

Survey finds pandemic is ‘amplifying’ farmworker issues

Farmworker organizations this week released the results of a new study aimed at understanding how the COVID-19 pandemic has been impacting farmworkers. The study comes as the Newsom administration invests in testing and housing for farmworkers to address the disparities, including more than \$50 million to support Central Valley efforts; the Legislature is also considering measures to expand benefits for vulnerable populations like this.

Nearly half of the 900 workers surveyed in the study reported losing work time and subsequent income during the pandemic. The loss was due to factors like decreased market demand, workplace disinfection for COVID-19 and employee testing, but the lack of child care due to school closings and fears of catching the virus have also kept workers home.



Gov. Newsom in Stockton on Monday announced new measures for farmworkers.

Slightly more than half, 54%, said their employers have provided face coverings, with many receiving masks just one time — though the report acknowledges this may not reflect more recent efforts in supplying masks. Yet nearly all said they wore masks in the workplace, likely supplying their own. Farm labor contractors were the least likely to provide resources like this, followed by packinghouses and farmers hiring directly. About

30% of the farmworkers said their employers are taking all the necessary precautions; The same amount said their fellow workers should take more precautions.

About half the farmworkers have experienced barriers to health care, such as high costs and lack of insurance or sick leave. Nearly all of the respondents, 90%, said they are taking precautions at home to protect their families from the spread of the virus.

The six farmworker organizations behind the study – nonprofit groups, labor researchers and policy advocates – were coordinated by the California Institute for Rural Studies and provided a

number of recommendations based on the findings. **In the report, they urge the state to expand income and safety net support for farmworkers — including the 60% estimated to be undocumented — and to strengthen Cal/OSHA enforcement, while also mandating that COVID-19 testing include occupations as part of the screening questions.** The groups also argue that farmworkers have been systematically excluded from social safety net programs.

Farmworker groups have been raising many of these concerns since the pandemic began. Agricultural groups, such as the California Farm Bureau Federation, the Western Growers Association and the Grower-Shipper Association of Central California, have been racing to address these issues in a number of ways — from educating members on safety protocols to running public service messages on local radio stations and procuring millions of masks through public and private partnerships.

In a separate report, the California Institute for Rural Studies notes that in Monterey County, farmworkers are three times more likely to contract the virus than other essential workers. The Monterey County statistics have been widely cited due to the fact that most counties do not track data on occupations when testing for the virus and the state has not instituted a standardized reporting system for tracing details like this across counties.

Don Villarejo, who founded the Davis-based institute and authored the jobs report, reviewed county health department websites and found that four out of 58 counties publicly shared information about employment status in relation to COVID-positive cases.

“There is a fundamental lack of transparency,” he said in a press conference Tuesday. **“Lacking that local information, we are in serious trouble.”**

Villarejo reviewed Monterey’s jobs numbers to discover a 39% decline in agricultural employment during April, May and June. Statewide, agricultural workers saw a 23% drop in June, losing more than 110,000 jobs, according to Villarejo.

The farmworker organizations also point out that the state employs about 800,000 farmworkers, with few holding full-time, year-round work, leading to an average annual income of less than \$18,000.

The groups performed the study in partnership with the UC Davis Western Center for Agricultural Health and Safety and the Community Alliance with Family Farmers, among several other groups. The survey is an update to a UC Merced report on farmworker health issued 20 years ago, according to State Senator Anna Caballero of Salinas. Caballero said in March she had secured \$1.5 million for the farmworker health study.



Sen. Anna Caballero, D-Salinas

During an event in May, she argued for providing undocumented workers legal status, which would give them access to benefits like workers’ compensation, disability and unemployment during the pandemic. She added that another study in the works is focusing on the health of children of farmworkers by investigating the long-term impacts of exposure to farming activities. Caballero was unable to respond to the study results in time for publication.

Gov. Gavin Newsom, meanwhile, has been ramping up efforts to investigate coronavirus outbreaks among agricultural workers in the Central Valley.

“The rising community transmission rates we are seeing, particularly among Latinos in the Central Valley, are concerning,” he said in a press briefing Monday.

Latinos, for example, comprise 53% of the population in Fresno County, but account for 65% of COVID-19 deaths.

Newsom is allocating \$52 million in emergency funding from the Centers for Disease Control to boost testing, contact tracing and isolation housing in the region. Strike teams will be investigating outbreaks in agricultural workplaces, high-density housing developments and factories, but will engage with employers through a “supportive mindset,” rather than punitive, he added.

Newsom said on Friday he is supporting a measure in the Assembly to add more regulatory muscle for Cal/OSHA in order to more swiftly close outbreak investigations. Attorney Michael Saqui, who represents agricultural clients in labor disputes, has been warning that Cal/OSHA strike teams have already been issuing citations to Central Valley farms and agricultural facilities in rural areas for failing to follow social distancing guidelines.

