

## Six questions for State Sen. Andreas Borgeas

Andreas Borgeas is a freshman Republican senator representing a largely rural district that stretches from Death Valley, along the eastern swath of the Central Valley and across the Central Sierras, up to Sacramento, touching on 11 counties.

Borgeas was previously a Fresno city councilman and later served on the County Board of Supervisors. He was also a professor of international law and security affairs.

Just two hours before this conversation, Borgeas' Senate Bill 559, to fix the Friant-Kern Canal and restore its capacity, passed the Natural Resources and Water Committee. Borgeas spoke with *Agri-Pulse* on that bill and the challenge of getting large water infrastructure packages passed today, along with his hopes for the new governor and about being in a minority party among a supermajority of democratic lawmakers. The conversation has been edited for brevity.



Sen. Andreas Borgeas

- 1. As a member of the Natural Resources and Water Committee, you had reservations on SB 45, the Wildfire, Drought, and Flood Protection Bond Act. You said: “It’s hard to support a bond unless I can demonstrate to the folks I represent we’re not going to be overlooked this time.” Can you describe the sentiment behind that?**

The reason why I had such strong reservations is because we tend to be told that legislation is an evolutionary process and that all the compelling needs will be looked at and seriously considered.

What we experienced in the past — whether it was during Senator Cogdill’s days or Senator Berryhill’s days, my predecessors in the Valley area — means that we can no longer have a gentleman's handshake when it comes to water infrastructure and agricultural infrastructure in the Valley. We have been burned too many times.

In order to avoid that, it would be prudent of not just me, but all Valley representatives, to make certain that there's an absolute articulation, wherever possible, of where the intended dollars will go. Now, that may not bode well for everyone. But for our purposes, I think it would be extraordinarily helpful.

**2. The Prop 3 water bond last year would have provided funding to fix the Friant-Kern Canal. Why was it so hard to get this legislation passed?**

Well, that would have been just under a \$9-billion bond. It failed at 50.65 percent (voting against the measure).

So the idea of groundwater sustainability and safe drinking water has kind of been thematic, especially during this legislative session. It really has been hitting home with the new governor. Governor (Gavin) Newsom and I have met a couple of times in the district, which is very rare. I'll be the first to tell you that it's not common for a California governor to spend so much time and attention in the Valley. He's heard our issues loud and clear.

We hosted an event for him in Fresno in December. Farmers are not known for holding back. They're very candid, up front people. And they were very clear that they had been dissatisfied with some of the comments, ideas and philosophies that were coming out of the (State Water Resources Control Board), with one individual in particular. I think the governor took that to heart and decided that maybe new leadership would be a more effective path forward. Bringing in Joaquin Esquivel to that leadership role (at the board) also sends a strong message to the Valley that (Newsom) wants to move the needle in the valley.

From his standpoint, there are so many opportunities — because the area has been left behind by many metrics — that if he wants, he can achieve more substantive change in the Valley. Now, we may not always agree what those ideas are. But the fact that he has an open dialogue is extraordinarily helpful.

**3. What would you like to see Governor Newsom accomplish in the coming years?**

I would certainly like to see him lend support to AB 559 for the Friant-Kern Canal. In the district, this has become such a rallying cry. Having him express some interest and looking upon the project as achieving the goals he's already stated — clean drinking water, sustainable surface water, groundwater recharge — these are things that he's talked about doing, along with lifting up impoverished and underperforming communities. This falls in line with one of those common denominators that transcends party politics. Democrats and Republicans can agree water infrastructure is so desperately needed that we can't plan for the future without acting today.

**4. What are your concerns now that we're seeing the Sustainable Groundwater Management Act (SGMA) being implemented, with the San Joaquin Valley having to follow at least 500,000 acres to meet the requirements?**

When SGMA was put into policy, it was put out there so that you could achieve local control and exercise a significant amount, but should you fail, the State of California would exercise its rights to come in. And that kind of carrot and hammer approach, when I was on the board of

supervisors (for Fresno County), prompted us to snap to attention to start figuring out how these different groups were going to be compliant with SGMA.

It is one of those things where it is going to unfairly impact certain communities. And we opposed on principle any unfair application of extraction rates, when at the same time both the feds and the state had dramatically reduced the supply.

So the Valley has been doubly punished, in my opinion. Not only have we had significant reductions in actual surface water availability, with the lack of infrastructure upgrades, but by forcing some folks to extract groundwater and deplete that at a higher rate than is appropriate, it's been double jeopardy.

**5. With the current political climate in California, what are some challenges going forward for your party?**

I've approached representing my district with a healthy degree of pragmatism. I am here to advocate on behalf of not only Senate District 8, but to make certain that California is in a position to restore what we call that California dream.

