

## “It is so terrifying”: Ranchers evacuate North Complex Fire, often without their animals

For the third time in four years, Butte County rancher Megan Brown was faced with evacuating her land on Sunday. As rising winds fanned the flames of the North Complex Fire, she assumed her ranch would burn again.

Brown spoke with *Agri-Pulse* as she readied a trailer to load the last of her dairy cows and calves. She ran her sprinklers, left a hose in a pig wallow to keep the free-range hogs alive, and hoped for the best. Her mother, who was scheduled for a major hip surgery, was using a water trailer to spray down the roof.

Brown has been on edge for more than a month. The original blaze, known as the Bear Fire, started in mid-August and was more than 50% contained last week. Then strong winds caused the fire to explode to more than 260,000 acres, grow into a complex of fires and become one of the top 10 largest fires in state history. Its boundary now stretches to the scarred remains of the Camp Fire, which destroyed the town of Paradise in 2018.



Horses near fire on a ranch near Lairmore. Photo courtesy of UC Davis School of Veterinary Medicine

Across the state, 3.2 million acres have burned this year, forcing 60,000 people to flee their homes and destroying 4,000 structures. Throughout 10 states in the West, 87 major fires have burned more than 4.6 million acres.

With the North Complex Fire, the death toll stands at 15.

It now threatens Brown's ranch as well as her summer grazing grounds further up the foothills—yet another unprecedented situation in the ranch's 90-year history.

"Once it blew up, we were pretty stressed," she said. "We still haven't recovered from the Cherokee Fire of 2017."

The fear has been palpable and will go away only when the fire is out, which could be months away, said Brown.

**"In these situations, you can't control anything, and you don't know what's going to happen. It's really just this constant fear weighing over you. It's hard to sleep, it's hard to eat."**

While under the threat of evacuation, Brown stayed busy taking care of her family and her cattle, forgoing vaccinations and castrations as local veterinarians evacuated. So far, just one sow has died from smoke inhalation, adding to lung damage it likely sustained during the Cherokee Fire.

Since that time, Brown has dealt with drought, lack of feed, flooding and a "biblical" plague of grasshoppers, leading to painfully low cattle numbers this year—a "terrifying" situation as she takes over the family operation. Brown also feared for her life while trapped in a flash flood area in 2017, when the Oroville Dam threatened to burst and nearly 200,000 residents evacuated.

**"Nobody has experienced as many crises as we have here in Butte County,"** said Colleen Cecil, executive director of the Butte County Farm Bureau. "We are a very resilient community and we'll come out of this one, too. That doesn't make any of them any less scary."

Cecil explained that the North Complex Fire will impact summer grazing grounds most, though it is too soon for any damage reports. She expects losses of forage and fences.

Cecil reported that California Farm Bureau Federation President Jamie Johansson and his home are safe. Johansson and his family evacuated last week, though his farm has remained within a warning area and unscathed.

Butte County Agricultural Commissioner Louie Mendoza has heard of some livestock growers unable to reach their cattle, as they are grazing on Forest Service land near the Berry Creek side of the fire that is under evacuation orders. He said those growers are working with the sheriff's office and fire chief to bring feed and water to those herds.

Comparing the North Complex Fire to the Camp Fire, Mendoza said people have had much more notice to prepare this time.

"The Camp Fire started that morning and burned so quickly that by 10 o'clock at night it had burned all the way through the town of Paradise," he said.



Megan Brown tends to her ranch with an N95 respirator on

Rose Tryon, president of California Women for Agriculture who ranches in Crescent City but lives in Paradise, remembers that day vividly. Her house burned down in the fire. In June, she finished rebuilding her home.

**“When you stand outside your garage and you see the same sky and smell the same smoke as you did on November 8 of 2018, it is a bit jarring,” she said.**

She and her husband packed their bags on September 9, her birthday, and waited for the evacuation call. Just a small part of Paradise fell under an evacuation warning that day though.

Tryon’s home is still surrounded by dead and dying trees. The process for removing them has been slowed by bidding and permitting processes, along with other red tape. She said the state needs to more actively manage the forests. If a fire struck the area, ranchers would have little time to gather their animals.

**“If they give you an evacuation warning, don't wait, start to get your animals out,” she advises.**

Tracy Schohr has maintained that type of communication with ranchers as the North Complex Fire has progressed. As a UC Cooperative Extension livestock advisor, Schohr has been working with emergency personal and county offices to evacuate cattle. It can take up to a week for a single rancher to gather a herd spread across a landscape.



Rose Tryon, president of California Women for Agriculture

Schohr is developing a process for performing a “rapid economic assessment” of the damage to ranches left by the fires. She said this could include forage that has burned as well as the hours spent moving cattle. She noted that some ranchers have lost cattle but are unable to access the ranch to assess the full damages.

“It's devastating to them. This is their livelihood and those animals they have raised from birth,” she said.

Schohr and her colleagues last year published a paper on the impacts of fires on livestock, finding that water quality issues and ash fallen on forage did not have lasting impacts on the animals.

For Brown, the extra time to prepare made a difference. After evacuating her animals on Sunday and Monday, she decided to remain at home, but ready to flee as the winds kicked up on Monday night and threatened to expand the fire. By Tuesday afternoon, however, the gusts had dropped down, the smoke dissipated, and she could hear fire crews cutting a fire break behind the ranch.

