

## Summary

The California Department of Food and Agriculture (CDFA), in collaboration with the California Environmental Protection Agency (CalEPA) and the State Water Resources Control Board (State Water Board), contracted with Crowe LLP (Crowe) to conduct the Regulatory Alignment Study (Study). Crowe is evaluating ag-related food safety and water quality regulatory reporting requirements with the goal of streamlining administrative processes and optimizing information collected by the state.






Crowe prepared this update to summarize input from members of the agricultural community, industry, interested parties, and regulators on the regulatory pathways<sup>1</sup> outlined in the [Regulatory Alignment Concept Paper](#) (Concept Paper). The Concept Paper, published in May 2024, details close to 50 initial proposals, including opportunities, options, and rationale on how each proposal supports regulatory alignment. The paper includes 12 proposals for the Produce Safety Program (PSP), 16 for the Irrigated Lands Regulatory Program (ILRP), 10 for the Confined Animal Facilities (CAF) Program, and eight for the State Winery Order (SWO). Many of these proposals expand or advance efforts already initiated by the CDFA and Water Boards and serve as a basis for gathering additional feedback to support Crowe's work.

## Regulatory Alignment Study Objectives

In November 2022, CDFA contracted with Crowe to achieve the study's five objectives listed in **Exhibit 1**. By November 2025, Crowe will deliver a final report with recommendations and implementation plans for CDFA, CalEPA, and the Water Boards based on the study's findings.

In 2023, Crowe finished the first two objectives. For the first objective, Crowe identified and mapped ag-related regulatory requirements, including reporting and compliance processes in food safety and water quality. For the second objective, Crowe conducted nearly 70 listening sessions with interested parties to gather feedback on their experiences with the state's ag-related food safety and water quality programs. The development of the proposals detailed in the Concept Paper was guided by outcomes from these two objectives.

### Exhibit 1 Regulatory Alignment Study Objectives

	Evaluate state regulatory requirements within the areas of water quality and food safety for the agricultural community and identify environmental and public health protections.
	Conduct listening sessions to gather input from the agricultural community relating to their experiences with the reporting requirements and processes in these areas.
	Convene with the agricultural community and regulators to review and map existing regulatory pathways for water quality and food safety to identify opportunities to improve efficiency and information sharing.
	Identify and prepare implementation plans for recommended process improvements to streamline reporting requirements.
	Provide recommendations to CDFA, CalEPA, and the Water Boards for technological enhancement to streamline regulatory administrative and reporting processes for the agricultural community.

<sup>1</sup> Regulatory pathways include considerations, options, tools, and/or recommendations for improving, streamlining, and aligning the regulatory programs and requirements in scope of the study

## Public Workshops and Written Feedback

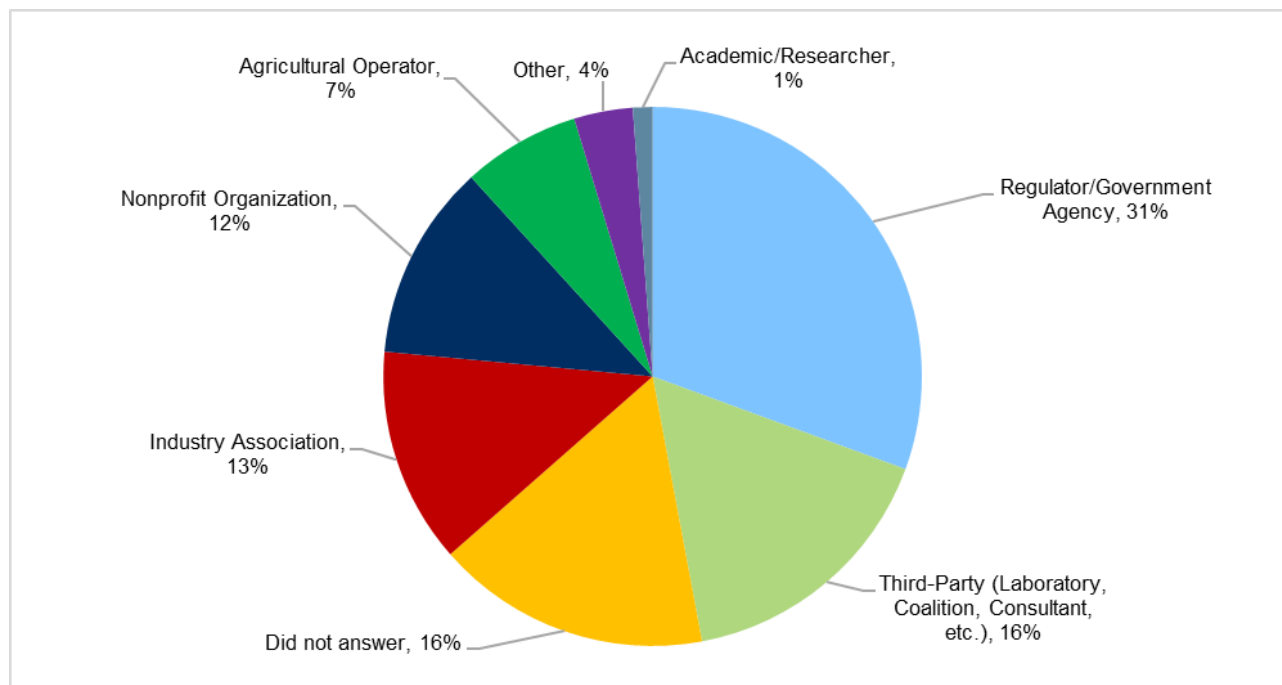
In June and July 2024, Crowe organized public workshops to review and collect feedback on the regulatory pathways described in the Concept Paper. These workshops served as a platform to discuss the proposals within each program area, including the:

