

A bright future for nut growers, despite rising costs in California

California continues to dominate the almond industry and is rapidly expanding pistachio production. While the overall impacts from pandemic-related shutdowns are still unknown, the state's tree nut sector is having to adapt to a slight dip in prices, unreliable water supplies and rising competition from more business-friendly states.

“Despite headwinds, tree nuts have a great future,” said Jim Zion, who is a managing partner at Meridian Growers, a sales and marketing company for fruit and nut products.



Jim Zion, managing partner in sales at Meridian Growers

Speaking recently at the fall meeting of the California chapter of the American Society of Farm Managers and Rural Appraisers, Zion added that factors beyond market forecasts look promising as well. A Biden presidency should ease trade tensions, and plant-based diets, along with messaging on complete proteins, should continue to boost sales.

With a record 2020 crop surpassing three billion pounds, almonds will be a major tree crop in California for the foreseeable future, according to Zion. The U.S. produces as much as 85% of the world's supply. California is the largest grower, with nearly 1.3 million acres in production this year. Northern California saw the greatest yield increases.

“We have seen a little bit of slowing down in new plantings, which tells me that we may see a slight stabilization or dip in production,” he said.

Almond prices did drop by 30 cents a pound this year, but those prices have since begun to move up some. The low prices, however, will drive demand, which should restore prices after one or two years, Zion said.

With 70% of U.S. almond sales overseas, Zion saw hope in double-digit growth in mature markets in Western Europe and steady demand from India, the biggest market. Before the trade war and retaliatory tariffs, China had been seeing significant growth as well.

The large crop this year has been placing pressure on the California supply chain, according to Bill Morecraft, a senior vice president at Blue Diamond Almonds. He noted capacity issues with hullers and shellers, stockpile storage and bin availability. It has also led to record shipments. October was up 17% from the same time last year, rounding out a four-month record run that has amounted to a 25% increase overall this year from 2019.”

“The industry is facing challenges as many economies worldwide struggle with the impact of COVID-19,” Morecraft writes in the latest [market update](#). “The impact from the new shutdowns is unknown at present.”

He noted that the availability of shipping containers for exports remains an issue. Beacon Economics [reported this month](#) that importers have been warehousing “an enormous surge” of inbound shipping containers rather than make them available for exporters. Morecraft added that vessels are often changing schedules at the last minute, hitting peak capacity and extending transit times.

The pistachio crop, meanwhile, is at one billion pounds. A fairly new crop in California, pistachios have rapidly expanded in a short period of time and Zion expected that to continue to rise with new plantings. The U.S. is “firmly” the largest producer in the world now, with more than 300,000 bearing acres. Zion said he wouldn’t be surprised if those acres nearly doubled in the next 10 years.

The quality of the crop in California has also been remarkable this year.

“If this were a wine, this would be a vintage you would want to buy,” said Zion. “This has been an easy crop to sell.”

Unlike almonds, pistachios have seen steady pricing this year. Pistachio trees also don’t have to be replaced nearly as often.

“Pistachio trees are survivors,” he said. “You have to try to kill a pistachio tree.”

That trait will prove valuable as the Sustainable Groundwater Management Act is implemented. Zion estimated about 10 to 15% of pistachio orchards may be impacted by reduced supplies under the new groundwater plans. Yet one of the nation’s top competitors, Iran, is facing much more critical water issues that Zion sees as unresolvable. As Iranian production decreases, Zion expects to see the U.S. account for as much as 80% of global production, with Turkey in a distant second place.

With an expanding industry, however, come regulatory hurdles. Unlike almonds, walnuts and pecans, pistachios are somewhat perishable and must reach the processing plant within 12 hours of harvest. This means more processing plants are needed in California to meet the rising supply.

“I can tell you from firsthand experience, trying to build a plant in California is not the easiest thing,” said Zion. “It’s difficult at best.”

He anticipated labor shortages down the road and a stronger push for automation.

As state regulations become more restrictive, Zion expected overall tree nut production outside of California to continue to grow.

Similar in acreage to pistachios, walnuts have expanded to 360,000 acres in California, which is the only state to grow them. Another 50,000 acres will soon start producing as well.

Like almonds, walnuts are export driven. China has become a growing threat. According to Zion, it has expanded production “quite a bit” and, to the surprise of many, is now a major alternative supplier. In response, the California Walnut Marketing Board has continually increased its marketing budget to match the pace of the supply coming online.

Walnut prices have popped up in 2020 but will likely come down over the coming year. The pandemic also slowed sales, which rely heavily on the food service sector.

It’s crunch time for dairies to wrap up nitrate and drinking water plans

Hundreds of dairies in the Central Valley are racing toward a March 2021 deadline to complete plans for managing nitrate runoff and for providing safe drinking water to impacted communities.

“It’s ongoing, it’s getting started, and you don’t have much time” said Tess Dunham, a partner at Kahn, Soares & Conway LLP, during a recent panel discussion for the California Dairy Sustainability Summit.

A compromise between the agriculture industry and the Central Valley Regional Water Quality Control Board grants dairies 35 years to come into compliance with the Nitrate Control Program, when the board typically allows a schedule of five to 10 years. The tradeoff is dairies have to ensure safe drinking water for disadvantaged communities in the meantime.

The nitrate and drinking water plans will face rigorous scrutiny, and any dairies taking on the regulation alone would be wading into a costly and complex process involving hydrological assessments, extensive monitoring and water delivery projects.