Being a Republican in a minority status, as we are, I think we need to be mindful of not getting sucked into controversies or philosophical differences that are outside the jurisdiction that we are elected to participate in. If we build upon those common denominators, we can find those areas of mutual interests for Republicans and Democrats. And that is what is going to be compelling. The voters want Republicans to stand up for their principles and beliefs. But they also want to move California forward. So it's incumbent upon us to find those areas of mutual interest that move California in the right direction. That is the challenge and that is the goal.

**6. Anything else you would like to add?**

When it comes to water issues — because you have a sophisticated audience — one of the things that I'm proud of is the reason why I moved to Fresno. It was to clerk for a federal judge, a nationally renowned water judge, Oliver Wanger. I went to law school back in D.C. but came to Fresno to clerk. During that year, I was immersed in delta smelt, CEQA, Endangered Species Act, and any number of the alphabet soup of litigations involving agriculture, water and whatnot. That gave me a healthy respect for the complexity of water in California politics. In one of my first meetings with the judge, he made this joke that whiskey's for drinking and water's for fighting. That set the tone during my tenure as his judicial law clerk writing his opinions. These are very serious matters and need to be treated with respect.

From a national security standpoint — which is the lens through which I view agriculture — food production, food security, water availability are part of our national security platform. If you wage war on production, and discourage industries from continuing and thriving, we will find ourselves dependent — as we have seen in many other areas of industry — relying upon other players to supply our chain. That is a dangerous and unsustainable position for America. So when people start talking about the environment and global positioning and California's role in leadership in the nation as well as overseas, this is an essential part of what we should care about. Letting other California legislators appreciate this fundamental pillar of our national security platform is essential.

## Growers tighten food safety standards on leafy greens

The California Leafy Greens Marketing Agreement (LGMA) is changing the way growers will be looking at water on farms. The food safety certification program represents all but one percent of the leafy greens growers in the state, which means its stringent new requirements for water use in irrigation will have sweeping changes for the industry.

“One of the big paradigm shifts is that we're looking at the complete water system,” said Hank Giclas, vice president at Western Growers who has been closely involved with LGMA in the revision process. “This is about going in and evaluating the source, evaluating the distribution system and evaluating the manner in which the water is used.”



The new standards are a direct response to the two E. coli outbreaks in romaine lettuce last year, traced back to farms in California and Arizona. The Food and Drug Administration announced in February that the California farm had used untreated surface water for overhead irrigation. The new LGMA standards now require any open water sources used for irrigation within the 21 days prior to harvest to now be treated.

Giclas admitted that, while the research as it stands today points to 21 days as a conservative estimate, academics have argued over variations in the amount of days needed to kill off bacteria depending on climates. The metric may change as LGMA and others pursue more scientific investigation.

LGMA also mandates growers to start categorizing every water source (canal, reservoir, well, etc.). The classification will determine if testing beyond the generic E. coli is needed. This addresses recent concerns over bacteria like the deadly E. coli O157: H7 strain. Testing for generic E. coli is still required for all water classes, while open water sources will require more testing for total chloroform.

**“We’ve come to the agreement that not all water is created equal,” said Dan Sutton, chair of the LGMA executive committee.**

Sutton, who is also the general manager of the Pismo Oceano Vegetable Exchange, noted LGMA is continually looking for ways to improve the standards. With the outbreaks, however, the leafy greens community felt a sense of urgency and went to work right away, he said.

**“This represents a very significant step forward,” said Stephen Ostroff, who was serving as the FDA’s deputy commissioner for foods and veterinary medicine during the outbreaks. “The things that I think are really important that I see in these changes are: really assessing the intended use of the water, how it's being used, and to assure that the water is adequate for its intended use.”**

The LGMA guidelines now call for routine monitoring and verification that all precautions have been taken.

Ostroff did have concerns over continuing with the current standard of testing for generic E. coli, but recognized it will take time to come up with better ways to improve that testing. Other details will also be ironed out as LGMA refines the metrics over the coming weeks and months. Further down the road, LGMA will likely be returning to the issue of concentrated animal feeding operations (CAFOs) and the proximity to water sources.

Implementation of the new water standards will depend on how quickly the FDA and the California Department of Food and Agriculture upgrade their audits for the five mandatory government inspections required each year for LGMA members.

Meanwhile, LGMA's organizational work is shifting toward outreach, as it educates growers on the new standards and encourages food retailers and distributors to select LGMA-certified growers.

## US ag groups roll out Japan agreement wish list

Japan and the U.S. appear to be moving quickly on a free-trade agreement, but U.S. ag groups from across the country are pouring on the pressure for negotiators to move in a hurry.

