REITER
AFFILIATED COMPANIES

January 21, 2019

Mr. John Robertson
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Central Coast Water Board Agricultural Order 4.0

Dear Mr. Robertson,
As we recognize the critical need to update the Central Coast Water Board's Agricultural Order (4.0) and safeguard our state's water resources, we would like to acknowledge the efforts the Board has taken to collaborate with local growers as part of this process. As you know, Reiter Affiliated Companies (RAC) has been a long-standing grower on the Central Coast of California with a family legacy of farming for over a century. Throughout that time, our industry has undergone significant change, with growers facing unprecedented pressures on labor, land, water and food safety. While all of these are critical to our overall sustainability and livelihood, they pose an inherent risk to the long-term viability of farming in our great state.

In the last three years alone, we have weathered the storm of non-productive time, California minimum wage increases, and overtime pay for agricultural workers. This trifecta of economic strain created a ripple effect within our industry, with many small and local growers unable to survive economically and folding their family businesses. The labor shortage across our country, but particularly in California, has added to that strain, with growers reducing their acreage in order to harvest their crops and an exodus of farming south into Mexico to bolster supply into the United States. In addition, growers are now importing their labor through the federal H2A-visa program which requires employers to house, feed and provide transportation for their workforce. Since 2017, that program has seen a 41% increase over the past 6 years, with growers scrambling to find farmworker housing in an inhospitable housing market across the state. As you can see, these economic pressures are real and set a backdrop for us and other agricultural growers in California today.

However, despite these challenges, we feel strongly that growers can achieve a successful and economically viable business if we work together with government agencies and regulators in a meaningful and collaborative partnership. At Reiter, we have and will continue to support the Central Coast Water Board's cooperative approach to monitoring and reporting of water quality data and encourage the Board and their staff to continue working with existing coalitions and agricultural growers such as ourselves, with a long history of collective partnership. Our collaborative work has included partnership with Driscoll's and local agencies including the California Resource Conservation District (RCD), the Natural Resources Conservation Service California (NRCS), the University of California Cooperative Extension (UCCE), and the University of Santa Cruz (UCSC) to investigate, evaluate and implement programs and projects to:

- Enhance or augment recharge into ground water basins that have been designated in critical overdraft.
- Improve the quality of waters being percolated through recharge/augmentation projects by using local materials (wood cuttings and/or mulch) as a filter media.
- Support ground water sustainability plans (GSP's) to reduce long-term water use in critically over drafted groundwater basins.

In addition, we have been actively working on securing available grant monies and encouraging private participation and funding opportunities to engineer drainage control projects designed to reduce surface water discharge into sensitive habitats or impaired water bodies identified on the Clean Water Act Section 303(d) list. We have also been working with the Pajaro Valley Water Management Agency (PVWMA) and other organizations to develop, approve and implement the first-ever land fallowing program designed to reduce annual and long-term ground water use in a critically over drafted basin.

Our employees regularly participate and contribute as members of key agricultural organizations that have been formed to help their members comply and develop best management practices for improving ground and surface water quality. Through these efforts and others, we are helping to lead community dialogue groups to engage stakeholders and growers to identify, fund and implement more projects to reduce impairment and improve ambient surface and ground water quality.

With this backdrop of partnership and collaboration at the core of our sustainability efforts, we focus our lens on the proposed Agricultural Order (4.0), where there are several areas in need of a deeper understanding and more comprehensive investigation.

Nitrogen Limitations & Cane Berries
Plant species play a vital role in our industry as each type of berry (blackberry, raspberry, strawberry and blueberry) that we grow requires specialized cultural practices, unique to their species. Existing scientific data available from UC Davis studies and elsewhere, are based on public varieties and do not factor in the differentiation of berry species for nitrogen uptake and removal. The variability of nitrogen requirements and release, have not been factored into existing research especially with cane berries, such as blackberries and raspberries. For example, cane berries are semi-permanent crops that stay in the field on an average of two to five years, alternating between a fruiting phase and vegetative phase. Any consideration of numeric limits for these species should also factor that nitrogen is stored in the cane, roots and crown for multiple years. Ultimately, a universal "one size fits all" calculation for nitrogen limits with berries, will simply not be feasible or equitable for growers that plant and harvest more than one berry species. Further research and adjustments should be made to account for particular crop species, *particularly cane berries*, which have limited research performed on nitrogen uptake.

