



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

January 29, 2021

APPOINTMENTS

Governor Gavin Newsom reappointed the following to regional water quality control boards. These positions require Senate confirmation and the compensation is \$250 per diem:

1. Nicholas Avdis, 46, of Sacramento, has been appointed to the Central Valley Regional Water Quality Control Board. Avdis has been Of Counsel at the Thomas Law Group since 2013. He was a Partner at the Law Offices of Lo Duca & Avdis LLP from 2008 to 2013, an Associate at the Law Offices of Sandberg & LoDuca LLP from 2004 to 2008 and Corporate Counsel at KT Development Corporation from 2003 to 2004. Avdis is a member of the Capitol Area Development Authority, Reclamation District 1000 and Sacramento Area Flood Control Agency.
2. Sean Yang, 42, of Sacramento, has been appointed to the Central Valley Regional Water Quality Control Board. Yang has been a Medical Imaging Specialist Engineer at Kaiser Permanente since 2016. He was a Medical Liaison at Open Advantage MRI in 2017, Medical Imaging Engineer at BC Technical from 2014 to 2016 and a Computerized Tomography and Magnetic Resonance Engineer at Consensys Imaging Service Inc. from 2011 to 2014. Yang was Manager and Owner of Weiberts Meats from 2005 to 2011 and Magnetic Resonance Engineer at Hitachi Medical Systems America from 2001 to 2011.
3. H. David Nahai, 68, of Los Angeles has been appointed to the Los Angeles Regional Water Quality Control Board. Nahai has been President of David Nahai Consulting Services Inc. and Partner at Lewis, Brisbois, Bisgaard and Smith since 2010. He was General Manager and CEO of the Los Angeles Department of Water and Power from 2007 to 2009, Vice President of the Los Angeles Department of Water and Power Board of Commissioners from 2005 to 2006 and President of the Los Angeles Department of Water and Power Board of Commissioners from 2006 to 2007. Nahai was a Partner at Nahai Law Corporation from 1992 to 2007, at Stroock & Stroock, & Lavan from 1986 to 1992 and at Memel, Jacobs, Ellsworth, Pierno and Gersh from 1982 to 1986. He was an Associate at Loeb and Loeb from 1979 to 1982. He is a member of the Los Angeles Business Council, California League of Conservation Voters and Los Angeles Cleantech Incubator. He was a board member of the Los Angeles Regional Water Quality Control Board from 1997 to 2007.
4. Michael Mendez, 43, of Long Beach, has been appointed to the Los Angeles Regional Water Quality Control Board. Mendez has been an Assistant Professor in the Department of Urban Planning and Public Policy at the University of California, Irvine since 2019. He was a Faculty Fellow and Associate Research Scientist at the Yale School of the Environment from 2016 to 2019 and a Postdoctoral Scholar and Lecturer at the University of San Francisco Department of Environmental Science from 2015 to 2016. Mendez was Legislative Director at the University of California, Office of the President from 2008 to 2010, Senior Government Affairs Advocate at Blue Shield of California from 2006 to 2008, and Senior Legislative Aide in the Office of California State Assemblymember Cindy Montañez from 2003 to 2006. He is a member of the National Academies of Sciences' Board on Environmental Change and Society and the Alliance for a Better Community.

CANNABIS

SB 59 (Anna Caballero, D-Salinas) has been introduced to rectify an issue in licensing obligations for cannabis operators, including cultivators, processors, manufacturers and retailers. Under current law, cannabis licensees are operating under provisional licenses while CEQA is in process. This allowance to operate with provisional licenses sunsets (ends) on December 31st, 2021. After this time period, all licensees would need to transition to permanent licenses with the CEQA process completed. This bill would extend the allowances for provisional licenses, (with interim CEQA processes) until July 1, 2028. Farm Bureau is still in the process of reviewing this legislation.

