*

He has repeatedly said his goal is to pass the bill by the end of the year, but has yet to get a commitment from Sens. Joe Manchin, D-W.Va., and Kyrsten Sinema, D-Ariz., to support the bill. Democrats continue holding meetings with the Senate parliamentarian on provisions that may violate rules for the budget reconciliation process that is being used to move the legislation.

**“The bottom line is right now there are good discussions going on,” Schumer said Tuesday. “The president has been speaking to Sen. Manchin and I look forward to hearing about further progress.”**

Senate GOP Whip John Thune, R-S.D., told reporters that Democrats are **“putting on the good face and trying to suggest that they can get it done. But I mean, ultimately, it comes down to Manchin and Sinema”** and neither are **“suggesting that this could get done by Christmas Day.”**

Manchin talked by phone with President Joe Biden on Monday and briefly again on Tuesday, he told reporters.

Asked by reporters on Tuesday if there would be additional discussions with the president, Manchin would say only, “I’m sure there will be.”

Meanwhile, Senate committees have made some revisions to the House-passed text.

The Senate Ag Committee added more than \$2 billion in funding for conservation technical assistance to the legislation and also bolstered the bill’s agricultural research provisions, as *Agri-Pulse* reported Dec. 4.

**However, a cost estimate issued by the Congressional Budget Office projects that \$5 billion of the spending authorized by the agriculture provisions would go unspent during the 10-year window allowed under the reconciliation process.**

CBO says the ag provisions would authorize \$94.4 billion, but only \$89.4 billion would be spent before 2032. About \$12.6 billion would be spent almost immediately by the Agriculture Department, or at least by the time the 2022 fiscal year ends Sept. 30, CBO estimates.

The Senate Finance Committee, meanwhile, modified language around the renewable energy tax credits in the House bill to ensure that rural electric cooperatives could benefit directly from the incentives, rather than having to work with third parties, according to the National Rural Electric Cooperatives Association.

**The committee also tightened some rules around a new tax incentive for sustainable aviation fuel, but didn't address a concern of the National Biodiesel Board that the bill would allow petroleum refiners to collect a tax credit for renewable diesel when they mix vegetable oil, fats or grease with petroleum, a process known as co-processing.**

Meanwhile, the Senate and the House on Tuesday were moving a \$2.5 trillion increase in the debt limit that should keep the government from hitting the ceiling until 2023.

That means that the new Congress elected in November 2022 will face another battle over the debt limit.

Earlier this month, Congress averted a government shutdown by passing a continuing resolution that keeps the departments and agencies funded at fiscal 2021 levels until Feb. 18.

## **Lack of available truckers adds to supply chain challenges**

A shortage of truck drivers has both agriculture industry stakeholders and lawmakers concerned as supply chain bottlenecks make it difficult for retailers, producers and consumers to obtain the inputs they need or get their own products to the market.

While shortages of materials and congestion at ports have all played a role in disrupting the steady flow of goods through the country, the availability of truck drivers has also been a contributing factor that has gummed up the supply chain.

**“It’s all of these things coalescing together that I think has a lot of folks really worried about what the spring looks like and their ability to make a crop and hopefully make a profit, so they can continue to farm into the next season,” Andrew Walmsley, senior director of congressional relations at the American Farm Bureau Federation, told *Agri-Pulse*.**



*Andrew Walmsley, AFBF*

The Department of Transportation said in a press release that turnover rates are 90% for large long haul carriers and over 72% for small carriers. According to DOT, this means drivers are regularly either leaving the companies they work for or the industry altogether.

“The lag time that results in training and onboarding new drivers can result in driver shortages,” the release stated. “This turnover, coupled with effects from the pandemic, has helped lead to supply chain disruptions for essential goods and transporting freight in and out of ports.”

**The American Trucking Associations, one of the largest groups representing the industry, estimated the industry shortage at about 80,000 drivers, in a report it released on Oct. 25. It attributed the shortage to a number of factors including an aging workforce, a lack of female representation in the industry, a federally mandated minimum age of 21 to drive commercially across state lines, impacts of the COVID-19 pandemic, and the challenges presented by the trucking lifestyle.**

“The solution to the driver shortage will most certainly require increased pay, regulatory changes and modifications to shippers’, receivers’ and carriers’ business practices to improve conditions for drivers,” the paper said.

According to RJ Karney, the senior director of public policy at the National Association of State Departments of Agriculture, producers and agricultural retailers from all 50 states have described difficulties they’ve seen in securing transportation for their goods.

**“The commissioners and secretaries are receiving calls on a consistent basis from the farmers, ranchers and dairies in their states about trying to move their product,” Karney said. “There is definitely concern of what the eventual cost will be for the farmers that are impacted.”**

There are a number of potential solutions to the lack of available truckers, though industry groups say it’ll take multiple efforts to solve the complex issue.

**One of the changes that has already been made is the addition of four provisions to the hours of service regulations the Federal Motor Carrier Safety Administration put in place for drivers: an expansion of the short-haul exception to 150 air-miles, an adverse driving conditions exception that opens the driving window by an additional two hours during bad weather, a requirement of at least a 30-minute break after eight cumulative hours of driving time and a modification to the sleeper berth exception.**



Allison Rivera, NCBA

“We were very pleased that the administration and the Department of Transportation extended hours of service requirements for truckers,” Karney said. “That’s one of those short-term solutions that will help and provide great benefit. But it’s not a silver bullet by any stretch. There’s still just a lot of concern over trying to find drivers to come in and move a product.”