Newsom also promised to expand an industry effort to build isolation housing and procure hotel rooms for exposed but asymptomatic farmworkers. He is working with the Legislature on expanding earlier executive orders on paid sick leave and workers’ compensation, which have been opposed by a broad coalition of agricultural and business groups.

Now that lawmakers have returned from an extended recess to further quarantine, a number of these bills will be debated over the next five weeks until the end of the session.

Extreme heat in November: Southern California farmers brace for climate uncertainty

Specialty crop growers in Southern California are facing a harsh reality. As climate change draws record heat and erratic precipitation patterns to the region, farmers struggle to find the resources that can translate climate scenarios down to the regional or crop level. While many growers here are already adopting climate-resilient practices, a new CDFA report shows they are eager for scientists and policymakers to close the research gap in climate modeling.

“We really don't have crop-specific information for how bad of an impact these extremes could have,” said Tapan Pathak, a UC Merced specialist in climate adaptation for agriculture, in a discussion on Monday about the report. “Based on that, we could create viable adaptation strategies.”

CDFA partnered with the San Diego–based Climate Science Alliance to produce the report. According to Connor Magee, who leads the alliance effort, agriculture in San Diego County alone is highly diverse, with a large portion of small farms, which sweep across high deserts, alpine landscapes and a Mediterranean climate on the coast. Magee and his team compiled more than 50 in-depth interviews and a survey of more than 150 stakeholders across Imperial, Kern,

Riverside and San Diego Counties. **They discovered a strong need for more training, on-farm support and analysis of the economic benefits for climate-smart practices.**

The report serves as a region-specific update to a 2012 CDFA statewide report on specialty crops. That initiative led to a new CDFA office dedicated to environmental farming as well as partnerships with Israel, the Netherlands, South Africa and Australia and a suite of climate-smart incentives programs aimed at mitigating emissions, adapting to climate impacts and maintaining food security.

In 2019 CDFA secured funding for the follow-up study through a USDA specialty crop block grant and resources through a partnership with the alliance.

The report serves to distill a few of the many climate scenarios down to the regional level. **One of the findings is that Southern California will face minimum temperatures much higher than other regions in the state, according to Michael Wolff, a researcher in the CDFA Office of Environmental Farming and Innovation. In the southern San Joaquin Valley, the average number of extreme heat days each year will go from seven today to 30 by 2050, and those days will arrive as early as May and stick around as late as November. By 2100, the number is estimated to double.**

The temperature increases in the Sierra Nevada range are less certain but are likely to have significant impacts on agriculture by causing more precipitation to fall as rain rather than being stored as snowpack to replenish reservoirs in summer, said Pathak. Together with other



Tapan Pathak, a cooperative extension specialist for climate adaptation in agriculture at UC Merced

cooperative extension specialists, he found that current studies show heat alone could reduce yields by nearly 30% for some crops — a number likely to be higher if water stress were factored in as well. The amount of time to reach maturity for processing tomatoes, for example, could shrink by three weeks — crippling a sector where California leads the nation.

Climate models show less certainty over whether the amount of annual precipitation overall will drop, according to Wolff. Rainstorms will be more intense, raising flood risks, and springs will be much drier. Yet the patterns will vary wildly from year to year. This presents challenges not just for surface water supplies. Current strategies to mitigate the heat effects on crops often involve more irrigation, which relies on more water availability.

Farmers must grapple with other trade-offs as well when switching to more heat- or water-tolerant crops or to commodities with higher market values that can offset the rising cost of water. Each crop responds to climate and weather differently.

“When we are thinking about adaptation research, we really need to be looking at the crop-specific and region-specific issues,” said Pathak.

Another climate challenge is a reduction in the number of frost days, which allows pests and diseases to survive longer and spread further. Currently, almond and walnut growers in just one

or two counties are facing a climate that is highly conducive to navel orangeworms by allowing them to complete five cycles of growth.

“By end of the century, almost the entire valley is going to experience the fifth generation of navel orangeworm,” Pathak said. “And there is a huge impact, especially if it hits during the net production or harvest time frame.”

Warming temperatures are also leading to more insects and weeds migrating into and across the state from other regions. To combat this, Pathak said, integrated pest management should be a priority in this region, along with the means for adopting these practices.

“The growers [in the survey] mentioned that we need better tools to measure the effectiveness of these practices, and better tools to implement these practices,” he said.

The report will help researchers develop new outreach tools that offer more IPM options aimed at specific growth stages for insects, which would reduce the frequency and amount of pesticide spraying in the process, he said. Farmers can also play a central role in developing software that more intuitively integrates climate projections into regional risk assessments for certain crops.