CLIMATE

As a part of the Governor's Executive Order, the Department of Food and Agriculture will be hosting a series of stakeholder meetings with farmers and ranchers to solicit feedback about on-farm climate solutions (carbon sequestration, greenhouse gas emission reduction and biodiversity enhancements). Meetings will be organized in three categories: (1) livestock and dairy; (2) annual crops (row and field crops); (3) perennial crops (trees and vines). After these meetings, CDFA will develop a report open for public comment. This report will inform the Natural and Working Lands Climate Smart strategy which will guide the AB 32 Scoping Plan. Below are the meetings and links for participation:

- Livestock and Dairy Meeting #1, February 8 at 2 p.m.
 - <https://csus.zoom.us/meeting/register/tZYsd0-qrjwpE9TCt74IRi0V4FaVYS9f5jNu>
- Livestock and Dairy Meeting #2, February 12 at 9 a.m.:
 - https://csus.zoom.us/meeting/register/tZEpc-0pzMsGNAruyE0r0-kytqobtBN_cNN
- Annual Crops Meeting #1, February 16 at 2 p.m.:
 - https://csus.zoom.us/meeting/register/tZYtd0qgqj0sGNRlzD5RdDouZcGBWa3d_RMc
- Annual Crops Meeting #2, February 19 at 9 a.m.:
 - <https://csus.zoom.us/meeting/register/tZEsf-GhrTsuE9J1mm3NiT8KwCR2qJhwBRXp>
- Perennial Crops Meeting #1, February 23 at 2 p.m.:
 - <https://csus.zoom.us/meeting/register/tZEude6orDkiEtAwaTScN-oU3f5IQCBmAqws>
- Perennial Crops Meeting #2, February 26 at 9 a.m.:
 - <https://csus.zoom.us/meeting/register/tZUkcOytrz4pHd3fJw2Ig7xNqT6PbvGFKIEb>

Farm Bureau strongly encourages growers, dairymen and women and ranchers to participate in these discussions and share the needs and challenges to implement and scale up on-farm climate practices.

AB 350 (Carlos Villapudua, D-Stockton) has been introduced by one of the Legislature's newest members to establish a grant program at the Department of Food and agriculture to fund technical assistance to support landholders in critically over drafted basins in the San Joaquin Valley to reduce water use pursuant to SGMA. Funds provided to technical assistance providers would be develop on-farm conservation plans. Under the bill's language, grants would be a maximum of \$100,000 per year for 3 years and at least 25% of the grant funds must be provided for technical assistance to socially disadvantaged farmers and ranchers. Farm Bureau is still in the process of evaluating this bill for positioning.

AB 352 (Robert Rivas, D-Pajaro) is a reintroduction of last year's legislation, AB 2955, which would revise the California Farmland Conservancy Program at the Department of Conservation to expand the use of program funds to include additional technical assistance providers as eligible grant recipients. These new recipients would be responsible for helping to reduce barriers to socially disadvantaged farmers and ranchers and earmark 25% of the program funds for these operations. Grant funding would be split for technical assistance (assisting with land acquisition financing or leasing arrangements) and acquisition (down payment and interest rate assistance, direct costs incidental to acquisition, and infrastructure for land improvement). Those projects that seeks fee title acquisition and or lease to sell the property to a landholder within 3 years with an expectation it remains in production if conserved, with reasonable allowances for temporary fallowing. Farm Bureau had opposed the prior year bill with concern that it did not require the land intermittently to be managed for agriculture, thereby threatening the long-term viability of production once

transferred to a new farmer. Farm Bureau will closely review the changes from last year in AB 352 for policy consideration.

[SB 260](#) (Scott Wiener, D-San Francisco) has been introduced with strong attention, proposing to require the CA Air Resources Board to develop a regulation by January 1, 2023 requiring publicly traded and foreign corporations with revenues in excess of \$1 billion with business interests in California to publicly disclose their greenhouse gas emissions in prior years and establish targets by January 1, 2024. This bill will likely incite large opposition from the business and corporate communities.

CROP PROTECTION

The California Department of Food and Agriculture's is announcing three vacancies on the Beet Curly Top Virus Control Board, responsible for making recommendations on the Beet Curly Top Virus Control Program. Vacancies include:

- 1 Southern California District Member, District I; representing beans, peppers, spinach, sugar beets, and/or tomatoes.
- 1 San Joaquin Valley District Member, District II; representing melons.
- 1 Northern San Joaquin Valley District Member, District III representing beans, peppers, spinach, sugar beets, and/or tomatoes.