**The urgency lies in the fact that every day, U.S. farmers, ranchers, packers, vintners and bakers are losing sales to Japan as foreign competitors lock in new business under preferential conditions.**

The Trump administration has promised to move expeditiously, perhaps even securing a quick, ag only, deal with Japan and ag groups joined together this week to demand that officials like U.S. Trade Representative Robert Lighthizer follow through. The message is clear: The U.S. ag sector wants equal or better tariff terms than competitors in other countries that already have free trade agreements with the Japanese.



Lighthizer and Motegi begin negotiations last week in Washington.

“In recent weeks, Japan cut tariffs for the second time on agricultural imports from the European Union and (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) member countries,” the groups said in a letter they sent Monday to Lighthizer. **“As a result, U.S. exporters of wheat, beef, pork, dairy, wine, potatoes, fruits and vegetables, and other products are facing collapse of their Japanese market share as these lucrative sales are handed over to their competitors.”**

Take for example beef: Japan maintains a 38.5 percent tariff on U.S. beef, which is also subject to higher tariffs if trade increases quick enough to set off a trigger. If the U.S. had remained in the Trans-Pacific Partnership (now renamed and known as the CPTPP), that tariff rate would have eventually gone down to 9 percent and the trigger would not apply. For other countries like Australia and Canada, the tariffs are already declining, giving them a sales edge over the U.S.

And beef isn't alone.

**“The U.S. pork industry cannot get a free-trade agreement with Japan implemented fast enough,” said Nick Giordano, a trade lobbyist for the National Pork Producers Council. “We have a serious problem. We’re losing sales in Japan.”**

Japan is the largest foreign market for U.S. potatoes, and the Asian country buys about \$325 million worth of potato products. Under TPP, Japan had agreed to remove its 8.5 percent tariff on bulk shipments of frozen french fries.

**“The Administration must recognize the urgent need to negotiate a bilateral agreement with Japan that restores access and expands opportunities for American agriculture,”** said National Association of State Departments of Agriculture CEO Barb Glenn. “The increasing levels of disadvantage our producers are facing in the Japanese market have them facing yet another degree of uncertainty in their business. Maintaining, expanding, and obtaining market access for U.S. ag should be of top priority for the Administration and Congress.”

As it is now, the U.S. is playing catch up. Official negotiations with Japan only just began last week when Lighthizer met with Japanese Economy Minister Toshiimitsu Motegi, but Japan’s other free trade agreements have already been in effect for months.

Japan, together with 10 other Pacific Rim countries, implemented the CPTPP in December. Two months later, Japan and the European Union kicked off a separate free trade agreement. That’s why 88 farm groups and ag companies such as the International Dairy Foods Association, National Corn Growers Association, Sargento Foods Inc., American Feed Industry Association, Blue Diamond Growers, Smithfield Foods, Syngenta and the United Egg Producers signed on to the letter.

**“Our agreement with Japan must include market access provisions that at least equal the terms of the CPTPP and the EU-Japan EPA in the first stage of implementation, and where possible build upon those precedents,”** the groups and companies told Lighthizer. “Further, the agreement must include an accelerated phase-in of tariff cuts to ensure the U.S. is not facing a disadvantage on tariff ... access compared to other countries.”

Trade deals can take years to finish, but much of this one is essentially already done if negotiators use the U. S.-Japan portion of TPP as a foundation. That, together with the fact the overall U.S.-Japan relationship seems to be strong, should provide some comfort to U.S. farmers and ranchers.

Japan played hard to get for a long time after President Donald Trump pulled the U.S. out of TPP early in 2017, but Prime Minister Shinzo Abe — under threat of automobile tariffs — finally agreed last September to negotiate. Now the process appears to be gaining momentum. **Motegi is expected to accompany Abe to Washington this week, although spokespersons for the Office of the USTR have not confirmed that. If he does, that will be two consecutive weeks of talks.**

But Abe and Trump are also expected to focus on trade during the prime minister's visit on Friday and Saturday.

“The two leaders will also explore ways to advance their shared vision of a free and open Indo-Pacific region, including steps that will strengthen our bilateral trade and investment relationship,” a White House spokesperson said.

Then Trump, together with the first lady, will travel to Japan. Trump’s visit will be special, said Japanese Foreign Minister Taro Kono, who addressed reporters last week together with U.S. Secretary of State Mike Pompeo. Trump, Kono said, will be “the first state guest after the accession to the throne of our new emperor.”

After the accession ceremony, Trump and Abe are scheduled to hold a “bilateral meeting.” The National Pork Producers Council on Friday said it “continues to urge the Trump administration to expeditiously negotiate access for U.S. pork that is equal or better than the access extended by Japan for pork from the CPTPP nations and the European Union. U.S. pork producers are losing market share in Japan to these competitors.”