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

“For dairies, this is a very difficult standard to meet,” said Dunham.

Instead, dairies and other waste dischargers have formed coalitions to spread the costs and responsibility across broader management zones. According to Dunham, this new flexibility and local control were the main reasons why the agricultural stakeholders—through a decade-long process to develop the CV-SALTs (Central Valley Salinity Alternatives for Long-Term Sustainability) regulatory program—pushed for a different approach to managing nitrate contamination.

While dairies are the most directly impacted, the management zone cooperatives also include food processors, wineries and even environmental justice groups, community residents and local groundwater sustainability agencies. Each coalition must ensure those voices are heard when drafting the plans. The highest priority areas are Modesto and Turlock, Chowchilla, Kings, Kaweah and Tule.

Charlotte Gallock, who coordinates the Kings River Water Quality Coalition District, said it’s going to take her coalition the full 270 days allotted by the water board to develop the technical information needed for both the management zone implementation plan and the early action plan for drinking water.

“We’ve got a lot of soft commitments from folks that want to be involved, but are not sure what level they want to be involved,” she said. “Other folks have been there from the start. Then some other folks aren’t sure what’s happening.”

The coalition is trying to spread the costs equally among the stakeholders while ensuring the effort remains fully funded, on track for deadlines and vetted with the communities. To deliver safe drinking water to impacted areas, the group has developed two self-serve fill stations that average about 100 gallons a day, with residents filling up gallon-sized containers to take home.

“One important message for dairies today is to expect to see that it will result in new costs and those will result in fee increases next year, especially for bigger dairies,” said J.P. Cativiela, who administers the Central Valley Dairy Representative Monitoring Program and is the environmental affairs director at Dairy Cares.

Cativiela estimated it will cost about \$3 million for all priority areas to complete their initial plans. For his members in the monitoring program, it translates to about an extra \$700 a year, with larger dairies taking a greater share. Unlike Gallock’s coalition, Cativiela’s program has already been handling other water quality monitoring and reporting requirements for its 1,200 members for a decade. The group has now stepped in to help members comply with the Nitrate Control Program, which minimizes administrative costs. But Cativiela cautions the members that compliance is complicated and will take time.

“There have been a lot of improvements in dairy and agriculture,” he said. “But we have a long way to go to get to the levels the state has targeted for nitrates.”

The stakes are high for failure. If the regional water board or the State Water Resources Control Board decides a plan is not up to par, it would likely require adjustments. But the water board could withdraw a plan entirely if it is subpar, forcing each stakeholder into the individual permitting pathway and raising costs significantly, according to Dunham.

“You're talking probably upwards of \$50,000 for an initial assessment,” she said. “It behooves all of us to make sure that these early action plans are at the levels that the regional board wants them to be.”

More work needed to protect farmworkers from heat stress

California's heat illness prevention standard mandates shade, water and breaks for outdoor workers, with the specific requirements increasing with the temperature. Since its passage in 2005, the regulation has helped keep farm workers safe, says Marc Schenker of the Western Center for Agricultural Health and Safety at U.C. Davis.

“We can still do better,” he said, in a [webinar](#) presenting findings from the California Heat Illness Prevention Study he conducted with colleagues.

They found that when workers don't have adequate time to acclimate to hot weather they are at increased risk for heat related illness. He also says the training and educational materials that explain to workers the importance of taking breaks and drinking water, as well as their right to these things, could be improved by using more videos and graphics for people with low-literacy, even in their native language.

“This is 100% preventable,” he said. “We shouldn't have any deaths from heat illness. It's a tragedy when one occurs, let alone many.”

Leydy Rangel, a spokesperson for the [United Farm Worker Foundation](#), says her group works hard to inform workers about the heat prevention requirements.

“Communicating to them through Spanish language radio stations, yes,” she said, “but also Facebook is such a real tool for communicating with them.” Outreach occurs in indigenous languages, too, when possible. She said since 2015, there has been an anonymous system for workers to file complaints.

“The evidence does indicate that Cal OSHA over the years has become more responsive to our complaints,” Rangel said. “The law in the books really is becoming the law in the field.”

“Generally speaking, people do a pretty good job complying with the requirements to provide shade and water,” said Bryan Little, employment policy director with the [California Farm Bureau](#). “There should be no effect on workers earnings to take breaks,” he adds, because the law requires employers to compensate piece-rate workers for the time they spend in heat-related breaks.

“I would be skeptical if all employers are doing that,” Rangel said. “Thinking of it from a worker perspective, you know that you could finish loading those three trucks in like 10 hours but why would you take 10 hours when you could work through your break and get it done in 8 hours and a half?”

Outreach aims to quell some of that inclination so workers take advantage of the prevention requirements.

Little says when farms are cited for a violation, most often it's for inability to provide their written plans, not for a lack of adequate water or shade.

In October, farm-state senators and representatives introduced a bill to establish a federal heat illness prevention regulation.

Iris Figueroa, a senior staff attorney with Farmworker Justice, says California's rules may serve as a model. Washington and Minnesota also have state regulations, though Minnesota's is only for indoor workers.

Little says heat stress illness is considered a generally recognized hazard that employers are expected to protect their workers from. Still, he anticipates the federal Occupational Safety and Health Administration will likely develop a specific federal regulation.

"I'd be surprised if that didn't happen," Little said.