Throughout most of the pandemic, livestock haulers have been exempt from hours-of-service requirements. Allison Rivera, executive director of government affairs for the National Cattlemen’s Beef Association, said this has been helpful for livestock haulers.

**“This has helped give our guys flexibility,” Rivera said. “If we have a plant that maybe isn’t running at full capacity and they’re not able to take a load that they were expected to take, then that driver is able to pivot to another location that is able to take the animals.”**



A group of legislators, led by House Ag Committee Chairman David Scott, D-Ga., former House Ag Chairman Frank Lucas, R-Okla., and Dusty Johnson, R-S.D., penned a letter last month calling for Labor Secretary Marty Walsh to prioritize Workforce Innovation and Opportunity Act (WIOA) grant applications for those looking to become truck drivers. The WIOA program provides access to job training for dislocated workers, low-income individuals and out-of-work youth, and the legislators believe expediting the process could help fill the estimated 80,000 current openings.

**“If it weren’t for the industry, most of the country’s businesses would be unable to operate today,” the legislators wrote. “Putting forward data-driven policies to improve the quality of life and flexibility for drivers, the trucking industry’s most vital asset, is important for lowering turnover rates among those workers and attracting a new generation to the workforce.”**

In the letter, legislators said data from the Bureau of Labor Statistics shows the trucking industry lost 6% of its pre-pandemic labor force of 1.52 million workers. They said that as of October, the industry had regained about 65,000 of these jobs, but was still short of effectively meeting supply chain demands.

One other solution that industry groups have proposed is increasing truck weight limits on federal highways beyond the current limit of 80,000 pounds. Some states like California have also increased the weight restrictions on their own highways to allow truckers to haul more goods.

“The administration is looking for ways to lessen the supply chain issues,” Rivera said. “We feel like increasing truck weights is something that would go a long way.”

## **Key House Ag Dem wants to hear from Tai as ag worries about Biden trade approach**

Talks are ongoing to get U.S. Trade Representative Katherine Tai to testify before a House Agriculture Committee hearing early next year so lawmakers can press her on the Biden administration’s trade policy, says Rep. Jim Costa, D-Calif.

**“Obviously we need greater clarity as to what the priorities are in terms of this administration’s policy and where agriculture fits in and how they attempt to deal with both our allies and our adversaries,” Costa said during a webinar hosted Tuesday by Farmers for Free Trade. “We’ve asked (Tai) to testify before the House Agriculture Committee and I’ve asked her personally to testify before my subcommittee.”**

Costa, a member of the full House panel, is also chairman of the Livestock and Foreign Agriculture subcommittee. He highlighted the struggle with the pandemic and difficulty in getting USTR leaders appointed as mitigating factors, but others on the webinar expressed frustration with the Biden administration's lack of progress on free trade agreements.



*USTR Katherine Tai*

**The White House has made no moves to rejoin the Trans-Pacific Partnership with a growing number of Pacific Rim countries or follow up on unfinished free trade agreement talks with the UK and Kenya. The administration has also, as of yet, declined to start up new trade talks with China and allowed Trade Promotion Authority to expire in June.**

“Over the last 10 years, U.S. progress on new trade agreements has been very modest and the outlook is not promising,” said Corn Refiners Association President and CEO John Bode, who expressed disappointment with the Trump administration for pulling the U.S. out of the TPP and the Biden administration for not agreeing to reenter the pact that China, Taiwan and the UK now say they want to join.

**“Does that mean we’re standing still or are we falling behind because the rest of the world is moving forward while we sit on the sidelines?” Bode asked. “Rival trading nations have rapidly expanded trade opportunities for bilateral and multilateral trade arrangements.”**

The CRA, in conjunction with the webinar, released an internal study to show how far ahead China, the European Union, Japan and Canada are when it comes to FTAs.

**The U.S. has completed four FTA’s since 2010 while China has locked in 10, Japan has completed seven and the European Union and Canada have each completed eight, according to the report titled “Trade Agreements and U.S. Competitiveness.”**

Bode also stressed that the report was generous to count the U.S.-Mexico-Canada Agreement as a new FTA because “it was merely a modernization of (the North American Free Trade Agreement) that offered very little in new market access.

**“The United States’ self-removal from the game to set the rules for trade in the Asia-Pacific, South America, or other promising regions of economic growth and rising consumer demand encourages potential partners to move forward without us and ensures that our trade rivals will define the path of global trade rules, standards, and practices,” the report says. “When the U.S. engages and pursues market access through bilateral and multilateral trade agreements, it demonstrates global leadership and ensures that the United States leads the way on setting global trade rules.”**

FTA’s over the past decade have allowed China to benefit from “lower tariffs and other reduced trade barriers on an estimated \$553 billion” in total trade, according to the report. In contrast, the total for the U.S. was \$171 billion.

The Philippines, Indonesia and Vietnam are all importing more grain now, but the U.S. loses a lot of that business because of tariffs and other barriers that could be removed with FTAs, said Manuel Sanchez, a director for the U.S. Grains Council.

“The time to act is now,” Sanchez said during the webinar. “We need FTAs to access growth markets like Vietnam, like Indonesia, like India.”

## **Government publishes H-2A wage rates, proposes rule change**

The Department of Labor (DOL) is publishing today its 2022 Adverse Effect Wage Rates (AEWR), which are the minimum an employer must pay H-2A nonimmigrant agricultural workers, and proposing some changes to how those rates are set for certain jobs.