“It feels like we’re in a much better spot now,” she said.

## While wildfires burn, lawmakers struggle to find consensus

The ongoing debate over climate change is complicating the search for ways to prevent the massive wildfires that continue to ravage rural areas across the West.

The opposing views were highlighted in recent days when California Gov. Gavin Newsom declared, **“This is a climate damn emergency.”**

But President Donald Trump, during a visit to California on Monday, said he and Newsom had “great cooperation” and then insisted that forest management was at the core of the problem.

**“You know, you go to Europe — countries where they’re forest countries — and they’re very, very strong on management and they don’t have a problem,” Trump said.**

California Natural Resources Secretary Wade Crowfoot also waded into the fray.

“If we ignore that science and put our heads in the sand and think it's all about vegetation management, we're not going to succeed together at protecting Californians,” said Crowfoot.

Trump countered: “It'll start getting cooler. You just watch.”

The polarization is making it more difficult for politicians to find consensus — especially in a year divisible by four, according to industry sources.

**“One side dismisses the other if they don’t share the same baseline beliefs, so that often stops the conversation,” said a lobbyist who asked not to be identified. “The reality is that both climate change and forest management need to be part of the same discussion.”**

Here are the facts we know, based on state and federal reports and *Agri-Pulse* interviews with U.S. Forest Service officials and state leaders.

- About 5 million acres of grassland, forests and rural areas have burned across California, Oregon and Washington. More than 3 million acres are in California in 2020 — a new state record.
- At least 20 people have died and dozens more are missing. Hundreds of thousands have been evacuated in the three-state region.
- More than 30,000 federal workers, contractors, U.S. military and Canadian volunteers are on the front lines of trying to contain the fires and prevent further damage from fires stretching across 1,000 U.S. miles — from the Canadian to Mexican borders.



*President Donald Trump takes part in a wildfire roundtable with California Gov. Gavin Newsom and other officials.*

- The Forest Service has spent about \$1.5 billion on firefighting efforts so far, almost all of the designated fiscal year 2020 funding. That does not include investments from each state.
- Air pollution across the three states is some of the worst in the world and blowing across the rest of the U.S.

Yet, forestry and policy experts seem to agree that many different and complex factors need to be considered when you talk about managing forests and wildfires — rather than focusing on only one or two elements of the problem.

**“The biggest part of our issue is the condition of the forest,”** said Jim Hubbard, who oversees the U.S. Forest Service as USDA’s Undersecretary for Natural Resources and Environment. “We have accumulated more trees for a variety of reasons. But as that forest grows and ages in the West, it’s largely a disturbance forest. And that disturbance is typically fire or insects or disease. ... That forest has reached the age where it is ready to be regenerated and that’s what’s happening.



*Undersecretary Jim Hubbard*

**“The other part it is what we call a fire regime or fire ecosystem.** Fire is a part of the natural system and therefore, it still needs to be a part of that system to reduce that fuel loading. We would prefer to do that on a prescribed basis rather than a wildfire basis,” he added.

However, he said you can’t put a prescribed fire into some of the overpopulated forests because you first need to thin the forest and reduce the fuel load.

**“It’s reducing the fuel load by cutting trees that sometimes sparks controversy, and that sometimes prohibits or slows down the active management that we need to accomplish,”** Hubbard noted. **“We also need to get to more acres.”**

Hubbard said the Forest Service is doing as much as “current budgets and resources allow” but “we can’t handle it all with public dollars.” He said it also depends on what private citizens, who are increasingly moving to rural areas, do on their property and how viable the timber market is.

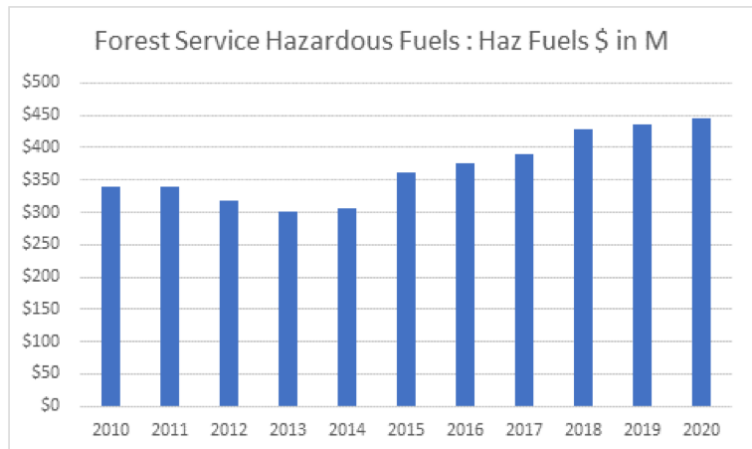
Hubbard would like to see a “little more latitude” on environmental clearances.

**“I’m not proposing that we change environmental law. We need to comply with the law but not take so long to do it,”** Hubbard added. **“Sometimes it takes as many as 4 years to get a project accomplished.”**

Robert Bonnie, who served as USDA’s undersecretary for Natural Resources and Environment from 2013-2017 during the Obama administration, said “this crisis has been 100 years in the making.

**“The biggest cause has been the exclusion of fire from forests which has caused fuels to build up over decades and changed fire behavior, making our forests more vulnerable to insects and disease,”** said Bonnie, who is now an executive in residence at the Nicholas Institute for Environmental Policy Solutions.