CDFR and UC Agriculture and Natural Resources have been ramping up their extension efforts for adaptive practices as well. A partnership between the two organizations in 2018 created 10 positions for education specialists in climate-smart agriculture at the county level. They encourage growers to apply for incentive funding through the CDFR programs. Kern County education specialist Shulamit Shroder said the water efficiency grants have been “extremely popular” here, helping farmers convert to drip irrigation, purchase soil moisture sensors and replace diesel pumps. But she acknowledged the process is competitive and growers outside of overdrafted basins, such as Imperial County, tend to lose out on those grants.

The CDFR programs are also facing funding shortfalls this year as the state’s cap-and-trade revenues are in steep decline. The Legislature and Gov. Newsom are negotiating changes to the market that could generate more revenue in the future.

The governor has signaled strong support for the Healthy Soils Program particularly, and the department is planning to expand its partnerships on this front as well. The report serves as both a valuable resource for grower feedback and a policy paper for lawmakers in support of climate resiliency practices.

“This is what I hope is the first of many regional efforts to listen and hear from farmers and ranchers throughout California on what we are doing now and what we need to do to prepare for and adapt to a changing climate,” said CDFR Secretary Karen Ross.

Q&A with Chris Novak, CEO of CropLife America

CropLife America President and CEO Chris Novak says the nation's crop protection sector is battered, but not broken after enduring a growing season that took place in the midst of a pandemic that stalled many other facets of the economy.

Novak, who took the helm of the crop protection trade association nearly two years ago, said CropLife has adjusted well to doing business virtually, but is still working to bring things back to normal.

“The thing that I think none of us can quite determine is, what does normal look like?” he said. “After we have a vaccine and we get back to doing some of what we used to do, I suspect that it’s going to be very different from where we were six or 12 months ago.”

This conversation has been edited for brevity and clarity.

What’s been the biggest impact from COVID on your members?

Fortunately for us, we’re an essential industry, and also an industry on the manufacturing side with a strong workforce but a lot of automation as well, giving them the opportunity to have employees socially distance. In talking with a few of my members late this spring, early summer, there were very few cases of COVID within their manufacturing plants. They have an ability to isolate those employees and continue business without interruption. The only other aspect of this that we’re continuing to monitor is, we bring in a lot of ingredients from overseas, and just ensuring that supplies continue uninterrupted from those sources. There was some concern on that in March and April, but most of those issues seem to have quieted, if not been fully resolved.

In terms of court cases, has that made you shift your resources at all?

In most of the recent cases, I would say we have been an amicus party. The court cases have certainly intensified our work. We were looking at all of that litigation (the Bayer Roundup tort cases and litigation over chlorpyrifos) to say, we have to find a different way to talk to consumers and policymakers with respect to pesticides. In terms of a new approach, it was simply taking the time and the money last year to invest in doing consumer focus groups to gain an understanding of what did they know about pesticides, what was important to them in the conversation around pesticides, and to identify ways that that we could talk to consumers about what we do in a way that didn’t have our industry jargon. We got some great learnings from that and (CLA Vice President for Communications and Marketing Genevieve O’Sullivan) did the research and is now in the process of rolling out those messages to our companies as well as to the farm organizations that we work with.



CropLife CEO Chris Novak

Among consumers there is a strong desire for innovation. They were surprised at how little money farmers made and could understand that farmers needed tools to be able to protect their crops. So, there’s some things that we’re hoping to continue reinforcing.

We have litigation, we’ll be involved in the cases, but beyond the litigation, how do we begin to get to the larger question about the role of pesticides in society?

Do you see your role at CLA as defending your members’ products in the public arena?

Yes, we spend a lot of time in in defense of the products that are manufactured by our members.

I continue to believe as a farm kid who grew up on a small farm in eastern Iowa, we have such a dynamic story to tell about the role that pesticides have played in improving environmental quality, enhancing sustainability, to reducing greenhouse gas emissions. I truly want us to be able to move from being in a defensive posture to far more aggressively telling that story — that cover crops, which reduce erosion and sequester carbon, reduce runoff of nutrients and pesticides, are best managed with pesticides, where the farmer then will burn down those cover crops before they plant their primary crop in the spring. Conservation tillage and minimum till, no-till, are made possible because of pesticides and in part in combination between pesticides and biotechnology.

We're not ready to let go of some of our older chemistries; those are still important to farmers who are looking at an integrated approach and may need some of those older chemistries to mix up their rotation and ensure that we don't have resistance developing on the farm. But we certainly know that the new innovations that are coming will allow us to better manage the impacts of pesticide use.

What's the biggest issue that keeps you up at night?