## Democratic presidential contenders outline ag priorities

Democratic presidential contenders will likely have to impress a key demographic the party performed poorly with in 2016 — rural voters — if they want to win the Iowa caucuses and fare better in key swing states come November 2020.

The race to secure the Democratic nomination for the 2020 election is already in full swing despite the first caucus not being until February of next year. So far, more than 20 candidates have thrown their hats in the ring, and more are expected to join the fray. Obama administration Vice President Joe Biden is expected to announce his candidacy this week, and a handful of hopefuls are still waiting in the wings. Biden already leads in many polls, and his election could trigger a return of several Obama-era initiatives such as the Waters of the U.S. rule and trade policies like the Trans-Pacific Partnership.

### 2020 Democratic Presidential Candidates

#### Who’s Talking Ag?



Cory Booker



Pete Buttigieg



Julián Castro



John Delaney



Kirsten Gillibrand



Kamala Harris



Amy Klobuchar



Beto O'Rourke



Bernie Sanders



Elizabeth Warren

So far, issues like health care, foreign policy, and social issues have dominated the conversation, but Iowa's standing as the first-in-the-nation caucus state has led some candidates to offer commentary on farm policy issues as well. On that front, candidates have emphasized issues such as breaking up large agribusinesses, improving rural health care and fighting for small family farmers.

Several candidates have records of pushing bills or taking votes directly dealing with agriculture policy or rural issues, but what are Democratic candidates (listed below in alphabetical order) saying?

**Cory Booker** — Booker, who has represented New Jersey as a senator since 2013, has introduced legislation opposed by animal ag groups but supported by the Humane Society Legislative Fund.

In February, Booker, who is a vegan, told Vegnews.com, “the planet simply can’t sustain billions of people consuming industrially produced animal agriculture because of its environmental impact.” During the 113<sup>th</sup> Congress, Booker supported legislation prohibiting the slaughter and export of horses for meat consumption. He has also supported strengthening protections for federal lands and public wilderness areas.

Booker is also known in ag circles for his efforts on checkoff reform with Utah Republican Mike Lee. Their bill — which the National Cattlemen's Beef Association said was pushed by "militant vegans" — would ban checkoff groups from contracting with organizations that lobby on farm policy, but it has not become law.

**Pete Buttigieg** — The South Bend, Indiana, mayor, or “Mayor Pete” as he is frequently called, is seen as a rising star and is climbing in recent polls. He supports the concepts of the Green New Deal and the climate package introduced by New York Congresswoman Alexandria Ocasio-Cortez. Buttigieg told Fox News Sunday the time to start curbing carbon emissions was “yesterday.”

In 2018, he took part in a Sierra Club effort to request Indiana Michigan Power, an energy company serving both states, give due consideration to renewable energy sources as the utility finalized its 20-year energy plan.

**Julián Castro** – A former Housing and Urban Development Secretary in the Obama administration, Castro has been strategizing to win over rural Iowa Democrats and minorities living in smaller towns. He’s traveled the state pushing his “People First” Immigration policy, which focuses on a path to citizenship for undocumented workers, something the dairy sector in Northwest Iowa heavily relies on.

The former San Antonio mayor recently visited Orange City, which has a population of 6,000. He told the Des Moines Register April 16 that he’s counting on these voters, who he says have been overlooked by previous Democratic presidential candidates in favor of visiting larger cities like Sioux City, population 82,000.

Castro’s immigration policy applies a civil violation rather than a criminal one for apprehended people and includes helping Central American countries improve their governments and economies to keep people from leaving. In Iowa, he’s also pushed to improve psychiatric care in rural hospitals to improve mental health.

**John Delaney** — Maryland congressman Delaney is no stranger to the Hawkeye State; he visited all of Iowa’s 99 counties in 2018 and plans to visit all 50 states.



Earlier this month, Delaney released his “[Heartland Fair Deal](#)” focusing on four areas to improve farm country, including economic growth, infrastructure, rural health, and agriculture. In a release, Delaney said his plan “is designed to allow people to move back to rural America ... (and) to end the trade war and give farmers new markets.”

He said the plan also boosts rural health care and strives to get more government contracts into rural America. Delaney would also like to re-enter the new version of the Trans-Pacific Partnership, which he supported under President Barack Obama.

**Kirsten Gillibrand** — New York senator Gillibrand, who serves on the Senate Agriculture Committee, has taken a hard-line stance on climate change, telling reporters in Iowa last month it is the “greatest threat to humanity.”

Most recently, Gillibrand blamed climate change for the recent flooding along the Missouri River. Gillibrand has touted the Green New Deal as a starting point to improve the climate but says more needs to be done.