“Climate change causes those fuels to dry out faster and become far more vulnerable to fire,” he added. “The third problem is that we’ve built millions of houses near these forests and grasslands, which makes fires more likely and more expensive.”



Source: Federal Forest Resource Coalition

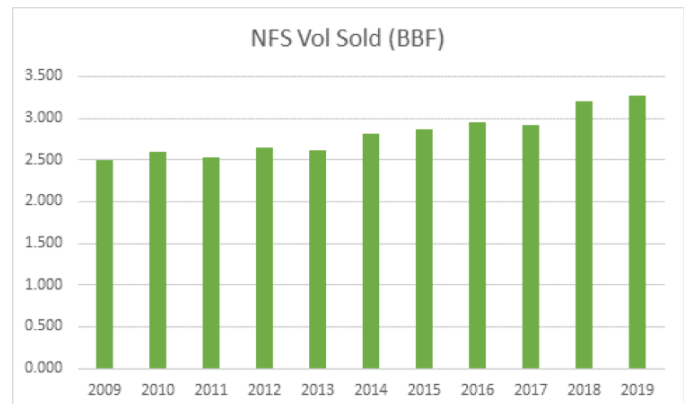
Bill Imbergamo, executive director of the Federal Forest Resource Coalition, describes the current situation as “unsustainable socially, economically, and ecologically. Piecemeal reforms hold little promise.”

**“To solve the problem, we’ve got to reintroduce low-intensity fires back into these ecosystems,”** Imbergamo said. “To do that, we often need to restore our forests by reducing fuel loads — this is where timber harvesting comes in. By thinning forests, we can restore their ecological health and reintroduce more natural fires, thereby keeping fuel loads low. We can also support rural economies and keep mills in business which we need to maintain healthy forests.”

Historically, there was a great deal of logging in national forests, which helped keep fuel loads down and provided good jobs in rural areas. At the peak, loggers harvested about 13 billion board feet of lumber from U.S. forests, but that number declined dramatically during the Clinton Administration amid legal controversies surrounding protection of the spotted owl and a roadless rule that set aside 60 million acres. Timber harvesting dropped below 2 billion board feet.

Bonnie said the Obama administration increased timber harvests from about 2.5 billion board feet in 2009 annually to 2.9 billion board feet in 2016. “We actually offered 3.5 billion board feet for sale in 2016 but much of it didn’t sell,” he adds.

Since that time, national forest timber sales have increased but remain far below the 13 billion board feet peak. (See chart of National Forest Service volume sold.)



Source: Federal Forest Resource Coalition

One bipartisan approach to forest management will be discussed during a hearing in the Senate Energy and Natural Resources Committee Wednesday. Senators Dianne Feinstein, D-Calif., and Steve Daines, R-Mont., introduced their *Emergency Wildfire and Public Safety Act*, which aims to implement critical wildfire mitigation projects on 75,000 acres of land, plus provide important energy and retrofitting assistance to businesses

and residences to mitigate future risks from wildfire and power shutoffs. The House companion bill is being led by Reps. Jimmy Panetta, D-Calif., and Doug LaMalfa, R-Calif.

Hubbard said the legislation tries to address a few specific barriers, clarifying some of the litigation issues “so that we don’t spend our time in court, we spend our time on the ground, getting work done.”

A coalition of the American Farm Bureau Federation, joined with state affiliates from Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, in support of the legislation. The Farm Bureaus said the Feinstein-Daines bill would expedite forest management, accelerate post-fire restoration and reforestation, and remove hazardous fuels from national forests.

## **Farm groups: Water board exceeds its authority with Ag Order 4.0**

An ambitious water quality regulation known as Agricultural Order 4.0 sits on shaky legal ground, according to agricultural groups contesting the draft order.

During two packed days of workshops last week, ag attorneys argued the Central Coast Regional Water Quality Control Board is reaching beyond its authority by setting limits on the amount of fertilizer farmers can apply to their fields. The attorneys claimed the board is also forcing farmers to take land out of production for what are essentially involuntary conservation easements, violating state laws.

**“Your authority is not about what goes on the land,” Tess Dunham, an attorney specializing in water quality for Kahn, Soares and Conway, told board members. “Your authority is about what may come out from underneath the root zone.”**

Ag Order 4.0 proposes an annual cap of 50 pounds of nitrogen per acre with the goal of limiting the amount of nitrates that eventually leech into the groundwater. Dunham went on to explain that the order does not consider factors like the removal of nitrogen, such as from crops absorbing it.

The complex and lengthy proposal includes requirements for riparian protections, such as developing and maintaining vegetative buffers along ditches, creeks and other waterways. Dunham argued this would take farmland out of production and prohibit permanent structures while limiting activity on that land.

“You are setting up the taking of a conservation easement without providing just compensation,” she said. “You don’t have the regulatory authority that a zoning administrator may have.”

An alternative proposal pitched by the ag partners suggests a different path, taking a watershed-scale perspective rather than tracking each farm’s impacts on groundwater. The plan shares the same goal as the draft order by cutting out all exceedance of groundwater quality objectives within 30 years, yet it left many board members uncomfortable.