I will say right now from a focus standpoint, it is this question of the global regulatory policy. And we've spent a great deal of time this spring as the Mexican government has more or less adopted a European regulatory philosophy. That's new and certainly challenging, but really in terms of what does keep me up at night, the Bayer settlement on glyphosate was a necessity. When you had over 100,000 individual cases, there would not have been any way to have litigated all of those cases, and certainly as you take these types of issues to a jury, there isn't a strong understanding of science within most jury panels, and so truly laying out how and why these products have been reviewed, how the products are used to minimize risk to consumers, you couldn't have fought that in 100,000 courtrooms across the United States.

We can continue to represent our industry well within Congress and within state legislature to explain the story that I just shared, but when we get to the courts, there is very little that can be done, as we saw with dicamba where the court said, 'we're going to vacate EPA's registration decision and we know that that will impact farmers, but that's not our concern.' I'm paraphrasing the court's language, but that was the effect and the thrust of their decision, and that creates chaos for farmers who have planted crops, who have bought chemicals, who were ready to go to the field when that decision was issued.

During the CropLife meeting last fall, we heard some folks talking about the need for consolidating advocacy groups in the industry, because there's been a lot of consolidation in the industry itself. Are there any discussions happening right now between CropLife and any other groups about getting together?

Certainly, we're aware of those conversations and even as I was interviewing in the spring of 2018, those issues and questions were certainly out there. I am excited about the organizational changes and improvements that we've implemented over the last 18 to 24 months. We began with a strategic planning process in late 2018, early 2019 to look at, what is the focus that we want to create for the organization, where should we be investing dollars and staff time to create the greatest return for our membership?

But also in October of 2018, I sat down with my colleagues at The Fertilizer Institute, the Ag Retailers Association, as well as the American Seed Trade Association, to look at moving into a shared office space, not proposing any change in the nature or structure of our organizations, but the realization that we need to work closely together and that there would be ways if we moved in with one another, that we could share services, share costs, and better coordinate, as we're serving some common members.

That has now come to fruition in that we will move in December into a shared office with TFI and ARA.

Moving into EPA's Office of Pesticide Programs, obviously, you guys have a lot of dealings with them. Do you think they have enough resources and personnel to do what they need to do right now, especially pesticide registration review?

No. And in visiting with (former OPP Director) Rick Keigwin, who just had moved (in June) from OPP into (EPA Assistant Administrator of Chemical Safety and Pollution Prevention) Alex Dunn's shop, Rick noted that at one point in time, he was authorized to have up to 900 employees, and they were down to 600.

We met with the assistant EPA Administrator a year ago, Rick Darwin, who noted at the time that EPA was about 300 days behind its PRIA deadline. So, for an individual product, if the PRIA target is two years, I mean EPA was running at almost three years to get that product through the process.

Is there anything you're pushing for in terms of regulations right now at EPA?

No. The one outstanding question is always going to be the Endangered Species Act. There, we're going to continue to push (EPA) to utilize better data. They recently have issued some biological evaluations (on the effects of pesticides on endangered species) that did incorporate better mapping of species as well as mapping of pesticide use, and yet, my members have indicated that EPA was still using more or less state-level data. We know as we look at any given state, there are areas where there is very little or no agricultural production, and those may be home to some of the threatened and endangered species. And yet your agricultural producing counties may be 100 miles away, and so if you're looking at an endangered species issue at a state level, then you might sit there and say we're not going to allow the use of individual products within this state. And that's an area again of technical adaptation improvement that we will continue to push the agency on.

Courts are directing EPA to finish this consultation process, and yet we've seen three compounds move through in the last year, and then there's a list of 700 compounds waiting to be reviewed. So that's going to continue to be a major focus of our regulatory work.

Your strategic plan says by next year, you're supposed to launch this coordinated, harmonized effort to communicate a new narrative. Who are the influencers you're trying to get this out to? And can you talk a little bit about what that narrative is going to look like?

That message testing and development work that we did last year, even as we were finalizing the strategic plan is still the base of that effort, that goal within the strategic plan. We are rolling those messages out now and share that messaging with all members and organizations. How we

incorporate this into the communication that we have with state legislators and federal lawmakers is one of those pieces that we're continuing to work on — how we deliver those messages and who helps us with that. I think the other elements that will be a part of that goal, I also have touched on and that is what is the message, the story that the pesticide industry can tell on greenhouse gas emissions?

Within a new Congress, if there's a Democratic majority, if there is a new administration, then we know that climate will certainly be toward the top of the list in terms of their environmental agenda. And we know that there's lots of questions and concerns around pesticides that we'll also have to address in a new administration and with new members of Congress. At the same time, we do want to ensure that we're framing the messages around the benefits that we do provide, and how pesticides are an important part of a sustainable agricultural system and can help us continue to improve productivity, food quality and safety, as well as environmental quality.

