
AFRICAN-AMERICAN FARMERS of CALIFORNIA


Agricultural Council
of California


Almond Alliance
OF CALIFORNIA


AMERICAN
PISTACHIO GROWERS


Association of California
Egg Farmers


CALIFORNIA
ASSOCIATION
OF WHEAT GROWERS


CALIFORNIA
ASSOCIATION
of WINEGRAPE
GROWERS


CALIFORNIA
BEAN SHIPPERS
ASSOCIATION


CALIFORNIA CATTLEMEN'S
ASSOCIATION
CCA
SINCE 1917


California
Citrus Mutual


CALIFORNIA
FARM BUREAU
FEDERATION


CALIFORNIA
FRESH FRUIT
ASSOCIATION


CALIFORNIA
GRAIN
&
FEED
ASSOCIATION


California Pear Growers Association


California
POULTRY


California Seed
Association


CALIFORNIA STATE
FLORAL ASSOCIATION


CALIFORNIA
WAREHOUSE
ASSOCIATION


BUTTE
COUNTY
FARM BUREAU
Serving Agriculture For More Than 90 Years


NFL
NISEI FARMERS
LEAGUE


PACIFIC COAST
RENDERING ASSOCIATION


PACIFIC EGG & POULTRY ASSN
PEPA
Industry's Voice of the West


WESTERN GROWERS
Fresh produce from our families to yours


WPHA
Western Plant Health Association


WUD
WESTERNUNITEDDAIRIES


WINE
INSTITUTE

March 5, 2020

Sent via email: ctr-report@arb.ca.gov

Dave Edwards, PhD
Assistant Division Chief
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814

RE: Criteria Pollutant and Air Toxics Reporting

Dear Dr. Edwards:

The signatories to this letter are writing to request changes to the proposed regulations that require additional reporting of criteria pollutants and air toxics. Our organizations represent farmers, dairy farmers and ranchers, as well as agricultural businesses who process California farm products. Our members grow and process the nearly $50 billion worth of agricultural products raised in California. The proposed regulation for criteria pollutant and air contaminant emissions reporting (CTR) will affect our members and we are submitting these comments to request changes to the draft regulations.

We appreciate the changes that were made to address many of our concerns when the regulations creating the new CTR system were adopted in 2019. However, the proposed changes to these regulations create many of the same challenges that were present when the CTR regulations were originally proposed in 2018. There are also new categories of activities that are proposed for potentially even lower thresholds triggering reporting for activities directly connected to agriculture that raise additional concerns.

We remain concerned with the application of this regulation to farms emitting more than 4 tons per year (TPY) of fugitive and non-fugitive criteria pollutants. Despite its original intent, we believe this proposed regulation will directly impact farms in several instances. First, we remain concerned with the low threshold for reporting under the proposed regulations. A threshold of only 4 TPY includes a significant number of farms that would not otherwise be subject to reporting. For example, a dairy with as few as 245 cows would be subject to reporting requirements under the proposed regulations. We urge an increase in the reporting threshold to capture emissions data from activities of a size for which AB 617 was designed to gather – those of larger, non-agricultural sources. AB 617 specifically calls for a threshold of 250 TPY of criteria pollutants and as such the proposed regulation goes far beyond the legislature's intent as to the scope and impact of the bill.

In addition to the emissions reporting threshold we are also concerned about some of the categories that require reporting at all activity levels. Of particular concern are farms with permitted diesel and gasoline tanks that will be required to report. There are more than 60 farms that would not be subject to these regulations but for their fuel storage tanks. The emissions from these tanks are well below the 4 TPY threshold and we request that they be excluded, in the

same manner that internal combustion (IC) engines used to power irrigation pumps are excluded from the regulation. These tanks are used to fuel farm machinery and stationary IC engines used on farms. These tanks are unlikely to be located in areas where the limited emissions they produce would impact communities.

These regulations will add costs to farms and agricultural businesses throughout California as permitting fees are expected to increase to cover the costs for local air districts to implement the program. We urge every effort be made to simplify the reporting system to reduce costs of operating the new program to reduce the level of fees being charged to farmers, livestock producers and agricultural businesses. It is important that there be close coordination between the California Air Resources Board (CARB) and local air districts to limit complications between permitted entities, local air districts, and CARB.

The enforcement provisions included in the regulation allow for penalties to be levied by both local air districts and CARB. We urge limitations be added to the regulations to ensure that if penalties are charged by a local air district, they are not then also levied by CARB. This protects individuals from a situation of "double jeopardy" where they can be fined for the same violation twice.

AB 617 does not provide authority to CARB to require facility-level reporting from entities emitting less than 250 TPY of criteria pollutants (except for facilities subject to greenhouse gas reporting or with elevated prioritization scores). Given the limit in authority provided by AB 617, we request that data be reported to the public following the specific authority granted to CARB by AB 197. Reporting on an aggregate, county-by-county level as detailed in the legislation will ensure home addresses of farmers are not shared with the public, as many farmers live on the farms that will be subject to the new reporting requirements. Families and small business that have minimal emissions should not be disclosed on the same map as larger, industrial sources. The legislation requires that information be disclosed at the county level, and we urge CARB to adhere to this provision.