- effectiveness of the proposals
- challenges and opportunities for implementation
- unaddressed needs or gaps
- equity and inclusiveness
- suggestions for improvement.

Crowe conducted a total of eight workshops, with two workshops dedicated to each program area. **Exhibit 2** presents a breakdown of the attendees who participated in the public workshops. Participation and engagement levels varied across the different program workshops.

Crowe also invited interested parties to provide their feedback on the Concept Paper proposals through written submissions. Crowe accepted feedback from the release of the Concept Paper in early May until July 31, 2024. Crowe will use feedback gathered in the workshops and through written submissions to refine the Concept Paper's proposals and identify additional opportunities.

### Exhibit 2 Workshop Participant Demographics



## Input on Regulatory Pathways

The remainder of this update shares key input on the regulatory pathways for the PSP, ILRP, CAF, and SWO. It is important to recognize that this input is neither ordered nor prioritized and is meant to convey key findings from the public workshops and written comments.

### Input on the Produce Safety Program Regulatory Pathways

- **Continue to partner with third parties to reach more growers.** Proposals should include additional opportunities to work with organizations like the University of California, Cooperative Extension (UCCE), and Community Alliance of Family Farmers (CAFF) for Produce Safety Rule (PSR) education. These groups have strong ties with farming communities and can effectively support small, socially disadvantaged growers with PSR compliance. They can also help communicate PSP inspection expectations, translate guidance documents, provide training resources, and track growers' language and communication preferences.
- **Collaborate with third parties like UCCE for On-Farm Readiness Reviews (OFRR).** Interested parties support using OFRRs to help growers better understand PSP inspection expectations. They explain OFRRs should serve as educational tools, not as a way to target growers for future PSP inspections.
- **Translate PSP guidance and directives into various languages.** Interested parties noted the significance of how materials are translated since for some languages, growers have lower levels of literacy in reading and writing. For these growers, one-on-one help and videos would be more practical than written materials.
- **Address farm data sharing and privacy concerns.** Proposals need to ensure protection of growers' proprietary information and other data collected in the Farm Data Repository (i.e. PSP portal). Data sharing proposals, especially those proposals focused on data sharing between PSP and other regulatory agencies, or third-party groups should require an opt-in mechanism or direct consent from growers.
- **Provide additional technical assistance to support adoption of the PSP portal and its functionality.** Proposals should provide additional technical assistance to support growers' adoption of the PSP portal. Many growers throughout the state rely on traditional methods (e.g., mail, phone, other) to interact with regulatory programs. Additionally, many growers throughout the state do not have easy access to the internet, which creates a significant barrier to utilization of the PSP portal.

### Input on the Irrigated Lands Regulatory Program Regulatory Pathways

- **Support the coalitions' role in the implementation of many proposals.** The proposals could improve by clearly defining coalitions' roles in supporting alternative reporting methods and technological upgrades. Coalitions help growers meet ILRP requirements, implement monitoring programs, and coordinate group reporting. Many have created portals for collecting grower data. Their involvement and existing tools are crucial for implementing new reporting options and technological advancements.
- **Prioritize proposals that would not result in a fee increase.** Interested parties support proposals that would allocate more resources for technology upgrades, training, or technical aid if they do not lead to higher regulatory fees. Growers already face substantial financial pressure, with state regulatory fees, in addition to possible expenses for coalition membership, consultancy services, laboratory tests, reporting, education and training, and inspection preparation.
- **Refine proposals for consistent statewide reporting.** Some interested parties supported proposals on reporting uniformity, citing fairness for growers who face stricter requirements. However, others worried that such uniformity is not always appropriate due to regional differences in farming practices, crop types, and natural conditions. These unique factors must be considered when setting reporting rules. Additionally, the variation in current regional reporting processes and tools could complicate standardization efforts.