Additions to Dem platform target farm chemical use

Critics of agricultural chemical usage have won new language in the Democratic Party's proposed 2020 platform that calls for the federal government to ban chlorpyrifos insecticide and provide assistance to farmers to reduce applications of pesticides and chemical fertilizers.

The platform, which must be approved at the party convention next month, also calls for new investments in “research and development to support climate-resilient, sustainable, low-carbon, and organic agricultural methods” and a requirement that public companies disclose climate risks and greenhouse gas emissions in their operations and supply chains.

The party's platform committee adopted those provisions as amendments on Monday. The platform already included language to achieve “net-zero” carbon emissions from the ag sector and language supporting renewable fuels.

“We will grow the nation’s biofuels manufacturing sector, including by strengthening the Renewable Fuel Standard, supporting E15 blends, and supporting research, development, and deployment of advanced biofuels,” the platform says.



Kari Hamerschlag, Friends of the Earth Action

The draft says, “Democrats oppose the Trump Administration's reckless and scientifically unsound decision to reverse a proposed ban on chlorpyrifos, a potent neurotoxin proven harmful to children and farmworkers.”

“We will expand popular, voluntary programs for sustainable and regenerative agricultural practices that help protect clean air and water and support wildlife habitats, including for threatened pollinators,” the platform says.

Kari Hamerschlag of Friends of the Earth Action, the group’s political arm, said she was pleased with the language on agriculture but also felt that the platform should have gone further to address emissions from animal agriculture operations.

“The net zero is great, but we have to put forward strategies to get there,” Hamerschlag, an ag adviser on the Democratic National Convention's Climate Council who was involved in the platform process, told *Agri-Pulse*. Animal agriculture’s contribution to climate change “is going to have to be addressed,” she said.

FOE Action and seven other 501(c)(4) organizations submitted a letter of recommendations to the platform drafting committee calling for a moratorium on concentrated animal feeding operations and for bans not just on chlorpyrifos, but on glyphosate (the active ingredient in Roundup), neonicotinoids, and dicamba.

They also recommended linking farmers’ receipt of farm subsidies with their implementation of “comprehensive healthy soil practices.”

The other groups on the letter were Family Farm Action, HEAL Food Action, Iowa Citizens for Community Improvement, Citizens Regeneration Lobby, Food & Water Action, Land Stewardship Action Fund, and People’s Action.

Hamerschlag said she sent the recommendations to former Agriculture Secretary Tom Vilsack, CEO of the U.S. Dairy Export Council, who is on the platform committee. Vilsack, however, told *Agri-Pulse* he never got them because they ended up in his email program's "junk" folder, which he never checks.

"Since I never received [the recommendations], that may explain in part why there was no debate about them during the drafting process," Vilsack said in an email.

"Personally I think the ag community is prepared to tackle a number of environmental issues, but needs partners to help pay for the land conservation practices, the new methane capture and conversion technologies, the advanced technologies that will over time eliminate the need for lagoons to store waste on large-scale operations, and other steps that will lead to a net-zero future."



Former Ag Secretary Tom Vilsack

"That net-zero future will resolve a number of the concerns folks have expressed about farming today," Vilsack added. "However, to create those partnerships the platform recognizes farmers need resources from the government, foundations and the private sector to be invested in this effort. Farmers cannot do it alone, nor should they be asked to do it alone. These partnerships, if supported and structured right, will provide new income streams for farmers, healthier soils, cleaner water and fresher air while creating new good paying biobased manufacturing jobs in rural America. I think those are the reasons the platform was drafted the way it was with a focus on the opportunity side that brings people together."

The 2020 platform offers much more detail than the 2016 platform on what Democrats would like to see happen in the ag area.

See the draft platform [here](#) and approved amendments [here](#).

If Dems win it all, they'll use CRA to target Trump rules

The 1996 Congressional Review Act, which allows Congress to repeal regulations it doesn't like, was once a little-known, rarely used legislative tool. That's no longer the case.

At the beginning of the Trump Administration, a Republican Congress and the newly inaugurated President Donald Trump overturned 16 major rules promulgated by the Obama Administration, including a Bureau of Land Management land-use planning rule and a rule designed to protect waterways near surface coal mining operations. Before that, only one rule had been overturned.

This election cycle, with Donald Trump's poll numbers falling and a full handful of Senate Republican seats in play, Democrats have an opportunity to hit the trifecta and end up controlling the White House, Senate and House. In control of both legislative branches and the executive branch, **Democrats could reverse some major Trump administration rules, including a sweeping rewrite of National Environmental Policy Act regs and an Environmental Protection Agency rule on the use of science in decision-making that has been criticized by environmental groups and Democratic lawmakers.**

The NEPA rule was published July 16; the science rule has been proposed but not finalized.

Other future rules that could be on the Democratic chopping block include regulations limiting Supplemental Nutrition Assistance Program eligibility, which have been under review at the Office of Management and Budget since February, and a rule on school meal nutrition standards that has been proposed but not yet sent to OMB.

