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Ag burning gets new attention as wildfires diminish California's air quality

Air quality has been on the minds of Californians this year. The record wildfire season has inundated the state with smoke haze, creating a public health crisis never before seen at this scale and upending air quality goals in the San Joaquin Valley.

To assess how it is meeting those goals, the San Joaquin Valley Air Pollution Control District is developing a new report and taking a close look at the progress farmers have made to reduce agricultural burning in the region and whether stricter prohibitions are needed.

Nearly 15 years after the district began enacting prohibitions on ag burning, farmers now find themselves in a losing competition with the state's forest management policies over the most economically viable alternative to burning.

"As California has moved in the direction of closing some of the biomass plants that convert agricultural waste into electricity," said Robert Spiegel, a policy advocate for the California Farm Bureau Federation, "it's really left our farmers with fewer options for disposing of those trees and vines that are required to be removed."

Spiegel explained that in the wake of massive tree die-offs due mostly to the extreme drought the state has suffered, California has required biomass facilities to prioritize waste products from forests. The drought also increased the amount of ag materials to be disposed of. Farmers used to grind these into chips and haul them to the biomass plants where they would produce electricity or power oil production through steam generation.

According to Chris McGlothlin, a policy adviser for the Western Agricultural Processors Association (WAPA), a bill out of the Legislature led to the closure of many plants by requiring 85% of the material to come from forests, leaving just 15% for ag waste.

“Biomass facilities suddenly start disappearing because of those costs,” said Manuel Cunha, president of the Nisei Farmers League.

Generating power through the process of cogeneration suddenly became too expensive to compete with hydroelectric utilities—at more than three times the cost—and was even pricier than nuclear power, he added. Meanwhile, diversion requirements for organic waste are preventing farmers from taking the material to landfills.

Cunha noted that the agriculture community helped to create the air district in 1994, alongside oil producers. They helped consolidate eight separate districts into one to simplify burn permits, rather than having to coordinate with more than 400 local, state and federal agencies, according to Cunha.

In a September workshop, the air district detailed a direct connection between the closure of biomass plants in recent years and an increase in open burning. The district’s prohibitions had previously slashed ag burning by 80%.

With biomass no longer a viable option, the industry is now experimenting with a range of new technologies to reduce burning in other ways.

In 2018 the air district, in partnership with the ag community, began an incentive program that has since invested more than \$8 million in funding for alternatives and has been oversubscribed. The majority of the participation comes from almond growers, with whole orchard recycling growing in popularity, according to the district. Stone fruit growers, vineyard managers and other tree nut operations have been active in the program as well. One of the more promising, but short-term, solutions for agricultural processing facilities is the use of air curtain burners, burn boxes with fans that are designed to filter out most of the smoke. The air district must certify each burner after it is installed.

“We’re looking at every and all avenues to be able to get this material away from the facilities,” said McGlothlin. “I’ve listened to something like 30 different presentations on the latest and greatest technology for this byproduct management.”

WAPA has also supported the air district’s incentives for chipping the material and incorporating it back into the soil. Yet this presents problems as well. Cunha said it changes the pH of the soil, making it more pumice-like, which can create air quality hazards by generating more dust when cultivating or discing a field. For nut growers, harvesters and sweepers suck up and fan out more dust due to the material. The industry has also been investing in low-dust and off-ground harvesters to tackle this issue, though Cunha raised concerns for the future of the technology when the governor is banning the production of diesel engines in the state.



Robert Spiegel, policy advocate for the California Farm Bureau Federation

Composting is another potential alternative to burning. This adds more costs to farmers, however, since state water laws have strict requirements for the practice, Cunha pointed out. Composting must be on concrete pads to prevent nitrates from leeching into groundwater, and many small farmers cannot afford to take land out of production and then lay a broad swath of concrete.

Many startups have been pursuing technology for producing biofuel through cellulosic feedstocks, such as wood, grass and crop residues. The process is known as pyrolysis and is more complex than producing standard ethanol from starch-based crops like corn. It also draws agricultural operations into stewarding a new industry.

“Our guys don't want to be running a walnut huller and a clean energy development company that they have to staff,” said McGlothlin.

Cunha emphasized that all of these alternatives to burning require incentives funding to drive the technology innovation.

Another way agriculture has reduced burning is by changing the commodities grown. Cunha explained that in the 1990s about 200,000 acres of raisins used to be dried each year on paper trays in the valley, which were then burned at harvest in late summer, a time when local air quality is already poor. Now farmers apply this process to about 25,000 acres. The rest is mechanically harvested and dried in facilities or allowed to continuously dry on the vine.

The air district does allow some exemptions for a small amount of ag burning on days when the weather disperses the smoke better. Rice, for example, leaves residual stubble that must be destroyed before the next growing season. In regions where water is more abundant, winter flooding replaced the practice decades ago. In the San Joaquin Valley, however, water allocations are often too inconsistent for farmers to plan for flooding, according to the air district. Some apple and pear commodities still require trimmings and other byproducts to be burned to contain diseases.

Food processing facilities, which are not allowed these exemptions, have been investing heavily in alternatives for many reasons, including food safety issues with waste byproducts piling up on the property, creating habitat for pests and violating the Food Safety Modernization Act.

The air district is tracking the efforts to find alternatives as part of a comprehensive analysis delivered to the Air Resources Board every five years. The district's report is due in December. The district is working with economic consultants to assess the fiscal costs to agricultural operations for the proposed alternatives.

The 2002 California law enacting the prohibitions on ag burning does allow for those regulations to be postponed when farmers have no economically feasible alternatives for eliminating the waste. It also makes an exception when the state or federal governments offer no long-term funding commitment for the continued operation of biomass facilities in the valley or for the development of alternatives to burning.