In December, Gillibrand encouraged Environmental Protection Agency Administrator Andrew Wheeler (then the acting administrator) to abandon a proposal exempting farmers from reporting air emissions under the Emergency Planning and Community Right-to-Know Act (EPCRA), citing Congress's choice to leave in place reporting requirements while EPA proposed extending an exemption.

**Kamala Harris** – California senator Harris has a record supporting legislation to protect migrant agriculture workers. [In 2017](#), she supported Sen. Dianne Feinstein’s Agricultural Worker Program Act, which Feinstein reintroduced in January. The bill protects farmworkers' document status, while allowing them to work toward a path to citizenship.

In February, Harris reintroduced the [Fairness for Farmworkers Act](#), which would amend the Fair Labor Standards Act to grant overtime protections to workers who work more than 40 hours a week.

Harris pushed for increased trade promotion funding in the 2018 farm bill but joined a [letter](#) opposing House-passed environmental language during the conference process. She voted for the final bill. Most recently, she’s urged Secretary of Agriculture Sonny Perdue to withdraw USDA’s proposed Supplemental Nutrition Assistance Program proposal, which would make it harder for states to get waivers for the program.

**Amy Klobuchar** — One could argue out of all the candidates, Sen. Klobuchar of Minnesota has the most ag policy experience. She currently serves on the Senate Agriculture Committee and represents a farm state.

She has agreed with other candidates on breaking up agriculture monopolies and has also stressed the importance of battling climate change. “On day one, as your president, I will sign us back into the international climate agreement,” Klobuchar said last month.

On trade, she would push for finalizing trade deals quickly because government payments are “not the same as selling things” for farmers. She says humanitarian issues also must be addressed when negotiating trade deals, which she claims President Trump has neglected.

Klobuchar visited a Nevada, Iowa, ethanol plant earlier this month, where she assured the ethanol industry and farmers she would continue to invest in the renewable fuels industry while also maintaining the Renewable Fuel Standard. Minnesota ranks fourth in ethanol production, according to the Energy Information Administration.

**Beto O’Rourke** – The former Texas congressman has a limited record on farm policy, but campaign literature makes broad mentions of improving broadband, rural health care, and ag sector profitability.

“Let’s make sure farmers can make a profit while they grow the food and fiber that feeds and clothes not just this country but the world,” his campaign site says.

He voted against the House version of the 2018 farm bill, joining the rest of his party in opposition. His rationale for voting against the bill came down to cuts to SNAP and concerns for “deep cuts to conservation programs and renewables.” However, he did support provisions in the bill to reauthorize programs supporting farmers facing low commodity prices, and he voted in support of the conference report in December.

Throughout his time in Congress, O’Rourke pushed to fund industrial hemp research and end animal abuse. He also supported country-of-origin labeling, if it were done in a way that “complies with agreements with our trade partners” so exports will be treated fairly in their markets.

**Bernie Sanders** — The Vermont senator brings a good deal of name recognition to the race, following up an unsuccessful 2016 presidential bid to be the front-runner in many early polls for the 2020 nomination.

His most recent stance on agriculture is calling for a moratorium on mergers of agriculture corporations. In Iowa recently, Sanders told HuffPost he would place a moratorium on agriculture mergers if elected president because he said consolidation continues to hurt small family farmers.

Sanders is also known as a proponent of GMO labeling, representing the first state in the union to call for mandatory GMO labeling. As such, he supports allowing states to require labels for foods containing biotech ingredients. On ethanol, in a January 2018 statement, Sanders noted “biofuels like ethanol have been an economic lifeline to rural and farm communities in Iowa.”

**Elizabeth Warren** — Warren, a senator from Massachusetts, said she would hold major agricultural companies accountable by taking on consolidation. “I want an America that not just works for those at the top, but everyone,” Warren said last month at a Heartland Forum in Iowa.

In a document detailing her ag policy priorities, Warren highlights consolidation, including potentially undoing mergers such as Bayer-Monsanto, something she says “should never have been approved.”

In March, Iowa and other states along the Missouri River were ravaged by floodwaters. Warren said “we must pass disaster relief to help anyone who’s been hit by a natural disaster,” which she said meant getting help to farm country. But she — and other Senate Democrats vying for the presidency — voted against disaster relief funding before Congress adjourned for a two-week recess. Democrats want to see more financial assistance for Puerto Rico before they vote for disaster relief.

In addition to those listed above, there are also candidates like Ohio Rep. Tim Ryan, who has pushed to bolster the Conservation Stewardship Program and get venture capitalists to invest more in agriculture companies and innovations. Former Colorado Governor John Hickenlooper spoke about the need to protect water for agricultural use during his time in office, and Washington Governor Jay Inslee is pressuring the Democratic National Committee to host a debate strictly discussing climate issues.