Ferd Hoefner, senior strategic adviser at the National Sustainable Agriculture Coalition, also says it's possible, but unlikely, a USDA rule on payment limitations and eligibility for farm programs — at OMB since March — could receive congressional attention.



Don Parrish, AFBF

Asked about vulnerable rules, Don Parrish, senior director of regulatory relations at the American Farm Bureau Federation, said, **"I don't think there will be any regulations that compare to either the Navigable Waters Protection Rule and NEPA."**

The NWPR appears to be safe for now, according to Dan Goldbeck, a senior regulatory policy analyst at the American Action Forum, a "center-right group" that focuses on economic, domestic, and fiscal policy issues. In an online post last month, Goldbeck said the April 21 NWPR, which had looked to be vulnerable in May, moved into safe territory when the House convened for seven days in June, though some observers are still concerned it could be a CRA candidate, depending on how many days Congress convenes the rest of the way.

In February, EPA Administrator Andrew Wheeler said of the CRA, "We certainly want to be mindful of that, but I have every intention to be here for the next, at least three years, four years maybe. We're trying to get our regulations done as quickly as we can."

The CRA is “definitely an area to watch depending on what happens in November,” says Bridget Dooling, a research professor at George Washington University’s Regulatory Studies Center. Goldbeck says he’s seen “a lot of pressure” to use the CRA.

“There are more on-the-record reports from Democratic leadership that this is a live option,” Goldbeck said, pointing to a July 17 New York Times piece in which a spokesman for House Speaker Nancy Pelosi said, “We are keenly aware of this statutory tool and are closely monitoring the harmful actions taken by the current administration.” Senate Minority Leader Chuck Schumer said much the same thing, and Biden pledged in a speech “to reverse Trump’s rollbacks of 100 public health and environmental rules.”

Which Trump rules are subject to the CRA, however, depends on when they were transmitted to Congress or published in the Federal Register. A “look-back provision” in the law “essentially dictates that any rule published within 60 session days of a Congress adjourning ... then gets rolled over to the following Congress,” Goldbeck said in his post last month.

That means that by his calculations, any rule published after May 13 — such as the NEPA rule and anything published before the end of the current administration — is vulnerable to being overturned.

The COVID-19 pandemic is playing a role in the calculation of the 60-day period by limiting the number of congressional working days. The fewer days Congress is in session — including the “lame duck” period after the election — could have the effect of pushing the May 13 date earlier, which would make more rules eligible for CRA reversal.

It also could explain the Trump Administration’s desire to get as many rules as possible out the door, to limit use of the CRA.



Dan Goldbeck, American Action Forum

Just because a rule is distasteful to certain groups or lawmakers, however, doesn’t mean it’s automatically vulnerable. “Some of the [rules] they get out might be attractive” to Democrats, says Paul Larkin, a senior research legal fellow at the Heritage Foundation, making votes on repeal difficult.

And the CRA doesn’t allow for nuance. “CRA’s a really blunt instrument,” Dooling says, in that it targets whole rules. In other words, if they are given the opportunity, Democrats cannot pick and choose which parts of a rule they wish to keep and which to scrap.

That could mean some “very uncomfortable” votes for some representatives and senators, says James Goodwin, senior policy analyst at the Center for Progressive Reform.

Once a rule is repealed, the CRA prevents the agency that issued it from coming out with a “substantially similar” rule. That term is not defined in the law, and courts have failed to provide much guidance.

The result is that Democrats would have to winnow down the list of rules they want to go after. “Some rules are more problematic than others,” Dooling says.

News Briefs:

USDA adds H-2A features to online portal. The USDA announced Monday that it has made several changes to features on its [Farmers.gov](https://www.farmers.gov) website to “help facilitate” employment of temporary agricultural workers. The features include a dashboard allowing farmers to track the status of their eligible employer application and visa applications for temporary nonimmigrant workers. The site also has streamlined its login information, granted access to the Department of Labor’s Foreign Labor Application Gateway, allowed farmers to track temporary labor certification applications and given online access to all application forms. “My mission from the beginning of my time as Secretary was to make USDA the most effective, most efficient, most customer-focused department in the entire federal government — these changes to Farmers.gov are doing just that,” Agriculture Secretary Sonny Perdue said in a [release](#). “USDA’s goal is to help farmers navigate the complex H-2A program that is administered by Department of Labor, Department of Homeland Security, and the State Department so hiring a farmworker is an easier process.” USDA released its updated website in 2018, with mobile capabilities and a portal for customers to “apply for programs, process transactions and manage accounts.”