State or collectively bargained wages that are higher supersede the AEW. The wage rates vary by state and region, with states in the Southeast seeing the lowest minimum pay, at \$11.99/hour. The highest rates are on the west coast: California \$17.51; Oregon and Washington \$17.41. Over the past five years, Oregon and Washington rates rose 30% and California's went up 39%. But the highest increases over that time, at 42%, were in Nevada, Utah and Colorado, according to a Farm Bureau analysis by economist Veronica Nigh.

Historically, DOL has used data from USDA's Farm Labor Survey (FLS) to calculate the AEW. Challenges to that process, and a two-year AEW freeze, got tied up in court last year, leading to a late release of the rate in 2021 and then a return to the old method.

DOL's proposed changes would mean that while most types of jobs would still rely on FLS data, DOL would have the ability to use a different tool, the Occupational Employment and Wage Statistics survey, for jobs that are not part of the FLS or when FLS data is insufficient.

**But Nigh told *Agri-Pulse* one concern that emerged upon initial review is that farm work often includes a variety of tasks. A person who occasionally drives a truck but most of the time is in the fields might have to be paid at the higher truck-driver rate under the new system, she said. That "will add some variation" for employers, making it harder to budget payroll for a year.**

Kristi Boswell, counsel at Alston and Bird and a former USDA official in the Trump administration, said the rulemaking retains some content from a 2019 proposed rulemaking.

**"The Department of Labor is looking at the work that was done in the previous administration," she said, even as it tries to put its own stamp on policy. But she said so far, the proposal doesn't seem to meet farm employers' needs. "They want wage relief and they want stability," she said.**

The proposal, Boswell added, fails to address employer concerns that "these wage rates are arbitrarily high and that the Farm Labor Survey provides an instability from year to year."

In 2020, the H-2A program issued more than 200,000 visas for temporary non-immigrant workers, and the intent of the AEW is to ensure that the wages paid to these international workers do not adversely impact domestic prospective workers. Boswell said while the intent is fine, she's not convinced DOL has ever looked to see whether there is any adverse effect that needs to be prevented.



*Kristi Boswell, Alston and Bird*

Michael Marsh, president and CEO of the National Council of Agricultural Employers, said government intervention disrupts the market's natural ability to set wages. He pointed to the seasonality of farm work, which can make it difficult for a local resident who needs consistent income year-round, in contrast with temporary H-2A workers who return to their home part of the year. He is also concerned the rule change could force farm employers to pay significantly higher wages at a time when many already offer double the local minimum wage.

**As expenses rise, Marsh said, farmers can't just pass that on to consumers. He feels politicians and even the general public often don't recognize that large increases in pay rates for ag workers are met by only small increases in food costs at the grocery store, which don't necessarily trickle back to the farm.**

Plus, he said local workers are few and far between. **He cited a project in Washington state where several agencies worked hard to try to recruit local workers for some of the 30,000 agricultural jobs certified for H-2A visas.** He said despite time and effort from the state workforce agency, there were no domestic applicants.

Worker advocates support the Biden administration's efforts, in particular the reversal of a Trump-era decision to freeze the AEW for two years.

**"Farmworker Justice is encouraged by the Biden Administration's proposed rule on the Adverse Effect Wage Rate, an essential wage protection for U.S. and foreign farmworkers," Farmworker Justice attorney Andrew Walchuk said in a statement provided to *Agri-Pulse*. He added that the move to the DOL survey for certain categories of jobs not included in the FLS "is likely to be helpful for workers" because the affected jobs often pay more.**

Most growers, Marsh said, would "much rather hire a domestic worker because it's so much cheaper." The H-2A application process is costly, and employers must provide housing, food, transportation and other expenses, most of which would not be provided to local employees.

One change to the program he would like to see is to allow employers to submit one application for a season even if the workers will arrive at different times. That alone could save an employer \$10,000 in fees related to filing the application, he said.

Boswell agreed that staggered arrival times under one application would benefit employers. She also said the overall H-2A program is "very clunky" and could gain many efficiencies through technology, which would not require rulemaking.

Public comment on the proposed rule change is open until Jan. 31.

## **EPA examines information on dicamba damage to determine regulatory path forward**

EPA has not been able to quell speculation in farm country that dicamba herbicides won't be fully available to growers next season, with officials telling state regulators last week that the agency is still deliberating.

But they also said that reports of damage caused by the volatile weedkillers suggest that changes on the labels may be necessary.

Over-the-top applications could be in jeopardy based on recent data, said EPA senior regulatory specialist Meg Hathaway at a meeting last week of the State FIFRA (Federal Insecticide, Fungicide and Rodenticide Act) Issues Research and Evaluation Group.

**"The agency is no longer certain whether over-the-top can be used in a manner that is protective of listed species, their designated critical habitats and non-target plants," Hathaway told state regulators.**

She and Office of Pesticide Programs Director Ed Messina also said they did not know when EPA would decide whether to make changes to the labels.

That uncertainty has caused some consternation among growers who are seeking to make purchasing decisions for next season, or may have already done so.

**In a letter last week to EPA Administrator Michael Regan, a bipartisan group of lawmakers expressed concern about a decision to change label restrictions so close to the 2022 growing season.**

“Farmers would not be able to readily acquire enough seeds to accommodate a transition” from existing herbicides to alternatives, 13 congressional representatives said. “This is especially concerning given the volume of crops that new restrictions could impact. For example, in 2020, there were approximately 64 million acres of dicamba-tolerant soybeans and cotton grown nationwide, akin to an area more than twice the size of the Commonwealth of Virginia.”