Whoever wins the nomination likely will be pitted against incumbent President Donald Trump, whose deregulatory policies have been popular in farm country. But some of the same voters thrilled with things like WOTUS repeal are also growing weary of the president's trade policies.

## **Union chief demands opening up USMCA**

The U.S.-Mexico-Canada Agreement is going to have to be torn open to add labor enforcement measures or the newly renegotiated trade pact will have no chance of ratification in the U.S., AFL-CIO President Richard Trumka said Tuesday.

Trumka — an influential ally to many Democrats — said he is pleased to see Mexico’s legislature moving to approve labor protections called for under USMCA, but he also stressed that won’t be enough.



Richard Trumka, AFL-CIO

**“Even if you have those laws, that doesn’t mean you have the ability or the will to enforce them,” Trumka said about Mexico. “What we want to see is that they have ... the infrastructure to be able to enforce the bill and ... the resources to do it.”**

Mexican reforms to allow workers to choose their own union contracts and representation are viewed as key to reversing Mexico’s history of providing a low-wage environment that encourages U.S. manufacturers to set up factories south of the border.

Mexico’s lower house of Congress has approved a labor reform bill and the upper house — Mexico’s senate — is expected to do so soon.

Trumka praised the legislative action, but said it's only the first step toward making sure that the USMCA can be ratified.

**“None of it’s impossible,” he said. “We can do it. Some of it can be done in the (USMCA) implementing language. Some of it will have to be done by reopening (USMCA).”**

But U.S., Mexican and Canadian officials have said that's a line that should not be crossed. Leaders of all three countries met last year in Buenos Aires to sign off on the renegotiated North American Free Trade Agreement after more than a year of grueling negotiations.

President Donald Trump has already made it clear that he wants to dissolve the existing NAFTA, making USMCA ratification extremely important to the U.S. ag sector because the pact would keep most tariffs at zero. The U.S. exports about \$19 billion worth of pork, beef, dairy, grain and other commodities to Mexico every year.

## **Wanted: Consistent guidance from DPR on pesticide use**

Historically, the California Department of Pesticide Regulation (DPR) has provided a clear understanding of what the state's county commissioners can recommend as a lawful application and when some additional discretion was allowed. But some recent guidance letters are putting that long-standing relationship to the test.

Case in point: Growers in the northern part of the state needed to apply fungicide sprays due to heavy rains in almond and walnut orchards that had been flooded. In the past 30 years,

DPR had allowed growers thru an exemption from the label to allow the applications to occur by air. The legal opinion at the time was based on a definition of standing water that was not going to move off site into other waterways. However, a recent letter from DPR said that's no longer the case and use of the product was not labeled for this use by air, and in the next paragraph, the DPR letter informed that the commissioner should use his own discretion.



Ruben Arroyo, CACASA President

Ruben Arroyo, Riverside County Agricultural Commissioner/Sealer and President of the California Agricultural Commissioners and Sealers Association said there is a "rocky road we are going down now, but hopefully we'll come to some conclusion that is based on sound science.

"Our goal is to make sure we are regulating you in the right manner and that we are doing the same things in all counties," Arroyo told CAPCA members during a meeting in Temecula last week. "I want you to feel comfortable that what I'm doing in Riverside County is the same thing that's happening in San Diego County."

## **News Briefs:**

**Hemp seed imports authorized for 2019 growing season.** Producers will be allowed to import hemp seeds after a procedural correction from the Department of Agriculture corrected a state of limbo for the industry. As reported in last week's *Agri-Pulse*, hemp producers were concerned about implementation of the 2018 farm bill pulling some authorizations — such as hemp seed imports — in the 2014 farm bill in the interim. The 2018 law allowed states to decide if hemp should be produced within their borders, so long as USDA approved a production plan.

Last week, USDA announced it would provide “an alternative way for the safe importation of hemp seeds into the United States,” rolling out separate rules for imports from Canada and countries other than Canada. Sen. Jon Tester, the Montana Democrat who used a recent hearing to press Ag Secretary Sonny Perdue on the issue, said the “welcome news” ensures “producers can purchase and clean their seeds in time to get them in the ground this spring.”

**EPA needs to make decision on chlorpyrifos.** The 9th Circuit Court of Appeals has given the Environmental Protection Agency 90 days to decide whether to allow the use of chlorpyrifos. The appeals court issued a three-paragraph order giving the agency until mid-July to respond to objections from farmworker and environmental groups to EPA's 2017 decision permitting continued use of the insecticide. “We commend the court for this ruling as it forces the EPA to stop stalling,” Earthjustice attorney Patti Goldman said in a news release. CropLife America President and CEO Chris Novak said in a statement his group “is pleased that the court returned the decision to EPA. We will continue to work with the agency to encourage decisions that are based in science. Chlorpyrifos has been carefully evaluated and approved by regulatory bodies in 79 countries and is one of many critical tools used by farmers to fight pest infestations.” Goldman argued the case on March 27 for the League of United Latin American Citizens (LULAC) and a host of other groups seeking to ban use of chlorpyrifos, sold by Corteva Agriscience under the trade name Lorsban. An en banc panel of 11 judges issued the decision. In August, a panel of three judges ruled 2-1 that EPA should ban the insecticide. But enough judges on the court voted to hear the case again that the court convened the en banc panel. Seven states and the District of Columbia intervened in the case to support LULAC. The states are California, Hawaii, Maryland, Massachusetts, New York, Vermont and Washington.