Chris McGlothlin, policy adviser for the Western Agricultural Processors Association

To Spiegel, the sprawling pursuit of alternatives and the push for incentives dollars to fund innovation is a return to the original issue at hand.

“Why has the state—and the energy regulators in particular—not been as friendly to biomass?” he said, referring to biomass as another source of renewable energy. “Those structures already exist. The infrastructure is already there. There are opportunities that could arguably double the value of biomass energy.”

Spiegel added that “biomass is probably a better alternative than breathing in that particulate matter from a wildfire.”

Four questions for the next Assembly ag chair

Assemblymember Robert Rivas was raised by a single mother and a multigenerational family in farmworker housing, in the vineyard his grandfather worked. The experience inspired legislation he has introduced tackling labor and housing issues in agriculture, with at times fierce opposition from industry.

Rivas represents parts of the Salinas and Pajaro Valleys, where he has spent his entire life. Having finished up his second year in office, he was selected in September to chair the Assembly Agriculture Committee.

Rivas spoke with *Agri-Pulse* in the midst of a three-week agriculture tour across the state. He has visited dairies, food banks and nurseries in his district as well as parts of the Central Valley and the Inland Empire, with more to come.

1. What was it like growing up farmworker housing compared to now?

Agriculture is certainly something that's always played a part of my life and influenced my time in elected office. Agriculture is personal to me. I was raised by immigrant farmworkers and grew up in poverty.

As a child, I had no idea we were poor. I just remember having the opportunity to go outside, and it was the ultimate recreational area. I'd get to climb in trees all day and ride my bike in this beautiful open-space agricultural area.

Everything my family taught me—especially my grandfather—helped shape the public servant I've become, hearing from him from a very young age, throughout elementary school and in high school. Yes, I lived in farmworker housing for the first 10 years of my life, but my grandfather had immigrated in the early '60s. They were in that same housing unit for decades.

He worked long hours in the field and was a lifelong farmworker so that we wouldn't have to be. He would always talk about opportunity and that's why he chose to emigrate to California. This was a state that was about opportunity.



Asm. Robert Rivas, D-Hollister

In my role now, I've introduced some bills in the agriculture space, especially our farmworker housing bill. Agricultural families today with young children have it much more difficult than I ever had it.

This is obviously a challenging time, not only for agricultural workers, but for industry. This is a different state and certainly a different climate when it comes to operating a business in California. As the number one ag producer in the country, ensuring that we remain competitive for agriculture and that we do everything we can to maximize employment opportunities for so many workers that depend on the success of agriculture is challenging, but incredibly important.

We're trying to solve a lot of challenges, like workforce housing. Based on what I've seen here in my backyard—in San Benito, the Salinas Valley and the Pajaro Valley—it is incredibly challenging to be an agricultural worker at this time. Here in California, over half of our agricultural workers are undocumented.

The one thing I've heard the most from the people I've met with, all of the stakeholders I've met with, is finding a pathway to solve our immigration problem. Yes, it's a federal issue. But we certainly need to do everything we can to get immigration passed and done at the federal level. It is affecting the industry, it's affecting our communities—especially our ag communities. In a region such as my own, where Silicon Valley is only a 40-minute drive north, we hear a lot about gentrification and our housing crisis in our largest cities. Well, ripple effects are occurring in our region, and they're impacting our lowest wage earners. For us, that's our agricultural workers.

2. What are some new insights from your agriculture tour?

There's no reason why I can't be a strong voice for farmers, for farmworkers and for consumers across our state.

I'm a lifelong resident of the district I represent, and a huge part of our local and regional footprint and economy is our agriculture—a lot of produce, a lot of berries, a lot of processing plants, garlic. But agriculture across California is so different.

There's a reason why we're the number one ag producing state in the country. We're such a large state, we're so diverse, our climate is very different in so many ways. Trying to learn and understand the challenges that this industry, that ag workers, that all agricultural stakeholders face is incredibly important to me.

This is a critical time. We have had to deal with this once-in-a-century pandemic. We've had these historic wildfires that have absolutely impacted the industry and its workers. And now we're in the middle of an economic recession. Low-wage earners are so dependent right now on harvest season, especially in our region. But harvest has been impacted by wildfire.



Assembly District 30 covers parts of Monterey, San Benito, Santa Clara and Santa Clara Counties.

The whole goal of our agricultural tour is to highlight the diversity within agriculture—to sit down and have active conversations, to get insights and hopefully some context and what I hope are new ideas, so we can hit the ground running as we enter the new legislative session next year.

We're already looking at having an informational hearing in November around the agricultural impacts of wildfires.

My goal is to ensure that this industry remains competitive, that we remain a top producer not only in California, but in the United States. Agriculture has always played such a fundamental, critical role in our state. It's a huge part of our state's identity, especially in rural California. And it's also an important part of our state economy.

3. Some of your bills have had strong support from labor unions and strong opposition from industry. Do you see that role changing as ag chair?

The one bill I can highlight that had fierce opposition from the industry was our farmworker housing bill, Assembly Bill 1783 from last year. But I would challenge you to look at the rest of our legislation and see what other opposition we've had, aside from our natural working lands bill from this year. Our marquee bill for COVID-19 relief package this year was AB 2043, which had zero opposition at the end of the day and was signed by the governor.

How I approach legislation isn't going to change. Even though this is my first term in office, this is my 10th year in public office, and I have a history of working with all sides. The policy process is intended to be a collaborative process, in my opinion. My goal has always been, and will remain, to create legislation that works for everyone. I'm always willing to put in the hard work, as I have in the past.