USDA plans for third round of Farmers to Families Food Box program. USDA will execute a third round of its Farmers to Families Food Box Program from September 1 to October 31. The program — a part of the Coronavirus Food Assistance Program — was set up to buy a total of \$3 billion in fresh produce, dairy and meat for distribution through food banks, community and faith-based organizations and other nonprofits to people in need. “This third round of Farmers to Families Food Box Program purchases is a testament to the great work done by vendors in support of American agriculture and the American people,” Agriculture Secretary Sonny Purdue said in a release. “It is also a testament that the program is accomplishing what we intended — supporting U.S. farmers and distributors and getting food to those who need it most. It’s a real trifecta, which is why we call it a win-win-win.” In the first round of the program from May 15 through June 30, the USDA bought more than \$947 million in food, and the department plans to spend up to \$1.47 billion for the second round, which started on July 1 and lasts until Aug. 31. That leaves about \$583 million for the third round of boxes. The USDA stated that eligibility for distributors will be open to entities who can “meet the government’s requirements and specifications.” These entities can find more information on how to submit proposals on the [program’s website](#).

House appropriations committee directs \$69.5M to combat citrus greening. The House Appropriations Committee has approved \$69.5 million to be put toward researching and preventing the spread of Huanglongbing, or citrus greening disease, in the United States. “Continuing to farm in the Central Valley will require two things: Plentiful water and the best research and technology available. We have secured funding to help citrus farmers stay ahead of the curve and produce food and jobs for the Central Valley,” [said](#) Rep. TJ Cox from California, where 267,000 acres of Citrus bore fruit in 2019, according to USDA survey data. “With this funding for citrus research we can make sure our citrus farmers and farmworkers are safeguarded from diseases that can ruin Valley crops.” The committee allotted \$61 million to go to the U.S. Department of Agriculture’s Citrus Health Response Program, which was created in the 2014 Farm Bill to “discover and develop tools for early detection, control and eradication of diseases and pests that threaten domestic citrus production and processing.” The other \$8.5

million went to the HLB Multiagency Coordination Group, a joint effort between USDA's Animal and Plant Health Inspection Service (APHIS), Agricultural Research Service (ARS), and National Institute of Food and Agriculture (NIFA) as well as the U.S. Environmental Protection Agency and several state departments of agriculture and industry groups. The decision for additional funding was spurred by a [letter signed by 29 members of Congress in March](#), who requested that the committee apportion these funds in the 2021 appropriations bill. According to the letter, both of these allotments were equal to the funding these programs received in the 2020 fiscal year. The [APHIS website states](#) that Huanglongbing is “the most serious disease of citrus” and currently has no cure. The disease, which is spread by the Asian citrus psyllid, was first detected in Florida in 2005 and has reduced the state’s citrus production by 75% and doubled the cost of producing the crop. It has since spread to parts of Louisiana, Georgia, South Carolina, Texas and California.

AMS places sanctions on three Western US businesses. USDA's Agricultural Marketing Service (AMS) announced Monday that it is placing sanctions on three produce businesses for “failing to meet their contractual obligations to the sellers of produce they purchased and failing to pay reparation awards issued under the PACA (Perishable Agricultural Commodities Act).” Avocado House Inc. did not pay an \$8,629 award to an Arizona seller and Rain Forest Produce Inc. did not pay \$35,892 in favor of a California seller. Both businesses, which are based in Los Angeles, are having their PACA licenses suspended and are being barred from engaging in PACA-licensed business or other activities without approval from the USDA. Ringer & Son Brokerage Co. Inc., which is based in Brighton, Colorado, is also being sanctioned for failing to pay \$43,495 to a California seller. The PACA, passed in 1930 and administered by the AMS, set regulations for the trading practices of produce businesses and helps companies resolve business disputes. According to a [release](#), the USDA resolved about 3,500 PACA claims in the past 3 years that involve more than \$58 million.

EPA adjusts applicator certification requirements. The Environmental Protection Agency is easing requirements for certification of pesticide applicators in response to the COVID-19 pandemic. In [temporary guidance](#) issued July 27, the agency says it’s preapproving through the end of the year certain changes to state plans, including allowing states to rely upon training or testing conducted by a different certifying authority and offering remote, internet-based training or testing conducted by a third party. EPA also will allow the extension of certification or recertification periods for applicators whose certifications are expiring, so long as the current certification does not extend beyond five years. “One challenge reported by most certifying authorities is that candidates for certification and recertification may be unable to take in-person exams and/or training that are required ... because of exam and training provider closures” due to the pandemic, EPA said in the temporary guidance. "Because circumstances vary around the country, EPA anticipates that certifying authorities may choose different approaches to modify their certification programs to accommodate applicators resulting from COVID-19 disruptions."

Farm Hands West:

Monterey Mushrooms has promoted **Juana Gomez** to the newly created position of chief people and culture officer. Gomez has been with the company for four years and before that worked for Scaroni Family of Companies as senior vice president of human resources.