They said transitioning an area that large “would require significant advanced notice under normal conditions, to say nothing of existing stressed supply chains. Seed producers and suppliers typically need at least an entire growing season to produce enough seed to meet a surge in demand for alternative seed types of this immense size.”

**In a letter to President Joe Biden last month, commodity and farm groups including CropLife America, the Agricultural Retailers Association and American Seed Trade Association all asked EPA to “avoid label changes that would cause significant seed and pesticide demand shifts that supply chains will be unable to accommodate in the short time remaining ahead of the 2022 growing season.”**

State regulators say they just want to be sure they have time to make necessary label changes when EPA does make a decision.

**“One of the biggest concerns states have right now is, where are we for the 2022 growing season?” Patrick Jones, deputy director for pesticide programs at the North Carolina Department of Agriculture and Consumer Services and president of the Association of American Pesticide Control Officials, asked at the meeting.**

“We need something back as soon as possible,” said Brad Beaver, acting chief of the Illinois Department of Agriculture’s environmental program bureau.

**But Hathaway said there was no timetable for a decision. “We’ll let you know as soon as we can regarding any decision that might alter the current labels,” she told the state regulators. “But as of now, the current labels are still the law of the land, and should be followed.”**

She also said EPA was looking more closely at the impact of dicamba on federally protected species.



Since it was registered for use on cotton and soybeans starting in 2017, dicamba-tolerant seed and its accompanying herbicides have been controversial because of the chemicals' propensity to volatilize and damage other plants, including soybeans not planted with Bayer's dicamba-tolerant Xtend.

In addition, EPA's Inspector General concluded last year that in renewing the herbicides in 2018, high-ranking agency officials in the Office of Chemical Safety and Pollution Prevention altered or omitted key evidence on damage.

In June 2020, Bayer agreed to settle complaints of drift damage from soybean farmers. That settlement was finalized a year ago, with \$300 million set aside for payments to growers.

Last year, the 9<sup>th</sup> U.S. Circuit Court of Appeals issued a ruling in June that temporarily halted use of dicamba herbicides — including Bayer's Xtendimax and BASF's Engenia — at the height of the growing season, before then-EPA Administrator Andrew Wheeler announced new labels, good for five years, on Oct. 27, 2020.



*Former EPA Administrator Andrew Wheeler announced the Trump administration's October 2020 dicamba decision at a Georgia cotton farm (Photo: Twitter)*

**New conditions on the label for 2021 included expanded buffer zones and cutoff dates for use in soybeans and cotton. Despite the presence of those - which many growers, applicators and regulators said were confusing - damage continued.**

Even with the new mitigation measures, “some states have reported that this growing season is the same or worse than the 2017 season,” according to a report presented at the SIFREG meeting by the Pesticide Operations and Management (POM) Working Committee.

“Unfortunately, despite the control measures that EPA established in 2020, EPA has received many reports of dicamba-related damage throughout the 2021 growing season,” Hathaway said.

“The agency is extremely concerned by the reports that we've received and is reviewing the available data in order to understand the performance of over-the-top dicamba use during the 2021 growing season,” she said.

**“What we're seeing so far is that dicamba-related damage still occurred in 2021, including incidents in counties where additional Endangered Species Act-related control measures were required,” Hathaway said.**

EPA sent letters to registrants in September requesting data on dicamba damage. That data has been received but has not been made public.

At the state level, Illinois said it received 179 complaints of alleged dicamba-related misuse complaints in 2021, up from 145 in 2020. In Minnesota, there were 120 “reports requesting an investigation” this year, almost double the 66 received in 2020.

Tennessee reported 21 cases of alleged dicamba damage in 2021, compared to 22 in 2020.

In Arkansas, there were 360 reports of alleged dicamba damage, up considerably from 2020's 218. But only four violations were identified this year, down from 31 violations in 2020.

## **Mexico's growing taste for peanut butter offers a new front for US exports**

The U.S. peanut industry is looking to expand an already big market in Mexico as consumers there stock up on a staple most commonly associated with pantries north of the border: peanut butter.

Leaders of the National Peanut Board, American Peanut Council and farmers from states like Georgia and Virginia met last week at a Washington hotel, and Mexico was the primary focus when the agenda turned to international trade.

The reason for the excitement is the prospect of tapping what has been, so far, mostly untapped demand.

Mexico's diversification when it comes to peanut snack foods continues to evolve and grow, but the real growth is coming in the form of the creamy or crunchy spread, says National Peanut Board President and CEO Bob Parker.

**One of the things that Mexicans living in the U.S. often take back with them when they return to Mexico is a love of peanut butter and that continues to translate into new demand for the value-added peanut product there, Parker told *Agri-Pulse* on the sidelines of the annual meeting.**

Peanut butter consumption in Mexico rose by 21% in 2020 and the value of that market jumped by 33%, according to Peter Vlazakis, director of international marketing and technical programs for the American Peanut Council.

Virtually all of that peanut butter is produced in the U.S. with American peanuts.

**"There's such a blurring of the border these days," Parker said. "We have Mexican expatriates here who have a desire for the flavors that they had at home, but they are also experiencing peanut butter during their time here in the United States."**



*Bob Parker, National Peanut Board*

The J.M. Smucker Company and Hormel, owners of the respective brands Jif and Skippy, have recognized the growing demand and are expanding promotional activities, said Vlazakis.