"The science is there, and the data that is needed for OSHA to move forward and put together a standard," Figueroa said. "California is often sort of ahead of where the federal law is at, and that's good. But there's a lot of farmworkers that don't work in California and they deserve protection as well."

Outlook for ag climate measures brightens with Biden transition, new alliance

President-elect Joe Biden's commitment to addressing climate change and the food and ag industry's progress in coalescing on ag carbon proposals are increasing the chances that farmers could see new income streams developing through private markets and USDA programs.

The Biden administration could take steps administratively, but ag groups also are gearing up for a climate debate in Congress even if Republicans narrowly retain control of the Senate after a pair of runoff elections in Georgia Jan. 5.

Among the ideas getting the most attention as Biden sets up his administration is a USDA carbon bank to buy ag carbon credits from farmers and sell them to energy companies and other corporations that need to offset their emissions.



President-elect Joe Biden

The carbon bank, the brainchild of a key Biden transition adviser, is a central recommendation in a set of more than 40 proposals released Tuesday by the new Food and Agriculture Climate Alliance, a coalition of leading ag, food, forestry and environmental groups.

The recommendations are meant to draw support from a range of groups and include many proposals similar to provisions of the Agriculture Resilience Act, a bill introduced by Rep. Chellie Pingree, D-Maine, and backed by some environmental organizations and sustainable farming advocates that are opposed to carbon markets.

The carbon bank also is featured in a set of climate action recommendations released last week by a group of Obama administration veterans, including Robert Bonnie, who heads the USDA transition team.

It's not clear yet whether the Biden administration would seek to set up a carbon bank on its own, using the Commodity Credit Corp., or seek new legislative authority from Congress. But there are a number of other legislative proposals that would likely have to be included in a climate bill, including the Growing Climate Solutions Act, a bipartisan bill introduced this year to authorize USDA to certify verifiers of carbon credits.

A climate bill won't be easy to pass in a closely divided Congress next year, but Randy Russell, a top agribusiness lobbyist who is working with the alliance, said there is a good chance that such a measure could pass.

“We’re looking at the possibility and I think the likelihood of climate legislation,” said Russell. Organizers of the alliance began their work a year ago, long before it was apparent that President Donald Trump might lose, knowing that agriculture was under increased pressure from corporations and consumers to reduce greenhouse gas emissions.

Russell said he hopes that key Senate Republicans, including Majority Leader Mitch McConnell, GOP Whip John Thune and Sen. John Boozman, the next chairman or ranking member of the Agriculture Committee, consider the alliance's recommendations as “consistent with their philosophy.”

Republicans need to win at least one of the two Georgia runoffs to be assured control of the Senate next year. They have currently won 50 seats. Democrats would control a 50-50 Senate since Vice President-elect Kamala Harris would be the tiebreaking vote

An environmentalist who opposes carbon offset markets, Jason Davidson, food and agriculture campaigner for Friends of the Earth, believes industry-based climate proposals stand a good chance of passing Congress. He adds there also may not be sufficient Democratic opposition in Congress to USDA's acting on its own to facilitate an ag carbon market.

“I can say with confidence that I think the ag section of a potential House climate bill will have broad support, including potentially bipartisan support,” Davidson said. House Democratic leaders have generally been supportive of proposals from the House Agriculture Committee, he said.

He noted that the Growing Climate Solutions Act's lead sponsors include Debbie Stabenow, the ranking Democrat on the Senate Agriculture Committee, and Rep. Abigail Spanberger, a Virginia Democrat who chairs the House Ag Subcommittee on Conservation.

Davidson, like many other environmentalists, argues carbon markets are likely to benefit large corporate interests without significantly reducing greenhouse gas emissions and allow energy companies that buy the offsets to continue emitting pollutants that harm poor communities.

Advocates of the markets say they will allow farmers to earn money from practices, such as cover crops, that store carbon in the soil and also help protect water quality and limit water usage.

Stabenow welcomed the formation of the Food and Agriculture Climate Alliance without immediately endorsing the recommendations.



Sen. Debbie Stabenow. Source: www.Stabenow.senate.gov

“While agriculture and forestry are uniquely affected by the climate crisis, they are also a key part of the solution,” Stabenow said. “We need to significantly scale up sustainable practices on farms and in forests that benefit producers and address the climate crisis. It’s great to see agriculture, forestry, and environmental leaders teaming up to advance commonsense climate solutions.”

Boozman welcomed the formation of the alliance but notably has yet to take a position on the Growing Climate Solutions Act, which is designed to accelerate the development of ag carbon markets by assuring the validity of

credits.

Boozman told *Agri-Pulse* on Tuesday that he wants to see a cost estimate for the bill and get assurance that it will properly benefit farmers and not just companies that trade the credits. "I want to make sure that the financial benefit goes to the farm community as opposed to some middleman or middlemen for something else," he said.

China relishing RCEP trade pact victory

China is celebrating the signing of what will be the world’s largest trade pact, which includes 15 countries representing 30% of global GDP, pushing international trade to the forefront as President-elect Joe Biden prepares to take office in January.

Biden said Monday he has already been talking to foreign leaders about trade and stressed that he does not intend to allow China to take the global lead.

“We make up 25% of the world’s trading capacity,” he told reporters. “We need to be aligned with the other democracies ... so that we can set the rules of the road instead of having China and others dictate outcomes because they’re the only game in town.”