Individuals interested in being considered for an appointment should send a brief resume by March 1, 2021 to the California Department of Food and Agriculture, Integrated Pest Control Branch – 2nd Floor, 2800 Gateway Oaks Drive, Sacramento, California 95833, Attention: Davis Tran.

DEPREDACTION

Senator Scott Wiener (D-San Francisco) has introduced [SB 252](#), a bill that would change the designation of bears to a non-game mammal. This would make it illegal to hunt bears and eliminate bear tags throughout the state. The bill, however, would make allowances for hunting when human safety, public property, and livestock are threatened. In these circumstances a depredation permit would be required. At this time, staff is still reviewing this bill and is in contact with the author's office about the possible implications.

FERTILIZERS

The California Department of Food and Agriculture has announced it has awarded \$2.18 million in grant funds to agricultural organizations and universities from the Fertilizer Research and Education Program Grant Program. These grants will fund 11 research projects to improve the efficiency of nitrogen fertilization in California agriculture, reduce the associated environmental impacts, and advance farmers' understanding and implementation of best management practices (BMPs) for fertilizer applications in farmlands. Funded research projects include:

- UCCE Monterey--Assessment of Nitrogen Content of the Harvested Portion of Specialty Crops to Estimate Crop Nitrogen Removal and Improve Nitrogen Management in Crops
- Kings River Watershed Coalition Authority-Assessment of Harvested and Sequestered Nitrogen Content to Improve Nitrogen Management in Crops, Phase 2
- UC Davis, Nitrogen Response of Industrial Hemp Cultivars Grown for CBD, Essential Oils
- Cal Poly San Luis Obispo, Certification and Distance Learning for Fertigation
- Ventura County Farm Bureau, Ventura County Nitrogen Management Training Program
- UC Davis, University of California Nursery and Floriculture Alliance Fertilizers and Plant Nutrition Workshops for Greenhouse and Nursery Growers
- UCCE Monterey, Outreach and Revenue Generation for Sustaining CropManage Irrigation and Nutrient Management Decision Support Tool
- UC Davis, Development of Site-specific Nitrogen Fertilization Recommendations for Annual Crops
- UCCE Imperial County, Enhancing Nitrogen and Water Use Efficiency in California Carrot Production through Management Tools and Practices
- UC Davis, Techniques to Minimize Nitrate Loss from the Root Zone during Managed Aquifer Recharge (MAR)
- Coalition for Urban Rural Environmental Stewardship, "Crop Nutrient Minute" Video Series

FOOD DONATION

Vigilant Friday Review readers may be remembering this issue from prior years; [SB 240 \(Susan Eggman, D-Stockton\)](#) has been introduced to extend the Food Donation Tax Credit from January 1, 2021 to January 1, 2026. The bill also requests the Franchise Tax Board to report out what types of donated raw agricultural products or processed foods were using the food donation tax credit. Farm Bureau has historically supported this extension and the expansion of the eligible agricultural items.

FOOD SAFETY

The Food and Drug Association, along with the Center for Disease Control and state and local partners, investigated a multistate outbreak of *E. coli* O157:H7 infections in the fall of 2020. The epidemiology and traceback investigation have determined that the outbreak was linked to leafy greens and were connected to the 2019 romaine outbreak. The investigation was not able to determine a specific type of leafy green linked or definitive information on how the contamination was transmitted. Teams were deployed to conduct traceback investigations and large-scale environmental sampling. No Shiga toxin-producing *E. Coli* were found. At this time, the FDA's investigational activities have concluded, and the Agency will release a detailed report in the near future. A longitudinal study conducted by the FDA and the Department of Food and Agriculture is continuing to review how environmental contaminants travel between leafy green operations through the environment.

HEMP

The California Industrial Hemp Advisory Board will be meeting on Tuesday, February 9, 2021 from 1000 a.m. to 12:00 p.m. Interested parties can register to view the meeting [here](#) or they can call in to the following phone number: 1-877-309-2071 / Participant Code: 474-234-671. To review the meeting notice and agenda, please visit the industrial hemp website [here](#).