**But the Aladino brand of "crema de cacahuete" is by far the most popular peanut butter, with about 50% of the market share. It's owned by the Mexico City-based Alimentos Capullo, a subsidiary of the British ACH Food Companies.**

But peanut butter is spreading through the Mexican market in more ways than just jars on shelves.

Not long ago, consumers might only find peanut butter candy in the form of traditional Reese's Peanut Butter Cups, but shelf space is increasing to include many new variations and different products.

“We’re seeing an explosion in peanut butter-flavored candy,” says Parker. “If you go in a convenience or grocery store ... you’ll now see product extensions — dark chocolate, white chocolate, different sizes — just so many extensions.”

And, unlike in the U.S., there’s a lot of room for growth in Mexico. You can find a jar of peanut butter in about 94% of kitchen pantries in the U.S.; in Mexico, the figure is closer to about 10%.

“What we know is last year 56% of American peanuts were consumed in peanut butter in some shape or form in the U.S. and it’s still growing, but we’re at about a 3% growth rate,” Parker said. “We’re talking about a very mature market (in the U.S.). When you see countries like Mexico and the growth in popularity of peanut butter, it’s a great opportunity.”

**The proof is in the numbers. As consumption of peanut butter and snack peanuts rises, so do Mexico’s imports. Mexico has become the largest market for U.S. peanuts this year, importing 150,119 tons from January through September, according to data maintained by the American Peanut Council. That’s a 21% increase over the first nine months of 2020. It’s also a 27.3% share of all U.S. exports.**

It’s looking to be a record year for U.S. peanut exports to Mexico this year, but that’s no surprise to the industry, which has been watching as trade has increased for the past decade.

The U.S. exported 66,695 tons of peanuts to Mexico in 2011, and shipments and U.S. market share of Mexico’s imports have risen almost every year since then, according to data maintained by the council. Ten years ago, the U.S. supplied 43% of Mexico’s import needs, but in 2020, the U.S. exported 175,125 tons to Mexico, accounting for 85% of the country’s imports.

## **Supply chain issues could cause biotech labeling snags**

At the beginning of the new year, consumers could have trouble finding some of their favorite food products in local grocery stores because of new labeling requirements.

**By Jan. 1, all food products with detectable levels of bioengineered (BE) material will need to be labeled a “bioengineered food” or a product that “contains a bioengineered food ingredient.” Those products not in compliance will need to be held from the marketplace.**

Food manufacturers can disclose this information with text on either the information or principal display panel, display one of two BE symbols, direct consumers to a digital platform using a QR code, or provide a designated phone number a consumer can text to receive this information.

With the supply chain still experiencing major disruptions, some food products will likely not be in compliance as of Jan. 1 or held in inventory until manufacturers can make the necessary changes, said Betsy Booren, senior vice president of regulatory and technical affairs at the Consumer Brands Association (CBA).

Even food products that already disclose whether they contain genetically modified organisms (GMO) or are made from genetically engineered (GE) ingredients, will suddenly be non-

compliant unless GMO and GE are replaced with the mandatory “bioengineered” terminology, either on their labels or through their digital platforms.

**“Our members, as we have talked to them, are very close to compliance, but I think, frankly, with the challenges with the supply chain, you are going to see some products in the market that may not be fully compliant — but a vast majority of the products will be compliant,” Booren said.**

However, even after Jan. 1, compliance could continue to be a struggle due to ongoing supply chain and labor challenges. For example, if some ingredients with undetectable levels of BE material suddenly are difficult to source, and the available substitutes have detectable material, manufacturers of products using the substitute ingredients would need to make disclosure modifications before the finished products could be put into the marketplace.

**“If the pre-printed labels aren’t reflective, then you are in a situation where you have to make some decisions,” Booren said. “I would fully expect the regulated industry not to put non-compliant products in the market. And that may mean there are not products available at the rate that consumers expect.”**

What’s more, a USDA spokesperson said compliance deadlines will not be amended.

“Since publication of the final regulations in December 2018, USDA’s Agricultural Marketing Service (AMS) has conducted extensive outreach and education efforts to assist regulated entities to prepare for the January 1, 2022, mandatory compliance date,” the spokesperson said.

Congress passed the National Bioengineered Food Disclosure Law in July 2016, which directed USDA to establish a national mandatory standard for disclosing bioengineered foods or those foods made with bioengineered ingredients. Former Ag Secretary Sonny Perdue announced the National Bioengineered Food Disclosure Standard on Dec. 20, 2018, and further clarified testing and validation requirements in July 2020. The standard defines bioengineered foods as those that contain detectable levels of genetic material that cannot be created through conventional breeding or found in nature.

In addition to the four disclosure methods available to regulated entities, small food manufacturers or very small packages can also disclose through a phone number or web address, according to USDA’s Agricultural Marketing Service’s BE disclosure website.

A quick walk through a grocery store in late November showed some products, be they soups, cereals, snacks, or other canned and frozen goods manufactured by large or small companies, were already in full compliance. Some companies appeared to be in the process of switching from the old language and labels to using the new mandatory BE language on redesigned labels. For those using digital disclosure through QR codes, some products complied while others were not yet compliant. However, the new BE symbols were hard to find.