For the outliers who fail to comply, the proposal would coach them into compliance over a two-year span. At a time when the board’s budgetary resources have been dwindling due to the

pandemic-induced recession, the plan potentially saves the board from performing costly enforcement actions to punish farms that fall out of compliance.

“We are essentially blurring the potential impacts from any one ranch,” said board member Jeffrey Young. “What we need to be doing is trying to hold an individual ranch responsible for his or her contribution to what’s getting into the watershed and to the receiving waters.”

Young acknowledged there is no “foolproof” way to do that, but the ag coalition’s approach would take “years and years” to just “tweak the sources of contamination.”

Board Chair Jean-Pierre Wolff worried about “recalcitrant” growers.

“Sometimes the velvet glove doesn’t work,” he said. “Hopefully, there will be ways, as [the ag coalition proposal] gets massaged a little bit more, to add what I call a little more teeth.”

Dunham said they would consider how to add more of a “stick” approach for offenders as well.

Abby Taylor-Silva, vice president of policy at the Grower-Shipper Association of Central California, maintained that the outreach to growers in the proposal would still be the most effective tool for the board.

**“There’s going to be education, which I believe will help inform growers as they really look to understand whether or not their management practices are effective,” she said.**

A common refrain throughout the meetings was the need for additional data to understand how this unprecedented regulation would work. Economist Duncan MacEwan said more data was needed on other commodities after his economic impact study found the order could cost the lettuce industry \$700 million in lost revenue each year. Ben Kocar, a soil scientist, said more data was needed to know which practices work best for the goals in the order.

Yet board members felt it more urgent to take action by implementing the order and then refining it later through more data.

“Stay away from the statement ‘more data as needed,’” said board member Monica Hunter. “The argument that we need more data is something that shouldn’t hold us back from moving ahead with implementing a good, strong order.”

Some questioned what the economic impacts are for environmental cleanup for the contaminants targeted in the order. Others said economics should not be the board’s concern.

“We’re not here to ever pick economic winners and losers,” said Young. “Our focus is always supposed to be—and this is the great challenge we have with everything that we do—water quality objectives, receiving water limits, beneficial uses. That’s our mantra.”



Tess Dunham, a water quality attorney for Kahn, Soares and Conway



Dunham pointed out that other regional water boards have incorporated economic studies in the past when considering new regulations.



California Farm Bureau Federation  
Attorney Kari Fisher

Sarah Lopez, who directs a nonprofit group that performs water monitoring on behalf of farmers in the region, feared the economic impacts could be disastrous for small farms. She said nearly 75% of the growers affected by the regulation have 100 acres or less, with 90% of their revenue covering operational costs.

“Whatever is left over is not profit. That's the farmer’s take-home pay for a 60- to 80-hour work week, with enormous stress and enormous personal financial risk,” she said. “These folks are not in it for the profit. They're just trying to grow food.”

She said some farmers were lucky to take home \$500 a week. Ag Order 4.0 would require growers to test their water four times a year for 1,2,3-TCP, an industrial waste contaminant still found in the ground decades after use halted. Those lab fees would cost each grower up to \$1,000 alone, explained Lopez.

“It makes me want to cry,” she said. “That's not the cost of doing business. That's two week’s pay for some people.”

Wolff did recognize the conservation projects proposed could be expensive to perform as well. Facing budget restrictions, the Natural Resources Conservation Service has bumped up its requirements for grants, with growers now asked to shoulder 75% of the cost, rather than 50%, explained Wolff.

Kari Fisher, an attorney for the California Farm Bureau Federation, raised another legal hurdle. She argued the board had not considered all the available options for the order, such as simply not enacting a new order at all. This made it appear that the board had a predetermined outcome of Ag Order 4.0. She said that would “run afoul” of the California Environmental Quality Act.

The board and its staff have worked hard to allow enough time for stakeholders to weigh in on the order. Yet it has faced a tight schedule for passing Ag Order 4.0, which was further constrained by pandemic-related setbacks. The workshops will continue next week.

Time is running out, as the board is legally obligated to make its final decision before February 2021.

## **Oversupplied CBD hemp market hit by pandemic**

The industrial hemp industry’s “green rush,” which began in mid-2017, has cooled, at least for those growing hemp for the cannabidiol (CBD) market and many companies that process it. While it is difficult to get accurate data from the fledgling and highly complex market, industry estimates for 2020 acreage predict a 40-50% drop in planted acres from last year.

Bryan Hurlburt, Connecticut commissioner of agriculture and chair of the Plant Agriculture and Pesticide Regulation Committee, which has jurisdiction over hemp for the National Association of State Departments of Agriculture, likens the current hemp market to an early stage bubble.

**“There has been a rush to get into the market — see if it’s viable,” Hurlburt says. “The market will settle. Some will get out. Others will expand.”** Hurlburt believes much of the shakeout is yet to come, although COVID-19 could be hastening the process. “In a couple of years, we will have a much more stable market,” he says, as genetics improve and current regulatory issues are sorted out.

Tim Gordon, chief science officer for Functional Remedies, in Superior, Colo., has 100 employees who grow hemp on 65 acres and process it into CBD products. Last year, **Gordon says, lots of small companies across the United States that had extractors promised growers they would purchase all of their hemp, but they didn’t put it in writing. Instead of getting the verbally promised \$50 per pound, many growers got \$10 per pound or less.**

“The (CBD) companies didn’t purchase the biomass at the price they said they would because there were not enough sales of oil at high prices,” Gordon notes. **“People thought ‘I am going to grow CBD hemp. I am going to make lots of money.’** And then the following year, they were done.”