But China is already celebrating the latest success in widening its global reach. **Chinese Premier Li Keqiang on Sunday declared “a victory of multilateralism and free trade” after China signed the Regional Comprehensive Economic Partnership with 14 other countries, which all agreed to slash tariffs on each other’s goods by more than 90% over the coming years.**

The China-led deal that cements new ties with Japan, Australia, South Korea, New Zealand, Vietnam, Singapore, Thailand, Laos, Indonesia, the Philippines, Cambodia, Burma, Brunei and Malaysia is widely viewed as a milestone in the Chinese effort to expand its influence throughout Asia.

It's also a sign that the U.S. needs to reengage on a broader scale in Asia, according to Wendy Cutler, former acting deputy U.S. Trade Representative and current vice president at the Asia Society Policy Institute.

“We need to find a way back into the game or risk not being players,” said Cutler, who played a major role in the crafting of the Trans-Pacific Partnership, the 12-nation trade pact of Pacific Rim countries that the U.S. abandoned in 2017 before it could be initiated.

Hua Chunying, a spokesperson for China's Foreign Ministry, proclaimed RCEP to be “a reflection of the commitment to free trade and a multilateral trading” and a “booster for high-level economic integration in the region.”

It's the kind of integration that the Obama administration had hoped to be leading when it spearheaded the effort to bring Pacific Rim countries together under the TPP.



Rep. Ron Kind, D-Wis.

Pro-TPP lawmakers like Rep. Ron Kind, D-Wis., have voiced hopes that the U.S. would rejoin the pact — now redubbed the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, or CPTPP, under a Biden administration.

“The simple fact is that we can't afford to walk away from the global stage and cede leadership in the fastest growing area of the global economy to China,” Kind said in a statement two months after the U.S. withdrew from the pact.

But even if the U.S. does not rejoin, it still needs to step up its engagement in Asia to counteract China and set new examples for the way the world trades and interacts, says Darci Vetter, vice chair for agriculture and food at Edelman and former chief ag negotiator for the U.S. Trade Representative during the Obama administration.

“I think (RCEP) highlights the need for the U.S. to be really actively engaged in the region, both politically and economically,” she told *Agri-Pulse*. “I don't know that (CPTPP) has to be the vehicle, but strong regional engagement is important for our economic competitiveness and it's important for our foreign policy, given the strength of China's influence.”

Biden, both on the campaign trail and in debates, said he was open to the U.S. joining the trade pact with Japan, Mexico, Canada, Australia, Vietnam, Brunei, Chile, New Zealand, Peru, Singapore and Malaysia, but stressed that he would want to renegotiate terms. He also continues to stress that U.S. labor unions and environmental organizations would play a strong role.

U.S. dairy farmers would be some of the biggest winners from stronger trade ties and lower tariffs in Asian countries like Singapore and Vietnam.

“Southeast Asia is important to U.S. dairy farmers because it provides a growing outlet for their milk,” according to an analysis by the U.S. Dairy Export Council. “Today, the milk from 1 out of 7 tankers leaving American farms ends up in products and ingredients sold beyond our borders. About one day's worth of monthly production of U.S. milk currently goes to Southeast Asia.”

While RCEP is strong on cutting tariffs and regulating domestic subsidies, and includes chapters on intellectual property protection, e-trade and economic cooperation, it does not contain new standards on labor and the environment.

RCEP is stronger than many existing regional pacts, “but it’s not TPP and I think at the end of the day, we’d have liked to see more countries heading toward that TPP model, which include things like labor and environment,” says Vetter.

Had President Donald Trump not pulled the U.S. out of TPP and if Congress ratified the pact, the hope was that other countries — including China — would have eventually joined, allowing the U.S. to spread its influence on issues like biotechnology acceptance even further.



Darci Vetter

“The idea was that TPP would start with a really high-quality core and then act like a magnet,” Vetter said. “We would work with the countries around it and ... extend its reach.”

But even though TPP was a priority of the Obama-Biden administration, labor unions — a key source of support for President-elect Biden — were opposed to it.

“We understand better than anyone that the TPP is just another tool to enrich corporations at the expense of everyday families,” AFL-CIO President Richard Trumka said in an op-ed published in February 2016, long before Trump pulled out of the pact. “We cannot and should not accept it.” The AFL-CIO, which represents 12 million workers, endorsed Biden during the election.

“I think the trade policy conversation has changed a lot in four years and so the question is whether (CTPPP) could be pursued or if we’ll have to look at a new way to engage,” Vetter said.

Coronavirus forces tweaks to marketing efforts abroad

The COVID-19 pandemic has caused adjustments in countless aspects of our daily lives in the United States, but it has also hindered one of the most successful promotion efforts for American meat in foreign grocery stores: free samples.

The pandemic has forced the U.S. Meat Export Federation to reexamine some of its overseas promotion efforts of American products to work with a shifting set of coronavirus restrictions in different markets. **For a while, that included abandoning the practice of handing out a signature product on the end of a toothpick.**

For years, sampling has been an **“all-time effective promotion tool in Korean retail,”** USMEF Korea Director Jihae Yang said at the organization’s fall meeting (which, due to the pandemic, was held virtually). She said whether or not the samples could be distributed was “up to the store manager’s decision.”



“Promoters are upselling a sales item, not just cooking meat for sampling,” she said. One Korean governor — Lee Jae-Myung of Gyeonggi province — was particularly aggressive in his preventive measures and prohibited all sampling in the province, which includes Seoul, the country’s capital.