**“The challenges we are having right now is you cannot change a label overnight. That typical process of changing a label generally takes at least two years,” Booren said. “With Covid, we are having challenges with the supply chain and labor, getting materials, whether that’s packaging materials, the printing of packaging materials. Certain ingredients are being subbed out because their suppliers are having the same supply chain and labor issues.”**

AMS' guidance documents regarding validation of the testing process and proper testing methods clarified that products — typically ingredients used in a finished product such as corn or soybean oil — refined to the point that they no longer contain detectable levels of BE material and the testing process can be validated, need no disclosure. However, voluntary disclosure by the finished food manufacturer is permissible using any of the allowed disclosure methods.



Allison Cooke, CRA

Allison Cooke, vice president of food policy at the Corn Refiners Association (CRA), which represents the refined corn products industry in the United States, noted that CRA members are in compliance. CRA members need to determine through testing whether a product has a detectable level of BE material and then must note that in the records provided to their customers. If a product is refined enough so as not to have detectable levels of BE material but was made from a bioengineered source, the refiner can also disclose that information to its customers.

Even though no fine exists for companies that do not comply, and non-compliant food products will not be yanked from grocery store shelves, sources noted companies will want to comply, not only because that's required by law, but also because there is some concern that finished food products could be taken off grocery store shelves and tested by consumer advocates to see whether BE material can be detected in a product that has no disclosure.

AMS is, however, authorized by law to accept complaints about possible violations of the law and has set up a website where interested parties can do just that. While fines and recalls might not be on the table, negative public feedback could be directed toward non-compliant companies.

**“AMS will only report noncompliance with the regulations that are substantiated by a thorough review process and only after regulated entities are provided the opportunity to respond and then appeal the agency's initial finding if they so choose,” a USDA spokesperson said. “In this way, AMS will ensure that the new BE Standard is effectively and rationally implemented and that consumers receive accurate information called for by the law and the Agency's regulations.”**

Regardless of whether all food products eventually get to compliance, the issue is far from settled. On July 28, 2020, the Center for Food Safety (CFS) filed a lawsuit in federal court against USDA challenging the rules. The lawsuit charges that USDA's provisions leave the majority of GMO-derived foods unlabeled, discriminate against millions of consumers who do not own smartphones, and lack transparency by prohibiting the use of "GMO" and "GE." Andrew Kimbrell, executive director of CFS, does not expect the case to be decided until late spring 2022 at the earliest.

CFS also filed suit last summer to gain access to a year-long study conducted by Deloitte for USDA to identify any technological challenges consumers and retailers might have with electronic disclosure of BE food. While the study found that most consumers have smartphones, not all are savvy enough to read a QR code, and some may not have access to or want to use cellular data in stores that do not offer free Wi-Fi. Now that this report has been released, Kimbrell said the center is prepared to discuss the merits of the case.



“The law says that if QR codes are not effective you have to have something added to that. You can’t just have a QR code — that is non-labeling. We are very optimistic (QR code disclosure) will be thrown out,” Kimbrell said. “The use of the term bioengineered is very misleading. Being forced to use bioengineered is clearly in violation of the First Amendment.”

Kimbrell argued that BE products provide “no advantage to the consumer. There is no price advantage. There is no taste advantage. And there is no nutritional advantage. The real problem is the very legitimate fear that unless (food manufacturers) come up with products that provide some benefit to the consumer, labeling could be the death knell for the technology.”

**According to a 2015 poll by the Mellman Group, 89% of those surveyed favored mandatory labels on genetically engineered foods or foods that contain genetically engineered ingredients. Only 6% opposed such labeling.**

While BE foods or those containing BE ingredients have not been designated a safety concern, 60 countries worldwide have some sort of labeling law for these foods and some European countries have banned them entirely.

## **News Briefs:**

**Oregon legislature provides farmers \$100 million in disaster aid.** During a special session on Dec. 13, Oregon lawmakers struck a deal to provide some relief to farmers and ranchers recover from extreme heat and drought in 2021. The package includes: \$40 million for an agricultural forgivable disaster loan program to fill gaps in federal disaster relief for agricultural producers, and to provide bridge assistance while Oregonians wait for federal funds. It will be delivered through local lenders; \$12 million for the Klamath Basin for domestic well assistance, livestock wells, drought resiliency, and for irrigation district assistance; \$9.7 million to address drought relief on Klamath Tribal lands; \$10 million for agricultural workers who miss work due to unsafe working conditions resulting from extreme heat or smoke; \$9.75 million for irrigation district assistance to offset water user costs; \$5 million for cricket and grasshopper eradication; \$5.75 million for domestic and community well assistance; \$3 million for emergency soil conservation fund in Jefferson County; \$1.5 million for the Oregon Community Food Systems Network to develop a Disaster Relief Fund for farmers unable to access federal disaster relief funds or the state’s proposed forgivable disaster loan program; \$1 million for technical assistance for BIPOC farmers and drought resistance crop outreach; \$1 million for drought resiliency work in Jefferson County; \$750,000 for drought resistance research and implementation; and \$300,000 for a statewide drought vulnerability assessment. “The Oregon Farm Bureau and our partners have been working toward this package since early this summer, and we are grateful that the Legislature was able to secure its passage,” said Mary Anne Cooper, VP of Government Affairs at the Oregon Farm Bureau. “Relief to producers impacted by this year’s natural disasters cannot come soon enough, and we look forward to working with the Oregon Department of Agriculture to get the direct assistance program up and running. We particularly want to thank the Governor for her diligent pursuit of this natural disaster package, and our advocates in the Legislature for being such strong advocates for its passage.”