Hemp is grown for three primary markets: CBD, which accounts for over 90% of the product grown; grain, which uses about 5% of the hemp grown; and fiber and other uses, which account for the remaining 5%, according to estimates from Vote Hemp.

The 2019 harvest of hemp CBD resulted in a vast surplus of product and a lot of pain due to speculative cultivation that failed. Caren Wilcox, executive director of the U.S. Hemp Growers Association, notes that the 2019 surplus was expected due to the sheer number of new entrants trying to strike it rich. “A lot of the 2019 crop was carried over on farms,” she says. “A lot of people still have it.”

Bethleen McCall, co-owner of Hemp Farm Colorado, says thousands of pounds of unsold hemp biomass from last year are still being stored on farms in Yuma County, Colorado.

**Eric Steenstra, president of Vote Hemp, estimates that growers planted about 300,000 acres in 2019, but that the entire CBD market can be supplied by less than 100,000 acres. “There was probably two to three times more hemp harvested than what the market needed last year,” Steenstra says. “My sense is there’s still a lot in storage.”**

From mid-2017 through fourth-quarter 2019, the CBD market saw explosive growth, but then things started to change.

“The pandemic flipped a switch on a growing industry,” Gordon says. “Many opportunities shut down as retailers shut down.”

Consumers, nervous about the virus, shifted their purchasing online, and many sellers without existing e-commerce infrastructure were forced to seek more capital or close their doors. “Hundreds of companies (selling CBD products) have been affected by the virus, and there will be hundreds more,” he adds.



*Eric Steenstra, Vote Hemp*

According to Grandview Research, the global cannabidiol market was valued at \$4.6 billion in 2018 and is expected to grow at an average compound annual rate of 22.2% from 2019 to 2025. While many manufacturers could declare bankruptcy this year, Gordon says that actual CBD sales may not drop in 2020 because companies with e-commerce capabilities are seeing increasing sales.

Hemp growers who sell to the grain market, which is much smaller than the CBD hemp market, have fared much better. **“The grain market is much more stable,” Steenstra notes.** “Growers in Montana and North Dakota have focused on that piece of the market and it hasn’t crashed. More people are growing under contract”

Roger Gussiaas, president of Healthy Oilseeds, in Carrington, N.D., has been making hemp oil since 2016, the year North Dakota implemented its pilot project. Farmers who grow hemp for the grain market have both male and female plants, unlike farmers growing for the CBD market who have only female plants to prevent seeds.

For the grain market, hemp seeds are cold pressed to produce oil, protein meal cakes and protein powder. The small but growing market for hemp oil, which is high in omega-3 fatty acids, can be used in salad dressings, as a supplement, as a carrier oil for CBD products, or as a lubricant in soaps. “In the beginning of the pandemic sales were down, but they have really picked up in the last few months,” Gussiaas says. “People want to be healthier.” The market for hemp protein is not as developed as for oil, but hemp protein could soon be approved as an animal feed for use in horses, dogs, and layers.

**“Our price for contracted (grain) hemp has not dropped for at least a year in North Dakota and probably all over the country,” says Gussiaas. “If anything, prices have come up, and I expect them to go higher.”** His current full production contracts on 3,500 acres pay growers 55 cents per pound of seed. The same contracts for organic seed pay \$1.15 per pound. Gussiaas and Steenstra together estimate the farmgate value for U.S. grain hemp production at between \$14 million and \$15 million.

The fiber market is even smaller and less developed than grain hemp. IND HEMP in Fort Benton, Mont., just broke ground on a decortication plant that will process five tons of hemp straw per hour to separate the fiber — to be used in industrial products such as insulation and paper towels — from the inner woody core called hurd, which can be used as animal bedding, in 3D printing, and for building materials, according to Morgan Elliott, director of operations for IND HEMP.

The firm has contracts with 30 hemp growers farming 9,600 acres, who will produce a dual crop for both the grain and fiber markets. In addition to the contracted price for seed, Elliott notes that contracts for hemp straw are typically 2-8 cents per pound. The grower’s profit on hemp seed oil is somewhere between \$150 and \$300 per acre. Farms growing dual crops typically make an additional \$50 to \$80 per acre net profit.

While U.S. demand for hemp fiber is exploding, most of it is imported from Europe and Asia, Elliott says, adding that her company's decortication plant will be the first in the nation capable of providing supply chain stability.

While it is difficult to get accurate numbers on 2020's planted hemp acres and estimated hemp production, the total licensed hemp acreage this year of more than 465,000 acres was down 9% from 2019 licensed acreage, the first drop since the country began growing hemp, according to 47 state departments of agriculture that reported figures to *Hemp Industry Daily*. But actual planted acres are likely substantially lower.