In my new role as ag chair, I want to do the best I can. That's why we're on this statewide tour, to engage, to learn and to get a good sense of how these issues are affecting the industry and all parts of California.

4. What are you planning for next year?

It's hard to say what our focus is going to be. We're looking into some informational hearings, which I believe are a good opportunity to highlight some of the challenges facing the industry, facing workers throughout California.

Some of the things that we're initially intending to focus on are impacts that the wildfires are having on agriculture, as the intensity of these fires is getting worse.

We're continuing to work through COVID-19. One of my takeaways from the tours is the amount of urgency and the proactive efforts that have been made by industry to ensure that workers are protected on the job. These are things that I look forward to highlighting. We're seeing so many great examples of what's occurred locally and even regionally that could be a model and an example for so many.

Deal on new aid package may slip to lame duck

Negotiations on a major new coronavirus relief package remain alive, but with the election less than two weeks away, chances are dimming that a deal can pass before the lame duck session in November and December.

Any agreement that does get enacted is expected to include additional funding for agriculture.

Sen. John Boozman, R-Ark., who is in line to become the top Republican on the Senate Agriculture Committee next year, told *Agri-Pulse* on Tuesday he expects bipartisan support for the ag provisions, although the House and Senate have taken different approaches.



Sen. John Boozman, R-Ark.

“I don’t think anything is going to be done between now and the election. On the other hand, myself, Sen. (Pat) Roberts, Sen. (John) Hoeven and several others have been working really hard to make sure that ag is part of the next package that we do after we come back,” Boozman said. Roberts, R-Kan., chairs the Senate Ag Committee now, and Hoeven, R-N.D., chairs the Agriculture Appropriations Subcommittee.

Boozman said that the Agriculture Department has sufficient funding currently to address farmers’ immediate needs, including making payments under the second round of the Coronavirus Food Assistance Program.

USDA has made \$6.1 billion in CFAP-2 payments so far, including \$1.8 billion for corn, \$1.4 billion for cattle, \$688 million on soybeans and \$626 million on milk, according to [the latest weekly report](#). California’s total so far is \$231M, including \$147M in payments for “sales commodities,” the category that includes fruits and vegetables. The payments are eventually expected to exceed \$13 billion. The deadline for applications is Dec. 11.

Iowa has the largest share of the total payments at \$604 million, followed by Illinois at \$433 million and Nebraska and Minnesota, each with about \$428 million.

Senate Republicans have proposed to give USDA an additional \$20 billion for coronavirus relief as well as broad new authority for the department to compensate ag processors and livestock and poultry producers for pandemic-related disruptions.

Earlier this month, the Democratic-controlled House passed a \$2.2 trillion aid bill that would provide \$19.8 billion in new ag spending, a similar amount to what the Senate GOP wants, but with far more specificity in how the money could be used.

In addition to authorizing payments to dairy farms, ethanol plants and textile mills, the Democratic measure, called the HEROES Act, includes \$500 million for specialty crop grants, \$350 million for local market support, and another \$1.25 billion for contract growers of poultry and livestock producers who face revenue losses because of reduced placements.

The bill also would authorize a grant program to help small-scale meat processors become federally inspected so they can sell their products across state lines. The bill would expand the Soil Health and Income Protection Program, a land set-aside program authorized as a pilot program for the upper Midwest in the 2018 farm bill.

House Speaker Nancy Pelosi, D-Calif., backed off her Tuesday deadline for reaching an agreement with the White House on an aid package and talked to Treasury Secretary Steven Mnuchin Tuesday afternoon.

However, The Washington Post reported that Senate Majority Leader Mitch McConnell had advised the White House not to agree to a deal with the House before the election.



House Speaker Nancy Pelosi

Many Senate Republicans don't want to spend anywhere near the \$2.2 trillion Pelosi has been demanding or even the \$1.8 trillion Mnuchin has offered, and it's not clear McConnell could get the votes necessary to pass a bill with the lower number.

An aid package would need 60 votes to pass the Senate, which means 13 Republicans would have to vote for it if every one of the 47 Democrats did so.

Senate GOP Whip John Thune, R-S.D., said Monday it would be difficult to get 13 GOP votes for a \$1.8 trillion measure. But Sen. Kevin Cramer, R-N.D.,

wouldn't rule out supporting a bill that big.

"The ship has sailed over how much we're gonna spend. We're gonna spend a lot of money, and rightfully so, to try and bridge this economic gap that we're in," Cramer told reporters Tuesday. "So, my comfort level would depend more on what's the 1.8 trillion for, and how would it be used, and what kind of policies would be attached."

Republicans blamed Pelosi's spending demands for the impasse. "Dealing with the speaker is very, very difficult," Roberts told reporters.

Democrats faulted Senate Republicans. "McConnell and the Republican majority have failed to grasp the gravity of the situation from the beginning," said Minority Leader Charles Schumer, D-N.Y. "They put the Senate on pause for more than five months while cases went up and the death toll mounted."

What's holding up a US-Brazil trade pact?

Brazilian President Jair Bolsonaro and U.S. President Donald Trump are both keen on strengthening the ties between their respective countries, but a comprehensive trade pact that slashes tariffs on ag commodities, farm machinery and other goods and services isn't likely in the near future because of Democratic opposition, says U.S. Trade Representative Robert Lighthizer.



U.S. Trade Representative Robert Lighthizer

“We have a lot going on right now, but I would say a (free trade agreement) right now is probably not in the cards,” Lighthizer said Tuesday during the second day of a two-day virtual event hosted by the U.S. Chamber of Commerce. **“If you’re going to move forward with an FTA, the first thing you have to do is consult with the Congress and go through a House and Senate process where you ... have to get bipartisan support. And the reality is there is no support for an FTA in the Democratic Party in the United States at this time.”**

One of the first people Lighthizer would have to meet with before starting FTA negotiations with Brazil is House Ways and Means Committee Chairman Richard Neal, D-Mass., and Rep. Earl Blumenauer, D-Ore., head of the panel’s trade subcommittee, and they are making their opposition clear.

