



December 22, 2017

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814  
Via Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

RE: Comments to A-2239(a)-(c), Irrigated Lands Regulatory Program

Dear Ms. Townsend,

On behalf of the California Farmer Justice Collaborative and our member organizations, including: National Hmong American Farmers, Agriculture & Land-Based Training Association, Mandela Marketplace, Sustainable Economies Law Center, Pesticide Action Network, Asian-American Farmers Alliance, Community Alliance for Agroecology, Latino Farmers & Ranchers Trade Association, California FarmLink and the Sacramento Urban Agriculture Coalition, we respectfully request the Board consider the issues facing low-income, farmers of color, and support an alternate certification program aimed at these growers. The Proposed Order presents a significant burden for many farmers of color, particularly immigrant and refugee populations, and penalizes farmers that advance diversified farms. Populations of so-called “socially disadvantaged” farmers continue to grow, according to the Census of Agriculture, and while new rules are needed to address nitrogen overuse and subsequent water contamination, we must provide resources and support to ensure that we don’t harm the future of farming in the state.

California Farmer Justice Collaborative’s mission is to ensure that farmers of color are empowered to directly participate and effectively lead in building a fair food and farming system in California. We unite farmers, advocates, and other allies to challenge historic and ongoing racism and other forms of structural oppression, in order to create the comprehensive change needed to build such a system.

Earlier this year, the California Legislature passed and Governor Jerry Brown signed The Farmer Equity Act (AB 1348), *Food and Agricultural Code 510 et seq*, noting among other findings that “farmers of color have historically not had equitable access to land and other resources necessary to conduct farming in California, and that legacy of prejudice persists.”

Furthermore, *FAC 513* states that the Secretary of the California Department of Food and Agriculture shall “consult with the Secretaries of the California Environmental Protection Agency, [sic] and all other interested members of the public and private sectors of the state on opportunities for socially disadvantaged farmers and ranchers and to coordinate state programs.”

## Concerns

The Proposed Order, and in particular the current certification program, presents significant challenges for many socially disadvantaged farmers. Among the issues that warrant further consideration, include:

- **Difficulties in accurate reporting of nitrogen applied and yield.** The calculations may be overly burdensome for immigrant and refugee farmers, for example, calculating appropriate nutrient application rates for different crops and fertilizer types including non-synthetic fertilizers, or converting parts per million of nitrogen in the irrigation water to pounds per acre. Yield estimates, which are necessary for calculating nutrient use efficiencies, are also problematic for diversified farms for which yield calculations must be made for each crop separately, though multiple crops may be produced in the same area over time and/or at the same or overlapping times.
- **Lack of information for culturally-appropriate crops.** Determination of crop-specific nutrient requirements do not exist for culturally-appropriate crops such as Asian specialty crops, including some squashes, brassicas, and nightshades. As a result, and despite best intentions, certification becomes increasingly complicated for farmers that grow culturally appropriate crops that add to California’s crop genetic diversity, address food insecurity, and may be more climate resilient.
- **Difficulty with certification of the nitrogen management plan.** Under the current program, there are three options for farmers to certify: 1) take a course and pass a test so you can self-certify your own plan; 2) pay a certified crop advisor (CCA) to certify your plan; 3) self-certify and cite a University of California Cooperative Extension or Natural Resource Conservation Service recommendation. For many growers, option 1 is virtually impossible as the material is all in English, and for others farmers it is beyond their technical capacity. Option 2 is prohibitively expensive and costs potentially several hundred dollars, and the CCA would not be familiar with many of the specialty crops grown by these farmers, or their nitrogen requirements. There are currently no recommendations for many crops for option 3, as the information does not exist.
- **Local water quality coalitions are not equipped to offer bilingual, culturally-appropriate outreach and technical assistance.** In Fresno County, for example, there are multiple language groups that would need bilingual outreach including Spanish, Punjabi, Russian, Hmong, Mien, Lao, Cambodian, Thai, and Vietnamese. Workshops in

another language are not enough; farmers need one-on-one technical assistance. Some water coalitions have proposed fees to cover the costs of this interpretation and translation, and while well intended, this could further increase the burden on the farmers it aims to serve.

## **Support for Alternate Certification**

In discussions with University of California Cooperative Extension (UCCE), we have arrived at the conclusion that an alternate certification program is necessary to serve low-income, farmers of color that would be unfairly burdened under the current program, and face numerous existing challenges, from language to formal education and financial barriers.

Criteria for an alternate certification would include:

- Farm size of less than 45 irrigated acres; and
- Farm income of less than \$350,000 gross annual sales; and
- “Socially disadvantaged farmer” as defined by the Farmer Equity Act (AB 1348)

While we understand any intent to add greater crop diversification to the list of criteria, and acknowledge the need for greater on-farm diversification and diverse planting across California, we are concerned about the potential exclusion of alternate certification for the smallest growers, including peri-urban farmers that grow only a few acres of one crop (e.g. strawberries or peppers).

We also support the components of an alternate certification, as first proposed by UCCE, and continue to stress the need to make certification as accessible as possible. We also hope to continue to discuss these details with UCCE and Water Board staff. Components of alternate would include:

- *Mandatory annual training*: we support annual training that is as geographically accessible as possible
- *Simplified reporting of nitrogen applied*: we propose substituting some complex calculations with information that is potentially more relevant for farmers and regulators alike
- *Periodic evaluation*: we support a certification every five years to avoid the financial and time burden on growers
- *Reduced frequency of sampling*: we support efforts to reduce overall sampling for growers, particularly the smallest growers, where well testing is a significant financial burden

Though not part of our current proposal, we think the increased workload under the current Proposed Order and with alternate certification on UCCE staff serving socially disadvantaged farmers deserves recognition and greater state investment.

While our focus is on socially disadvantaged farmers, our comments are not meant to detract from the comments of environmental justice organizations meant to serve vulnerable or socially disadvantaged communities. And while we agree with the intent of the Proposed Order to further address the challenges associated with nitrogen use, we shouldn't penalize the most under-resourced farmers.

If you have any questions, feel free to contact Paul Towers, Co-Coordinator, California Farmer Justice Collaborative at [ptowers@panna.org](mailto:ptowers@panna.org) or 916-588-3100.

Sincerely,



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Cc: Secretary Karen Ross, California Department of Food and Agriculture  
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