**Steenstra estimates that 2020 U.S. acreage is probably down by 40-50%, and Wilcox notes that many who apply for licenses don't plant. "We know that some people have cut back acreage quite severely but a number of states — Colorado, Oregon, Kentucky — have vibrant activity going on," she says.**



Morgan Elliott, IND HEMP

**According to data from California's industrial hemp program, the state, which began growing hemp last year, has a total of 26,226 registered acres this year, but not all were planted. For instance, in Sutter County, 1,584 acres have been registered but only 446.5 were planted, according to Sarah Light, an agronomist with the University of California Cooperative Extension in Sutter and Yuba counties. That compares to 820 acres planted to commercial hemp in Sutter County last year.**

Like other states, California also has a 2019 carry-over, but unlike some other states there is also a processing bottleneck. "The infrastructure for extracting CBD has not been developed. Processing capacity is a limiting factor in California," says Light. "We need more investment in research combined with a market shakeout to see what the true opportunities are."

Colorado's Gordon and others believe that California could eventually become a hemp global powerhouse. As federal and state regulatory environments become clearer, hemp production, processing capacity, and markets will follow.

"It will take time for prices to come back up," Steenstra says. In the meantime, people are looking to develop new markets including "smokable hemp," an herbal alternative to tobacco.

Until new and existing markets can generate enough demand, the 2019 carry-over will continue to weigh on the CBD hemp market. The supply of CBD products is also ample and processing capacity in many states is adequate for the end market. "The (CBD) companies that survive and are able to weather COVID will be able to serve the mass market in the future," Gordon says.

## **FDA finds majority of food samples comply with pesticide residue standards**

The vast majority of foods sampled for pesticides in the 2018 fiscal year contained residues within EPA tolerances, the Food and Drug Administration said in a report released Tuesday.

FDA found that 96.8% of domestic and 87.1% of imported human foods complied with federal standards, with no pesticide residues found in 47.1% of the domestic and 47.2% of the import samples.

The story was similar for animal food samples tested. Of the nearly 500 animal food samples tested, the agency found 96.2% of domestic and 96.5% of imported samples were compliant.

The findings “demonstrate that levels of pesticide chemical residues measured by the FDA generally are below EPA’s tolerances, and therefore at levels that are not concerning for public health,” the agency said.

Vegetables and fruits accounted for about 70% of the 1,448 domestic samples tested. Only 11.7% of the fruits tested — including fruit juices — did not have any residues. Three of the 281 samples had residues deemed “violative,” meaning they exceeded EPA tolerances or contained chemicals for which EPA has not set a tolerance or tolerance exemption.

In the vegetables category, FDA found no residues in 41.8% of the 687 samples analyzed; 40, or 5.8%, contained violative residues, including samples of okra, kale, string beans, radishes and hot peppers.

“In the commodity group of other food products, consisting largely of nuts, seeds, oils, honey, and spices, no residues were found in 73% of the 111 samples analyzed and only 3 (2.7%) samples contained violative residues,” the report said.

FDA conducted “focused sampling” in FY 2018 of animal-derived foods, sampling 215 products that mostly included milk, eggs and honey.

No violative residues were found, but FDA said it detected residues of five pesticide chemicals in domestic honey, mostly at trace levels.

“Of those, piperonyl butoxide is exempted from tolerances when used as a synergist with pesticides on growing crops,” the report said. “Coumaphos and amitraz are registered for use against Varroa mites in beehives. Dichlobenil and flonicamid are registered for use on a variety of fruits and vegetables and were likely detected in honey due to inadvertent contamination introduced by bees as they collect nectar from flowers.

Meanwhile, CropLife America and more than 300 agriculture and conservation organizations signed [a letter](#) appealing to Congress to reject a recent proposal to overhaul federal pesticide regulations and ban the use of organophosphate and neonicotinoid insecticides.

“The legislation, as introduced, would undermine the work of EPA’s career scientists in the evaluation of pesticide safety and oversight of pesticide registration and use,” said Chris Novak, president and CEO of CLA, which represents pesticide makers.

The bill, introduced last month by Sen. Tom Udall, D-N.M., and Rep. Joe Neguse, D-Colo., includes provisions creating a process for petitioning the EPA to identify dangerous pesticides. The bill, called the Protect America’s Children from Toxic Pesticides Act, also seeks to prevent EPA from issuing emergency exemptions and conditional registrations before they have gone through a complete health and safety review. “Our nation’s pesticide laws have not kept up to keep us safe,” Udall said.

The legislation isn't going anywhere this year, but it could provide a blueprint for legislative action in a future Congress.

Novak said the “risk-based approach” to regulating pesticides under the existing Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), ensures “that farmers have new tools to combat the weeds and insects that threaten the safety and productivity of our food supply.”