“President Jair Bolsonaro’s abysmal record on human rights, the environment, and corruption are why Democrats on the Ways and Means Committee have long opposed a trade agreement or expanded economic partnership with Brazil,” Blumenauer said in a statement released Tuesday after the USTR unveiled a series of agreements to improve trading and investment conditions between the two countries.

The new protocols update the decade-old Agreement on Trade and Economic Cooperation between the two countries, and officials from both the Trump and Bolsonaro administrations hailed it as a major step toward a full-blown FTA between the two countries.

“From their first meetings, President Trump and President Bolsonaro have shared a vision for a prosperity partnership between the United States and Brazil and a desire for new trade initiatives,” Lighthizer said. “Today’s protocol uses the existing ATEC to establish common standards for the two countries on efficient customs procedures, transparent regulatory development, and robust anti-corruption policies that will create a strong foundation for closer economic ties between our two countries,” said Lighthizer.

But Neal took it as a slap in the face.

“With this trade deal, the Trump administration has circumvented Congress to reward a Brazilian administration that lacks respect for basic human rights, the environment, and its own workers,” the Democratic Ways and Means Committee chairman said. **“Giving President Bolsonaro ammunition to claim that the United States endorses his behavior sullies our nation’s reputation as a country that demands our trade partners respect human rights and the rule of law.”**



House Ways and Means Committee Chair Richard Neal, D-Mass.

Neal, Blumenauer and 22 other Democrats — many of whom worked with Lighthizer to amend the U.S.-Mexico-Canada Agreement — signed on to a letter to the USTR in early June to

castigate the Trump administration for beginning talks on the new protocol that was released Tuesday.

“Through reprehensible rhetoric and actions, the Bolsonaro government in Brazil has demonstrated its complete disregard for basic human rights, the need to protect the Amazon rainforest, the rights and dignity of workers, and a record of anticompetitive economic practices,” the Democrats wrote in the letter.

Lighthizer may have given up on getting House Democrats to support an FTA, but Rep. Darin LaHood, R-Ill., co-chairman of the House Brazil Caucus, said he has faith.



Rep. Darin LaHood, R-Ill.

Lighthizer, LaHood said, worked with Democrats and their demands for USMCA to produce a trade pact that eventually won widespread support and passed in the House by a wide margin.

“A lot of that credit goes to Ambassador Lighthizer and his ability to work across those party lines to get people on board,” LaHood said.

Also, there are Brazilian lawmakers who are not in the same political party as Bolsonaro, but support an FTA with the U.S., and they need to reach out to Neal and other House Democrats, LaHood said.

“I’m not saying it’s going to turn out exactly the way USMCA did, but it’s a good template to move forward,” he said.

And Lighthizer himself has not completely written off the possibility of starting up FTA negotiations with Brazil early next year. In the “best case scenario,” he said, the Trump administration was “always looking at this to be something we could do at the beginning of a second term and we’ll see where we are when that time comes.”

Wolf, marijuana policy headline state ballot initiatives

A Colorado ballot measure to reintroduce the gray wolf to Western Colorado is one of many state ballot initiatives critical to food and ag policy voters who are considering how to mark their ballots this year.

If passed, the Colorado measure – Proposition 114 on the ballot – would be the first citizen initiative in history to introduce a species, but opponents fear the damage wolves could do to local livestock herds and wildlife populations in the area.

Proposition 114 would require the Colorado Parks and Wildlife commission to develop a plan to reintroduce and manage gray wolves in Colorado by Dec. 21, 2023. Proponents of the bill, like the Rocky Mountain Wolf Action Fund, see wolf reintroduction as a way to restore ecological balance to the ecosystem of western Colorado.

“We know that Colorado is a lesser place without our wolves and that restoring wolves, as we’ve learned from Yellowstone and central Idaho and Montana, will help to restore a

critical balance of nature,” Rob Edward, the president of the Rocky Mountain Wolf Action Fund, told *Agri-Pulse*.

According to information from the Colorado General Assembly, the predators once roamed most of Colorado, but saw a population decline during the 19th and 20th centuries due to human activities. This measure — which has support from organizations like Sierra Club, Defenders of Wildlife, Center for Biological Diversity and the Natural Resources Defense Council — would be the latest effort to bring back the species, which has been reestablished in Idaho, Montana, Wyoming, Washington and Oregon.



Wolves have been known to prey on cattle and sheep and are seen by many producers as a threat. According to the USDA, wolves accounted for 4.9% of cattle death losses due to predators in 2015 and 1.3% of sheep death losses due to predators in 2014. Opponents like the Colorado Farm Bureau worry that if populations were to quickly rise after the wolves are introduced, it could bring more losses to producers who are already struggling.

“Exploding wolf populations in states like Wyoming, Montana and Idaho, where wolves have been introduced [are] a significant problem for ranchers in Colorado, who would be faced with not only all of the existing challenges that we currently have in the agriculture industry with regards to prices and regulation and the like, but also an exploding and frankly, unmanageable, apex predator population that is going to severely impact wildlife as well as cattle and sheep that are raised on the western slope,” Shawn Martini, the vice president of advocacy for the Colorado Farm Bureau, told *Agri-Pulse*.

The proposal requires the Colorado Parks and Wildlife Commission to use state funds to “fairly compensate” for livestock losses that occur, something Edward noted in addressing potential depredation concerns.