- **Increase collaboration and coordination across regulatory agencies and Water Boards programs.** Enhanced collaboration across regulatory agencies, such as sharing information with County Agricultural Commissioners (CACs) on pesticide use and identifying non-filers, along with on-site inspections to limit growers' inspection preparations annually may streamline processes and improve efficiency. Additionally, Water Boards sharing data could reduce repeated information submissions by growers.
- **Enhance GeoTracker's reporting functionality.** GeoTracker enhancements can increase user experience. For instance, batch uploads of monitoring samples could save time and reduce costs. This additional functionality would benefit ILRP, CAF, and SWO participants using GeoTracker. Other examples of enhanced GeoTracker features are to streamline the process for changing the operator or owner contact information and making it easier to distinguish owners from leasers in the system's reporting responsibility.
- **Improve current feedback mechanisms for program effectiveness.** Enhancing feedback mechanisms within the ILRP is key for the program's effectiveness. Proposals should refine the existing feedback structures. Coalitions provide daily, real-time feedback to growers, fostering communication and cooperation. In places like the Central Coast, dischargers get feedback directly from Regional Water Boards. Supporting these feedback channels is preferable to creating new compliance dashboards.

## Input on the Confined Animal Facilities Program Regulatory Pathways

- **Standardized reports should be developed for categories with similar characteristics.** The CAF program covers an array of animals including cattle, calf, sheep, swine, horses, mules, goats, fowl, and other domestic animals that are corralled, penned, tethered, or otherwise stabled and fed. This diversity in operations and the differences across management practices and geographical considerations makes standardizing the reporting templates for various reports in the program (e.g., Water Quality Management Plans, Grazing Management Plans, Waste Management Plans) more challenging. Additionally, operators in the Central Valley are subject to the Nitrate Control Program and Salt Control Program, which require additional reporting.
- **Expand third-party monitoring groups' responsibilities and develop pathways for new third-party monitoring groups in regions or industries that do not already have them.** Within the CAF program, third-party monitoring groups have a more limited role compared to the ILRP. Presently, approximately five different third-party monitoring groups assist with groundwater monitoring and reporting for the CAF program. Enhancing the role of these groups could include activities such as annual reporting and trend analysis, educational initiatives, member feedback channels, and grant applications. Such enhancements could simplify the reporting processes for dischargers and improve the efficiency of report review and data analysis for regulators. Establishing pathways for new third-party monitoring groups could benefit currently unrepresented regions or industries, like the poultry or equestrian sectors.
- **Provide additional education and peer-learning opportunities.** Program participants would benefit from additional education and peer-learning opportunities, including programs where producers can share their practices, benefits, experiences, and challenges. Potential options include holding workshops for growers and partnering with monitoring groups or technical assistance providers to deliver practical education on best management practices.
- **Continue to evaluate the potential environmental impacts and other unintended consequences for proposals that promote transfer of waste.** Proposals need to consider potential environmental repercussions, such as potential increases in traffic, air quality degradation, and noise pollution affecting nearby communities, as compared to efforts to reduce waste generation at its source.

## Input on the State Winery Order Regulatory Pathways

- **Support transition to the SWO.** The transition from regional waivers or orders to the requirements in the SWO may require wineries to upgrade subsurface disposal systems to meet new standards and implement extensive monitoring of their water treatment systems. Wineries will need time to integrate the additional costs into their budgets and may need ongoing assistance from industry associations or regulators to comply with the new order.
- **Evaluate alternative reporting pathways for wineries enrolled in multiple water quality related regulatory programs.** Besides the SWO, wineries might also be regulated under other water quality programs, for example, the ILRP if they have vineyards on their property and the Stormwater Industrial General Permit (IGP) for industrial storm water discharge into U.S. waters. Each of these programs has its own reporting and monitoring programs (MRPs), which might require a winery or hired consultant to use multiple databases, like the Stormwater Multiple Application and Report Tracking System (SMARTS), California Integrated Water Quality System (CIWQS), GeoTracker, among others. Managing various databases for water quality compliance can be difficult for wineries and their consultants. Efforts to merge, integrate, or simplify the reporting tools for SWO and other regulatory programs could help mitigate this challenge.
- **Implement additional feedback mechanisms and promote data transparency.** It is important for wineries to understand how the data is being utilized. Further, to foster accountability and engagement, it would be helpful for wineries to understand their current compliance within the program through continued use of the progressive enforcement process which allows time for wineries to comply before any enforcement action is taken.
- **Include Tier 2 wineries within the Equity proposals.** Current equity related proposals identify opportunities to assist socially and economically disadvantaged Tier 1 wineries with compliance under the program. Examples of these opportunities include providing translation services and materials in multiple languages, assessing the feasibility of lowering permit fees, and considering alternative monitoring and reporting requirements. Expanding equity proposals could support socially and economically disadvantaged Tier 2 wineries that may need assistance with compliance.

## Next Steps

Crowe will refine the proposals outlined in the Concept Paper and identify additional opportunities based on the input gathered from the public workshops and written comments. **Exhibit 3** outlines the remaining study milestones through 2025.

### Exhibit 3 Regulatory Alignment Study – Upcoming Milestones



## For More Information

Additional information about the study can be found at the following link: <https://www.cdfa.ca.gov/RegulatoryAlignment>.