United Fresh Produce Association has promoted **Jennifer McEntire** to senior vice president of food safety and technology. She joined United Fresh in 2016 and has focused on issues related to outbreaks in leafy greens, the Food Safety Modernization Act and traceability. McEntire started her career at the National Food Processors Association and then became a visiting scientist at the Food and Drug Administration. She has also held roles with The Acheson Group and previously worked for the Grocery Manufacturers Association before joining United Fresh.



Will McIntee

Will McIntee is heading up the rural outreach for the campaign of presumptive Democratic presidential nominee Joe Biden. McIntee is working as a full-time national rural engagement director for the campaign. McIntee's past work experience includes working as the Midwest outreach director for the U.S. Global Leadership Coalition and as the lead advance representative at the Department of the Interior.

The Climate Corporation has brought on **Ranjeeta Singh** as the new chief product officer to create strategic and product road map plans for Climate FieldView. Singh brings more than 23 years of expertise in hardware, software and services experience. Most recently, Singh served as vice president and general manager of data science and artificial intelligence at Teradata. Before that, Singh spent 18 years at Intel.

BASF has selected **Nina Schwab-Hautzinger** to become head of corporate communications and government relations, effective Nov. 1. Schwab-Hautzinger currently works as the global head of corporate brand & communications of the health care company Roche at its headquarters in Switzerland. She succeeds **Anke Schmidt**, whose last day will be July 31.

Heliae Agriculture has promoted **Karl Wyant** to vice president of ag science and **Shelley Baugh** to the director of marketing. Wyant joined Heliae in 2019 as the director of ag science. In this new role, he will oversee internal and external trials, agronomy training, and focus on soil health, soil quality, and regenerative agriculture. Before joining Heliae, Wyant served as an agronomist for an agricultural inputs retailer in the California and Arizona growing regions. Baugh joined Heliae in January 2018 and has over 13 years in marketing and communications. She will lead the overall global marketing strategy for Heliae and all associated brands.

Colleen Dekker has been promoted to executive director of global corporate communications at Elanco. She previously worked as the senior adviser for global corporate communications.

GROWMARK has selected **Lora Wright** to join the board of directors in a new at-large position. She brings more than 20 years of animal agriculture and technology experience to her new role, with her background focusing on meat and livestock production, food safety, animal welfare and sustainability. She has 15 years of experience working for Tyson Foods and currently is the owner and operator of 605 Solutions LLC, a consulting business developing training materials addressing the needs of the food animal industry.

The American Meat Science Association has selected Dr. **Temple Grandin** as the 2020 AMSA International Lectureship Award winner. The award was established to honor an individual for internationally recognized contributions to the field of meat science and technology. Grandin is a professor of animal science at Colorado State University and is known as a pioneer in improving the handling and welfare of farm animals.

Marisa McCarthy is now a press aide for Sen. **Kamala Harris**, D-Calif. She previously was a press assistant.

Paul Green has been elevated to legislative correspondent from staff assistant for Rep. **Katie Porter**, D-Calif. Green will work on issues related to science and technology.

Cesar Ybarra is now the legislative director for Rep. **Andy Biggs**, R-Ariz. He covers energy, public lands and natural resources, small business, and telecommunications. He was previously a legislative assistant.

James Hampson has been promoted to deputy chief of staff for Rep. **Ken Buck**, R-Colo. Hampson was previously the legislative director and focused on the agriculture and food, appropriations, commerce, energy, environmental protection, foreign trade, natural resources, small business, taxation, telecommunications, and transportation portfolios.

Devin O'Brien has moved to legislative aide from legislative correspondent for Sen. **Lisa Murkowski**, R-Alaska. O'Brien covers the international affairs and immigration portfolios.

Danielle Cohen is the new communications director for Rep. **Earl Blumenauer**, D-Ore. She was acting communications director for Rep. **Diana DeGette**, D-Colo., since April and before that was her digital press secretary.

Natalie Edelstein has moved up to deputy communications director for Rep. **Eric Swalwell**, D-Calif. She was previously in the role of press secretary.

Michael McLeod, noted agriculture lobbyist, died July 20 in an Asheville, N.C., hospital from complications of COVID-19. He was 78. McLeod was a former staff director and general counsel of the Senate Committee on Agriculture, Nutrition and Forestry under the late Chairman **Herman Talmadge**, D-Ga., He went on to build a lucrative career in private law practice, lobbying for a wide array of influential clients in commodity futures trading, crop insurance and agricultural commodity promotion boards funded by “checkoff” assessments on producers. When he retired from the industry, he went on to write books and operate a rustic cabin resort in the Appalachian Mountains. To read more on McLeod, click [here](#).

Best regards,

Sara Wyant
Editor

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