“Wolves are not going to put any individual rancher out of business,” he said. “Certainly it hurts if their prized line has an animal taken out of it or something, but we believe that there are tradeoffs to be made in any sort of economic endeavor and this is one where the public is willing to pony up to make things OK and make those ranchers whole for that loss.”

Several agricultural organizations including the Rocky Mountain Farmers’ Union, the Colorado Cattlemen’s Association, and the Colorado Wool Growers Association are opposing the ballot measure, and a Stop the Wolf Coalition has collected resolutions from 39 counties against reintroduction.

Martini says that Colorado Parks and Wildlife officials already have the ability to take action on reintroducing gray wolves, but have concluded that it is not right for Colorado at the present time. In addition, he says that the species has already been spotted in Colorado previously.

“This ballot initiative really does nothing that our parks and wildlife officials don't already have the ability to do and doesn't change the biological dynamic because the species is already here,”



Shawn Martini, Colorado Farm Bureau

Martini said. “What it does is force us to spend millions of dollars and break our wildlife management process.”

Aside from Proposition 114, a number of other issues impacting food and agriculture will be on ballots across the country this year:

- Two states will be voting on the legalization of marijuana for medical purposes. In South Dakota, Initiated Measure 26 would allow marijuana to be tested, manufactured and grown by establishments who register with the state’s Department of Health. Mississippi has two competing initiatives on the ballot, Initiative 65 and Alternative 65A.
- Arizona, Montana, New Jersey and South Dakota have measures that could legalize marijuana for recreational use. Arizona’s Proposition 207 would allow adults to grow up to six marijuana plants if passed, Montana’s Initiative 190 would allow adults to grow a maximum of four marijuana plants and four seedlings for personal use, and New Jersey’s Public Question 1 would legalize marijuana for those over the age of 21, but leave cultivation rules to the Cannabis Regulatory Commission. South Dakota’s Amendment A would allow local adults who do not live near a licensed store to grow up to three marijuana plants, but they must keep the plants in a locked space that is not visible from a public place.
- Californians will vote on Proposition 15, a constitutional amendment that would change the way commercial and industrial real estate is taxed. It introduces taxing based on current market value, rather than its last purchase price. The measure will not allow commercial agricultural land and commercial properties worth less than \$3 million to be reassessed at current market value, but opponents like the California Farm Bureau Federation say the amendment would still require fixtures and improvements like barns, processing facilities and mature fruit trees to be reassessed, which could lead to producers having to pay higher property taxes. Proponents say the bill will close property tax loopholes and help fund schools and local governments.
- A proposed amendment in Utah would establish a state constitutional right to hunt and fish for citizens. Twenty-two other states have constitutional amendments giving citizens these rights. Constitutional Amendment E also states public hunting and fishing is the “preferred means of managing and controlling wildlife.”
- The Massachusetts ballot has a measure to update a 2013 “right-to-repair” law by making it a requirement for motor vehicle owners and independent repair shops to have access to information about the mechanics of the vehicle. Vehicle owners with telematics systems would be able to obtain the data through a mobile device application, which they could authorize independent repair shops and dealerships to use as well.
- California is looking at a measure that will override Assembly Bill 5 — a 2019 bill that established a test to define whether or not workers are classified as independent contractors or employees — and recognize rideshare and delivery drivers as independent contractors. While Assembly Bill 5 drew criticism from a number of individuals in the trucking industry, Proposition 22 specifically applies only to “app-based” drivers.

FCC rural broadband funding auction begins next week

Rural electric cooperatives, satellite and telecom companies are among 386 applicants eligible for the Federal Communications Commission's high-speed internet funding reverse auction next week, and stakeholders will be watching to ensure funding builds out broadband in unserved areas as intended.

The phase one auction of the Rural Digital Opportunity Fund — with \$16 billion in funding over 10 years available to interested parties — begins Oct. 29 for eligible bidders. The goal of phase one is to offer broadband and voice services to unserved areas with download speeds of at least 25 megabits per second download and 3 megabits per second upload. **Top priority will be given to providers who offer up to 1 gigabit per second internet speeds and lower latency — or "lag" — to unserved areas, according to FCC.**

Brian O' Hara, senior director of regulatory affairs for the National Rural Electric Cooperative Association, said NRECA has identified about 190 electric cooperatives that sent in forms to participate in the auction.

He said most are bidding through a consortium or group as one application.

“With the migration to this reverse auction for who's going to take the least amount of money to provide the highest speed, they're starting to see a total change in how the FCC views this,” O'Hara told *Agri-Pulse*.

Before FCC moved to the idea of reverse auctions, O'Hara said money that was doled out did not have as stringent reporting requirements.



RDOF requirements state providers must "offer commercially at least one voice and one broadband service meeting the relevant service requirements to all locations within the awarded area." This includes "40% of the required number of locations in a state" by the end of year three and "an additional 20% by the end of the fourth and fifth years." FCC will announce revised location totals at the end of year six.

“The FCC has specifically stated that if a (provider) misses one of those milestones they could claw back some of the money,” O'Hara said, noting it is one of the first times providers are held accountable to meet certain benchmarks.

“Every time one of these providers are getting this money, they have to provide geo-located data, ‘Yes, I bill to this household, here is the speed I am providing,’” O'Hara stated. “It's going to be a lot harder for folks to not follow through.”



Brian O'Hara, NRECA

FCC claims the number of qualified bidders represents more than a 75% increase in bidders compared to the 2018 Connect America Fund Phase II auction. That auction ran from July 24, 2018 to Aug. 21, 2018, where over 100 bidders won \$1.49 billion over 10 years to provide high-speed internet to roughly 700,000 locations across 45 states, according to the [FCC](#).