Plastics
The use of Polyethylene, or plastic, has been a vital part of our industry since its introduction into agriculture in the early 1950's. Since that time, we have recognized its properties beneficial to plant growth such as reduced water loss, UV stabilization to cool soil and prevent insects, prevention of weed growth, mulching and fluorescence. In berry production, these are all critical to our operations and overall plant health and harvest yields.

The Board has specifically called out plastics in erosion regulation, which places an undue burden on certain crop types that rely on this innovation for their cultural growing practices. This sets an uneven playing field for berry producers to alter and/or mitigate runoff due to the use of

a specific growing tool. We would suggest a more egalitarian approach such as a slope-based erosion regulation which would require erosion management plans for ranches above a certain slope who incur storm water discharge. This would focus targeted areas that contribute the most significantly to sediment loading and runoff.

Discharge Limits & Runoff

As outlined, the discharge limits drafted for the new agricultural regulation order would essentially require a drainage improvement plan for ranches that exceeded discharge limits. Those plans require not only investment of infrastructure but are a host to many unintended consequences. Firstly, there is the impracticality of engineering, permitting and approving storm retention basins to hold off discharge for an industry that rotates land, is seasonal and has variables that do not afford long wait times for such policy regulation. Detention basins will range from $20-$100k depending on the acreage planted and how much storm water runoff is generated from each ranch. In addition, many growers do not own their own land and would be required to pay for significant infrastructure investment, as a tenant, in order to meet the newly posed requirements. Such an investment would not only impact growers financially but could potentially make certain land owner's property economically unviable. This would encourage growers to move to less investment-intensive land, effectively shrinking the usable agricultural land available and putting certain land owner's investments at risk. Again, growers are already struggling to maintain economic feasibility in an increasingly demanding and fiscally challenged environment. This would only add to that dilemma.

Apart from these economic impacts, there are very real and potentially catastrophic consequences of being linked to a food borne illness outbreak, recall or any type of crop contamination incident. With the proposed requirement for storm water retention basins, brings the reality of wildlife occupying these new habitat areas and an obvious increased risk of crop contamination. Any mandate for water storage facilities on ranches will be in direct conflict with our ability to provide a safe environment for food production and maintain compliance with existing requirements of the Leafy Greens Marketing Agreement. This past year, the Center for Disease Control and Prevention (CDC) had 22 food safety investigations, marking 2018 as the highest year on record for incidents related to food borne illnesses in the past 12 years. Given these statistics, ensuring the safety of our food supply is paramount to our public trust and should be our highest priority as an industry. If the State and Regional Water Quality Control Board chooses to mandate storm water detention basins, we cannot reiterate strongly enough that there will be a direct increase in risk, liability and probability of crop contamination associated with having wildlife habitat areas on ranches or anywhere near the areas we produce food for human consumption. We would suggest a comprehensive review of the Board's requested retention basins and the potential of competing interests with the Federal food safety laws and regulations.

Edge of Field Monitoring

Field monitoring has taken place for the past 10 years and we have partnered fully with the State Water Board in their monitoring and regulation process. Having participated in these efforts, we feel there is adequate monitoring, but there has not been an effective way to enforce the regulations already in place. Adding additional edge of field monitoring for all growers exceeding water quality objectives in a given region does not affect the root cause of the issue unless real and meaningful enforcement is realized. We support the need to monitor and report on water quality but maintain that the current standard of regulation is sufficient. We would ask that the Board look at improved measures of compliance and enforcement versus creating a revised methodology of monitoring.

Overall, the revised regulations proposed with the new agricultural order (4.0), pose a substantial risk to an already fragile agricultural production environment. Increased economic liability for growers, discharge regulations that do not align with the reality of food safety, and regulations that need more research and adaption for plant species are all areas of opportunity to work together on. We must do our best to carve out solutions that keep farmers farming in California while also sustaining the very resources that we rely on to provide food for our nation.

Together we can and will continue to find practical and economically feasible solutions to reduce or eliminate impairment of surface and ground water for the beneficial use of all. We stand ready to partner with the Board to find those solutions and look forward to a continued dialogue.

Sincerely,

Eric Reiter
Vice President, CA Operations
Reiter Affiliated Companies