We are concerned about the inclusion of fugitive emissions in the reporting requirements. The change to the regulations that now will require reporting of fugitive emissions could create a significant additional burden on farmers and ranchers. This change could lead to reporting emissions from all diesel agricultural equipment on permitted farms that emit more than 4 TPY. In the San Joaquin Valley alone this could require more than 1,500 farms, ranches and agricultural processing businesses to report fugitive emissions from mobile sources. We urge clarification that fugitive emissions from non-permitted activities be excluded from the reporting requirements of the regulation.

The draft regulatory changes propose providing CARB with the authority to require additional information and data from facilities that qualify for abbreviated reporting. We appreciate the allowance for abbreviated reporting for many farms and ranches, but we are concerned with this additional provision. There is a lack of clarity around what factors would trigger the requirement for additional reporting and this lack of clarity creates uncertainty for these businesses. We would request clarification around when additional information could be requested.

We are concerned with the addition of specific permitted processes in Table A-3. The draft amendments to the CTR regulation include the addition of "Prepared feed manufacturing" and "Composting of organic waste" as permitted processes that could trigger reporting at thresholds below 4 TPY. The composting addition is particularly concerning as composting happens on numerous farms and ranches and they may not have specific data available to provide detailed reporting of emissions. Additionally, with the current efforts by California to divert organic wastes from landfills, efforts to further burden businesses composting organic waste will make achieving diversion goals even more difficult. We would urge you to reconsider the addition of these new processes.

We appreciate the opportunity to provide these comments and appreciate the willingness you have shown to listen to our concerns. We look forward to continuing to discuss the proposed regulations with you and your staff as further revisions are considered. We respectfully request that amendments be made to the regulations to address the concerns raised in this letter.

Sincerely,

Will Scott, Jr.
African American Farmers of California

Emily Rooney
Agricultural Council of California

Elaine Trevino
Almond Alliance of California

Richard Matoian
American Pistachio Growers

Debbie Murdock
Association of California Egg Farmers

Colleen Cecil
Butte County Farm Bureau

Nick Matteis
California Association of Wheat Growers

Michael Miiller
California Association of Winegrape Growers

Jane Townsend
California Bean Shippers Association

Kirk Wilbur
California Cattlemen's Association

Casey Creamer
California Citrus Mutual

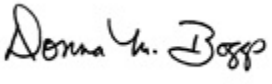
Noelle Cremers
California Farm Bureau Federation

Ian LeMay
California Fresh Fruit Association

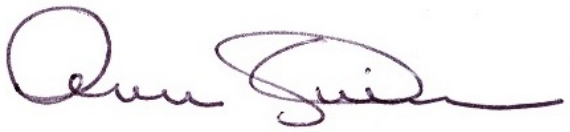
Chris Zanobini
California Grain and Feed Association

Debbie Murdock
California Pear Growers Association

Bill Mattos
California Poultry Federation

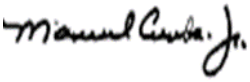


Donna Boggs
California Seed Association



Ann Quinn
California State Floral Association

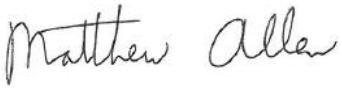
Ann Quinn
California Warehouse Association



Manuel Cunha, Jr.
Nisei Farmers League

Chris Zanobini
Pacific Coast Rendering Association

Debbie Murdock
Pacific Egg and Poultry Association



Matthew Allen
Western Growers

Renee Pinel
Western Plant Health Association

Anja Raudabaugh
Western United Dairies

Tim Schmelzer
Wine Institute

From: Edwards, David@ARB
To: Swanson, John@ARB; Sloat, Daniel@ARB
Subject: Fw: CTR Regulation Comments
Date: Friday, March 6, 2020 10:29:05 AM

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fyi

From: Noelle Cremers <ncremers@CFBF.com>
Sent: Friday, March 6, 2020 10:27 AM
To: Edwards, David@ARB <david.edwards@arb.ca.gov>
Subject: Re: CTR Regulation Comments

Dave,
Thanks for getting back to me. After I sent the letter, I heard that Roger Isom would like to add California Cotton Ginners and Growers Association and the Western Agricultural Processors Association to the letter. Since it's an informal comment period, I'm just going to let you know that they share the thoughts expressed in the letter.

Thanks,
Noelle

From: Edwards, David@ARB <david.edwards@arb.ca.gov>
Sent: Friday, March 6, 2020 10:22 AM
To: Noelle Cremers <ncremers@CFBF.com>; ARB Criteria & Toxics Regulation Reporting <ctr-report@arb.ca.gov>; Swanson, John@ARB <John.Swanson@arb.ca.gov>
Subject: Re: CTR Regulation Comments

Noelle,
Thanks for sending over. We'll take a look and get back to you.
dave

From: Noelle Cremers <ncremers@CFBF.com>
Sent: Thursday, March 5, 2020 5:53 PM
To: ARB Criteria & Toxics Regulation Reporting <ctr-report@arb.ca.gov>
Cc: Edwards, David@ARB <david.edwards@arb.ca.gov>
Subject: CTR Regulation Comments

Please see the attached comments on the draft Criteria Pollutant and Air Toxics Reporting regulations.

Thanks,
Noelle

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