“So MEF converted to verbal promotion,” Yang said, noting that sampling practices have returned to normal in most outlets with the exception of Costco stores.

While an inability to offer free samples certainly inhibited promotion ability, the pandemic also introduced new obstacles to win over foreign customers. Joel Haggard, USMEF senior vice president for the Asia Pacific region, said China was able to return to normal fairly quickly after the initial onset of the virus with mass testing and other protocols. But resurgent outbreaks were tied to contaminated packaging of imported food.

“This is something we’ve had to deal with here in terms of messaging both to consumers and our trade stakeholders about the safety about imported food and its packaging,” he said.

In China, he said food service had a “very quick recovery” earlier this year, and in some cases restaurant receipts are “far above what they were a year ago.” That’s good, he said, because the beginning of the year presented unforeseen promotional challenges.

“These hard restrictions really curtailed the scope of our marketing programs,” he said, calling the first quarter in China “basically a write-off” because of stringent shelter-in-place requirements.

Similar to the early days of the pandemic in the U.S., Chinese shoppers spent their food dollar at the grocery store rather than the restaurant, but USMEF had a hard time taking advantage of that extra foot traffic. **“A lot of the retailers did not want to discuss promotions; they were trying to just keep operating at a maximum capacity,” Haggard said.**

But with China nearly back to normal, he said USMEF only had to adjust about 15% of its marketing budget. Now, efforts in China and other countries are focused on social media promotions, including cooking demonstrations that offer an e-commerce component where viewers can purchase the items being cooked.

Yang also said so-called “homestaurant” promotions worked well with Korean consumers, who purchase meal kits and cook at home through online tutorials on YouTube or other sites.



Joel Haggard, USMEF

The pandemic presented challenges for a wide array of promotions and “accelerated ongoing market consumer shifts,” Haggard said, many of which USMEF expects will be permanent.

“You have this greater interest in traceability, both due to African Swine Fever and COVID, you have farm-to-consumer marketing through livestream within China, so cattle farmers are able to sell their products direct to consumers,” he said. “This is building this interest in traceability and knowing where your food comes from.”

He and Yang both noted a boom in e-commerce activity in their markets during the pandemic, something many observers in the U.S. and abroad expect to have staying power across many different forms of shopping and geographies.

In Latin America, a budget-conscious consumer was not as willing to pay premiums for staple products or delivery fees for food and groceries as unemployment shot up due to the pandemic, according to Gerardo Rodriguez, USMEF director for Mexico, Central America, and the Dominican Republic. But some of the shifts in the Asian market — heavier focus on retail over restaurant, more e-commerce, etc. — were also present elsewhere.

Rodriguez said that presents the same marketing challenge USMEF officials will face in other countries in the wake of the COVID-19 pandemic and whatever other challenge will face the industry next.

“We need to be ahead of the consumers, at least one step ahead,” he said, “so by the time the consumers get where we are expecting them to be, we are already there.”

Supreme Court to consider legality of union organizers' presence at workplace

The Supreme Court has decided to hear a case involving the question of whether agricultural employers have to allow union organizers onto their property.

The court agreed Nov. 13 to hear arguments sometime next year on a California law that gives representatives access to “non-work” areas. Cedar Point Nursery, which grows strawberries in Dorris, Calif., near the Oregon border, and Fowler Packing Co. in Fresno filed the petition, represented by the Pacific Legal Foundation.

The incident that prompted the court action came in October 2015 at the nursery when, “with bullhorns in hand, the activists entered the trim sheds, where hundreds of Cedar Point’s



employees were delicately preparing fledgling strawberry plants for shipment,” the petition to the court said.

Opposing the petition, the state said the regulation only gives the union reps access for no more than three hours per day, and for no more than four 30-day periods each year. It also said the companies had not been able to “establish that the challenged regulation, which is rarely invoked and allows only limited access subject to numerous safeguards and restrictions, has caused them or other agricultural employers any actual economic harm or disruption.”

“The Constitution forbids government from requiring you to allow unwanted strangers onto your property. And union activists are no exception,” said Pacific Legal Foundation senior attorney Joshua Thompson, representing the companies.

Both the district court and U.S. Court of Appeals for the Ninth Circuit ruled against the companies, however, which are arguing the presence of the union activists constituted a “permanent physical occupation” of the property and thus a “taking” under the Fifth Amendment.

The American Farm Bureau Federation filed a brief supporting the petition, in which it said the regulation allows labor organizers onto employers’ property “three times a day for 120 days each year.” If the Ninth Circuit decision is allowed to stand, AFBF said “agricultural employers — and property owners generally — can expect to see a dramatic increase in government-imposed easements authorizing third parties to engage in substantial ‘time-limited’ occupation and use of their properties.”

USDA reverses on tighter subsidy eligibility for farm families

The Agriculture Department is ditching a change in commodity program subsidy eligibility rules that would have unintentionally made it harder for some members of family farming operations to qualify for payments, a top official says.

A final rule the Farm Service Agency published in August required all potential subsidy recipients meet the eligibility requirements for being “actively engaged” in farming. Those requirements mean a payment recipient must provide either 25% of a farm’s total management hours on an annual basis or perform at least 500 hours of management annually.

In a change formally described as a “correction” to that rule, the FSA says those requirements will only apply to farming operations that are comprised of nonfamily members and subject to a limit in the number of farm managers who can qualify as actively engaged in farming.

