

Linda Adams, Secretary  
CalEPA  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812-2815

**RE: Support for Improved Regulatory Process for Agriculture for AB 32 Implementation**

Dear Ms. Adams:

This letter offers the support of the California Roundtable for Agriculture and the Environment (CRAE) signatories (listed below) in an effort led by Sustainable Conservation to orchestrate a partnership with government agencies, environmental and private industry partners to make more efficient the permitting process for greenhouse gas mitigation technologies related to agriculture.

AB 32 changes the landscape of environmental protection and regulation in California. It offers an opportunity to move many different sectors of California's economy toward more sustainable practices and technologies. But it also highlights challenges to implementing changes. There are many agricultural production practices that are environmentally beneficial but are unintentionally discouraged by California's complex and often contradictory regulatory system. Existing inter-agency efforts at AB 32 implementation coordination are laudable but we do not believe they alone will address the significant institutional and other barriers that project proponents face.

For example, while methane digesters can be a solution to certain environmental problems, our current regulatory system discourages their construction, this despite significant inter and intra agency efforts over the last couple of years to facilitate their use. With about 6 million metric tons of methane produced annually on California dairies alone (without considering opportunities in other industries) there is a definite opportunity to have an impact. However, digesters are much harder to approve today than just a couple of years ago and very few new digesters have been approved by regulators in the last two years.

Because the focus of regulation is on preventing what we don't want to see, these laws seldom consider what we want to encourage. In theory and in practice, you could have a project that employs technology that destroys 1000 units of air or water pollution from an unregulated source but creates 10 units of the same or different pollutant from a regulated source. If available control technology cannot reduce that "new" pollution below the regulated level of say 5 units, or it is too expensive for the project to be viable, that project will stall or fail. This emphasizes the point that a regulatory standard does not always benefit the public health and environmental regulations have unintended consequences, that can actually discourage environmentally beneficial practices.

One approach that has been successfully used to overcome regulatory hurdles is Sustainable Conservation's Partners in Restoration Program (PIR) where they had to overcome complex multi agency regulatory barriers preventing land owners from voluntarily implementing restoration practices that stabilized stream banks and reduced soil erosion that was harming aquatic ecosystems. The PIR "one stop shopping" program has been highly successful and it is now in nearly sixty watersheds and over a dozen counties across the State. The experience with PIR shows that with a dedicated effort that includes bringing stakeholders together, collecting the information needed to make decisions, and developing alternative methods for meeting regulatory requirements, this type of regulatory coordination can happen.

Sustainable Conservation, in partnership with CRAE members, is well positioned to address the problem of regulatory barriers. With the regulatory agencies' support, we propose to develop mechanisms that will encourage rather than discourage environmentally beneficial agricultural practices. We recognize that CalEPA has recently assigned Dan Pellissier to help with methane digester barriers. But we believe that a much larger dedicated effort is needed to overcome the regulatory obstacles for many types of agriculture related projects. Otherwise, California is unlikely to meet AB 32's ambitious goals. While not all the beneficial agricultural practices have the potential to reduce greenhouse gas emissions, many of them do and we need to facilitate their adoption to help us achieve AB32 goals.

We are asking for your support in our efforts to both protect the environment and facilitate proactive greenhouse gas reduction efforts. We also hope you will provide formal direction to CalEPA agencies to work with Sustainable Conservation, and CRAE stakeholders, to achieve improved regulatory approval processes to help us all implement AB 32 in a way that serves as an example for other states and countries.

Sincerely,

Tacy Currey, California Association of Resource Conservation Districts  
Karen Ross, California Association of Winegrape Growers  
Noelle Cremers, California Farm Bureau Federation  
Kim Delfino, Defenders of Wildlife  
Pam Marrone, Marrone Organic Innovations, Inc.  
Richard Rominger, California farmer  
Michael Dimock, Roots of Change  
Allen Dusault, Sustainable Conservation  
Paul Martin, Western United Dairymen  
Ed Thompson, American Farmland Trust

cc. Susan Kennedy, Office of the Governor  
Hon. AG Kawamura, California Department of Food and Agriculture  
Cindy Tuck, CalEPA  
Tam Doduc, State Water Resources Control Board  
Maureen Gorsen, Department of Toxic Substances Control  
Mark Leary, California Integrated Waste Management Board  
Mary Nichols, California Air Resources Board  
Mary-Ann Warmerdam, Department of Pesticide Regulations  
Karl Longley, Central Valley Regional Water Quality Control Board (Region 5)  
Pamela Creedon, Central Valley Regional Water Quality Control Board (Region 5)  
Seyed Sadredin, San Joaquin Valley Air Pollution Control District