## **News Briefs:**

**Settlements reached with three firms in Roundup litigation.** Three law firms who represent thousands of plaintiffs in Roundup litigation against Bayer have told the court overseeing the settlement process that they now have agreements with the company, signaling progress is being made to resolve the litigation. The firms of Baum Hedlund Aristei & Goldman and Andrus Wagstaff, along with the Moore Law Group, have all filed papers in the Northern District of California reporting they have reached binding master settlement agreements with Bayer. No details of the settlements were included in the filings. The news comes after a hearing last month at which plaintiffs’ attorneys expressed concern that Bayer was backing out of settlement agreements made earlier. Bayer’s attorney at the hearing before U.S. District Judge Vince Chhabria said the situation had become “more complicated,” but said the company was “aggressively” pursuing settlement. The sticking point in negotiations appeared to be Bayer’s proposal to spend \$1.25 billion as part of a separate class agreement to address potential future litigation, which was rejected by Chhabria. When it announced settlement of the litigation in June, Bayer said it would be spending \$8.8-\$9.6 billion to resolve current litigation. But at the hearing, Chhabria told lawyers he probably would have declined to stay the litigation “if you had said to me, we’ve got this settlement in place but it’s contingent on you approving some future settlement.” In a statement Tuesday, Bayer said it had indicated last week, when announcing the extension of its contract with CEO Werner Baumann, “that we were accelerating efforts to finalize and implement current settlements, and our progress is consistent with our commitment to pursue a holistic settlement to the Roundup litigation.” Bayer said it has been making progress with plaintiffs’ lawyers on a revised class plan that will be presented to the court for preliminary approval. “The details of the revised class plan will be finalized over the coming weeks and a motion for preliminary approval will be filed upon completion of the formal agreement,” Bayer said. A status conference before Chhabria is scheduled for Sept. 24.

**Guidance could become regulations under new rule, Wheeler says.** The Environmental Protection Agency could be turning more guidance into legally reviewable regulations under a rule announced this week. In a virtual address to The Federalist Society, EPA Administrator Andrew Wheeler said the agency’s new rule on guidance documents is primarily designed to increase transparency by allowing the public to view all of its guidance documents online. But he also said he anticipated the agency would be transforming more of its guidance into regulations, which could make it easier for court challenges to be brought, although Wheeler noted that in some cases courts have treated guidance as final agency action that is reviewable. The rule, which has yet to be published in the Federal Register, will allow submission of petitions to reinstate rescinded guidance documents. It limits petition availability to those documents “due to concerns about the potential administrative burden associated with processing petitions of unknown scope and number to reclassify other categories of documents as guidance documents.” The rule gives EPA 90 days to respond to petitions. Moderator Jeffrey Holmstead, a former EPA Assistant Administrator for Air and Radiation, wondered whether that deadline would be difficult for EPA to meet. Wheeler said “there was considerable discussion”

between him and the agency's assistant administrators on the 90-day deadline, which if missed would allow outside parties to sue. But he said he expected the petitions would be "a manageable number." The rule allows the public to comment on "significant guidance documents," anticipated to have economic effects of \$100 million or more. Also in the address, Wheeler said the agency is working on guidance to implement the Navigable Waters Protection Rule issued earlier this year that narrows federal jurisdiction over "waters of the U.S." in the Clean Water Act.

**Beef checkoff approves \$39.3M in projects.** Leaders of the nation's beef checkoff have selected nearly \$40 million in projects that will be funded in the next fiscal year. According to a release from the Cattlemen's Beef Board, contractors brought about \$8.3 million more in requests than the Beef Promotion Operating Committee could support with its eventual \$39.3 million in allocations for the 2021 fiscal year. Jared Brackett, chair of the CBB and BPOC, said the contracts included "some incredibly innovative ideas and projects," which presented "a real challenge to balance the budget and distribute our limited amount of checkoff dollars to these contractors in a way that we believe will best drive beef demand." As usual, the National Cattlemen's Beef Association will receive the largest allocation — more than \$26.4 million — from the checkoff. The U.S. Meat Export Federation is set to receive \$8.3 million; CBB is the only other contractor to receive a seven-figure sum and will receive nearly \$1.7 million. Five other organizations will receive less than \$1 million: The North American Meat Institute (\$994,068); the American Farm Bureau Foundation for Agriculture (\$670,996); the Foundation for Meat and Poultry Research and Education (\$646,144); the Meat Import Council of America and Northeast Beef Promotion Initiative (\$497,034); and the National Institute for Animal Agriculture (\$89,466). Promotion will make up the largest portion of the annual plan of work, which includes \$9.8 million for things like digital advertising and veal promotion. There's also \$8.9 million for research on issues such as beef safety, product quality, and beef and culinary innovations. The checkoff will also fund \$8.4 million for foreign marketing and education in 80 countries. By law, checkoff funds — which are collected from a \$1 per head assessment on all cattle sold and imported — are prohibited from use in lobbying and other policy work. CBB's total \$43.1 million budget — a 3.2% drop from last year — also includes \$720,000 for USDA oversight.

**Fairgrounds call for emergency funding.** The Western Fairs Association and California Fairs Alliance are pushing for emergency funding for fairgrounds in "any potential financial recovery or stimulus." The groups say the lack of events due to the coronavirus pandemic has not necessarily halted incurring of expenses as the facilities are called upon for COVID-19 testing and shelters during natural disasters.

"Fairgrounds are funded solely by the revenue that they generate from the annual fairs, and other large-scale events, which are now prohibited due to COVID-19," said Sarah Cummings, president and CEO of the Western Fairs Association and California Fairs Alliance. "Many fairgrounds are now facing an uncertain future. We need emergency funding in the new package of federal economic relief. Without support, many fairs will close permanently and the communities they serve will suffer." Specifically, the groups are pushing two pieces of legislation introduced by a pair of California Democrats: Rep. Josh Harder's Protecting Fairs During Coronavirus Act and Rep. Jimmy Panetta's Agricultural Fairs Rescue Act. Harder's bill would establish a \$5 billion federal grant program to offset COVID-19 revenue losses throughout 2020 and 2021; Panetta's legislation would provide \$500 million for grants to states or state departments of agriculture to support agricultural fairs based on their lost attendance.