FSA Administrator Richard Fordyce told *Agri-Pulse* on Wednesday that expanding the eligibility requirements to family operations was an oversight.

“Obviously, it’s our view that it was not Congress’ intent to apply ... the more restrictive tests to family farm entities. It honestly wasn’t our intent either,” he said.

A correction notice released Wednesday says in part, “After publication of the rule, stakeholders notified FSA of concerns regarding potential non-intended, adverse effects to farming operations

comprised solely of family members. In streamlining the definitions for consistency, these revised definitions were inadvertently made applicable to farming operations solely owned by family members."



FSA Administrator Richard Fordyce

The August rule was necessary to make first cousins, nieces and nephews of farm operators eligible to receive payments, a change required by the 2018 farm bill.

By classifying the latest change as a correction, the agency doesn't have to go through the time-consuming process of reissuing the rule. The correction was expected to be published in the Federal Register on Thursday.

Advocates of tightening USDA payment limits applauded the August rule,

but representatives of larger family operations complained to USDA that the tighter requirements would harm many family farms and complicate succession plans.

Ferd Hoefner, senior strategic adviser for the National Sustainable Agriculture Coalition, a group that has long advocated for tightening payment limitations and eligibility rules, said USDA's latest change is "a 180-degree reversal" of the August rule.

"They got it right the first time by finally closing the biggest loophole in payment limit law, the management loophole that allows the nation's largest farms to draw many multiples times the statutory payment limit," he said. "Under normal administrations, a complete reversal of an already final rule would require an entirely new rule-making process with opportunity for public comment. This action is clearly an election-driven payoff to supporters of the failed effort to reelect the president."

Amazon founder donates millions for climate advocacy and research, including Salk Institute

Amazon founder and CEO Jeff Bezos announced the first recipients of his personal \$10 billion Earth Fund, including 16 environmental, advocacy and research organizations. The Salk Institute, based in La Jolla, will receive \$30 million for climate change research.

Bezos said in an Instagram post that "the \$791 million in donations is just the beginning of my \$10 billion commitment to fund scientists, activists, NGOs, and others."

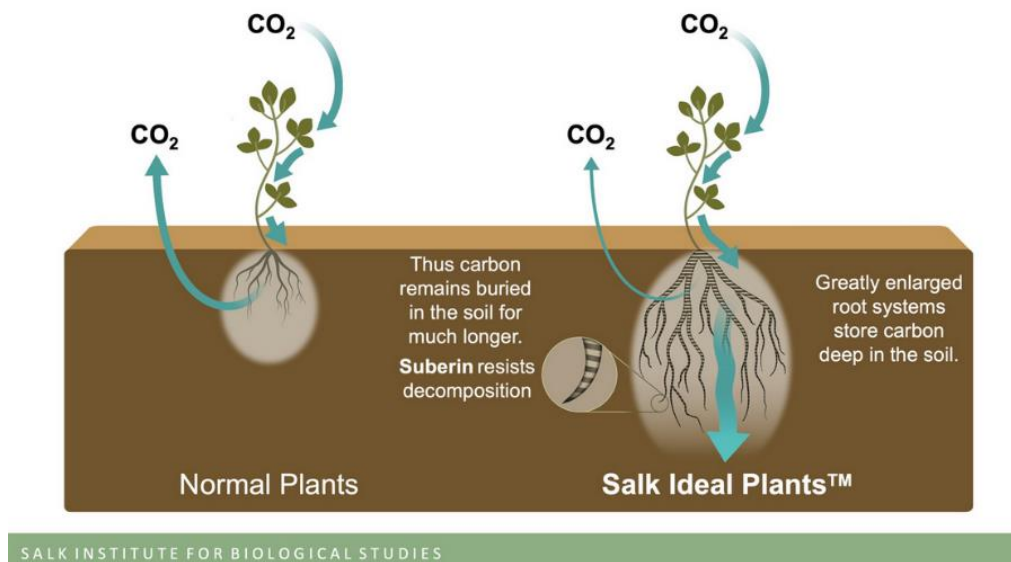
“We can all protect Earth’s future by taking bold action now,” he added. He launched The Earth Fund in February in an effort to address the effects of climate change and provide funds to others as they attempt to “preserve and protect the natural world.”

Amazon has been widely criticized by some of its employees and others for its own carbon footprint. Earlier this year, the online shopping giant said its carbon footprint rose to 51.17 million metric tons in 2019, a 15% increase from the 44.4 million metric tons of carbon dioxide emitted in 2018.

The Salk Institute will deploy its \$30 million from the Bezos Earth Fund for its [Harnessing Plants Initiative](#) (HPI). Researchers are working to increase the ability of crop plants, such as corn and soybeans, to capture and store more atmospheric carbon via their roots in the soil.

“Plants have immense potential to remove excess carbon from Earth’s atmosphere to help respond to our warming planet,” the Salk Institute noted in a release.

This work will explore carbon-sequestration mechanisms in six of the world’s most prevalent crop species with the goal of increasing the plants’ carbon-storage capacity. It complements an ongoing HPI project focused on identifying genes for increased carbon sequestration in model plants and then utilizing those genes to enhance carbon sequestration in crops, according to Salk.