## Farm Hands on the Potomac...

**Marla Livengood**, regulatory affairs manager of the California Strawberry Commission, has announced she will run for Congress for California’s 10<sup>th</sup> Congressional District. Livengood competed in 2018 for California’s 9<sup>th</sup> Congressional District and had an unsuccessful run, defeated by Democratic representative **Jerry McNerney**. California’s 10<sup>th</sup> Congressional District is currently held by freshman Democrat Rep. **Josh Harder**, who won over incumbent Rep. Jeff Denham, R-Calif., in the 2018 election.



Marla Livengood

**Ray Starling**, chief of staff to Sec. **Sonny Perdue**, is heading home to his native North Carolina to be closer to family. His last day at USDA will be May 6. Prior to joining USDA, he served as Special Assistant to the President for Agriculture, Trade and Food Assistance as part of the White House National Economic Council and as chief of staff to U.S. **Sen. Thom Tillis**.

**Joby Young**, chief of staff for Deputy Secretary **Steve Censky** will be Perdue’s new chief of staff. Young previously served as chief of staff for USDA’s Rural Development, Office of Congressional Relations, and as chief of staff for Rep. **Austin Scott**, R-Ga.

National Cattlemen’s Beef Association CEO **Kendal Frazier** will retire at the end of the year, the NCBA announced in a release yesterday. Frazier has been with NCBA - and its predecessor group, the National Cattlemen’s Association - for 34 years and was named CEO in 2016 after

holding the title on an interim basis. Before being named CEO, Frazier had a wide variety of roles within NCBA during his time there and also worked for the Kansas Livestock Association and as a farm broadcaster in Kansas. NCBA says a CEO search will begin immediately, and Frazier plans to stay on for a transitional period through the end of the year.

Kraft Heinz will bring on **Miguel Patricio** to replace their past CEO, **Bernardo Hees**. Patricio brings over two decades of experience from Anheuser-Busch, where he most recently served as the global chief marketing officer. He will assume his duties in July.



Steve Silverman

**Steve Silverman** has headed west to Colorado to start a new position as the deputy commissioner for the Colorado Department of Agriculture. Silverman started his responsibilities on Monday. Silverman has over three decades of experience in public service and most recently served as the director of USDA's National Appeals Division. Throughout his career, he has served as the deputy assistant for the attorney general for the Environment and Natural Resources Division at the Department of Justice, and as the principal deputy general counsel at USDA, supervising the operations of USDA's Office of General Counsel and oversaw a diverse portfolio of legal and policy matters. Silverman also served as the acting general counsel of USDA.

U.S. Trade Representative **Robert Lighthizer**'s top legal adviser, **Stephen Vaughn**, is leaving USTR. Vaughn served as the general counsel and is being replaced by **Joseph Barloon**, who currently serves as a lawyer at Skadden Arps. ... **Sam Scales** is joining the U.S. Trade Representative as deputy assistant for the Intergovernmental Affairs and Public Engagement Office. Scales comes from the Ford Motor Company, where he served as the manager of government affairs. He previously worked for the House Natural Resources Committee under Rep. **Rod Bishop**, R-Utah.

The J.R. Simplot Company named **G. Rey Reinhardt** the vice president of business development and optimization within its AgriBusiness division. Reinhardt was brought on to Simplot in 2018 to serve as the senior director of retail operations. Before that he served as vice president of retail operations for Agrium.

**Scott Pruitt**, former administrator to the Environmental Protection Agency, registered last week with the Indiana Lobby Registration Commission identify himself as a self-employed consultant. He listed RailPoint Solutions LLC as his sole client and will lobby under the topics of energy and natural resources.

The California Leafy Greens Marketing Agreement elected new officers and members to its advisory board. **Dan Sutton**, general manager of Pismo-Oceano Vegetable Exchange, has taken on the new title of chairman. He previously served as vice chairman for the past two years. Sutton replaces outgoing chairman, **Steve Church**, with Church Brothers Produce. Taking over the vice chairman's position is **Jan Berk**, COO of San Miguel Produce, and **Gurmail Mudahar**, vice president of Research & Development and Food Safety for Tanimura and Antle in Salinas will serve as secretary and treasurer. To see the individuals elected to serve on the advisory board, please click [here](#).