**Colorado River water users meeting in Las Vegas this week.** The Colorado River Water Users Association Annual Conference continues through tomorrow in Las Vegas. The nonprofit group aims to foster nonpartisan dialog about use and management of the river and to find and advocate for “common objectives, initiatives and solutions.” The meeting agenda includes a hydrology report from the Bureau of Reclamation and an address from Bureau commissioner Camille C. Touton. Other topics for the meeting, which brings together leaders from the basin states, tribes and Mexico, include climate change, the costs and risks of litigation

and innovation. Department of Interior Assistant Secretary of Water and Science Tanya Trujillo has been invited to give the keynote tomorrow. Tuesday sessions included new approaches to water supply forecasting and the impacts of reduced funding for basin operations.

**Guaranteed loan program established for food supply chain projects.** USDA is making \$100 million available to fund a new Food Supply Chain Guaranteed Loan Program. The department expects the \$100 million to leverage \$1 billion in loan guarantees. Rural Development will administer the loans, which can be used to: Start up or expand food supply chain activities such as aggregating, processing, manufacturing, storing, transporting, wholesaling or distributing food; Address supply chain bottlenecks; Increase capacity and help create a more resilient, diverse and secure food supply chain. On a webinar Tuesday to discuss the program, Ag Secretary Tom Vilsack said the loans would be used for projects “to expand and strengthen the middle of the supply chain.” He also noted that the program is going to be combined “with a concerted effort to also provide additional resources for the expansion of new processing facilities.” That announcement is expected in early 2022. The maximum loan amount a borrower may receive is \$40 million. USDA said for fiscal year 2022, which ends Sept. 30, Rural Development is reserving 19% of the funds until June 7 “for entities that establish and facilitate the slaughter and initial processing of meat and poultry.”

**Senate Ag Republicans push for potash, phosphate designation.** A handful of GOP members of the Senate Ag Committee are asking the Biden administration to list a pair of key agricultural inputs as critical minerals. The letter, led by Kansas Sen. Roger Marshall and co-signed by six other committee Republicans, calls on the U.S. Geological Survey to include potash and phosphate on the 2021 List of Critical Minerals. They cite the role both inputs play as agricultural fertilizers and “without fertilizer, American agricultural yields will quickly suffer and so too will Americans who have long enjoyed affordable food prices.” “The rising cost of fertilizer will not only increase food insecurity domestically and abroad, but that increase in hunger and starvation will increase geopolitical tension across the world,” the letter notes. “Both potash and phosphate serve as essential components to the agricultural supply chain due to their role as crop nutrients and should be included in the 2021 list of critical minerals.” According to the letter, potash has been on the critical minerals list, but not phosphate. Under the law defining critical minerals, three criteria are to be met: a mineral must be essential to the economic or national security of the U.S., its supply chain must be vulnerable to disruption, and the mineral must serve an essential function in the manufacturing of a product. “While much of [the Department of the Interior's] critical mineral list is focused on defense and high technology needs, agricultural minerals are underrepresented and should not be overlooked,” the letter says. The designation would not necessarily protect the mineral from tariffs like those levied earlier this year by the International Trade Commission, but could be used by the administration to consider future duties or to help build up a domestic industry.

**Monsanto agrees to \$12M in penalties for pesticide violations.** Monsanto has pled guilty and agreed to pay \$12 million to settle environmental violations involving the use and storage of pesticides in Hawaii. The company, acquired by Bayer in 2018, allowed workers to enter corn fields sprayed with a glufosinate ammonium-based herbicide during a six-day “restricted-entry interval” period last year, the Justice Department said. Allowing the workers into the fields violated a Deferred Prosecution Agreement related to storage of a banned pesticide, methyl parathion, DOJ said. The \$12 million is made up of a \$6 million criminal fine and four payments of \$1.5 million each to different Hawaii state agencies, including the Department of Agriculture. “The conduct at issue in the agreement is unacceptable and contrary to the values and policies of the company, and we sincerely regret it,” said Darren Wallis, Bayer’s vice president of communications, North America Crop Science, said in a statement. He said the company is taking “significant remedial actions to enhance its controls, including

strengthening its policies and procedures that now require a robust and multi-step approval process to authorize the use of pesticides on fields in Hawaii, and enhancing its training."

## Farm Hands West: Johansson reelected president of CFBF

**Jamie Johansson** has been elected to a third consecutive two-year term as president of the California Farm Bureau. Johansson grows olives and citrus fruit in Oroville and operates an olive oil company, Lodestar Farms. He is a former chairman of the California Young Farmers and Ranchers State Committee, a former vice president of the Butte County Farm Bureau and a former Oroville City Council member and vice mayor. Also elected to third consecutive terms were the Farm Bureau's first vice president, **Shannon Douglass**, and its second vice president, **Shaun Crook**.



Jamie Johansson

Other members elected to the California Farm Bureau include: **Ronnie Leimgruber**, representing Imperial and San Diego counties; **Richard Miner**, representing Los Angeles and Orange counties; **Brian Medeiros**, representing Kern and Kings counties; **Donny Rollin**, representing Fresno County; **Jay Mahil**, representing Madera, Mariposa and Merced counties; **Joe Martinez**, representing Alameda, Contra Costa and Solano counties; **Ron Peterson**, representing Stanislaus and Tuolumne counties; **Clark Becker**, representing Butte, Nevada and Yuba-Sutter counties; **Johnnie White**, representing Marin, Napa and Sonoma counties; **Taylor Hagata**, representing Lassen, Modoc and Plumas-Sierra counties; **Joe Fischer**, representing Placer, Sacramento, El Dorado and Amador counties; and **Ron Vevoda**, representing Del Norte and Humboldt counties. **Jocelyn Anderson**, a Glenn County walnut farmer, was selected to chair the Young Farmers and Ranchers Committee, succeeding state YF&R committee chair **Lindsey Mebane** of Kern County. **Al Stehly**, a San Diego County farmer, was appointed to chair the Farm Bureau's Rural Health Department.