LAND USE

[SB 69 \(Mike McGuire, D-Healdsburg\)](#) is another iteration of Senator McGuire's interest to create the Great Redwood Trail from Sonoma/Marin Counties to the California-Oregon border. This bill would require the Sonoma-Marin Area Rapid Transit District to create a bicycle and pedestrian pathways from mile 1 to mile 89 in Mendocino County, in partnership with a trail agency. The bill would also rename the North Coast Railroad Authority (NCRA) by July 1, 2022 as the Great Redwood Trail Agency, appoint directors and require the NCRA to transfer all rights and privileges of the northern portion of NCRA's line to the new Agency. This new Agency would be required to:

- Inventory parcels, easements and contracts;
- Complete an environmental assessment of the northern portion right of way;
- Plan, design, construct and operate a trail in the northern portion of the right of way; and
- Railbank the northern portion of the right of way

Finally, under the bill, the Agency will be offered certain rights under this bill, including the authority to assess fees, make grants, acquire property (including through imminent domain) and enter into contracts and joint powers agreements. Those counties along the defunct rail line (Sonoma, Marin, Mendocino, Humboldt and Trinity) had engaged on previous legislation and local efforts, in addition to California Farm Bureau.

LIVESTOCK FEED

The California Feed Advisory Board met on January 26th to discuss Departmental updates, the Feed Program's budget condition and tonnage figures and provided an update on the subcommittee's recommendations to attempt to capture the total tonnage of food byproducts (organic waste materials) being diverted for animal feed. Friday Review readers may remember a problematic bill from last year's session, AB 2959 (Ian Calderon, D), which would have restricted access to food byproducts from retail and grocery store locations for animal feed. The Department is moving forward with a regulatory package, details forthcoming.

REFERENDUM

A referendum challenging the approval of a 2020 law, SB 793, which would prohibit flavored tobacco products, has qualified for the next statewide general election, November 8, 2022. The challenged law

prohibits the retail sale of certain flavored tobacco products and flavor enhancements. The referendum would require a majority of voters to approve the state law before it could take effect.

WATER

As previously reported the California Water Commission held four Water Conveyance Workshops, one in Southeastern California, Southern California, Northern California and the fourth and final workshop was held this week for Central California. The Commission will use the information gathered at the regional workshops to help formulate its recommendations on a potential state role in financing climate-resilient conveyance. The draft paper will be available for public comment before it is finalized and presented to the Administration in mid-2021.

A measure that would provide liability protection for landowners who voluntarily provide land for stream restoration was introduced this week. The stated purpose of [AB 315](#) (Mark Stone, D-Santa Cruz) is to indemnify and hold harmless a landowner who voluntarily allows land to be used for a project to restore fish and wildlife habitat. Farm Bureau has reached out to the author's office to discuss the intended purpose and to raise concerns about the limited protections the measure offers. Farm Bureau has not yet positioned on the bill.

A large agricultural, water and business coalition including the California Farm Bureau sent a letter of support this week for the California Natural Resources Agency's "Proposition 68: Habitat Improvement" budget change proposal (BCP). The letter was addressed to Senator Bob Wieckowski, Chair of the Senate Budget Subcommittee No. 2 and to Assemblymember Richard Bloom, Chair of the Assembly Budget Subcommittee No. 3 to communicate our strong support for the Resources Agency's BCP request to appropriate \$125 million in Proposition 68 funds for the "Protecting California's Rivers, Streams and Watersheds Program" for Fiscal Year 2021-22. In January 2019, the Newsom Administration began leading a coalition of federal, state and local agencies, conservation groups, non-governmental organizations, and other interested parties to develop and implement a collaborative approach to enhance conditions for fish and wildlife in the Delta and its tributaries. This effort, known as the "Voluntary Agreements" process, represents the state's best opportunity to advance a comprehensive strategy to improve habitat and flows for the benefit of native fish and wildlife species while also providing for the water supply needs of California's communities and economy.