“We are taking one of the last steps before ringing the opening bell for the Rural Digital Opportunity Fund, our biggest and boldest step yet to bridge the digital divide for over 10 million unserved consumers across rural America,” FCC Chairman Ajit Pai said in an [Oct. 13](#) statement.

National Grange President Betsy Huber said she is hopeful the process will move along swiftly to get service to areas that desperately need it, especially due to the COVID-19 pandemic.

“All of the publicity this year about the necessity of broadband has made Congress and the general public aware that there still are many areas in this country that are not connected,” Huber told *Agri-Pulse*.

Huber said the pandemic has highlighted the essential need for internet service in rural areas where employees and students are still working from home.

The entire RDOF is \$20.4 billion; funds not used in phase one will be available in phase two of the program, according to FCC. Phase two funding would aim to address unserved and partially unserved census blocks — an area served with broadband if only one person in the block has internet service — using “more granular data” collected from the Digital Opportunity Data Collection.

However, O’Hara noted FCC wants new granular data on broadband service to be collected and analyzed before moving on to phase two.

“The sooner we can get the data fixed, the sooner we can get the second phase out,” he said. According to the commission, [DODC](#) is a method of “collecting geospatial broadband coverage maps from fixed broadband Internet service providers in areas where they make fixed service available.”



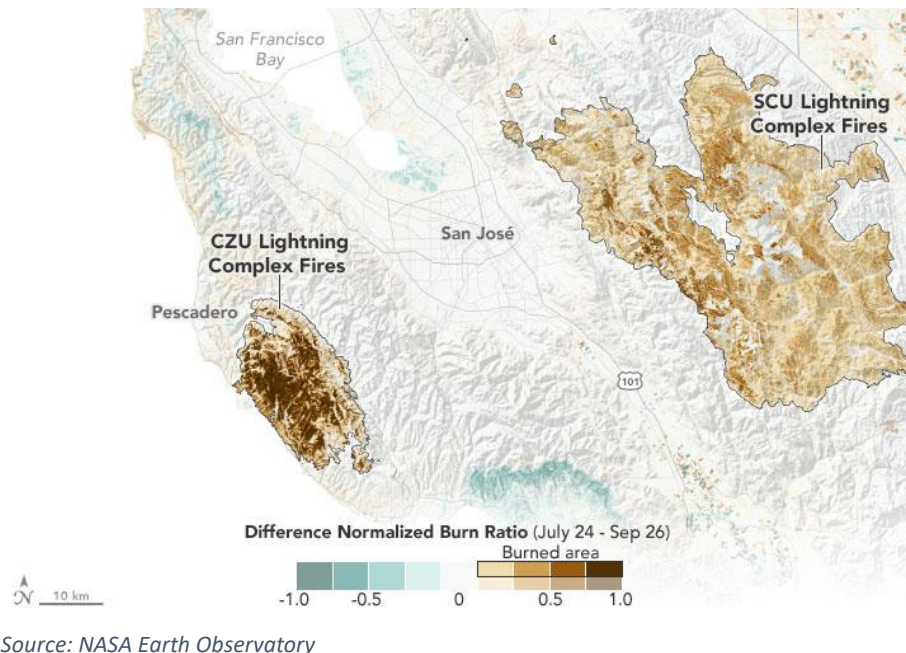
FCC Chairman Ajit Pai

Huber said providing a minimum 25 megabits per second download and 3 megabits per second upload service is better than many areas have now, but faster speeds will likely be needed years down the road.

NASA looks to measure damages from California wildfires

It may be many months before the full personal, economic and environmental damages of California's massive wildfires are known, but researchers are working to assess the damages. For example, a team from NASA is [using satellite data](#) to measure the severity of the burns.

The map at right uses Landsat 8 satellite data to provide some measure of the severity of the burns from the SCU and CZU Lightning Complex fires of August and September 2020. The technique, known as a [normalized burn ratio](#), uses near-infrared and shortwave-infrared data collected on July 24 and September 26, 2020, to detect changes in the greenness of the landscape. The data were analyzed by remote sensing scientist Christopher Potter and colleagues at NASA's [Ames Research Center](#).



Potter said shades of tan and brown reveal the severity of the burns from each fire, with the darkest shades revealing the greatest damage to the landscape. Areas colored dark brown have little to no live vegetation left; the landscape is mostly covered in soot, ash, and charred stumps and stems. Tan areas were significantly burned but still have some live vegetation. Beyond the fire burn scars, green and light brown areas likely indicate crop growth and harvesting or seasonal changes in trees and other vegetation.

The image below shows the same areas on September 26 as observed in natural color by the [Operational Land Imager \(OLI\)](#) on [Landsat 8](#).

“We needed a clear view of the land surface to make these measurements, and we were lucky enough to get one after so many smoky days,” said Potter, who specializes in satellite studies of land-cover change. “It was the first satellite image we could use to tell how severe the burn was across a broad area.”

Images like this can help land- and forest managers and other agencies as they assess areas with the worst damage and start cleanup. Teams will be especially keen to prepare for the risk of mudflows and landslides, as winter rain and snow will soon be falling on bare hills. Fire removes trees and plants that normally anchor the soils, making them more prone to slipping during heavy or persistent rainfall. The U.S. Geological Survey [has started mapping such threats](#).

From ignition on August 16 to full containment on September 23, the CZU Lightning Complex fire burned more than 86,500 acres (135 square miles) of coastal forests and hills in Santa Cruz and San Mateo counties. According to the California Department of Forestry and Fire Protection (Cal Fire), at least 1,409 structures (homes, businesses, etc.) were destroyed, 140 were damaged, and one person was killed. Coastal forests were devastated—burned nearly to the ground in many places.