## Farm Hands West: Rivas tapped as chair of California Ag Committee



Assemblymember Robert Rivas

**Robert Rivas** of the Salinas Valley has been selected to serve as chair of the California Ag Committee. Rivas has been active on labor issues and has pushed through several labor-sponsored bills on farmworkers. He succeeds **Susan Eggman** of Stockton, who has reached the end of her term in the Assembly.

Index Fresh has hired **Susie Rea** in sales and business development. Rea brings 23 years of experience in produce sales, previously working for West Pak Avocado, Ayco Farms West in San Juan Capistrano, Calif., and United Greenhouse.

Ambassador **Terry Branstad** has announced he is stepping down from being the top U.S. representative in Beijing, effective in early October. The former six-term governor of Iowa first arrived in Beijing in 2017 and has overseen American initiatives there including the "phase one" trade deal with China. There's more on Branstad's tenure on [Agri-Pulse.com](https://www.agripulse.com).

Bayer's supervisory board, under new chairman **Norbert Winkeljohann**, has extended the contract of **Werner Baumann** for another three years to serve as the company's CEO. Baumann took the helm of Bayer in 2016, right around the time the company was looking at acquiring Monsanto, an idea Baumann strongly supported. Throughout his career with Bayer, Baumann has taken a lot of heat for the U.S. lawsuits claiming the Roundup weedkiller causes cancer. Baumann's contract has been extended to the end of April 2024.

**Valdis Dombrovskis**, European Commission Executive Vice President and financial services chief, has been tapped to take over as the European Union's new trade commissioner. Dombrovskis succeeds Ireland's **Phil Hogan**.

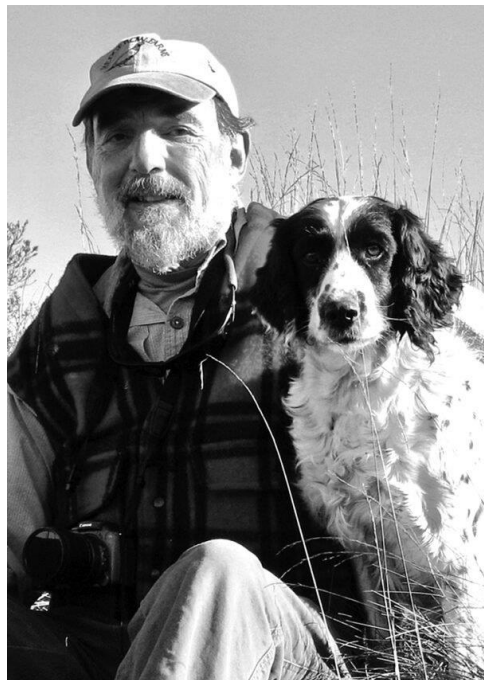
**Malikha Daniels** has been promoted to policy analyst from legislative assistant for Rep. **Collin Peterson**, D-Minn., on the House Agriculture Committee. She handles the portfolio for biotechnology, pesticides, food safety, food waste, livestock, dairy, aquaculture, trade, specialty crops and organic, and also serves on the research team.

**Jake Rascoff** has been elevated to legislative assistant for Sen. **Brian Schatz**, D-Hawaii. He covers the portfolio for energy and environmental protection.

**Athina Kanioura** has been named executive vice president and chief strategy and transformation officer at PepsiCo Inc., overseeing the company's digitalization and data strategy. Kanioura joins the company from Accenture, where most recently she was chief analytics officer and global head of applied intelligence, specializing in artificial intelligence and analytics.



**Steve Shadle**, known for his contributions in the formation of DatePac LLC, passed away after a battle with cancer. He was 84. Shadle was active in agribusiness and became a lawyer



John Anderson

representing citrus growers in the Yuma, Ariz., area. He was a former president of the National Council of Agricultural Employers and represented citrus growers on Arizona's Lemon Administrative Committee and Orange Administrative Committee.

Farmer and environmentalist, **John Anderson**, passed away on Aug. 19. He was 77. Anderson was a veterinarian and pioneer in the restoration of native California grasslands. He was an advocate for utilizing hedgerows and enhancing biodiversity. He worked in Kenya for three months where he first saw the impact of hedgerows, then brought that knowledge back to California to his own Hedgerow Farms, showing the agricultural community that planting hedgerows of native plants and grasses benefited both wildlife and food production. Anderson was a founder of the California Native Grasslands Association and served on the boards of the National Audubon Society, Audubon California, Wildlife Heritage Foundation and Yolo Basin Foundation.

**John A. Schnittker**, under secretary of agriculture under former President **Lyndon B. Johnson** and later an influential Washington farm policy consultant, died Sept. 13 at his home near Santa Ynez, Calif., of heart failure. He was 95. The Kansas native was a senior staff economist on the President's Council of Economic Advisers in 1958-59 and volunteered in the 1960 campaign of former President **John F. Kennedy**. He became senior staff adviser to the secretary of agriculture and later USDA chief economist. President Johnson named him under secretary, then the second highest position at USDA, in 1965. As acting secretary in 1967, Schnittker signed the International Grains Arrangement on behalf of the United States. To read more on Schnittker, click [here](#).

**Best regards,**

**Sara Wyant**  
**Editor**

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