“The Bezos Earth Fund’s generous donation will help realize an exciting new HPI research program that significantly increases our scientific efforts towards the ultimate goal of utilizing crop plants to mitigate the effects of climate change,” says Salk President and Professor [Rusty Gage](#).

Other recipients of the first round of investments from the Earth Fund include:

- The Climate and Clean Energy Equity Fund, \$43 million grant
- ClimateWorks Foundation, \$50 million grant
- Dream Corps Green for All, \$10 million grant
- Eden Reforestation Projects, \$5 million grant
- Energy Foundation, \$30 million grant
- Environmental Defense Fund, \$100 million grant
- The Hive Fund for Climate and Gender Justice, \$43 million grant
- Natural Resources Defense Council, \$100 million grant

- The Nature Conservancy, \$100 million grant
- NDN Collective, \$12 million grant
- Rocky Mountain Institute, \$10 million grant
- The Solutions Project, \$43 million grant
- Union of Concerned Scientists, \$15 million grant
- World Resources Institute, \$100 million grant
- World Wildlife Fund, \$100 million grant

News Briefs:

California ag and water groups back Costa. A list of 70 farm groups and water districts from the state signed on to a letter last week asking House Speaker Nancy Pelosi to appoint Rep. Jim Costa, D-Fresno, as the new chair of the House Agriculture Committee. This adds to early support from the California Farm Bureau as well as Citrus Mutual trade groups for California, Florida and Texas. “Much more needs to be done to provide (farmers) the resources needed to meet regulatory mandates and ensure farmers are true partners in environmental policy, and no one understands this as deeply as Jim,” said Western Growers President and CEO Dave Puglia in one letter. The citrus groups argued that Costa, as a farmer himself, understands issues like pest and disease, trade, water and immigration. Rep. David Scott, D-Ga., has also officially expressed interest in the position and has more seniority on the committee than Costa.

Risk is low but concerns remain at farmers markets. Can you shop at a farmers’ market and rest assured about the safety of the products you buy? A new study by University of California, Davis, researchers finds a low risk of contamination of foodborne pathogens on produce and meat at Northern California certified farmers’ markets, but still finds cause for some concern.

The study, published in the Journal of Food Protection, examined the prevalence of *Salmonella* on meat and produce, as well as the prevalence of generic *E. coli* on produce. Samples were taken from 44 certified Northern California farmers markets, including in the Sacramento region and Bay Area. Highlights of their findings include:

- All produce samples tested negative for *Salmonella*.
- Six (1.8%) of 338 meat samples tested positive for *Salmonella*.
- *E. coli* prevalence in produce was 40 (31.3%) of 128 samples tested.
- *Salmonella* isolates were resistant to nalidixic acid and tetracycline.

“Based on this data, I think it’s safe to consume meat and produce from farmers markets,” said lead author Alda Pires, a UC Cooperative Extension specialist and research scientist in the UC Davis School of Veterinary Medicine. “That’s a low risk of contamination of foodborne pathogens, especially *Salmonella*.”

While the prevalence of generic *E. coli* may seem relatively high, the concentrations were low. Pires said that’s especially so compared to previous studies of contamination at farmers markets elsewhere in the United States. The prevalence of *Salmonella* in meat sampled from Northern California farmers markets is also much lower than what previous studies have found in grocery stores. Among the produce sampled, leafy greens had the highest prevalence of *E. coli*, followed by root vegetables.

“The study raises awareness that it’s not just very large farms that can have contamination,” said co-author Michele Jay-Russell, with the Western Center for Food Safety at UC Davis. “Farmers need to pay attention to everything they’re doing, from planting to storage, to avoid contamination.”

USDA seeks comments on bee and honey survey. The USDA National Agricultural Statistics Service (NASS) is seeking additional public comments on the paperwork and regulatory burdens associated with its Bee and Honey Survey, according to the Federal Register. The data is needed by USDA and other government agencies to administer programs and to set trade quotas and tariffs. In this request for renewal, NASS plans to keep the Bee and Honey Inquiry (operations with 5 or more colonies) and the Quarterly Colony Loss survey relatively the same. The samples are adjusted so that the same group of operators who qualify for the honey production survey also qualify for the colony loss survey. “Collecting data less frequently would diminish the ability to track changing trends in the honey industry. The frequency of the report has evolved to meet the needs of customers and yet minimize the burden on the reporting public,” NASS points out in the notice. Comments should be submitted before Dec. 17, 2020 on this website: www.reginfo.gov/public/do/PRAMain.

Farm Hands West: Union lobbyists receive transition waivers

Two lobbyists on the Biden-Harris transition team looking at USDA and the Farm Credit Administration have been granted waivers from the team’s ethics rules that require current lobbyists or those who registered to lobby within the past year to obtain the waiver from the transition’s general counsel. Among those granted waivers, according to The Wall Street Journal, are **Andrea Delgado**, a currently registered lobbyist for the United Farm Workers Foundation, and **Celeste LaQuita Honeysucker**, who was registered as a lobbyist for the United Food and Commercial Workers International Union until earlier this year.

Bard Valley Medjool Date Growers, Yuma, Arizona, added **Derrick Stinnet** as director of international sales and **Liam Slavin** as northeast sale representative. Stinnet was vice president of international sales and marketing at The Grapery, Shafter, California. The company promoted **David Baxter** to marketing director, **Rocio Saldana** to senior marketing coordinator and **Elsa Salazar** to marketing coordinator . . . Moxxy Marketing, Salinas, Calif., hired **Hailey Terrones** as project coordinator for the western region United States, Mexico and Canada. She was brand ambassador and merchandising assistant for Grimmway Farms’ organic juice line from 2015-17.