Source: NASA Earth Observatory

About 50 miles inland, the SCU Lightning Complex Fire raged across five counties between August 18 and October 1 and became the third largest fire (by area) in California history. Though it did not burn as hot as the CZU fire, the SCU Complex burned a vast area: 396,000 acres (619 square miles) of oak woodlands, grasses, and grazing lands around the Diablo Mountain Range above San Jose. Cal Fire reported 222 structures destroyed and 26 damaged; the fire also menaced the historic [Lick Observatory](#) atop Mount Hamilton.

According to [CAL FIRE](#), more than 4.1 million acres (6,400 square miles) of the state have burned in 2020, and the fire season is not yet over. As of Oct. 20, over 7,000 firefighters remain on the frontlines today of 22 wildfires across the state, 12 of which remain major incidents. Yesterday, firefighters responded to 31 new initial attack wildfires across the state.

News Briefs:

Report: Organic farming continues to grow in California. The number and types of organic operations in California continued to grow in recent years, according to the latest "[Statistical Review of California Organic Agriculture, 2013-2016.](#)" The number of organic growers in California jumped from 2,089 in 2013 to 3,108 in 2016. The top 10 organic commodities in terms of sales value in 2016 were cow milk, strawberries, carrots, wine grapes, table grapes, sweet potatoes, almonds, raspberries, salad mix, and chicken eggs, said Houston Wilson, director of the new UC Organic Agriculture Institute. "This report highlights the incredible diversity and abundance of organic crops being grown across so many different geographic regions in the state, which reflects California's leading role in this production sector," added Wilson. "This review is critical to understand the changes in the fast-growing organic agriculture sector in the state where more than 50% of the nation's organic vegetables and fruits are produced," said Joji Muramoto, UC Cooperative Extension organic production specialist at UC Santa Cruz and coauthor of the report. In 2016, California organic sales were \$3.1 billion with an average of \$1 million in sales per farm, but revenue varied widely among farms. For example, San Diego County had the most organic growers (313) in 2016, but Kern County's 47 organic farmers earned the most in total organic sales: \$381 million on 49,727 acres, excluding pasture and rangeland, according to Muramoto.

More lawsuits over chlorpyrifos in California. Corteva is facing a new round of lawsuits brought on by families claiming that exposure to the insecticide chlorpyrifos caused neurological damages in a child born in 2003. The claim was filed in September in Kings County Superior Court. Attorneys say 50 more plaintiffs have come forward and more cases will be filed this week. “Young Rafael and others like him were literally awash in this deadly chemical before they were born,” said lead attorney Stuart Calwell. “Their central nervous systems never had a chance.” The plaintiff in the current case worked while pregnant packing produce previously treated with chlorpyrifos. The child’s father also worked in the fields applying the crop protection tool, known under the brand names Lorsban and Dursban. The attorneys allege the city of Huron’s tap water was also contaminated with chlorpyrifos brought in through runoff from the California Aqueduct.

USDA opens RCPP to more forest lands. USDA’s Natural Resources Conservation Service (NRCS) revised a Regional Conservation Partnership Program (RCPP) funding announcement, opening up more opportunities for commercial forestry operations. NRCS will award up to \$360 million dollars to locally driven, public-private partnerships that improve the nation’s water quality, combat drought, enhance soil health, support wildlife habitat and protect agricultural viability. The original announcement had stated that “Forest land eligibility does not encompass industrial forest lands that are owned by companies, organizations, and individuals who engage in commercially oriented forest management and production activities.” NRCS has removed this language, which partners may have interpreted as limiting opportunities for RCPP projects on forest lands where eligible activities would help achieve conservation benefits. NRCS has also extended the proposal deadline to November 30, 2020 at 11:59 p.m. Eastern. To learn more about the opportunity for funding, read the [August 6th announcement](#), and for more information on how to apply, view the [Application for Program Funding on grants.gov](#).

Hemp industry upset with DEA’s interim final rule. The hemp industry is not happy with the Drug Enforcement Administration’s [interim final rule](#) implementing the 2018 farm bill’s hemp provisions. “The IFR “improperly purports to criminalize hemp extracts in direct contravention of the 2018 Farm Bill, threatening lawful American businesses,” The Hemp Industries Association [said in formal comments to DEA](#) “Since the ruling in 2004, and formalized with the passage of the 2014 and 2018 farm bills, it has been clear that the Controlled Substance Act cannot be applied to, and has no bearing on, hemp or products derived from hemp. Hemp and hemp products are and have been lawful agricultural goods, and any attempt by the DEA to extend its rulemaking authority to regulate them is an illegal overreach that infringes on the authority of the legislative branch.” HIA and RE Botanicals have filed a [petition](#) for review in the U.S. Court of Appeals for the D.C. Circuit, and followed that with a [lawsuit](#) in federal court in Washington, seeking to stop DEA from classifying intermediate and waste hemp material as Schedule I substances under the Controlled Substances Act.

The U.S. Hemp Roundtable says, “In effect, the IFR could criminalize the initial stages of hemp extract processing, which is wholly inconsistent with the intent of the 2018 Farm Bill hemp provisions.”

The National Industrial Hemp Council is encouraging DEA to take an approach similar to USDA’s, whose own interim final rule includes a “safe harbor” provision specifying that “hemp producers do not commit a negligent violation if they use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than 0.5% on a dry weight basis.” Yesterday was the deadline for filing comments on the IFR.