Salinas-based Moxxy Marketing has added **Leanne Salandro** as project manager, lead marketing initiatives for clients nationwide. Most recently, Salandro owned her own graphic design and consulting business. Salandro has strong ties to agriculture, growing up in Colorado helping with her family's cows, horses, and alfalfa fields.

President Joe Biden announced his intent to appoint four people to USDA regional positions. **Jim Barber** will be the state executive director of the Farm Service Agency for New York. Barber previously served in the same role for eight years during the Obama Administration. **John Perdue** has been appointed FSA state executive director for West Virginia. Perdue brings a lengthy tenure in public service, beginning his career with the West Virginia Department of Agriculture as a pesticide inspector. **Rhiannon Hampson** has been appointed as the rural development state director for Maine. Hampson previously represented her state as the representative for agricultural and environmental issues in Rep. **Chellie Pingree's**, D-Maine, office. **Kyle Wilkens** has been appointed the rural development state director for Missouri. Wilkens previously served as the rural policy coordinator for Rep. **Emanuel Cleaver**, D-Mo.

Beyond Meat has appointed two former Tyson Foods veterans to top executive roles. **Doug Ramsey** joins as the company's new chief operating officer. Ramsey worked the last 30 years at Tyson Foods where he oversaw the company's poultry and McDonald's businesses. **Bernie Adcock** has been hired in the newly created role of chief supply chain officer. He brings 31 years of experience to the role, formerly working at Tyson Foods where he most recently served as chief supply chain officer.



Rhiannon Hampson

The U.S. Meat Export Federation added **John Herath** as its new communications director. Herath is a former agriculture reporter, producer and news director. He previously served as the producer of the AgriTalk daily radio program for Farm Journal Media and Vance Media.



John Herath

The Coalition for a Prosperous America has hired **Aaron Ringel** as vice president of international policy and advocacy. Most recently, Ringel served as the assistant secretary of state for the Bureau of Global Public Affairs.

U.S. Highbush Blueberry Council and North American Blueberry Council have hired **Amanda Griffin** as vice president of engagement and education. Griffin served as the vice president of education and program management for the United Fresh Produce Association.

The American Agricultural Law Association selected **Brad Parker** to serve as the association's executive director. Parker works for Braden Heidner Lowe and Associates, a firm he joined in January 2020. He succeeds **Scott Heidner**, who served as AALA's executive director. Heidner serves as BHL's senior vice

president. Before joining BHL, Parker spent nine years with the Kansas Soybean Association and Kansas Soybean Commission as the communications director.

**Tim Hassinger** has been named CEO and president of IntelinAir. He has also been named chairman of the board of directors, effective Jan. 3. Hassinger succeeds company co-founder **Al Eisaian**, who has served as CEO and president of the company and chairman of its board since 2015. Hassinger brings more than 37 years of experience in the agricultural industry, previously serving as CEO of two other companies: Dow AgroSciences and The Lindsay Corporation.

Kubota Tractor Corporation has appointed **Shingo Hanada** as the new president and CEO. Hanada is a 32-year Kubota veteran who most recently held the position of executive officer, Kubota Corporation, and president of Kubota Holdings Europe B.V. and Kverneland AS in the Netherlands.

Florida Citrus Mutual has selected **Matt Joyner** to serve as the organization's chief executive officer and executive vice president, effective April 1. Joyner most recently served as the director of government relations for FCM. He previously worked for former Rep. Adam Putnam, R-Fla., in several capacities including chief of staff. In 2011, he joined the Florida Department of Agriculture and Consumer Services as federal affairs director and later became deputy chief of staff.

**Natalie Moran** has left the National WIC Association, where she served as the media communications manager. Before joining the National WIC Association, Moran worked for Rep. **Mike Quigley**, D-Ill., as his press fellow.

**Fred Clark** has announced he will retire from the Republican staff of the Senate Agriculture Committee at the end of the year. Clark previously retired in 2013 but joined the Senate Ag Committee in 2017 to help with the 2018 Farm Bill. What was supposed to be a two-year commitment turned into four years. Clark says he plans to relax and travel in his upcoming retirement, “Once I leave the Senate, my plan is to spend more quality time with my wife Rika, daughter Hannah, and many others in our circle of extended family and friends. I have plans in early 2022 to visit friends in Africa, spend two weeks at our childhood beach in California with my siblings, hike the Grand Canyon, and attend an Air Force One Reunion with my father-in-law.” Clark worked for 10 years as a House staffer, including eight years with the Agriculture Committee. He also spent 10 years with Cornerstone Government Affairs as general counsel and managing partner, representing commodity, food, finance, and international entities.

**Topper Thorpe** passed away on Dec. 1. Thorpe moved to Denver in 1968 to work for CattleFax as one of the first two employees of the startup company. For more than 30 years he worked as CattleFax’s general manager and CEO. After retiring from CattleFax, Thorpe volunteered for 20 years to ensure that water rights for agricultural and local entities were allowed to be put to beneficial use and protected for future generations. He was later appointed as a commissioner on the New Mexico Interstate Stream Commission.

**Best regards,**

**Sara Wyant**  
**Editor**

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