Kailee Tkacz Buller, chief of staff to former Deputy Secretary of Agriculture **Steve Censky** for the past year and a half, has been named president of the Institute of Shortening and Edible Oils (ISEO). She succeeds **Robert L. Collette**. “Collette leaves big shoes to fill, but Kailee is more than capable,” said **John Bode**, president and CEO of the Corn Refiners Association, an ISEO member. Buller had been chief of staff in USDA’s Research, Education and Economics mission area and a policy adviser in its Office of Congressional Relations early in the Trump Administration. Before government service, she was director of legislative and regulatory food policy at the Corn Refiners Association, director of government affairs at SNAC International, manager of government affairs at the National Grocers Association and research analyst at the American Legislative Exchange Council (ALEC).

The National Biodiesel Board (NBB) has named **Steve Dodge** its new director of state regulatory affairs. He has more than two decades of experience in outreach, communication and lobbying for the American Petroleum Institute (API), recently as executive director of the Massachusetts/New England Petroleum Council. NBB CEO **Donnell Rehagen** said NBB, the soybean industry and the heating oil community have invested millions of dollars in the research, market development and education over 15-plus years in getting renewable fuels into the heating market. NBB state governmental affairs efforts are led by **Floyd Vergara** in its Sacramento, California, office. NBB is the U.S. trade association representing the biodiesel and renewable diesel value chain, including producers, feedstock suppliers and fuel distributors.



Steve Dodge, NBB

UNFI, a North America Food wholesaler, and Meijer, a chain of supercenters in the Midwest, have been named U.S. Food Loss and Waste 2030 Champions in an announcement from EPA Administrator **Andrew Wheeler** and Secretary of Agriculture **Sonny Perdue**. Champions are U.S. businesses and organizations who pledge to reduce food loss and waste in their own operations by 50 percent by the year 2030. UNFI Director of Sustainability and Social Impact **Alisha Real** called it “simply unacceptable that so much is wasted.” Earlier 2030 Champions includes Ahold Delhaize, Amazon, Aramark, Blue Apron, Bon Appetit, Browns Superstores, Campbells, Compass Group, ConAgra, Farmstead, General Mills, Giant Eagle, Hello Fresh, Hilton, Kellogg’s, Kroger, Las Vegas Sands, Marley Spoon, MGM Resorts, Mom’s Organic Market, PepsiCo, Sodexo, Sprouts, The Wendy’s Company, Unilever, Walmart, Walt Disney World, Wegmans, Weis, Whiston’s and Yum! Brands.

Jennifer (Jenn) Heiss has been named national information and communications officer for the USDA-funded Interregional Research Project No. 4 (IR-4) at North Carolina State University. IR-4 coordinates research necessary to register pest control agents or crops such as fruits, vegetables, nuts, herbs, spices and ornamentals. Heiss has more than 10 years of experience in multistate and local government agencies and served as an officer in the North Carolina Association of Government Information Officers.

Gary Hirshberg, the former Stonyfield Farms yogurt entrepreneur who founded the Just Label It organization to advocate labeling of foods with products of agricultural biotechnology, says his group “is retiring at the end of the year — but the Only Organic campaign is taking up the fight.” The successor group, www.onlyorganic.org, is supported by more than 100 large and small organic food companies and associations. It advertises itself as a nonprofit voice to educate the public about “why organic farming and products are better for families and the environment.”

USDA’s Food Safety and Inspection Service (FSIS) has chosen four food safety fellows who are pursuing doctoral degrees with an interest in food safety and public health. They are **Darwin Bandoy**, University of California Davis; **Aaron Beczkiewicz**, Ohio State University; **Colette Nickodem**, Texas A&M University; and **Ilya Slizovskiy**, University of Minnesota. During their fellowships, they will collaborate with FSIS scientists on the agency’s research priorities.

Nebraska-based Lindsay Corporation, manufacturer of center pivot irrigation equipment and other infrastructure equipment and technology, promoted **Randy Wood**, now its chief operating officer, to president and CEO and a member of its board effective January 1, 2021, to succeed

the retiring **Tim Hassinger**. Since joining Lindsay in 2008, Wood has served in a variety of leadership roles in the company's irrigation business. Hassinger joined Lindsay in October 2017.

Jennifer Goedke has been tapped as Chief of Staff for Rep. Jared Huffman, D-Calif. Since 2014, she served as Deputy Chief of Staff to Rep. Mike Thompson, D-Calif.

Laura Forero returns to Capitol Hill as a legislative assistant handling environmental, energy, immigration and women's issues for Rep. Doris Matsui, D-Calif. Prior to that, she was a legislative representative and registered lobbyist with the League of Conservation Voters. But she also worked for Rep. Debbie Mucarsel-Powell, D-Fla., ex-Sen. Bill Nelson D-Fla. and Sen. Kirsten Gillibrand D-N.Y. before joining the conservation group.

The California Ag Leadership Foundation's (CALF) Profiles in Leadership Award, which recognizes Ag Leadership Program alumni for their leadership actions resulting in the betterment of industry, community, business, government, education and/or the environment, was awarded to **Craig and Sara Jane Underwood, Holly King and Rich Peterson**.

Best regards,

Sara Wyant

Editor

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