**Clay Boggs** moves up from legislative assistant to legislative director, covering the agriculture and foods, foreign trade and international finance, and public lands and natural resources portfolios for Rep. **Norma Torres**, D-Calif.

Settling in as the new legislative correspondent covering the agriculture and food and public lands and natural resources portfolios for Rep. **Jimmy Gomez**, D-Calif., is **Maria Martirosyan**. She previously served as Gomez's scheduler.

**Molly Fishman** has left the office of Rep. **Jackie Speier**, D-Calif., as legislative director to become the director of federal government relations at the California Life Sciences Association.

**Alex Damato** has been moved to legislative director for Rep. **Doris Matsui**, D-Calif. Damato covers foreign trade, science and technology, and transportation issues and previously served as technology and telecommunications adviser and senior legislative assistant.

**Kenny LaSalle** shifted from staff assistant to legislative aide in the office of California Democrat Rep. **Antonio Cardenas**. LaSalle has been with Cardenas since June 2014.

The portfolio for international affairs for Sen. **Jeff Merkley**, D-Ore., will be handed off to **Matt Squeri**, who is serving as the foreign policy adviser. He comes from North Dakota senator **Heidi Heitkamp**'s office where he served as legislative assistant.

Sen. **Catherine Cortez Masto**, D-Nev., has hired **Paulina Glass** on as the new legislative correspondent covering the veterans and foreign policy portfolio.

**Troy Dougall** will be covering trade issues for Rep. **John Curtis**, R-Utah., as his new legislative aide. Dougall previously served as staff assistant.

Rep. **Raul Ruiz**, D-Calif., promoted **Isaac Rubin** from legislative correspondent to press secretary. Before Ruiz's office, Rubin worked as a public affairs assistant at Kivvit.

**Chris Leuchten** joins Sen. **Kyrsten Sinema**'s, D-Ariz., staff as a counsel and policy adviser. Leuchten previously worked as an associate for Baker & McKenzie LLP.

**Vijay Menon** joins the staff of Sen. **Mike Lee**, R-Utah, as a policy adviser for the Joint Economic Committee. Menon previously worked as a research assistant for the Heritage Foundation.

**Sarah Monteith** is transferring to the staff of California Democrat Rep. **Josh Harder**, as his new legislative assistant. Monteith comes from the Senate Health, Education, Labor and Pensions Committee and worked for Sen. **Patty Murray**, D-Wa.

**Drew Spence** is the new policy chief of staff for Kamala Harris's, D-Calif., presidential campaign. He was serving as her legislative aide in the California Democrat's Senate office.

**Ernesto Rodriguez** is joining the staff of Rep. **Nanette Diaz Barragán**, D-Calif., as her new legislative director. He comes from the Joint Economic Committee, where he served as senior

counsel for Sen. **Martin Heinrich**, D-N.M. ... **Joshua Izaak** also joins the staff of Diaz Barragán as the new senior policy counsel. He comes from the office of Sen. **Ben Cardin**, D-Md., where he was a legislative correspondent.

**Bryan Doyle** has left the office of Rep. **Antonio Cárdenas**, D-Calif., where he served as communications director. Cárdenas's office has not named a replacement for this position.

**Fred Starrh**, a California cotton, almond, and pistachio farmer, died at the age of 89 due to a stroke. Starrh is well known for filing a lawsuit against Aera Energy LLC, an oil company that knowingly allowed its wastewater to contaminate Starrh's groundwater. The lawsuit lasted for 13 years, and in that time was tried three times, appealed twice and ended in a multimillion-dollar award against Aera. Starrh was active in national cotton industry groups and the Kern County Farm Bureau, where he served as president from 1973-1975.

**Charles "Charley" Hess**, UC Davis former dean of the College of Agricultural and Environmental Sciences, died at the age of 87 of congestive heart failure. He began his career by joining the faculty at Purdue University in 1958 and then went Rutgers in 1966 as chair of the department of horticulture and forestry. He advanced to acting dean of the College of Agricultural and Environmental Sciences in 1971 and two years later became the founding dean of Rutgers' Cook College, which is known today as the School of Environmental and Biological Sciences. He came to UC Davis in 1975 and held the post of dean until retirement in 1989. After 14 years serving as dean, he stepped down to accept an appointment by President George H.W. Bush to be the assistant secretary for science and education at the USDA, where he served from 1989 to 1991. Prior to that, Hess had two presidential appointments to the National Science Board. At USDA, he led efforts to create the National Research Initiative, which evolved to the National Institute of Food and Agriculture.

**Best regards,**

**Sara Wyant**

**Editor**

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