USDA, EPA label Amazon a food loss and waste ‘champion’. Online retail giant Amazon is the newest “champion” of a government challenge to reduce operational food loss and waste by more than 50% by 2030, USDA and EPA jointly announced Friday. Amazon became the 31st company to make the pledge, joining Campbell's, Hilton, Walmart, and Walt Disney World, to name a few. The challenge aims to cut nationwide food waste in half by 2030. EPA Administrator Andrew Wheeler said adding companies to the list “will go a long way toward us reaching our 2030 goals.” “Currently, over one-third of all food goes uneaten through loss or waste,” he said. “That amount of loss is just too high, and as this Champions list expands, we will start to see real improvements in the way America manages its food.” Ag Secretary Sonny Perdue applauded Amazon for taking the step and encouraged “more manufacturers, grocers, restaurants, and other businesses to become U.S. Food Loss and Waste 2030 Champions.” Amazon, which sells groceries through its Amazon Fresh online offerings as well as through physical locations like Whole Foods, plans to “continue to build on our internal food waste reduction processes as well as grow our partnerships with food banks and food recovery organizations across the country to ensure that all communities have access to fresh food,” Stephanie Landry, Amazon’s worldwide vice president for grocery, said in a [statement](#). According to EPA estimates, more than 75 billion pounds of food reaches landfills and combustion facilities every year, constituting 22% of discarded municipal solid waste, making food waste the largest material in everyday trash. USDA pegs the value of food loss and waste for consumers and retailers at more than \$161 billion each year.

Farm Hands West: Duflock joins Western Growers

Western Growers has hired **Walt Duflock** as vice president of Innovation. Duflock brings more than 25 years of experience in agriculture and technology. He most recently was at SVG Ventures Thrive as executive innovation leader.



Pamela Ronald

Pamela Ronald, professor in the Department of Plant Pathology at the University of California, Davis, has been named the 2020 World Agriculture Prize laureate by the Global Confederation of Higher Education Associations for Agricultural and Life Sciences. Ronald becomes the first woman to receive the award. Ronald is recognized for her contributions of major discoveries in plant molecular genetics. She has isolated a key immune receptor that revealed a new mechanism with which plants and animals

detect and respond to infection and she co-discovered a rice submergence tolerance gene that facilitated the development of high-yielding, flood-tolerant rice varieties. Ronald also directs the Institute for Food and Agricultural Literacy at UC Davis. The award ceremony will be virtually held on Nov. 30 from Nanjing Agricultural University, Jiangsu Province, China.

Sakata Seed America has appointed **Bill McCarthy** as its new associate director of research and development. McCarthy previously was a plant breeder for 22 years working for companies such as Seminis, Monsanto and Bayer. He has been with Sakata for 27 years.

Andy Hamilton will serve as Markon Cooperative's next CEO, effective immediately. Hamilton brings many years of experience in the foodservice, sales, partnership relations, and operations management areas. Hamilton most recently was a senior vice president at Get Fresh Companies.

Nancy Tucker, vice president of the Produce Marketing Association, has announced she is retiring, effective at the end of the year. Tucker joined PMA in 1980. Before joining PMA, she previously worked for ARA, now Aramark. Tucker traveled around the world promoting and establishing PMA's presence.

Kenneth Sullivan has announced his retirement as president and chief executive officer of Smithfield Foods, effective early 2021. **Dennis Organ**, chief operating officer of Smithfield's U.S. operations, will succeed Sullivan as president and chief executive officer upon his retirement. Sullivan has been at the helm since 2015. Organ joined Smithfield in 2010 and assumed his current position as chief operating officer in 2019.

Pierre Lilly has been tapped to take over as senior vice president and chief compliance officer for Hormel Foods. Most recently, Lilly was director of internal audit bringing more than 25 years' experience. He joined Hormel Foods in 2016.

Margo Wootan has left the Center for Science in the Public Interest after serving three decades there, most recently as vice president for nutrition. She has started her own consulting firm, called MXG Strategies. Her business will officially open up in early 2021.



Margo Wootan

William Kuckuck has taken a new job at GrainPro as the new chief revenue officer. Kuckuck previously worked for the Kent Cooperation as an independent director. Before that, he served as the president of the CropLife Foundation.

Bob Walters has been tapped to lead FieldWatch as the new CEO. Walters has served as FieldWatch's director of business development since 2016 when he joined the company. He succeeds **Stephanie Regagnon**, who has taken a leadership role at the Donald Danforth Plant Science Center.

Dr. Rattan Lal was awarded the 2020 World Food Prize in a virtual award ceremony Oct. 16. Lal was awarded the prize for promoting innovative soil-saving techniques benefiting the livelihoods of more than 500 million smallholder farmers. In his work he has mainstreamed a soil-centric approach to increase food production while also conserving natural resources and mitigating climate change.

Danielle Beck has been promoted to senior executive director of government affairs at the National Cattlemen's Beef Association. Beck has been with NCBA for four years.

Keegan Kautzky, director of global programs and partnerships, has been named senior program director of the World Food Prize Global Youth Programs and Partnerships. Kautzky joined the Foundation as a George Washington Carver Intern in 2001 and returned as the special assistant to the president and coordinator of the International Borlaug Dialogue in 2005. He rejoined the staff in 2008 as the director of national education programs.



Keegan Kautzky

Robert Clark is now a legislative assistant for Rep. **Doris Matsui**, D-Calif. He covers the portfolio for animal welfare and small business. He previously served as a legislative aide to Matsui.

Samuel Satterfield has taken a new role as communications and operations aide for Sen. **Jeff Merkley**, D-Ore. He was previously working as digital and operations aide.

Last week, we reported **Floyd Vergara** was set to assume the role of director of state regulatory affairs for the National Biodiesel Board. His new title will instead be director of state governmental affairs.

Best regards,

Sara Wyant

Editor

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